

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

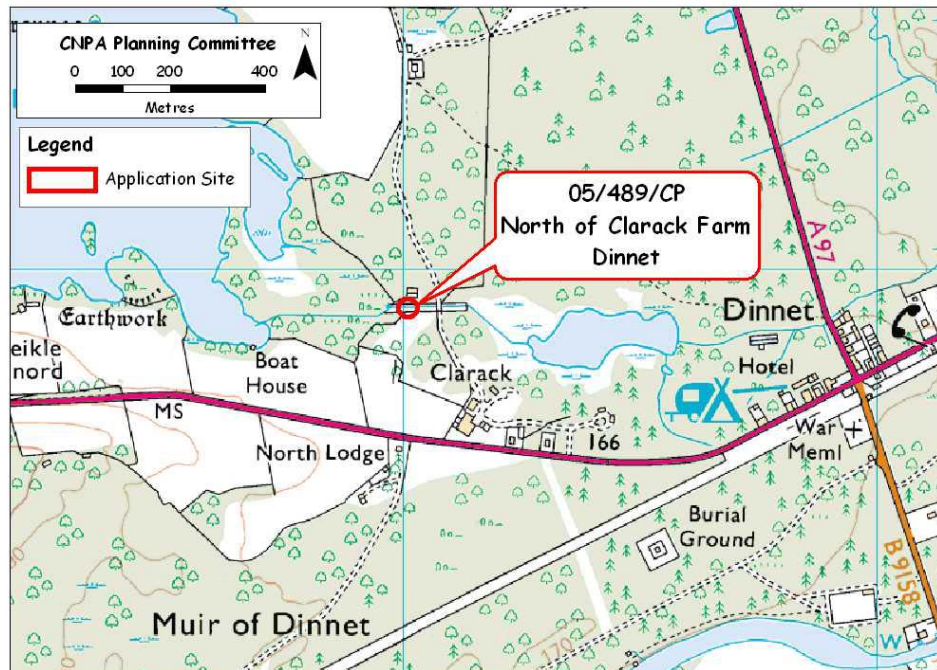
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(DEVELOPMENT CONTROL)

DEVELOPMENT: ERECTION OF A TIMBER FOOTBRIDGE,
NORTH OF CLARACK FARM, DINNET,
ABOYNE.

REFERENCE: 05/489/CP

APPLICANT: UPPER DEESIDE ACCESS TRUST
(UDAT), UNIT 1 ABOYNE CASTLE
BUSINESS CENTRE, ABOYNE AB34 5JP

DATE CALLED-IN: 2nd DECEMBER 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the erection of a footbridge across a burn that flows between Loch Kinord to the west and Clarack Loch to the east, on land north of Clarack Farm, near Dinnet, Aboyne.



Fig. 2 : Location of proposed footbridge

2. The construction material of the footbridge is proposed to be predominantly timber, supported by concrete abutments either side. The maximum span of the footbridge is 8 metres, with a clear decking width of 1.2 metres. The footbridge walkway is to be created using 150x50mm deck boards, while the handrails to be provided on both sides of the bridge would be timber post and rail. All timber is to be pressure treated and any metal work would be galvanised.
3. Information submitted by the Upper Deeside Access Trust (UDAT) in the course of this application indicates that the proposed footbridge is part of wider measures being implemented in the area to facilitate the creation of a circular walk around Loch Kinord with a link from Dinnet village. UDAT consider that the footbridge is particularly vital in relation to the section from Meikle Kinord to Clarack, where the bridge would allow access either northwards to New Kinord car park, or if travelling anti clockwise around the Loch would allow for an exit eastwards to Dinnet car park. At present the nearest path to the proposed footbridge location is approximately 106 metres to the east, running in a north south orientation. That route currently commences near a property known as Carloch, a short distance off the A93 and traverses past the rear of the Clarack Cottages and through Clarack farm, before turning northwards towards the burn. The track continues to New Kinord, from where it takes a westward turn towards the northern shores of Loch Kinord. A number of informal paths exist close to the area where the footbridge is proposed, and there is some evidence of people having worn tracks there. Although the footbridge is intended to link into a network of routes UDAT do not plan to formalise the routes to the

extent of creating aggregate paths, and state instead that work such as strimming and pruning will be carried out in order to create more clearly defined routes. The off shoot of the future 'Loch Kinord Circular Route One' leading from the location of the proposed footbridge towards the car park at Dinnet would obviate the current need to access the track in the vicinity of Carlochy and Clarack Farm by first walking along the public road from the car park at Dinnet.



Fig. 3 : View of Loch Kinord and the potential future route of a path along the south side of the Loch between Meikle Kinord and Clarack

4. The site of the proposed footbridge lies within the Muir of Dinnet SSSI and the Muir of Dinnet Biogenetic Reserve. It is also located on the edge (approximately 16 metres to the west) of the Muir of Dinnet SAC and SPA and Muir of Dinnet Ramsar site. In addition, the burn that the footbridge is proposed to cross flows eastwards into the River Dee SAC, the edge of which is located 200 metres away.

DEVELOPMENT PLAN CONTEXT

5. According to **NPPG 14 Natural Heritage** attractive and ecologically rich environments where natural heritage is valued and cherished are essential to social and economic well-being. Para. 9 advises that conservation and development can often be fully compatible, and with careful planning the potential for conflict can be minimised. **NPPG 14** details the various national and international statutory designations and the objectives of designation. Para. 46 also makes reference to the fact that natural heritage is not confined to the statutorily designated areas, but is found throughout the countryside.
6. In the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST) Policy 19** states that development which would have an adverse effect on a Natura 2000 or Ramsar site will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest,

including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (through Scottish Natural Heritage) is required unless the development is necessary for overriding public health or safety reasons.

7. In the **Finalised Aberdeenshire Local Plan** the main policy that covers this location is **Policy Env\1 (International Nature Conservation Sites)** where development that would have an adverse effect on a Natura 2000 or a Ramsar site will be refused unless the developer proves:
 - (a) there are imperative reasons of overriding national interest, including those of a social, environmental or economic nature;
 - (b) the objectives of the designation and overall integrity of the area will not be compromised; AND
 - (c) there is no alternative site for the development.
8. **Policy Env\1** also states where development is allowed which could affect any of these designated sites, including beyond the boundaries, that the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest.
9. **Policy Env\2** details the policy in relation to National Nature Conservation Sites, stating that development which would have an adverse effect on a Site of Special Scientific Interest or a National Nature Reserve will be refused unless
 - (c) any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of national importance;
 - (d) the objectives of the designation and overall integrity of the area will not be compromised; and
 - (e) there is no alternative site for development.

In the event of development being allowed which could affect any of the designated sites, including beyond their boundaries, similar measures to those detailed in **Policy Env\1** are required, in terms of the developer demonstrating that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest. The aim of both policies **Env\1 and Env\2** is to give nature conservation sites of international and national importance adequate protection from damaging development.

10. For information only : the **CNPA Consultation Draft Local Plan** identifies the area of the application as being within a **General Policy 2 Area**. Development will only be permitted in **General Policy 2 Area** where it is demonstrated that there is no alternative; the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any

adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.

CONSULTATIONS

11. **Scottish Natural Heritage** have examined the proposal and note that the proposed development site lies within the Muir of Dinnet Site of Special Scientific Interest (SSSI) and is close to the Muir of Dinnet SAC and SPA and the River Dee SAC. **SNH** do not object to the development proposal, but recommend that conditions should be attached in the event of a grant of planning permission to ensure that no significant effects are likely on the features of interest of the River Dee SAC.
12. **SNH** note that the River Dee SAC is identified for its populations of Atlantic salmon, freshwater pearl mussel and otter. In relation to Atlantic salmon **SNH** advise that the effects of the proposal on the interests of the site are likely to be significant, relating particularly to the potential smothering of salmon redds and disturbance of juvenile salmon due to pollution or sedimentation during construction of the proposed bridge. However, **SNH** consider that if the proposal is amended so that works are undertaken strictly in accordance with a recommended condition the significant effects can be avoided. The recommended condition requires that a construction method statement is submitted for the approval of the Planning Authority prior to any construction taking place. The method statement is required to demonstrate satisfactorily that the risk of sediment being released to the watercourse is negligible. In the event that the method statement cannot demonstrate this, the CNPA acting as Planning Authority would be required to undertake an appropriate assessment.¹
13. The consultation response from **SNH** refers to a survey for otter holts that was previously carried out as part of the development of the footpath network around the Muir of Dinnet, at which time the area surrounding the proposed footbridge was surveyed. **SNH** have studied the survey and consider it unlikely that the proposal will have a significant effect on otters either directly or indirectly.
14. **SNH** do not consider that the proposed footbridge development would have any direct or indirect effect on freshwater pearl mussels.

¹ The Conservation (Natural Habitats,&c.) Regulations 1994 as amended 2004, (the "Habitats Regulations") apply. "The Regulations require that, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natural 2000 site is likely to have a significant effect on the site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated."

15. **SNH** have also examined the potential impacts of the development on the qualifying features of the adjacent Muir of Dinnet SPA and SAC. The consultation response notes that the Muir of Dinnet SAC is identified for its otter populations, nutrient poor lochs, dry heaths, raised bog and mire, while the SPA is classified for its wintering population of greylag geese and its waterfowl assemblages. **SNH** do not consider that the proposal is likely to have any significant effect on any of the qualifying interests of either the Muir of Dinnet SPA or SAC.
16. The final comments from **Scottish Natural Heritage** relate to the Muir of Dinnet SSSI, where the SSSI has been notified for a range of interests including its bird assemblage, invertebrates, heathland, lochs and its geological interests. In relation to the SSSI, **SNH** conclude that the proposed bridge will not compromise the protected features, but recommend that the work area is kept to the minimum necessary for safe working, in order to minimise disturbance to habitats at this location.
17. In the conclusion of the consultation report **SNH** advise in the event that the Planning Authority are minded to grant planning consent without conditions, agreements or modifications that would overcome the concerns detailed in their report, **SNH's** position should be regarded as an objection.
18. The **Natural Heritage Group** of the CNPA have assessed the proposal and note that the natural heritage value of the site will not be unduly compromised by the proposed development, and therefore **NHG** do not consider that the proposed development is in conflict with the aims of the Cairngorms National Park. **NHG** however note that the application raises some concerns about possible impacts upon a Natura site, namely the River Dee SAC and as a consequence state that it is necessary for the CNPA to "deal with this case in accordance with the Conservation (Natural Habitats&c.) Regulations 1994." **NHG** are in agreement with **SNH** regarding the need for the submission of a detailed method statement prior to the commencement of works in order to demonstrate that the risk of sediment during the construction of the bridge disturbing salmon redds and juveniles is negligible.



Fig. 4 : the burn (east of proposed bridge) flowing toward the River Dee SAC

19. It is the view of the **Natural Heritage Group** that consideration of the method statement would constitute an appropriate assessment under regulation 48 of the Habitats Regulations. **NHG** require the method statement to satisfactorily demonstrate that adequate measures would be set in place to :
- prevent the runoff of silt into the stream arising from the excavation and preparation of the bridge's foundations and from the approach paths;
 - locate the precise position of foundations in relation to the banks of the water course, so that they are set sufficiently far back from the water margins to prevent destabilisation;
 - ensure no machinery will enter the watercourse or damage its banks, in order to avoid the release of sediment from these sources;
 - ensure no cement, concrete or other materials will be released into the watercourse to cause pollution during or after construction;
 - ensure that works are scheduled to avoid excavation and exposure of soils during periods of heavy rainfall;
 - implement temporary measures to deal with surface water runoff during construction in order to prevent potential water pollution;
 - achieve effective site restoration to stabilise disturbed surfaces and prevent subsequent erosion.
20. **NHG** recommend that subject to receipt of the method statement an appropriate assessment would be carried out and approval to proceed with the works would be given where it is determined that there will not be an adverse impact upon site integrity, and that the bridge construction must be carried out in compliance with any approved method statement. **NHG** acknowledge that there are two ways in which the requirement to carry out an appropriate assessment can be met – (1) by requesting and assessing the detailed method statement during the course of the planning application or (2) by placing a condition on any grant of planning permission, prohibiting the commencement of works until the applicant has provided the method statement and has received written confirmation that there would be no adverse impact upon site integrity.
21. The response from the **Visitor Services and Recreation Group** of the CNPA is supportive of the project, noting that it would enable access to be easily taken to the nature reserve from the village, and would open up further opportunities for people to access the area. **VSRG** note that the proposed footbridge would create a vital link to enable a circular walk around the loch, as well as facilitating a link to the village. The design of the footbridge is described as being sympathetic with the surroundings.

REPRESENTATIONS

22. No representations have been received.

APPRAISAL

23. The main issues to be considered for this application are firstly, the principle of erecting a new structure in this location over a burn that flows into the River Dee SAC (200 metres to the east) and secondly, the details of design and the physical construction of the proposal. The purpose of the proposed footbridge has been detailed in earlier sections of this report and the applicants, UDAT, have clearly identified the need for a crossing point of the burn, in order to facilitate their longer term work in making provision for an access circuit around Loch Kinord. Whilst the consultation responses received from **Scottish Natural Heritage** and the **Natural Heritage Group** of the CNPA both highlight the proximity of the proposed structure to the River Dee SAC and the fact that there could be potential to impact on salmon redds and juvenile salmon, particularly due to sedimentation during construction, the thrust of both responses is a concurrence that concerns of this nature can be addressed through a detailed method statement, with the proposed footbridge subsequently being constructed in accordance with the agreed statement. In light of the fact that any potential concerns about the impact of the development on a designated site could be mitigated against and that neither **SNH** or **NHG** object to the proposal, subject to the receipt of a satisfactory construction method statement, it is my view the principle of a development of this nature at this location is acceptable. It is worth noting that similar, and in some instances larger scale footbridges, have been granted permission by the CNPA acting as Planning Authority, at various other locations within the National Park, with the bridges at Cluniebank, Braemar (CNPA ref. no. 04/243/CP) and Shiel of Glen Tanar (CNPA ref. no. 05/444/CP) being two examples of footbridge locations lying within the River Dee SAC.
24. The footbridge is proposed to be located in relatively sheltered low ground, in an area with some surrounding vegetation. Although located just 250 metres north of the A93 North Deeside Road, it does not have the potential to become an obtrusive form in this rural landscape, either in terms of location or design and scale. The predominant timber construction and simple almost rustic form, whilst being functional, is also sympathetic to the location and its assimilation into the natural landscape could be further enhanced by restricting any proposed colouring applied to the timber structure. Either a muted brown or green colour would be appropriate to integrate the new structure into its proposed setting and this could be achieved through a condition attached in the event of a grant of planning permission.

25. The proposed footbridge represents the opportunity to enhance access to the rural area and in particular would make a positive contribution towards enhancing informal access opportunities around Loch Kinord.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

26. In terms of landscape the structure proposed is a relatively small structure and will not have any detrimental visual impact. The proposal will not have any impact on the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

27. No details have been provided as to where the actual material will be sourced from for the bridge construction. However, it is likely that the timber component will be sourced locally.

Promote Understanding and Enjoyment of the Area

28. The proposed footbridge would assist in the creation of a circular walking route around Loch Kinord and this would contribute to the opportunity for the general public to access and enjoy the area.

Promote Sustainable Economic and Social Development of the Area

29. The bridge is a project undertaken by the Upper Deeside Access Trust which has a tradition at project level of employing local people. Such work helps to raise the profile of the organisation which in a small way contributes to this aim. The contractors for the work are not known. The improvement to the route may result in more walkers in the area which could have spin-offs for local shops and services.

RECOMMENDATION

That Members of the Committee support a recommendation to: **GRANT Full Planning Permission** for the erection of a timber footbridge north of Clarack Farm, Dinnet, subject to the following conditions : -

1. The development to which this permission relates must be begun within 5 years from the date of this permission.
2. Prior to the commencement of development a construction method statement shall be submitted for the agreement and written approval of the CNPA, acting as Planning Authority, in consultation with Scottish Natural Heritage. The construction method statement shall satisfactorily demonstrate that adequate measures would be put in place to –

- (a) prevent the runoff of silt into the stream arising from the excavation and preparation of the bridge's foundations and from the approach paths;
- (b) locate the precise position of foundations in relation to the banks of the water course, and ensure that they are set back sufficiently from the water margins in order to prevent destabilisation;
- (c) ensure that no machinery will enter the watercourse or damage its banks, in order to avoid the release of sediment from these sources;
- (d) ensure that no cement, concrete or other materials will be released into the watercourse to cause pollution during or after construction;
- (e) ensure that works are scheduled to avoid excavation and exposure of soils during periods of heavy rainfall;
- (f) implement temporary measures to deal with surface water runoff during construction in order to prevent potential water pollution;
- (g) achieve effective site restoration to stabilise disturbed surfaces and prevent subsequent erosion.

The footbridge shall be constructed strictly in accordance with the agreed construction method statement.

3. Prior to the erection of the footbridge on the site a maintenance agreement for the bridge shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The bridge shall be maintained in accordance with that agreement unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
4. Final details of all colours of materials for the bridge shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of the development hereby approved. Development shall be implemented in accordance with the agreed colour details.

**Mary Grier,
Planning Officer, Development Control**

17 February 2006

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