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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: MARY GRIER (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

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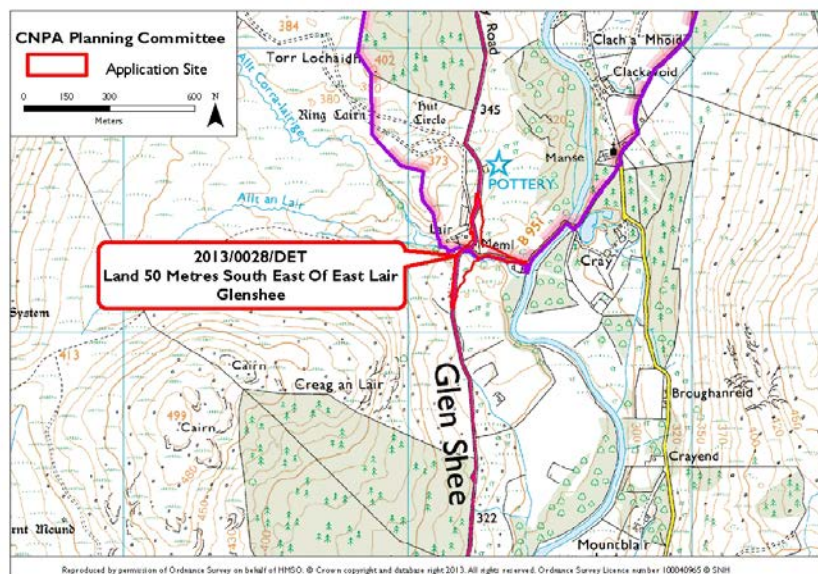
**DEVELOPMENT PROPOSED: REALIGNMENT OF THE A93 AND THE B951, CONSTRUCTION OF A NEW A93/B951 JUNCTION AND BRIDGE OVER ALLT NA LAIR BURN ON LAND 50 METRES SOUTH EAST OF EAST LAIR, GLENSHEE**

**REFERENCE: 2013/0028/DET**

**APPLICANT: MR. ROBERT MORRISON ON BEHALF OF PERTH AND KINROSS COUNCIL**

**DATE CALLED-IN: 1 FEBRUARY 2013**

**RECOMMENDATION : APPROVE WITH CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is being sought in this application by Perth and Kinross Council for realignment works on the A93 and the B951 public roads and the construction of a new A93/B951 junction and new bridge over the Allt Na Lair burn, Glenshee. The identified site area straddles the boundary of the National Park, with the northern section of the site being within the National Park, while the remainder is on land entirely within the jurisdiction of Perth and Kinross Council.
2. The fact that the application site is only partly within the National Park is a somewhat unusual situation and one which has only occurred in one previous case in the history of planning applications called-in by the CNPA. Advice was sought at that time (2004) from the Scottish Executive on how to handle the complexity of the application. It was advised at that time that the aspects of the application in each area should be dealt with by the relevant area authority, with the decision notices then being issued at the same time. The same approach has been taken in this current planning application and Perth and Kinross acting as Planning Authority have dealt with the works that are exclusively within their jurisdiction. The Perth and Kinross Planning Committee considered the proposal at their meeting on 24 April 2013 and resolved to grant planning permission subject to a number of conditions.
3. In considering this application the CNPA will only be making a determination on the aspects of the proposal within the National Park. Prior to this it is however necessary to have an understanding of the full extent of the development proposed. The site is located approximately 50 metres to the south east of East Lair, Glenshee. It includes a two kilometre section of the existing A93 public road and a 500 metre section of the existing B951 minor road.<sup>1</sup> Areas of adjacent agricultural land are also included within the identified site boundary, including land to the east of the A93, and land to the north of the B951.
4. There are three main elements in the overall development.
  - (a) The development of a new straighter section of A93, which would replace approximately 500 metres of the existing A93, which currently includes three bends;
  - (b) The development of a new bridge over the Lair burn. This element is outside the National Park and is proposed approximately 30 metres downstream of the existing bridge location;<sup>2</sup> and
  - (c) The relocation of the A93 / B951 junction approximately 50 metres north of its current position. This will also necessitate the development of a new 180 metre section of road at the B951.

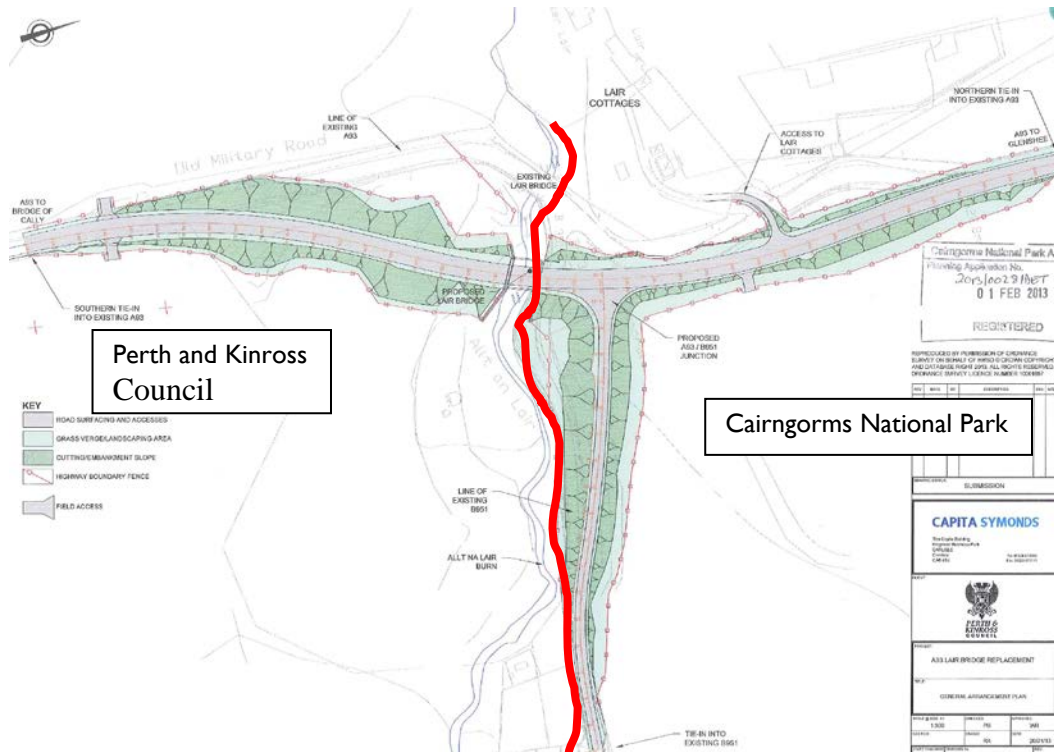
Existing sections of carriageway that are to be 'replaced' will no longer be in use once the new sections are operational. The overall works would not give

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<sup>1</sup> Signposted for Glenisla and Kirriemuir.

<sup>2</sup> The existing Lair Bridge would remain in situ and would become the responsibility of the landowner.

rise to any increase in permitted vehicle speeds or carrying capacity on the route.



**Fig. 2 : Proposed realignment, new junction and bridge (red line identifies approximate position of CNP boundary)**

- Details have been provided in the Environmental Statement acknowledging that the existing section of the B951 carriageway lies between the eastern end of the MTBL/8 footpath and the Cateran Trail, and that this provides an informal link between the two access routes. It is recognised that at present there is no provision provided at the site for users of the access routes to cross the A93 carriageway. In response to this issue it has been confirmed in the application documentation that “new access provision will be provided as an enhancement to facilitate safe crossing of the new A93 carriageway.” Measures by which this will be achieved include extending the MTBL/8 footpath to meet the new A93 carriageway, the installation of a self closing gate at the side of the new A93 and the provision of new directional signage relating to the Cateran Trail.



**Figs. 3 and 4 : The new straighter section of A93 would replace a series of bends**

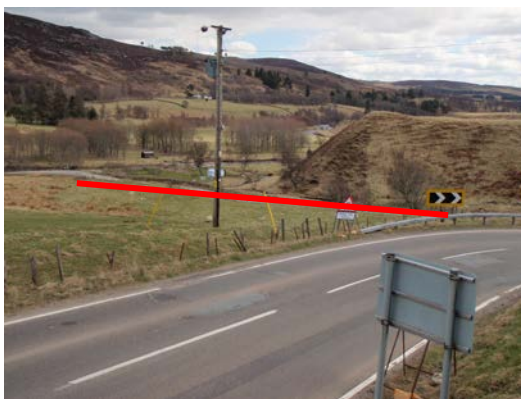


Fig. 4 : View towards the proposed line of the 'new' B951

### Proposal justification

6. Supporting information explains that the development proposal is being driven by two factors. Firstly the existing Lair Bridge is failing structurally to the extent that it is currently supported by props. The second factor is related to road safety concerns at the junction of the A93 and the B951. Perth and Kinross Council records demonstrate that there have been two 'Damage Only' collisions recorded between 2007 and 2012.

### Environmental Impact Assessment

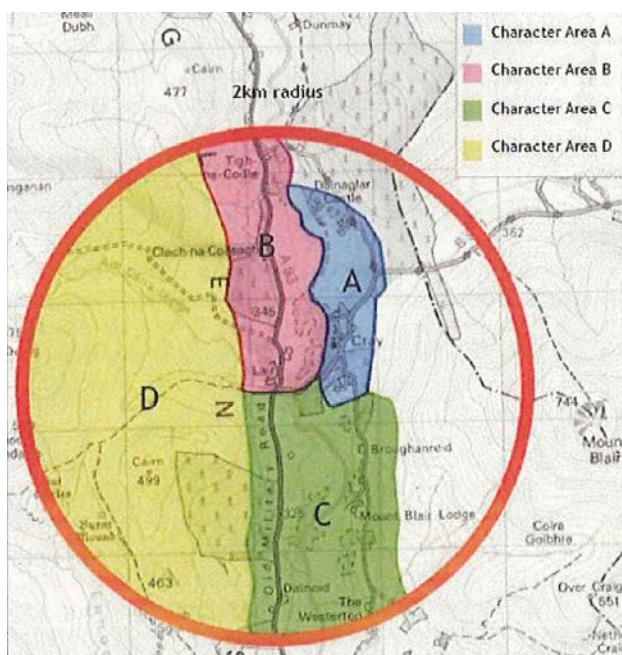
7. An Environmental Statement (ES) has been submitted in conjunction with the planning application.<sup>3</sup> A scoping exercise was carried out in advance of this and a number of issues of consideration were identified and subsequently considered in the ES. The following paragraphs provide a summary of the issues considered and the conclusions that have been drawn.
8. Cultural heritage – an archaeological walkover was undertaken and a total of six monuments / features were identified close to the proposed new road realignment. The value of each of the identified monuments / features was determined to be low. It is noted that there will be some moderate adverse impacts in the course of construction activity. In particular reference is made to a Memorial Cross which is located on the eastern side of the existing A93, a short distance above the road junction. It is proposed that the Memorial Cross would be removed during construction. It is intended that the location of the Cross would be recorded prior to its removal and once construction is complete it would then be replaced at an agreed location, as close as possible to its original location.
9. Disruption due to construction – it is conceded in the ES that overall, construction works associated with the proposed development have the potential to cause disruption in relation to increased noise and vibration levels, the reduction in local visual amenity, and increased frustration due to traffic

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<sup>3</sup> In response to a request for a Screening Opinion, Perth and Kinross Council Planning Department determined that the development proposal required an EIA, in accordance with Schedule 2, Part 10 (f) of the EIA Regulations, as the area of works relating to the project exceeds the one hectare threshold.

management requirements. However, all construction impacts are temporary and will cease once construction is complete.

10. Ecology and nature conservation – In addition to part of the planning application being on land within the Cairngorms National Park, other designated sites in the vicinity include the Forest of Clunie Site of Special Scientific Interest (SSSI) and Special Protected Area (SPA), which are located within 10 metres to the west of the site, and the Shee Water which is part of the River Tay Special Area of Conservation (SAC). Habitats present at the site have been identified as predominantly comprising of grassland. It is accepted in the supporting documentation that the proposed development would result in the loss of existing vegetation onsite, but provides assurance that efforts would be made to replace that on a like for like basis or better, using locally sourced native species. Species records were also examined and on site investigations were carried out in respect of bats and nesting birds. No evidence was found to suggest the presence of bats on the site and neither were nesting birds recorded.
11. Impact of Roads Schemes upon policy and plans – It is stated that the proposed development adheres to national and local policies in respect of improving transport infrastructure. It is however conceded that the development would contravene national and local policies that relate to the conservation and enhancement of the existing environment, due to the overall net loss of existing vegetation on the site. It would also contravene policies relating to the conservation and enhancement of the historic environment, in particular due to the need to remove and reposition the Memorial Cross at the site.
12. Landscape Effects : Landscape Character – Four distinct landscape character types are identified as being present at the site.



**Fig. 5 : Identified Landscape Character Areas (extract from EIS, Non Technical Summary)**

- Landscape Character Area A consists of an undulating lowland area, enclosed by irregular rough pastoral fields and having frequent isolated clusters of housing / farmsteads present. The value of the landscape has been classified as slight.
- Landscape Character Area B refers to the area on the northern approach to the development site, in which there are strong linear lines of deciduous forest following the road network on one side of the road. On the other side of the road there are extensive views over the undulating rough pastoral lowlands. This area is within the National Park and the value of the landscape character has been classified as high.
- Landscape Character Area C is to the south east of the site. From this area there are extensive panoramic views of the undulating lowlands, rising to meet the heather moorland highland glen tops. The value of this landscape character has been classified as slight;
- Landscape Character Area D is located to the west and south west of the site. There are panoramic views of the heather moorland highland glens and parts of the National Park. The glens form the principle landscape feature. The value of the landscape has been classified as high.

The conclusion reached in considering the impact of the development on the four landscape character areas is that areas B, C (through which the A93 carriageway will pass) and D (which is adjacent to the A93 carriageway) will be affected by the proposed development. It is noted that there will be a number of temporary changes to the landscape character during the course of the works, with the impact of those changes being regarded as being 'moderate adverse' with mitigation measures reducing their impact to 'temporary slight adverse.'

13. Landscape Effects : Landscape Visual Impact Assessment – seven representative viewpoints were identified through a desk study and in agreement with Perth and Kinross Council. They represent views towards the development from a variety of visual receptor types, at a range of distances and from various directions. It has been concluded that during the course of construction the works would have an overall slight to moderate adverse impact upon five of the seven survey points. Throughout the operational lifespan of the development “there will remain a permanent slight adverse impact due to the introduction of new infrastructure within an open rural landscape.”
14. Noise and Vibration – ten residential properties have been identified as being sensitive receptors, with minimum distances from the proposed new section of road varying between 45 metres and 600 metres. An assessment of potential road noise and vibration impacts was undertaken, and assuming that proposed mitigation measures are in place it has been concluded in the simple assessment that there would be no change for the majority of noise sensitive receptors in relation to long term traffic noise during operation. It has also been noted that some properties may experience a potential reduction in traffic noise levels due to the proposed junction realignment.

15. Road Drainage and the Water Environment – there are a number of water bodies present within 500 metres of the site, all of which are interconnected.<sup>4</sup> It is confirmed in the EIS that “during construction, current best practise working will be adopted in relation to factors such as drainage, protecting water quality and the local water environment, as well as preventing localised flooding and limiting the risk of accidental spill.”

## DEVELOPMENT PLAN CONTEXT

### National Policy

#### Scottish Planning Policy

16. **Scottish Planning Policy**<sup>5</sup> (**SPP**) is the statement of the Scottish Government’s policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
17. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” 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.
18. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
19. 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

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<sup>4</sup> Allt an Lair burn and Allt Corra Lairage burn which merge and enter the site from the west; the River Shee which is approximately 200 metres to the east of the site.

<sup>5</sup> February 2010

development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

20. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
21. Economic development : Planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. Planning authorities are advised in para. 48 to ensure that new development safeguards and enhances an area's environmental quality and should also promote and support opportunities for environmental enhancement and regeneration.
22. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the "aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
23. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

## Strategic Policies

### Cairngorms National Park Partnership Plan 2012-2017

24. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
  - 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.

### **Local Plan Policy**

#### **Perth and Kinross Eastern Area Local Plan (1998)**

25. The purpose of the Eastern Area Local Plan is to guide development and change in land use in a way that can best serve community interest. The Eastern Area Plan covers approximately 73,000 hectares of the eastern section of the Perth and Kinross Council area and extends from Coupar Angus to Strathardle and Glenshee. The planning policies detailed in the following paragraphs are relevant in the assessment of the proposal.
26. Policies 1 and 2 – Sustainable Development : It is intended to ensure wherever possible that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be unsustainable but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed practical and necessary to minimise the adverse impact. There is an emphasis on maintaining and improving the quality of the natural environment.
27. Policy 2 outlines various criteria against which development proposals will be judged, including :
  - The site should have a landscape framework capable of absorbing, and if necessary screening the development;
  - The development should be compatible with its surroundings in land use terms; and
  - The site should be large enough to accommodate the impact of that development.
28. Policy 3 - Flood Risk : Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.
29. Policies 12, 13, 14 and 15 - Environment and Conservation : In the absence of imperative reasons of overriding public interest, planning consent would not be granted for development which would damage the integrity of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Ramsar Sites and Special Areas of Conservation.
30. Policy 13 states that planning consent will not normally be granted for any development which would have an adverse effect on sites of local nature conservation interest. Developments should seek to protect the integrity of such sites.
31. Policy 14 explains that planning consent will not normally be granted consent for any development which would have an adverse effect on sites supporting

species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; Annex II or IV of the European Community Habitat and Species Directive; Articles 1.4 and 1.2 of the European Community Wild Birds Directive.

32. Policy 15 details that planning consent will not normally be granted for any development which would have an adverse effect upon those habitats and species listed in Annex I and II of the EC Habitats and Species Directive.
33. Policy 21- Archaeology : The policy seeks to protect unscheduled sites of archaeological significance. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.
34. Policy 30 - Public access and informal recreation: It is intended that the Council, in conjunction with others, will seek to improve public access to the countryside and improve informal recreation provision throughout the Plan area.
35. Policy 55: Roads and Transport : It is stated that the Council will seek to give priority to improvements to the A93 north of Blairgowrie in order to improve accessibility to the Glenshee Ski Centre and road safety generally.

### **CONSULTATIONS**

36. **Scottish Water** : There is no objection to the proposal. It is noted in the response that there are no public sewers or public water mains in the vicinity of the proposed site.
37. **Transport Scotland** : The response notes that the proposed development represents an intensification of the use of the site. However, it is also stated that the percentage increase in traffic on the road is such that there is likely to be minimal environmental impact on the trunk road network. As such Transport Scotland has no further comment to make on the application.
38. **Historic Scotland** : there is no objection to the proposal. The response confirms that Historic Scotland is satisfied that there will be no significant effects on the site or the setting of any heritage assets within the remit of Historic Scotland.
39. **Perth and Kinross Heritage Trust** : there is no objection to the proposal subject to the inclusion of a condition pertaining to archaeological investigations.
40. **Scottish Natural Heritage** : there is no objection to the proposal as it not considered likely that there will be a significant effect upon the protected

features of the River Spey Special Area of Conservation, and an Appropriate Assessment is not therefore required.

41. **SEPA** : The response from SEPA considered the development proposal and initially objected to the development due to the lack of information on aspects concerning wetlands. Further information was subsequently provided and the second consultation response from SEPA confirmed removal of the objection, subject to the inclusion of a planning condition requiring that road drainage details are undertaken in accordance with the submitted detail.
42. **Perth and Kinross Council – Transport Planning Team** : the response from the Transport Planning Officer confirms that there is no objection to the proposal.
43. **Perth and Kinross Structures and Flooding Team** :The initial response requested further information in respect of flooding issues. Additional information was subsequently provided and a number of conditions are recommended to be included in the event of the granting of planning permission. The majority of the recommended conditions pertain to elements of the development which are outside the National Park boundary.
44. **Perth and Kinross Council – Planning and Regeneration (Biodiversity)** : it is confirmed in the consultation response that there is no objection. Subject to the various mitigation measures proposed in the Environmental Statement being undertaken, it is considered that there will be little impact on the ecological interests of the area.
45. **Perth and Kinross Environment Service** : Reference is made to the advice of the Environment Service being sought as part of the pre application discussions and “as a result the scheme includes a facility for public access.” There is no objection to the proposal.
46. **CNPA Access** : it is noted that the B951 and the right of way (referred to in application documentation as MTBL/8) form part of the mini Cateran Trail which is becoming increasingly popular. It is noted that the road crossing is not very attractive for users at present and the Access Officer welcomes the opportunity to address this and incorporate measures into the development to improve this and provide users with a suitable and safe crossing.
47. **CNPA Visitor Services** : Reference is made to agreement by the CNPA Board and partners and expressed in the first National Park Plan and in the Sustainable Tourism Strategy that high quality entry points are a key part of the visitor experience. In light of this and given the proximity of the Cairngorms National Park entry marker close to the site of the proposed development, it is advised in the consultation response that the applicants should ensure that vehicles travelling northwards and entering the National Park should have clear and uninterrupted views of the entry marker and that any landscaping undertaken close to the marker is of high quality.



Fig. 6 : View of entry marker

48. **CNPA Economic Development** :Reference is made to the fact that the A93 is recognised as a key tourist route into the Cairngorms National Park and provides access from the south to visitor attractions such as the Glenshee ski centre, the Glenshee Pottery and Visitor Centre which is immediately to the north of the site, as well as onwards to significant tourist attractions at Braemar and Royal Deeside. The A93 is also recognised as being an essential route for local services. In considering the usage of the A93 in the context of access to the wider area, the Economic Development section describes the upgrading proposals as being very welcome.
49. In light of the importance of this key route to the local economy, it is recommended that appropriate traffic management measures should be put in place during the construction works in order to ensure that any large vehicles can still access the area (for example large goods vehicles and coaches). Specific reference is made to the need to consider easing traffic management during particularly busy periods, such as major events like the Braemar Games. This is considered a means by which the negative impact of construction activity on visitors and local residents could be mitigated.
50. **CNPA Ecology** :It is noted that the Environmental Statement concludes that there will be a permanent net loss of existing vegetation. The Ecology Officer comments that this does not sit well with the first aim of the National Park which seeks to conserve and enhance the natural heritage of the area. Consequently It was advised that further effort was required to be made in mitigative landscaping proposals in order to move towards a position where there is no net loss in semi-natural habitat. The Ecology Officer suggested that a means of achieving this could include the disused sections of the road being returned to semi-natural vegetation. This is a point which has been explored in further detail by the CNPA Landscape Officer in her recent discussions with the applicant.
51. In overall terms the Ecology Officer considers that the development is considered to have a significant impact on ecology, but nonetheless has the potential to be addressed by appropriate mitigation measures, and such measures would be required by conditions attached to any grant of planning

permission. Conditions are recommended to address a variety of matters including prohibiting any night lighting of the new bridge;<sup>6</sup> the incorporation of bat roosting opportunities into the design of the new bridge; the undertaking of a pre-construction survey for the places of rest and breeding sites of otters within the overall site boundary and within at least a 30 metre radius in order to ensure that there is no disturbance to European Protected Species; and any works likely to give rise to the disturbance of nesting birds to be undertaken outside the nesting season.<sup>7</sup>

52. **CNPA Landscape** :The initial response from the Landscape Officer noted that potential long term landscape and visual impacts could arise, particularly from changes to local topography and landforms due to the scale of the road and the road earthworks (cut and fill), the loss of tree cover and other vegetation, and the new bridge (although outwith the National Park) being a large new element of infrastructure. A number of deficiencies were identified in the information submitted in support of the proposal (including the lack of detailed landscaping proposals, and the need for further detail to be incorporated into a Construction Method Statement). The Landscape Officer expressed particular concern that in the absence “of detail on what, where and how mitigation is to be achieved there is a high risk that mitigation will be (a) delayed or (b) not achieved at all” and that the proposals could become a long term landscape detractor in a sensitive location.
53. The concerns expressed were conveyed to the applicant and in recent weeks extensive dialogue has been undertaken between the Landscape Officer and the applicant and their advisors. The Landscape Officer provided the applicant with extensive detailed guidance on the nature of landscaping proposals required to provide an appropriate level of mitigation. Some of the works subsequently proposed in the recently submitted drawings display a recognition on the part of the applicant that continuity is required in the landscaping and mitigation measures proposed across the entire development area. Consequently the recently submitted details include proposals on land both within the outside the National Park boundary.
54. The CNPA Landscape Officer considers that the recent proposals substantially address previous concerns, although a number of conditions are recommended to address some remaining matters. The approach of dealing with matters in this way has been explored with the applicant, who accepts that it is the most expedient route by which to enable the planning application to be scheduled for determination at the CNPA Planning Committee on May 24<sup>th</sup>. The applicant has expressed a willingness to provide the remaining required details, and may even be in a position to submit the details in advance of the Planning Committee.
55. Conditions which are recommended by the Landscape Officer to be incorporated into any planning permission granted include providing landscape

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<sup>6</sup> Outwith the area of the site which is within the boundary of the National Park.

<sup>7</sup> In the event that vegetation removal outside the nesting season is not possible, a check for nesting birds would be required to be undertaken immediately prior to the removal of habitats.

maintenance and management proposals and a detailed contractors' construction method statement for the agreement of the CNPA. Conditions are also recommended in relation to the undertaking of earthworks, planting and seeding methods and restrictions on working hours.

## **REPRESENTATIONS**

56. The planning application was advertised in the Perthshire Advertiser and the Edinburgh Gazette. No representations have been received in respect of the proposal.

## **APPRAISAL**

57. Reference has been made in paragraph 2 to the complexity involved in the handling of this planning application, given that part of it falls entirely within the jurisdiction of Perth and Kinross Council as Planning Authority, while the northern area of the subject site is within the Cairngorms National Park. Consequently, the CNPA Planning Committee can only assume responsibility for determining the aspects of the application within the National Park. However, given that the overall proposal will ultimately deliver one integrated road project, there is a need to have an awareness of works which would be undertaken outwith the National Park boundary and the planning conditions imposed by Perth and Kinross Council in determining their part of the application. In the interests of consistency in the approach taken by each Planning Authority and in order to achieve consistency across the development site, efforts will be made wherever possible, in the event of planning permission being granted, to incorporate similar conditions in each decision.

### **Planning policy**

58. As detailed in paragraphs 26-37, the Perth and Kinross Eastern Area Local Plan, which dates from 1998, is the Local Plan applicable to the development proposal. The subject site is within the extended area of the Cairngorms National Park and as such is not covered by the CNP Local Plan (2010), which was adopted prior to the extension of the Park boundary. One of the key Local Plan policies applicable to the development proposal is Policy 55, which addresses Roads and Transport and clearly states that it is the Council's intention to "give priority to improvements to the A93 north of Blairgowrie in order to improve accessibility to the Glenshee ski centre and road safety generally." Further detail in that policy section includes a list of proposed road scheme, the first of which is the A93/B951 Lair junction. The need for the currently proposed works has clearly been a long identified priority. The proposal would undoubtedly assist in improving accessibility to the Glenshee ski centre, as specifically mentioned in Policy 55. As noted above, the Eastern Area Local Plan predates the establishment of the National Park. Had the policy been more recent, it is likely that it would have also considered improvements of the A93 a priority in order to improve accessibility to the Cairngorms National Park. The current proposal would undoubtedly deliver that.

59. In considering the development in the context of other Local Plan policies, a number of those policies focus on 'Environment and Conservation' and clearly state that consent would not be granted for any development which would damage the integrity or have adverse effects on designated sites, sites of local conservation interest or sites supporting various species. Although the policies pre-date the National Park, the range of Environment and Conservation policies in the Local Plan reflect similar aspirations to the National Park aims, particularly the first aim which includes conserving and enhancing the natural heritage of the area. As detailed in paragraphs 7 to 15 of this report, the development proposal required an EIA. Clearly this has examined the environmental implications in significant detail and in some respects has concluded that there would be some adverse impact. However, the information has been considered by relevant consultees, including SNH, SEPA and CNPA Landscape and Ecology advisors. Whilst various points of additional information were required by some consultees in order concerns, ultimately there are no objections from those consultees. Any remaining unresolved issues are of a sufficiently minor nature to be resolved through the use of appropriate conditions in the event of planning permission being granted.

#### **Cultural Heritage**

60. The Cultural Heritage section of the Environmental Statement refers to a number of unscheduled archaeological sites being identified in the vicinity of the development area. The detail has been examined by the Perth and Kinross Heritage Trust<sup>8</sup> and a programme of archaeological works has been recommended to be carried out in order to prevent and mitigate against damage to any archaeological sites. Works include the relocation of the Memorial Cross following the completion of construction works and the undertaking of archaeological monitoring where ground breaking works are carried out in areas that show no evidence of modern disturbance. The implementation of the various measures is sufficient to satisfy Local Plan Policy 21 (Archaeology) which seeks to protect unscheduled sites of archaeological significance.

#### **Landscaping**

61. The Environmental Statement concludes that the development will have a long term moderate adverse landscape and visual impact until the mitigation measures become established. Whilst some adverse impact is to be expected during the construction phase of a development of the nature and scale proposed, it is imperative to ensure that adequate mitigation measures are provided. In this regard, there was some concern at the initial assessment stage regarding the lack of adequate landscaping proposals. The lack of information at that time led the CNPA Landscape Officer to conclude that the level of detail did not sufficiently demonstrate that the development would meet Policy 9 of the Perth and Kinross Eastern Area Local Plan, which seeks to safeguard the intrinsic landscape quality of the area. The lack of detail was particularly disappointing given that landscaping concerns had been highlighted by the CNPA when asked to input to the proposal during the latter stages of pre-application discussions. Nonetheless, following recent intensive

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<sup>8</sup> Also referred to in the planning report from Perth and Kinross Council as the 'Area Archaeologist.'

discussions between the applicant and the CNPA's Landscape Officer, sufficient information has now been provided to substantially satisfy landscape concerns. The development will undeniably alter the landscape in this area, but with the implementation of appropriate landscaping / mitigation proposals, the level of impact can be countenanced.

### **Conclusion**

62. The development proposal can be considered to substantially accord with many relevant planning policies, and minor modifications can be made (and requested through conditions) in order to achieve a greater degree of compliance with some policy aspects. As noted in the foregoing paragraph, the development will have a degree of adverse impact, particularly in terms of altering the landscape. However, in coming to a decision on this planning application, there is a need to balance the potential impacts against the improvements that would be achieved to this section of the A93 and the B951, and in particular the proposed new, improved junction arrangement. The development has long been identified as a priority road project in the Perth and Kinross area. It will deliver improved road safety for users and overall is considered acceptable. It is recommended that planning permission be granted in accordance with the conditions set down at the end of this report.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

63. The development proposal would result in the loss of semi natural habitat, and would also necessitate the felling of a number of trees. In this respect the works cannot be considered to conserve the natural heritage of the area. However, a range of measures have been proposed both in the original application documentation and in more recently submitted landscaping proposals, which have the potential to provide enhancement in the longer term.
64. The immediate impact on the cultural heritage of the area would result from the necessary removal of a historic Cross from its current location in order to facilitate construction. The Cross would be reinstated to an appropriate location in the immediate vicinity in the post construction phase. As such the development would not negatively impact on the cultural heritage of the area in the longer term.

### **Promote Sustainable Use of Natural Resources**

65. As a significant engineering undertaking the development is of limited relevance to this aim.

### **Promote Understanding and Enjoyment of the Area**

66. The construction activity associated with a development of this nature and scale will undoubtedly inconvenience those using the public road network, although measures will be introduced to manage traffic flow during that time. Once completed the development would deliver a substantially improved section of road, with the associated safety benefits, and could have the



potential to improve the general experience of those entering the National Park.

### **Promote Sustainable Economic and Social Development of the Area**

67. The road improvements would result in improved safety on the route and at the junction. In addition to this being of benefit to regular and local users, and to those accessing the area for business or enjoyment. As such it can be considered to make a positive contribution towards the economic and social development of the area.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT planning permission for the aspects of the overall development proposal which are within the boundary of the Cairngorms National Park (with the overall proposal consisting of the realignment of the A93 and the B951, construction of a new A93/B951 junction and a bridge over the Allt na Lair burn) on land 50 metres to the south of East Lair, Glenshee, subject to the following conditions :**

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

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

2. The development shall be undertaken in accordance with the application documentation and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent. The development shall be undertaken in its entirety, with no partial implementation and construction activities shall be completed within an 18 month period from the commencement of the development unless otherwise agreed in writing by the Planning Authority.

**Reason :** To ensure that the development is implemented in accordance with the application documentation and that it is constructed in one continuous phase and within an acceptable timescale.

3. Prior to the commencement of development a detailed design to deal with surface water shall be submitted for the written agreement of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority, in consultation with SEPA. This shall ensure surface water is diverted to the head of the wetland to the East of the A93. Thereafter the development shall be fully undertaken in accordance with the approved plans.

**Reason :** In the interests of protecting environmental quality.

4. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and a Contractors Construction Method Statement (CMS) shall be submitted for the written agreement of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority, in consultation with SEPA and Perth and Kinross Council's Environmental Health Section. Details shall include :
- (a) Specific measures for environmental monitoring during construction;
  - (b) Identification of the location of soils storage and details of reinstatement earthworks; and
  - (c) Detailed pollution avoidance and mitigation measures for all construction elements.

Thereafter the development shall be fully undertaken in accordance with the approved CEMP and CMT.

**Reason :** In the interests of visual amenity, to ensure necessary facilities are in place, and to minimise pollution risks arising from construction activities.

5. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted for the written approval of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

**Reason :** In order to ensure the protection of any archaeological interest in the vicinity of the site.

6. Soiling, planting and seeding shall be undertaken in accordance with the details on drawing CS057617/3000/001 (Landscaping Plan) and drawing CS057617/600/003 (Earthworks Topsoil), with the exception that the latter drawing shall be amended to specify shade tolerant woodland mix grass seed across areas planted to trees. All landscaping shall be implemented to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority no later than the first planting season following the commissioning of development. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure all to the satisfaction of the Planning Authority.

**Reason :** In the interests of the visual amenity of the area and to ensure that restoration and reinstatement works complement and enhance the local landscape character.

7. Prior to the commencement of development, details of the path link between the MTBL/8 footpath and the CATERAN TRAIL shall be submitted for the written

approval of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority. This shall detail the specification of the footpath, details of the self-closing gate and location as well as the location of new directional signage relating to the Cateran Trail and any crossing points on the public road. Following approval the infrastructure shall be installed on completion of the construction works all to the satisfaction of the Planning Authority.

**Reason :** To ensure improvements in public access between existing footpaths and the Cateran Trail.

8. The discharge rate from the road drainage system to water body/watercourse will not exceed Greenfield runoff rates. Full design calculations shall be submitted for the written approval the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority, in consultation with the Perth and Kinross Council Flood Team prior to commencement of any works. Thereafter the development shall be fully undertaken to accord with the approved details associated with this condition all to the satisfaction of the Planning Authority.

**Reason :** To alleviate the potential risk of flooding due to impedance of flood flows and reduction in flood storage capacity.

9. Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays, with no working on Sundays, local or national public holidays unless otherwise agreed in writing with the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority.

**Reason :** To minimise noise disturbance and light pollution in an area characterised by a sense of seclusion and tranquillity, and in order to protect the amenity of nearby residential properties.

10. Earthworks shall be undertaken in accordance with the details on drawing no. CS057617/600/001 (Earthworks Excavation), except where that drawing shall be amended prior to the commencement of development to specify the removal of old road surface and / or the creation of tree planting pits. The amended drawing shall be submitted for the written approval of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority prior to the commencement of development and all works shall be undertaken thereafter in accordance with the agreed details.

**Reason :** To allow for tree planting and the successful establishment of trees and understorey on the section of the old road on the eastern side of the burn.

11. Prior to the commencement of development, detailed proposals for landscape maintenance and management shall be submitted for the written approval of the Cairngorms National Park Authority and Perth and Kinross Council, both

acting as Planning Authority. The detailed proposals shall identify the lead agent responsible for the delivery, and also the following details :

- (a) The contractor maintenance period;
- (b) A 3 year establishment period; and
- (c) Longer term management proposals.

**Reason :** To ensure that all restoration and reinstatement works complement and enhance the landscape character and the experience of the road user at a key entry point into the National Park.

12. No vegetation removal shall be undertaken during the recognised bird nesting season between April and August (inclusive), unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. In the event that work is required in exceptional circumstances to be undertaken during the period from April to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

**Reason:** In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

13. Prior to the commencement of development, a pre-construction survey for the places of rest or breeding sites of otters should be carried out within the overall site boundary and within at least a 30 metre radius, and shall be submitted for the written agreement of the Cairngorms National Park Authority and Perth and Kinross Council, both acting as Planning Authority, in consultation with Scottish Natural Heritage (SNH). In the event that an otter holt is detected, no activity shall commence in that area without the prior consent of SNH.

**Reason :** In order to avoid endangering European Protected Species.

### **Advice Notes**

- (a) CEMP shall include a schedule of noise and vibration monitoring; this must be implemented throughout the construction period to demonstrate compliance with the lowest threshold levels. As well as a method statement of all works that has the potential to cause disturbance to demonstrate best practice. It should also include mitigation measures associated with the Groundwater Dependent Terrestrial Ecosystems (GWDTEs).
- (b) The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)

- (c) Any on-site reuse of the stones from existing drystone dykes should be carried out sensitively (including temporary storage) in order to protect their long-established lichen interest. For example, stones should be stored and relaid to ensure lichens continue to be outward facing.
- (d) Efforts shall be made in perpetuity to ensure that any landscaping in the area immediately surrounding the Cairngorms National Park is maintained in a manner that does not obscure the marker.
- (e) During the construction period, consideration should be given to putting special traffic management measures in place during special events in the general area, (for example the Braemar Gathering) that would be likely to generate increased traffic levels on the road network.
- (f) Efforts should be made to incorporate bat roosting opportunities into the design of the new bridge.

**NOTE :** The above detailed conditions and advice notes form the basis of the decision notice issued by the CNPA acting as Planning Authority in respect of the elements of the development which are within the National Park boundary. The decision notice should be read in conjunction with the separate decision notice issued by Perth and Kinross Council acting as Planning Authority, in respect of the elements of the development outwith the National Park boundary (Planning Ref. No. 13/00161/FFL). Both decision notices shall formally constitute the overall decision notice pertaining to the entire development.

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