
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Case Officer: DAVID ALLAN
(PLANNING TECHNICIAN,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Construction of a viewpoint seat, path and visitor information point at Layby at Creagan Nam Cam, Glenshee

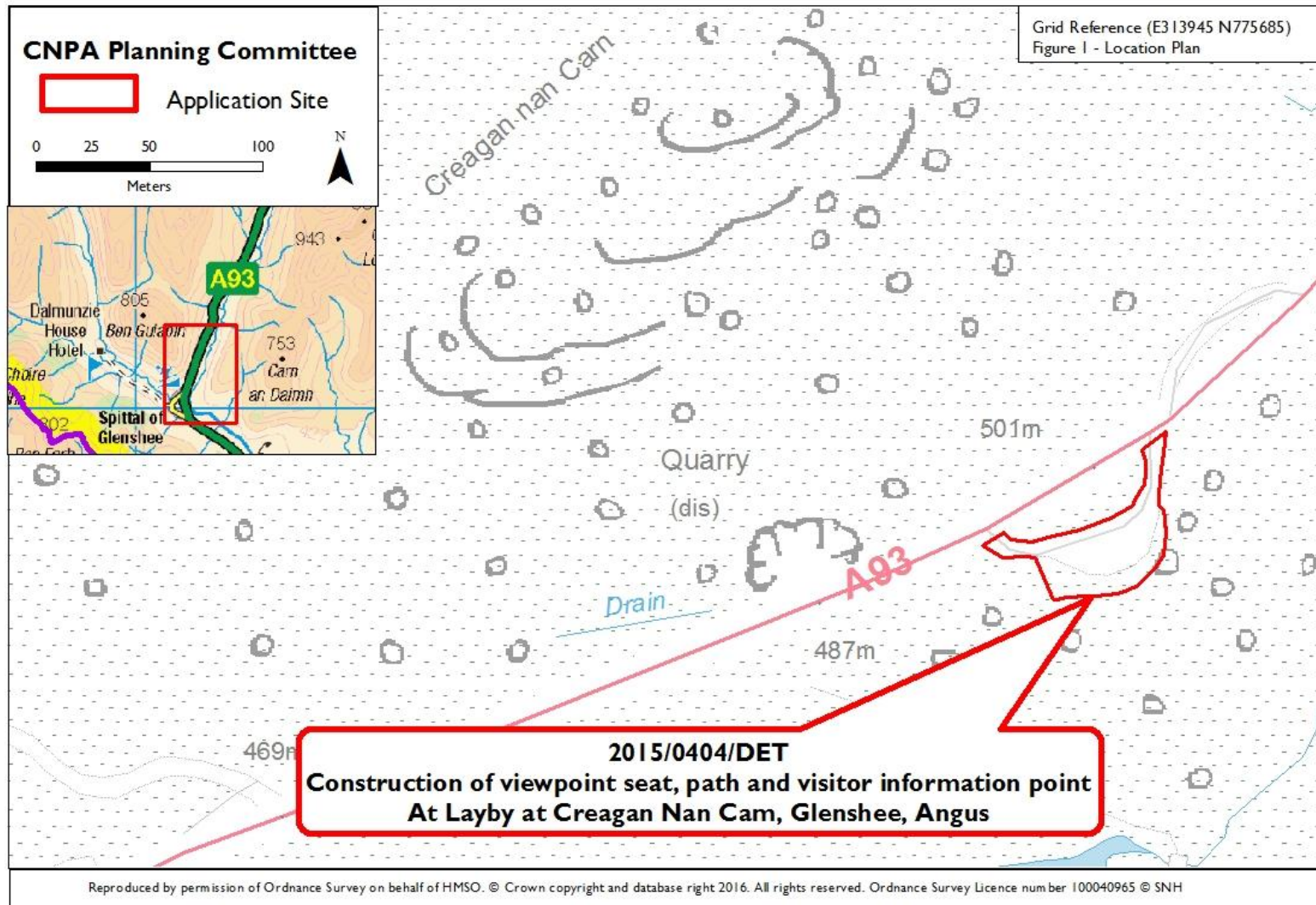
REFERENCE: 2015/0404/DET

APPLICANT: Cairngorms National Park Authority

DATE CALLED-IN: 21st DECEMBER 2015

REASON FOR CALL IN: The proposed development is located in a prominent location close to a key tourist route in the Park and is part of a national initiative - Scotland's Scenic Routes. It is a Type I application - linked to applications called in by the Cairngorms National Park Authority and raises issues relating to natural and cultural heritage and the promotion of understanding and enjoyment of the area. It is therefore considered to be of significance to the collective aims of the National Park.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



SITE DESCRIPTION, PROPOSAL AND HISTORY

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Existing site plan and topographic survey	L(-)004	Nov 2015	23 Dec 2015
Proposed site plan	L(-)101	Nov 2015	23 Dec 2015
Elevations and sections	A(-)101	Nov 2015	23 Dec 2015
Existing OS site location plan	L(-)001	Nov 2015	23 Dec 2015
Existing OS site location plan	L(-)002	Nov 2015	23 Dec 2015
Existing Site Location Plan	L(-)003	Nov 2015	23 Dec 2015
Proposed GA sections	L(-)201	Nov 2015	23 Dec 2015
Pitched Stone Path Detail	1996/DE/08	20/01/2016	20/01/2016
Construction Method Statement Revision A		29/01/2016	01/02/2016
Archaeological Method Statement Revision A		02/02/2016	02/02/2016

Site Description

1. The application site is located adjacent to the southbound carriage of the A93 road between the Spittal of Glenshee and Braemar. It comprises a tarmac and gravel layby, formed as result of the realignment A93. There is currently no formalised parking at the layby or restrictions on layby access. To the North of the site is the Devil's Elbow, a historic and notorious hairpin bend, which now also no longer forms part of the operational road network.
2. The layby is set within a landscape area of rugged ridges and summits and gives views North to the Cairnwell and South to Meal Gorm and Carn Mor. To the edge of the layby are grassland and heathland habitats and an informal trod leads towards a burn, providing an access point for walkers into the Munro's beyond.
3. This site is located within the Cairngorms Massif Special Protection Area, designated for Golden Eagles, and is adjacent to the River Tay Special Area of Conservation, designated for Salmon, Otter, and Lamprey species.

Development Proposal

4. The proposal is for the construction of a viewpoint feature and to improve the amenity of the existing layby. The viewpoint feature shall comprise a gravel and

etched concrete walkway incorporating a timber bench seating area, interpretation point, and stepped pathway to the burn beyond.

5. The inner layby edge is to be re-profiled creating a landbank sufficient to accommodate the walkway and seating. A pale grey concrete interpretation point will be located at the Northern end of the walkway to act as an entry point to the viewpoint structure and a concrete and gravel path will lead towards timber seating area. The seating will be constructed of Larch timber in a white stain to be fixed on a galvanised steel support and is to have a graduated height along its length reflecting the contours of the topographical setting.
6. At the timber seating area, the walkway is to comprise pale grey etched concrete panels which will be detailed with the contour patterns taken from a historic map of the area including the old road route. At the Southern end of the walkway, the existing informal trod which leads to down towards the burn will be enhanced through the construction of a pitched stone path.
7. The application proposes to formalise car-parking at the site through the provision of a clearly defined gravel parking area with large boulders relocated to separate the layby and path. Further to this, a proportion of the existing layby to the south of the site is to be revegetated using material recovered from the earthworks carried out on site. As well as improving the aesthetics and amenity of the layby, this will also act to demarcate the edge of the original road line.

Background

8. This proposal represents the third of three award-winning installations along the A93/939 route from Blairgowrie to Grantown-on-Spey, and forms part of the wider Scottish Scenic Routes project.
9. In February 2015, Cairngorms National Park Authority called-in and subsequently approved the development of a viewpoint feature and lay-by improvements at a site on the A93 near Corgarff (2015/0019/DET). In December 2015, Cairngorms National Park Authority also called in a further application (2015/0379/DET) for the construction of a viewpoint feature and layby improvements at Craighaulkie Quarry which is item 10 on this Agenda.

Site History

10. There is no recent planning history recorded on the site. The layby has been formed as a result of historic road development works.

DEVELOPMENT PLAN CONTEXT

National Policy

11. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning

applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

12. The SPP sits alongside four other Scottish Government planning policy documents:
 - a. The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b. **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c. **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d. **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

13. 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.
14. Three long term outcomes for the Park are set out as follows:
 - a. A sustainable economy supporting thriving businesses and communities;
 - b. A special place for people and nature with natural and cultural heritage enhanced; and
 - c. People enjoying the park through outstanding visitor and learning experiences.

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.

15. Policy 2.3 of the Cairngorms National Park Partnership Plan is to conserve and enhance the special landscape qualities with a particular focus on, amongst other

things, enhancing opportunities to enjoy and experience the landscapes of the park.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

16. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

17. Key policies relevant to the proposed development are summarised below:

18. **Policy 2.2: Tourism and Leisure Development** seeks to support development which enhances formal and informal recreation and leisure facilities; tourism and leisure based business activities and attractions; tourism and leisure related infrastructure including accommodation; and improved opportunities for responsible outdoor access, where it has no adverse environmental impacts on the site or neighbouring areas, makes a positive contribution to the experience of visitors and adds to or extends the core tourist season.
19. **Policy 3: Sustainable Design** seeks to ensure that all development delivers high standards of design, including; siting and design, use of materials, impact on the environment, and accessibility, whilst contributing to the conservation and enhancement of the distinctive characteristics of the Park.
20. **Policy 4: Natural Heritage** recognises that the range and quality of natural heritage in the Park is unique, internationally valued, and underpins all four aims of the Park. It therefore seeks to ensure that developments will not adversely affect the integrity of the areas or qualities designated for their natural heritage.
21. **Policy 5: Landscape** states that there will be a presumption against any development that does not conserve and enhance the character and special qualities of the Cairngorms National Park, and that any adverse effects on the setting of the proposed development are minimised and mitigated through appropriate siting, layout, scale, design and construction.
22. **Policy 9: Cultural Heritage** seeks to ensure that development affecting sites or features of local or wider cultural historic significance will protect, conserve and enhance the feature and its setting, or minimise and mitigate any adverse effects.

Supplementary Guidance

23. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support

the delivery of the Plan. Key topics in this case are guidance on landscape, natural heritage, cultural heritage, sustainable design and supporting economic growth.

CONSULTATIONS

24. **Scottish Natural Heritage** in consultation with Perth and Kinross Council, note that the application site is located within the Cairngorms Massif Special Protection Area, classified for Golden Eagles. It is their opinion that there is negligible risk of disturbance to birds and that the proposal is unlikely to have a significant effect on the qualifying features either directly or indirectly.
25. **Perth and Kinross Council (Roads)** have no objections to this proposal.
26. **Perth and Kinross Council (Environmental Service)** note that the proposal improves opportunities for responsible outdoor access and does not appear to have adverse environmental impacts on the site. It will make a positive contribution to the visitor experience and their appreciation of landscape character and the special qualities of the Cairngorms National Park. It is advised that SNH be consulted due to proximity of Cairngorms Massif SPA, Caenlochan SSSI and SAC, and River Tay SAC. They have no objections to this proposal.
27. **Perth and Kinross Heritage Trust** advise that there is an existing Historic Environment Record (MPKI7902) at this location, associated with a 2008 survey of 18th Century military roads and bridges. They advise that if permission is to be granted, a condition for a programme of archaeological works, approved in agreement with PKHT and the Cairngorms National Park Authority, be attached. They further recommend that protective fencing be erected to protect the surviving Wade road bank on the north of the layby. Supporting information by way of an Archaeological Methods Statement has been submitted to the satisfaction of the Perth and Kinross Heritage trust officer.
28. **CNPA Ecology Adviser** notes that the proposed application site lies within the Cairngorms Massif SPA and as per SNH consultation there will be negligible risk to the qualifying feature.
29. The site is also adjacent to the River Tay SAC, designated for amongst others, Salmon and Otter, both with records within 5km. It is considered that while there is potential for the works to generate sediment-laden run-off, particularly during wet weather, significant risk to the SAC may be mitigated through adherence to SEPA's PPG5 "working in or near a watercourse". Run-off from areas of hard standing post-construction will be captured in a vegetated swale as detailed. Further to this, it is recommended that no during construction, no pipes should be left uncovered overnight to prevent potential harm to Otters. A revised construction method statement has been submitted to the satisfaction of the Adviser.
30. While the proposal will require a loss of species poor, semi-improved grassland, this is considered negligible and is off-set through the reinstatement of locally

won curves and seeding of bare soil. The construction method statement provided detailing vegetation reinstatement is welcomed.

31. **CNPA Landscape Adviser** notes that the proposal will sit within the context of an exposed and dramatic landscape, demonstrating a number of the special landscape qualities of the National Park. Whilst the resulting structures will be visible on approach from the North and South, they will be reflective of natural landforms and will not be overly prominent or intrusive.
32. They are content the shape and scale of the earthworks, seating and upper paths reflect the scale and form of the contextual landscape, and that materials and finish of structures proposed reflect a broadly natural palette, and are appropriate in this roadside location. However, they further suggest that the proposed path leading from the seat towards the burn be redesigned in-line with typical hill path construction methods. A revised path detail has been submitted to the satisfaction of the Adviser.
33. **CNPA Outdoor Access Officer** states that in accordance with the terms of the Land Reform (Scotland) Act 2003, existing pedestrian access to and across land adjacent to the layby should not be obstructed during the works, or where unavoidable, should be mitigated through appropriate diversions, alternative routes and signage. They request that a revised construction method statement be provided detailing measures to ensure existing use of the informal path.
34. They further note that where works may impact upon existing parking provision, that appropriate measures be taken to prevent potential issues such as inappropriate roadside parking. They conclude that a basic signage plan is required aimed at ensuring continued safe exercise of access rights.
35. A revised construction method statement detailing signage provision and continued access has been submitted to the satisfaction of the Officer.

REPRESENTATIONS

36. **Mount Blair Community Council** No comments were received.
37. No other representations were received.

APPRAISAL

Tourism and Leisure

38. The proposed development represents an opportunity for informal recreation and landscape appreciation which draws on the character and special qualities of the Park. It will improve the amenity of a location currently used by walkers as an access point to explore the surrounding hills. As such it is considered to satisfy Local Development Plan Policy 2.2: Tourism and Leisure Development.

Sustainable Design

39. This location, on a key tourist route and in the context of its historic roads heritage represents a well-chosen site for this proposal. The choice of a natural palette of materials in conjunction with a high quality of design will ensure that the proposed development will be both an enhancement of the existing layby and a complement to the character of its setting.
40. The proposed improvements to the layby will contribute to a higher quality parking provision than currently exists. The construction of the pitched stone path will ensure that a good level of access from the layby to popular walking routes is maintained and will contribute to a positive visitor experience. As such this satisfies Local Development Plan Policy 3: Sustainable Design.

Landscape

41. The scale and form of the proposed structure demonstrates a strong appreciation of the surrounding natural landform and as such, it is expected to blend well into its contextual setting. This will be accentuated through a re-profiling of the layby edge which will help to integrate the feature ensuring it does not overly dominate in the landscape.
42. Through formalising the existing road from the layby to the burn, this will guide visitors to the site into the wider landscape area, giving opportunity to experience a greater level of engagement with the special qualities and character of the Park. As such this satisfies Local Development Plan Policy 5: Landscape.

Cultural Heritage

43. Through identification of potential historic road features at this site, an archaeological method statement has been provided and it has further been agreed that a written scheme of investigation will be carried out prior to development ensuring any such features are recorded or recovered as appropriate.
44. The proposed development also presents an opportunity to contribute to a renewed recognition of the historic roads within the Park, in part through its association with the Devil's Elbow site. As such the proposal is considered to satisfy Local Development Plan Policy 9: Cultural Heritage.

Natural Heritage

45. It is not considered that there will be any adverse effect on the qualifying features of the Cairngorms Massif SPA. The Construction Methods Statement submitted in support of this application further demonstrates that the potential for adverse environmental impact shall be satisfactorily mitigated through adherence to the methods detailed therein and in accordance with the appropriate published guidance as directed.

46. Sympathetic revegetation using locally won turves and seeding of bare soil will be of benefit to the site and will offset the loss of any grassland habitat. As such the proposal is considered to satisfy Local Development Plan Policy 4: Natural Heritage.

CONCLUSION

47. This proposal presents an opportunity to greatly improve the existing layby provision and create a destination viewpoint on a key tourism route through the Cairngorms National Park. It will encourage visitors to engage and interact with the special landscape qualities of the Park. A sympathetic palette of materials and considered design will ensure that the development will complement the landscape. Due consideration has been given to mitigate potential adverse environmental impacts and a scheme of works is to be agreed which will satisfy any archaeological requirements. Accessibility is to be maintained throughout the period of implementation and the proposed walkway and stone path will contribute to a positive visitor experience. It is therefore considered that this proposal satisfies the relevant policies of the Cairngorms National Park Local Development Plan.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

48. The proposal is not considered to have an adverse impact on the natural heritage area and may present an opportunity to enhance the cultural heritage of the area as it reflects upon the historic features of the UK's highest public road.

Promote Sustainable Use of Natural Resources

49. The proposal is not considered to have an adverse impact on the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

50. The proposal supports this aim through creation of formalised, interactive viewpoint, which aims to promote visitor engagement with the surrounding landscape.

Promote Sustainable Economic and Social Development of the Area

51. The proposal supports this aim, particularly in conjunction with the wider Scottish Scenic Routes project as it has the potential to contribute to improved levels of tourism within the area.

RECOMMENDATION

That Members of the Committee support a recommendation to: GRANT FULL PLANNING PERMISSION for the construction of a viewpoint seat, path and visitor information point at Layby at Creagan Nam Cam, Glenshee subject to the following conditions:

1. No development shall commence on site until such time that a Written Scheme of Investigation has been submitted and approved in writing by Cairngorms National Park Authority, as Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter works shall be implemented in strict accordance with the detail provided including all recording and recovery of the archaeological resources within the development site.

Reason: To ensure that any archaeological features identified are appropriately recovered or recorded in accordance with Local Development Plan Policy 9: Cultural Heritage.

2. All works on site must be carried out in strict accordance with the details provided and approved by Cairngorms National Park, as Planning Authority, in the following documents:
 - a. Construction Methods Statement Revision A (dated 29/01/2016)
 - b. Pitched Stone Path Detail – 1996/DE/08 (dated 20/01/2016)

Reason: These documents have been developed in consultation with and to the satisfaction of Cairngorms National Park Authority and in accordance with Local Development Plan Policies 3: Sustainable Design, 4: Natural Heritage and 5: Landscape.

3. No development shall commence on site until detailed drawings of the following (referenced in the Construction Methods Statement Revision A (dated 29/01/2016) have been submitted to and approved in writing by Cairngorms National Park Authority, as Planning Authority:
 - a. Signage
 - b. Site Compound
 - c. Protective Fencing

Thereafter, the development shall be implemented in strict accordance with the approved details.

Reason: To ensure that the details of these elements are satisfactory in accordance with Local Development Plan Policies 3: Sustainable Development, 4: Natural Heritage, 5: Landscape and 9: Cultural Heritage.

Informatives:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development@ Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.
3. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

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.