
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

REFERENCE: 2012/0180/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

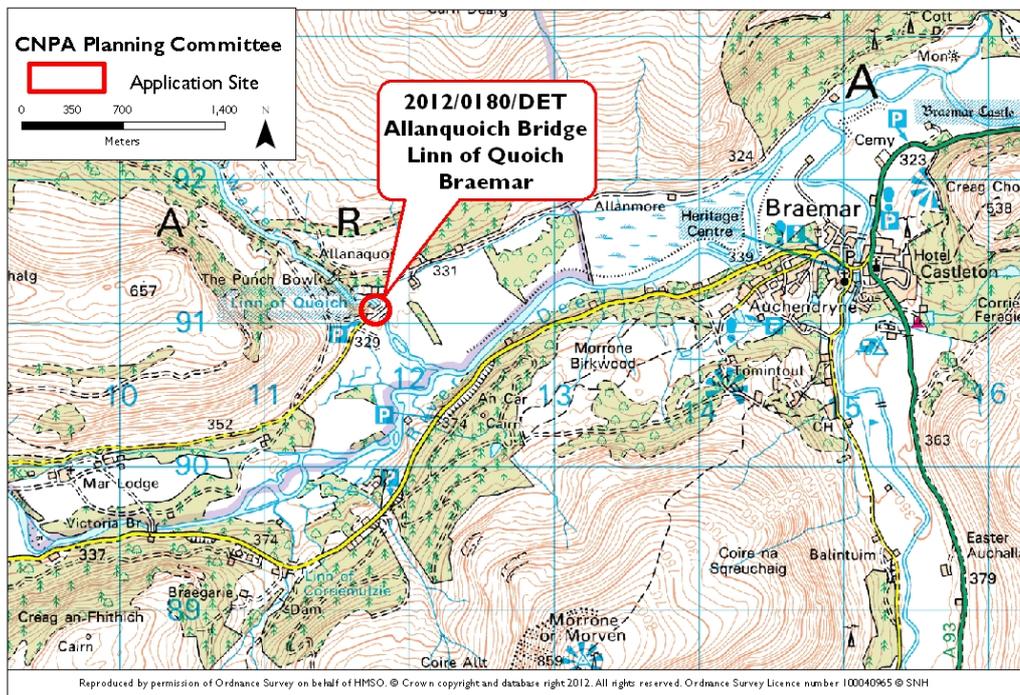


Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought to replace an existing wooden road bridge across the Quoich Water on the Mar Lodge Estate to the west of Braemar. The bridge is located a short distance to the east of an existing minor public road leading from Marr Lodge up to the hills, and onwards via a private estate road over this bridge leading north eastward to serve two estate houses.
2. The present bridge is in a poor condition, unable to support vehicles over 2 tonnes in weight. Consequently public access is presently restricted over this bridge and the need to replace it is pressing in order both to safely serve the estate houses and also to permit access for drivers, the applicants indicating that a car park was originally to be provided on the east side of the bridge for walkers in the area.
3. The applicants also 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 next item on the agenda relates to this, being for a replacement footbridge further upstream at Upper Quoich (Reference 2012/0181) Figure 2 shows the relationship of the two bridges

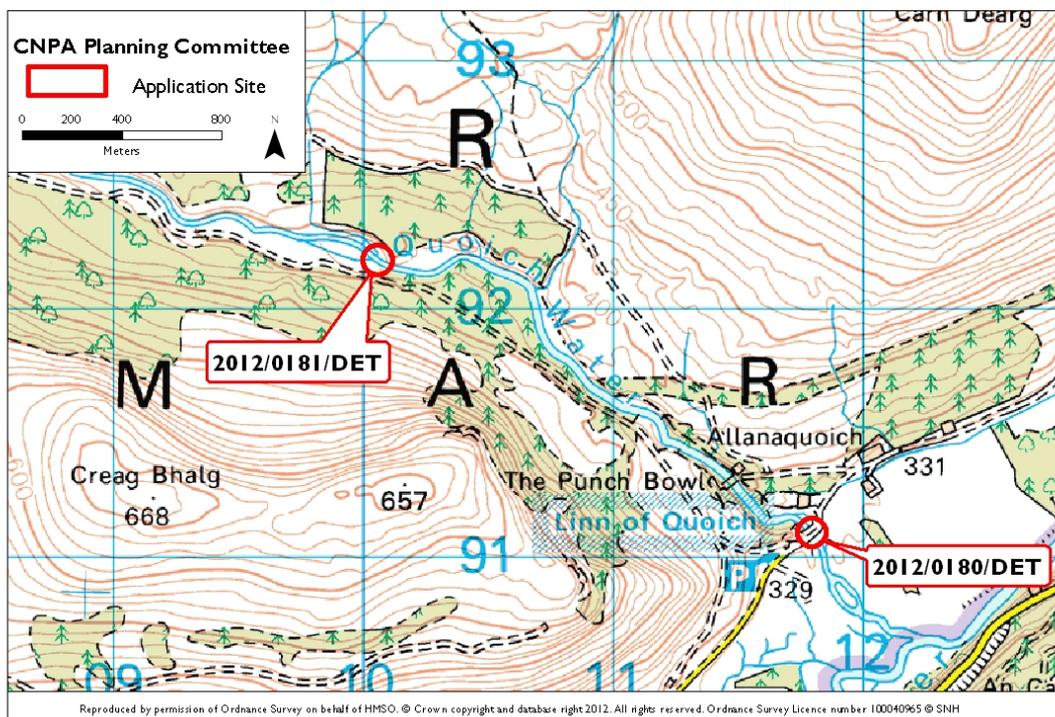


Fig 2: Location Map detailing both Bridge applications

- The bridge spans the Quoich water and is supported by stone and concrete abutments and pillars as shown in Figure 3 below. The deck is of steel construction with timber slats above and timber railings on the sides, typical of bridge construction in this area. It has been reinforced over the years, but is showing signs of decay, with the abutments now scoured by the water leading to erosion and ultimately instability. The bridge measures some 40 metres by 3 metres.

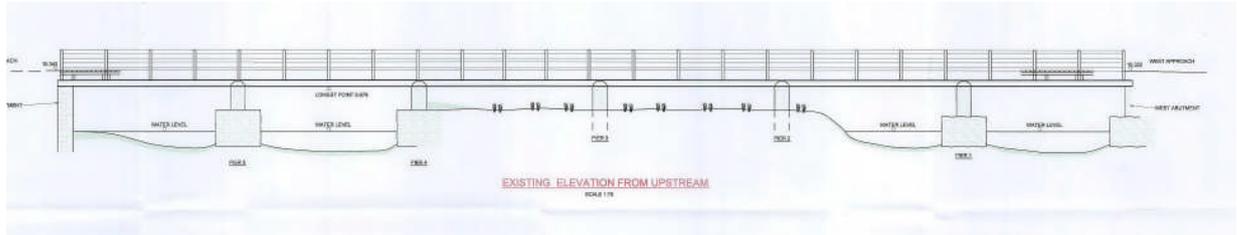


Fig 3: Existing Bridge

- 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 galvanised steel decking, with timber boards above and again wooden side rails which will be slightly higher and more closely slatted as shown in Figure 4 below. All wood would be larch or equivalent. A 650mm wide bicycle lane is to be formed in grating fixed to the wooden deck of the bridge.

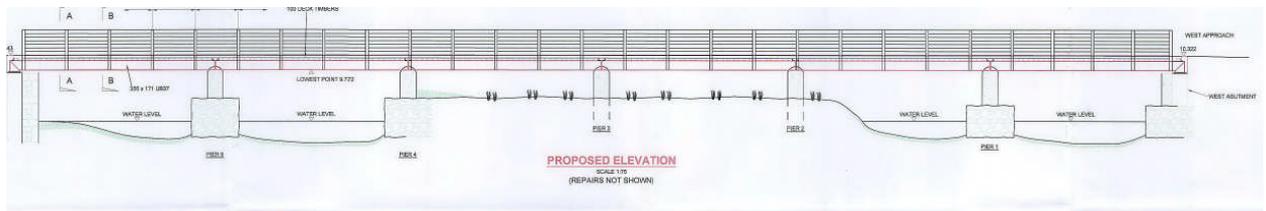


Fig 4: Proposed Bridge

- In addition to replacing the bridge, the existing abutments on the west and east sides of the water require to be reinforced by providing concrete to the rear of the abutments, away from their riverside faces where the stonework will be re-pointed and repaired. Concrete will also be used to reinforce the supporting bridge spans and during these works an accompanying indicative method statement sets out that sections of the water will be temporarily dammed (using sandbags) to ensure no debris from the works pollutes the main water.

7. Figure 5 below shows how the works will be carried out whilst Figure 4 above also shows the works to the spans and abutments.

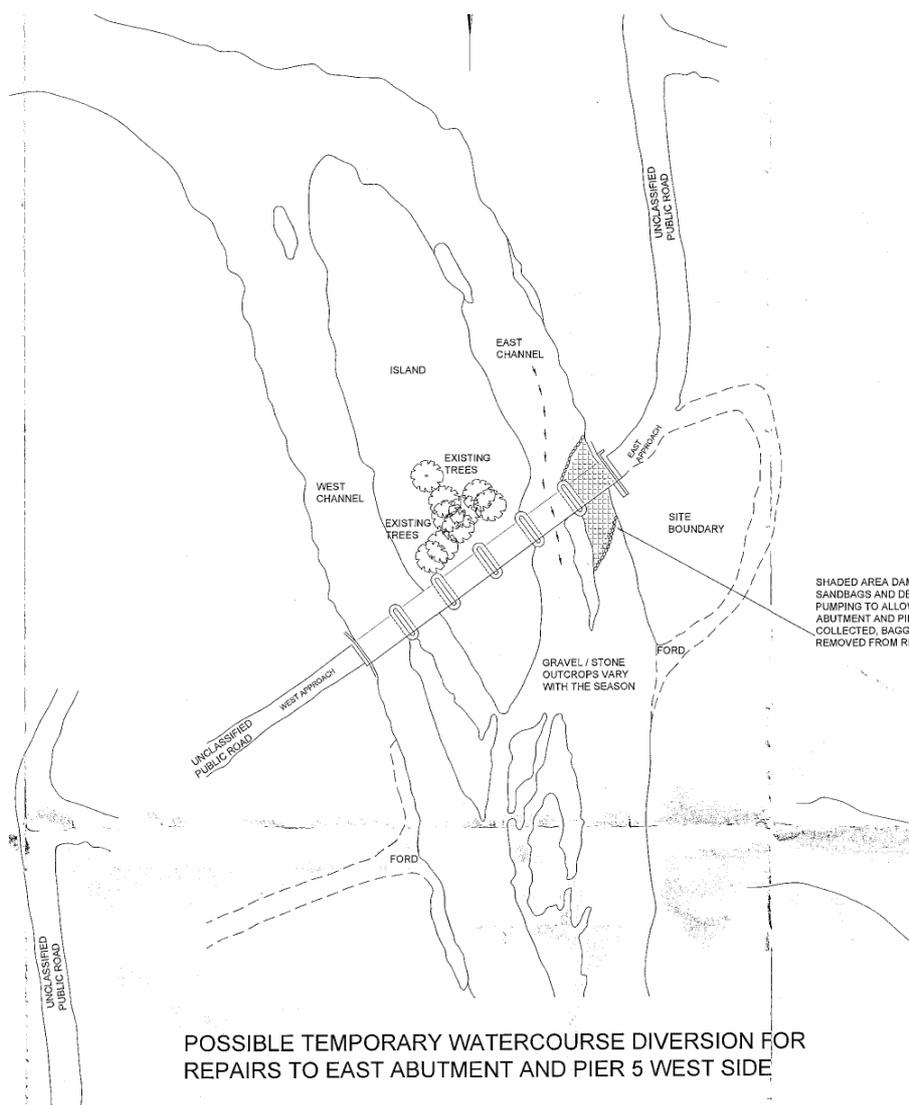


Fig. 5: How works will be carried out

8. Two of the spans are located on a large heather island in the middle of the water which is very wide at this part, diverging around the island before flowing southwards to join the River Dee. Consequently the applicants' method statement also explains that, given the length of the bridge's span, it may be necessary to dismantle and replace it in sections, with temporary supports to be formed into the river bed to enable this. The works will be carried out using crane and forklift. A temporary contractor's compound will be provided on the west side of the bridge on an area of former track/moorland beside the main road. The bridge may be dismantled initially by using a crane sited on the west approach to the bridge, then the crane will ford the river (using existing ford crossing point) and dismantle the eastern half of the bridge from that (east) side.

9. The Quoich Water is a tributary of the Dee and is covered by numerous environmental designations. It is part of the River Dee Special Area for Conservation (SAC) noted for its Atlantic salmon, otters and freshwater pearl mussel interests. In addition otters and water voles are protected species which may be affected by the works. The Quoich fan is also a feature of the Eastern Cairngorms Site of Special Scientific Interest (SSSI) Finally the site lies within the Cairngorms Special Protection Area (SPA) the Cairngorms Massiff SPA and the Cairngorms SAC.
10. Given these above designations Otter and Water vole surveys have been undertaken. These demonstrate that there is no evidence of water vole here, but the habitat is suitable for otter although no holts were present on the riversides at the time of the survey. Accordingly measures are suggested to mitigate any impacts upon otter, these being to restrict working to between the hours of 0800 and 1800 and to check the site immediately before work starts to ensure that no holts have been established since the original survey which was in May 2012.

DEVELOPMENT PLAN CONTEXT

National Policy

11. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
12. 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.
13. 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

14. National Parks are also discussed under the heading of national designations, and the four aims of the Park are outlined. Para. 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

15. 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.

16. 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)

17. 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>
18. 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.
19. 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 In this case the site is a tributary of the River Dee Special Area for Conservation (SAC) noted for its atlantic salmon, otters and freshwater pearl mussel interests. In addition otters and water voles are protected species which may be affected by

the works. The Quoich fan is also a feature of the Eastern Cairngorms Site of Special Scientific Interest (SSSI) and is also a Geological Conservation Review (GCR) site. These type of sites are known as Natura Sites. Consequently Policy 1 -Natura 2000 Sites also applies. This sets out that 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. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where :

- There are no alternative solutions; and
- There are imperative reasons of overriding public interest, including those of a social or economic nature.

20. 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. 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.
21. 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

22. 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

23. **Scottish Natural Heritage (SNH)** advise that the proposal is likely to have a significant effect on the qualifying interests of the River Dee Special Area for Conservation (SAC) whereby the Park Authority (CNPA) is required to carry out an appropriate assessment. To assist in carrying out this assessment SNH have advised that if the development is carried out strictly in accordance with their recommended conditions there should be no adverse affect on site integrity and have provided detailed advice to assist. They also advise that a survey be carried out before any consent is issued to establish whether the proposal will have an adverse impact upon otter, which are a European Protected Species (EPS) As noted in paragraph 10 above this survey, together with a water vole survey, has been carried out now, and it has established there are no otter holts/resting places in the vicinity.
24. SNH consider that in order to prevent the release of sediment to the watercourse a construction method statement will be required to identify any potential impacts and demonstrates how the applicant will prevent pollutants entering the water course. As access during the construction phase will be required by fording the water course they also recommend that the timing of any in river works be restricted to outwith 15 October and the end of May to protect the sensitive period in the life cycle of salmon. The Dee District Salmon Fisheries Board will be able to advise further on any local variations to the sensitive period.
25. SNH have concluded that there is unlikely to be any impacts upon the fresh water mussels as the substrate in this location is unlikely to be suitable for this species, nor do they consider there will be any impacts upon birds.
26. Conditions are recommended by SNH to cover these above points
27. **CNPA Ecology Officer** has considered the application and concluded that subject to appropriate planning conditions being imposed in respect of construction timings and submission of a construction method statement, the development will not have an adverse impact upon the special qualities of the area. An appropriate assessment has been completed to this end.
28. **Inclusive Cairngorms** has been consulted and their comments are awaited at the time of writing.
29. **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 in river works and a detailed construction method be agreed. Their recommendations are similar to those of SNH above but they wish 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.

30. **CNPA Outdoor Access Officer** advises that the development has potential for a positive impact on outdoor access. It is further noted that the replacement of the bridge will have a positive impact on recreational access opportunities in the area with the incorporation of a bicycle strip down the centre of the bridge welcomed.
31. **CNPA Landscape Officer** has no comments.
32. **Braemar Community Council** has been consulted but no response has been provided to date.
33. **Scottish Environment Protection Agency (SEPA)** noted that the present bridge is currently causing shingle deposition around the bridge piers which has the effect of spreading the width of the river and affecting its natural morphology and potentially increasing the risk of flooding upstream. They were initially concerned that the bridge design would not improve matters and recommended that consideration be given to a bridge design with fewer piers, and abutments set back further from the river banks. SEPA did not however formally object to the proposal. The applicants' agent contacted SEPA to explain that this is simply a proposal to use and repair existing piers/abutments and replace the deck of the bridge. SEPA have now confirmed they have no objection to the proposal.
34. **Aberdeenshire Council's Flood Prevention Unit** have no comments.
35. **Aberdeenshire Council's Roads Development Officers** has no objections subject to an advisory note being attached to any consent recommending that the applicant contact the Council's Structures Manager with a set of all drawings for review and record purposes. Although the Council is aware that the bridge is private, it will be open for public use. Accordingly Aberdeenshire Council require to ensure that structures open to the public are safe.
36. **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 survey has now been provided.

REPRESENTATIONS

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

APPRAISAL

Principle of Development and Design Issues

38. 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 and incorporating improved access in terms of provision of bicycle lane. 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

39. At present the existing bridge cannot be used by vehicular traffic and as such the proposal will result in improved access for motorists, in particular the residents of the estate houses to the east, and also for cyclists. This is welcomed as being in line with planning policies, both national and local, which seek to support improved access to our natural environment.
40. There are no other technical land use planning issues associated with the development.

Environmental Issues

41. 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. Whilst the new bridge in itself is unlikely to adversely affect these interests, there is potential during the construction phase for damage to be caused to a unique and special environment, and to the species which inhabit it – namely any pollution of the water body, or disturbance to the otter and spawning salmon which are qualifying interests in terms of the environmental interest here.
42. It is therefore essential to ensure that the method of construction pays full regard to specific advice and guidance provided by the key environmental agencies, SEPA and SNH. The indicative construction method statement indicates this may be the case with measures proposed to ensure no adverse impact. However it is important 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.
43. Other matters raised by consultees regarding timing of works, and in particular no “in river” works after 1st October, to protect spawning salmon, can be covered by appropriate planning conditions.

44. Finally it is noted that the key consultee here, SNH, consider that the development should not damage the integrity of the River Dee Special Area for Conservation subject to compliance with various conditions. The CNPA Ecologist has completed an appropriate assessment of the impacts of the development and has also concluded these can be adequately mitigated.

Conclusion

45. 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 could 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

46. 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

47. 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 and repair the abutments and piers, this is preferable to further deterioration of the existing bridge and subsequent damage to the environment.

Promote Understanding and Enjoyment of the Area

48. The provision of a new bridge would enhance access and recreation opportunities in the area by improving public access, with the proposal for a cycle lane introducing a welcome additional facility. The development would therefore assist users of the Mar Estate to further enjoy the special qualities of the area.

Promote Sustainable Economic and Social Development of the Area

49. The development will allow the residents of the existing estate houses to access their houses safely and avoid any future scenario where houses cannot be occupied because there is no access. The new bridge will also facilitate improved access to the Mar 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

50. That Members of the Committee support a recommendation to **GRANT** planning permission for the erection of a replacement bridge at Allanaquoich Bridge, 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. No in river works shall be carried out with the time period of 1 June to 1 October in any year.

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

3. 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) and retention of natural stone facing on abutments.

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

4. All construction works are 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.

5. 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 qualifying interests of the River Dee Special Area of Conservation and in the interests of conserving and enhancing the natural heritage of the area.

6. 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 area 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. The developer should provide Aberdeenshire Council's Structures Manager, Woodhill House, Westburn Road, Aberdeen AB16 5GB with a set of all drawings for review and record purposes. Although the Council is aware that the bridge is private, it will be open for public use. Accordingly Aberdeenshire Council require to ensure that structures open to the public are safe.
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 bridges and works in the water environment which should be fully complied with. Also to ensure that works are carried out in accordance with SEPA's construction Pollution Prevention Guidelines, in particular PPG 5 relating to works and maintenance in or near water. Finally the developer should refer to the Controlled Activities Regulations: A Practical Guide for further details – all available on SEPA's website. Please refer to SEPA's full comments for further information.

Katherine Donnachie
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24 July 2012

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