
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR REPLACEMENT BRIDGE AT UPPER QUOICH FOOTBRIDGE, LINN OF QUOICH, BRAEMAR

REFERENCE: 2012/0181/DET

APPLICANT: THE NATIONAL TRUST FOR SCOTLAND c/o ALLEN, GORDON AND CO. 16 KING STREET, PERTH

DATE CALLED-IN: 08/06/2012

RECOMMENDATION: APPROVE WITH CONDITIONS

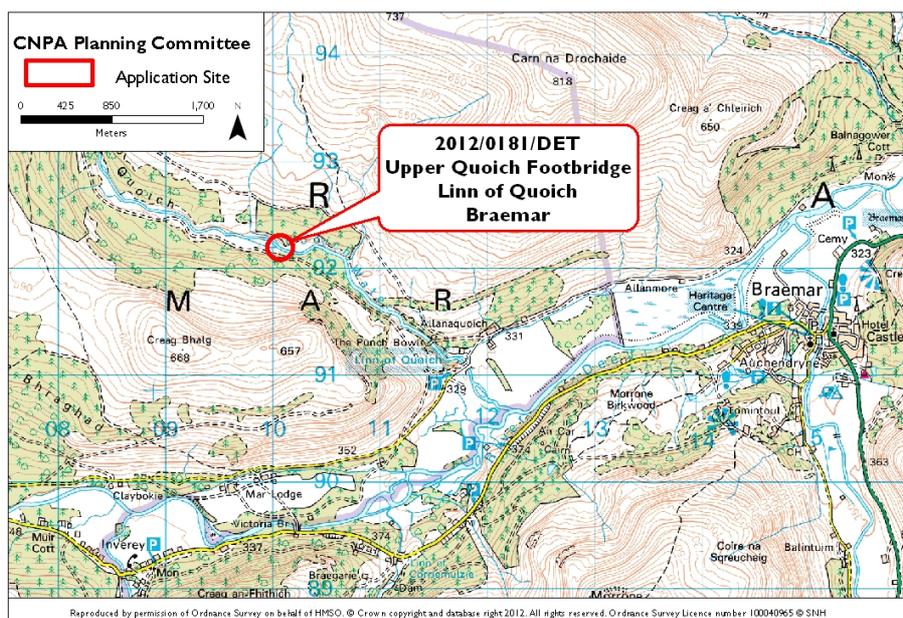


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought to replace an existing wooden footbridge across the Quoich Water on the Mar Lodge Estate to the west of Braemar. The bridge is located upstream at Upper Quoich, north of the Linn of Quoich area, and the replacement bridge application which is the subject of the previous item on the agenda. (Reference 2012/0180/DET) The bridge lies to the east of an existing single track estate track leading north further into the Mar Estate, and is presently accessed via a short path through the moorland.
2. The present bridge is in a poor condition, and is presently closed to all pedestrian access in an area which is extremely popular with walkers. As a result there are limitations on some of the circular walks in this immediate area. The applicants advise that under the terms of their concordat agreement with Scottish Natural Heritage they require to improve public access throughout the Mar Lodge Estate, and the replacement of unsafe bridges forms a key part of such works. The previous item on the agenda relates to this also, being for a replacement road bridge further downstream at Allanaquoich (Figure 2 shows the relationship of the two bridges)

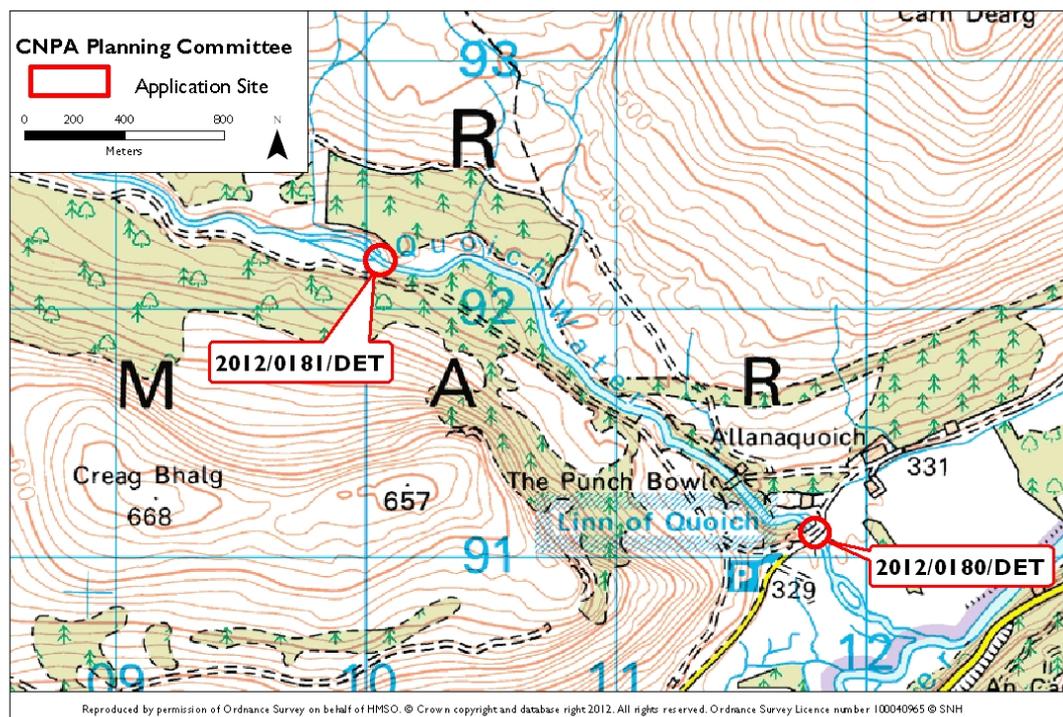


Fig 2: Location Map detailing both Bridge applications

3. The bridge spans the Quoich water over a rocky gorge type area, between two vegetated banks. It is entirely of wooden construction, with wooden deck and side rails set on wooden posts across the water. The bridge is deteriorating and is unsafe to use as noted earlier. The deck (which is formed of wooden slats) is just over 1 metre wide and the bridge is some 12 metres long. Figure 3 below shows the existing bridge with a detail to show its construction



EXISTING BRIDGE VIEWED FROM DOWNSTREAM

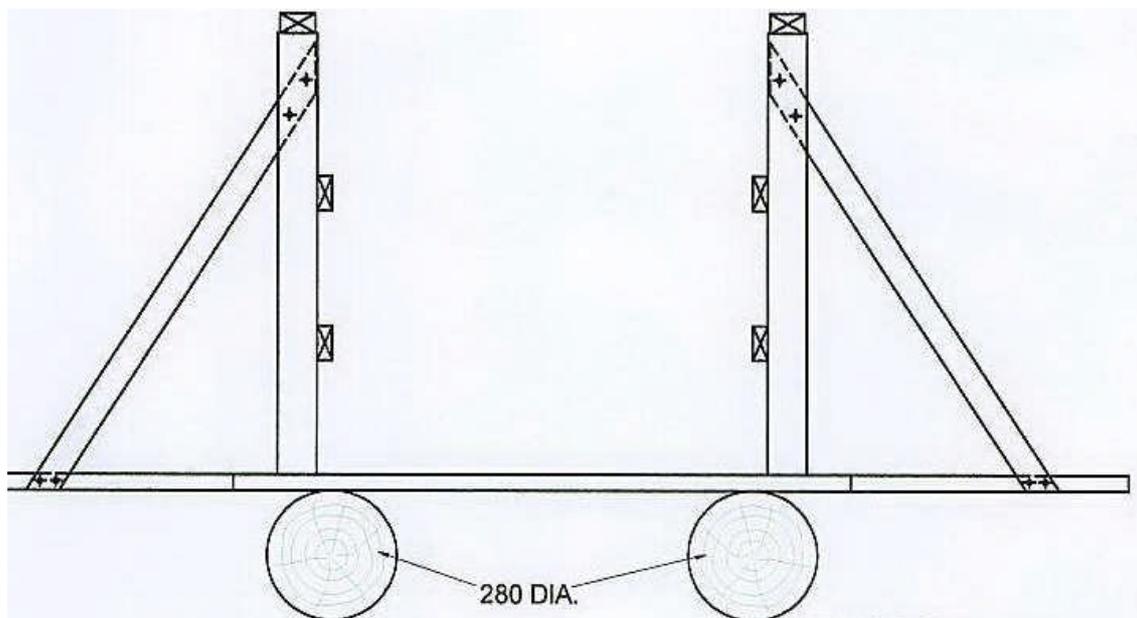


Fig. 3: Existing Bridge Photo and View from Side

4. The current proposal seeks to remove this entire bridge and replace it with one of similar appearance, but constructed to modern standards of weight bearing and safety. This will involve use of galvanised steel bridge structure with wooden slatted decking and side rails which will be slightly higher and more closely slatted as shown in Figure 4 below. All wood would be larch or equivalent. This new bridge will then be fixed to the rock with concrete pads “dowelled” into the rock.

9. As a replacement for a variety of previous planning policy documents the new Scottish Planning Policy includes 'subject policies', of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The key one in this case is the topic on *landscape and natural heritage* which sets out that Planning Authorities should support opportunities for enjoyment and understanding of the natural heritage with siting and design to be informed by local landscape character.
10. The importance of biodiversity is highlighted, and recognised as an important element of sustainable development which makes an essential contribution to Scotland's economy and cultural heritage with the need to conserve and enhance our natural heritage highlighted. Where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain, planning authorities are advised to apply the precautionary principle. It is however also stated that the precautionary principle should not be used to impede development unnecessarily, and modifications to a proposal which would eliminate the risk of irreversible damage should be considered
11. National Parks are also discussed under the heading of national designations, and the four aims of the Park are outlined. Paragraph 138 advises "in circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence."

Strategic Policies

Cairngorms National Park Partnership Plan 2012-2017

12. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
Three long term outcomes for the Park are set out as follows:
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

13. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan

Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are set out below.
16. Policy 6 – Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction
17. In this case the site is located within an area covered by numerous environmental designations as set out in paragraph six. These type of sites are known as Natura Sites whereby Policy 1 -Natura 2000 Sites also applies. This sets out that where development likely to have a significant effect on a Natura 2000 site is required to be the subject of an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994.
18. Also relevant is Policy 2: National Natural Heritage Designations given that the site lies within a SSSI. This policy basically seeks to ensure there is no adverse effect on the overall integrity of the designated area.
19. Policy 4 - Protected Species also applies given the presence of otter in the area. This explains that development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own

cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

20. Policy 34 – Outdoor Access also applies which encourages development which improves opportunities for responsible outdoor access whilst more generally Policy 16: Design Standards for new development sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide.

Supplementary Planning Guidance

21. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Guidance on Natural Heritage applies here. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Reference is also made in the document to the need for applicants to provide natural heritage information. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures.

CONSULTATIONS

22. **Scottish Natural Heritage (SNH)** advise that the site is located within the Cairngorms Special Area for Conservation (SAC), the Eastern Cairngorms Site of Special Scientific Interest (SSSI), the Cairngorms Special Protection Area (SPA) the Cairngorms Massiff SPA and on the edge of river Dee SAC. The particular interests that might affect the qualifying interests of these sites include disturbance, pollution run off and habitat damage. They have concluded that the development is unlikely to result in a significant increase in disturbance to otters or breeding birds. The site lies within an area where access is already established with any increased disturbance likely to be fairly small scale and temporary. They also conclude that, given the small scale of the works, there is unlikely to be a significant effect to the qualifying interests of the River Dee SAC as a result of run-off and no impact to in river habitat as the bridge is single span.
23. **CNPA Ecology Officer** has no comments
24. **Inclusive Cairngorms** has been consulted and their comments are awaited at the time of writing.
25. **Deeside and District Salmon Fishery Board** have considered the impacts and consider that in order to avoid any negative effects on the fishing interests it is recommended that timing of any in river works and a detailed construction method be agreed. Their recommendations are similar to those of SNH above but they wish any in river works to be completed before 1 October (rather than 15 October as suggested by SNH) This is understood

to be in recognition of the need to maximise opportunities for salmon to move upstream. *Note: no in river works are proposed in this case.*

26. **CNPA Outdoor Access Officer** has no objections noting that the development has potential for a positive impact on recreational access opportunities in the area.
27. **CNPA Landscape Officer** has no comments
28. **Braemar Community Council** has been consulted but no response has been provided to date.
29. **Scottish Environment Protection Agency (SEPA)** note that the replacement bridge will “overspan” the burn, which is set in a rocky gorge. They understand that no piers are proposed in the water nor are abutments proposed on the river bank. Accordingly they have no objections. They request that the applicant’s attention be drawn to their general binding rules in relation to water environment controlled activities legislation.
30. **Aberdeenshire Council’s Flood Prevention Unit** have no comments.
31. **Aberdeenshire Council’s Archaeology Team** note that the bridge dates from the 19th century and recommend that a condition be attached to any consent granted requiring that a photographic survey be carried out and provided to the Planning Authority. This has now been provided.

REPRESENTATIONS

32. The application was not publicly advertised. No representations have been received.

APPRAISAL

Principle of Development and Design Issues

33. In terms of the principle of this development, it does not raise any particular planning issues as it does not introduce a new use into the area. The application simply proposes the replacement of an unsafe bridge over the Quoich water with one of similar appearance, but meeting modern safety standards. Use of traditional timber railings and deck is proposed whereby visually the development is considered to be entirely appropriate to its rural location and complies with local planning policies on design and materials.

Access Issues

34. At present the existing bridge cannot be used, and as such the proposal will result in improved access for walkers who will be able to benefit from a wider range of walks, as the bridge will allow use of a shorter circular walk from the Linn of Quoich car park. This is welcomed as being in line with planning policies, both national and local, which seek to support improved access to our natural environment.
35. There are no other technical land use planning issues associated with the development.

Environmental Issues

36. The main planning issue in this case is any impacts upon the natural environment here and this is a key matter given the quality of this particular area, recognised by the number of environmental designations covering the site. National and local planning policies seek to ensure that the natural heritage of the National Park is conserved and enhanced. Given the scale of the new bridge and the fact that it over spans the water there is unlikely to be any particular impacts upon the surrounding area. This view is shared by consultees and in particular the key consultee Scottish Natural Heritage.
37. It is however important to ensure that the construction of the bridge does not have any adverse impacts upon the area and to this end it was considered necessary to secure a detailed construction method statement. The applicants have now provided this statement and it is the subject of re-consultation with relevant bodies. It is hoped that by the date of the Committee responses to the consultation will be received and proposed conditions are based on the statement being acceptable.

CONCLUSION

38. Overall the application is welcomed as an opportunity to continue to improve public access on the Mar Lodge Estate. Any potential impacts upon the special environmental qualities of this part of the National Park can be protected by appropriate planning conditions, and in the overall circumstances it is considered that this development can proceed without damage to the intrinsic environmental qualities of the area. Accordingly approval subject to appropriate conditions is recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

39. The design of the proposed bridge is entirely in keeping with the rural character of the area and will not have any detrimental visual impact. The development can be constructed in a manner which will conserve the important natural heritage here and this can be adequately controlled by appropriate planning conditions.

Promote Sustainable Use of Natural Resources

40. The applicants have indicated that Scottish timber would be used if possible thus promoting the sustainable use of natural resources. Whilst new materials will be required to construct the bridge this is preferable to the collapse of the existing bridge and subsequent damage to the environment.

Promote Understanding and Enjoyment of the Area

41. The provision of a new bridge would enhance access and recreation opportunities in the area by improving public access, and the range of walks on offer within the Estate. The development would therefore assist users of the Mar Lodge Estate to further enjoy the special qualities of the area.

Promote Sustainable Economic and Social Development of the Area

42. The new bridge will facilitate improved access to the Mar Lodge Estate and support the ongoing development of this national resource. It may also potentially result in more walkers in the area which could have spin-offs for local shops and services.

RECOMMENDATION

43. **That Members of the Committee support a recommendation to GRANT planning permission for the erection of a replacement bridge at Upper Quoich Footbridge, Linn of Quoich , Mar Lodge Estate, Braemar subject to the following conditions : -**

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country (Scotland) Planning Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Unless otherwise agreed with the Cairngorms National Park Authority as Planning Authority the finishes of the development hereby approved shall be timber decking and railings (natural wood, not painted).

Reason: In the interests of visual amenity and in accordance with Local Plan policies which seek to ensure the special qualities of the Park are maintained.

3. All construction works shall be carried out within during normal working hours, which are defined as 0800 hours to 1800 hours.

Reason: To ensure there is no adverse impact upon the natural heritage of the area and specifically otter, in accordance with Local Plan policies

4. The development shall thereafter be undertaken in accordance with the approved construction method statement unless otherwise agreed in writing by the CNPA acting as Planning Authority.

Reason: To ensure that the development does not have any significant effect on the special environmental qualities of this area and in the interests of conserving and enhancing the natural heritage of the area.

5. All contractors materials shall be stored within the approved compound area and on completion of the development the compound shall be removed and the land restored to its former state

Reason: In the interests of visual amenity and in accordance with Local Plan policies which seek to ensure the special qualities of the Park are maintained.

Advisory Notes

1. Immediately prior to any work commencing on site a re-survey of the land within 30 -40 metres of the bridge and river banks shall be carried out to ensure that no otter holts have been established on site. Should there be any evidence of any otter holts the Cairngorms National Park Authority and SNH should be contacted immediately.
2. Please note that no in river works are proposed as a result of the development and this decision is based upon this.
3. The developer's attention is drawn to the comments of the Scottish Environment Protection Agency (SEPA) in respect of general binding rules relating to the Water Environment (Controlled Activities) More information is available in Controlled Activities Regulations: A Practical Guide available on SEPA's website. Please refer to SEPA's full comments for further information.

Katherine Donnachie

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.