
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE CONSTRUCTION OF A CYCLEWAY ADJACENT TO THE B970 AND C38 INVERDRUIE TO GLENMORE ROAD, AVIEMORE.

REFERENCE: 07/253/CP

APPLICANT: FORESTRY COMMISSION SCOTLAND,
INVERNESS FOREST DISTRICT, TOWER ROAD, SMITHTON, INVERNESS, IV2 7NL

DATE CALLED-IN: 29TH JUNE 2007

RECOMMENDATION : GRANT WITH CONDITIONS

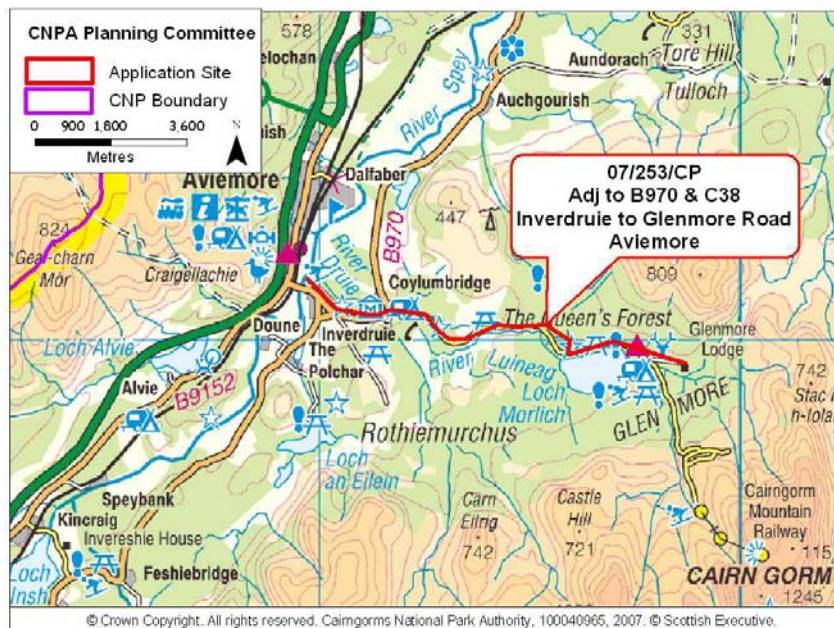


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the construction of a cycleway from Inverdrue to Glenmore Forest Park. The proposal is the final section of the Aviemore – Glenmore cycleway. Development has already occurred from Aviemore to Inverdrue on the western side and from the entrance to Badaguish Outdoor Centre through Glenmore Forest Park to its point of termination close to the Forestry Commissions visitor centre at Glenmore. This final stage of the route is proposed between the two existing sections.
2. The section of the proposed cycleway for which permission is being sought in this application starts from Dellmhor, which is approximately 1 kilometre to the south east of Aviemore. The route is approximately 5 kilometres in length and is proposed on land adjacent to the ski road which links Aviemore and the Cairngorm Mountain ski centre. Supporting documentation, including a general description and specification drawings, submitted in conjunction with the development proposal, identifies five distinct sections of the route –
 - Section 1 – a length of 1,320 metres from Dellmhor to the road bridge at Coylumbridge on the south side of the road through regenerating pinewood;



Fig. 2 : view westwards from the lay-by adjacent to Rothiemurchus Caravan and Camping Park

- Section 2 - a 692 metre stretch from Coylumbridge to the Achnahatnich road end on the south side of the road through pinewood. This section of cycleway would also utilise the existing footpath adjacent to the public road over the River Drue at the junction of Ski Road and the B970;



Fig. 3 : view westwards towards proposed track, close to where it is proposed to cross the road as it approaches the Achnahatnich road end

- Section 3 - the route crosses to the north side of the road at the Achnahatnich road end. This section is 692 metres in length;
- Section 4 – this extends over a length of 1,346 metres from the Achnahatnich dyke to the Moormore track on the north side of the road through pinewood;



Figs 4 and 5 : proposed location of cycleway as it approaches the Moormore track

- Section 5 – the final length of cycleway extends 1,420 metres through pinewood along the north side of the road, from the Moormore track to the Badaguish road end.



Figs 6 and 7 : route of cycleway as it approaches the Badaguish road end

3. Although termed a 'cycleway' the path is intended to have multiple use and provide a safe and direct alternative route adjacent to the road between Aviemore and Glenmore. It is proposed to have a finished width of between 2 metres and 2.5 metres, although the working path width during construction could be as wide as 3.0 metres. It is indicated in documents detailing the 'general approach and style of construction' that the finished path is intended to be as unobtrusive as possible and should fit comfortably into the terrain it crosses, with the minimum of impact and disturbance to surrounding flora, fauna and wet flushes. It is intended that turf taken from the excavation of the path line would be used later to narrow in the path to the finished width.

4. The path surface for the most part is proposed to be imported materials, comprising of various amount of fill material,¹ together with 50mm type 1 sub-base, overlain with 25mm of compacted quarry dust. A granite cobbled section of cycleway is proposed to be created where the cycleway crosses existing tracks, such as its crossing over the Moormore track. The use of pedestrian barriers or large boulders, placed at 1 – 2 metre centres across the cycleway is also proposed at the junction of the cycleway with existing tracks. Section no. 3 of the proposed route would also necessitate the construction of a 4 metre long wooden bridge across a burn.² A number of passing places are proposed at various locations along the route, particularly in sections 4 and 5. Passing places would have an area of approximately 10 square metres.

5. At the outset the supporting documentation acknowledges the existence of nature conservation designations in the vicinity. Reference is made in particular to the fact that the entire work site is located within a Site of Special Scientific Interest. It is intended that the path line would meander within a 30 metre wide corridor adjacent to the road. The meandering effect is intended to provide the opportunity to avoid specimen trees, areas of Juniper, sensitive flushes and wood ant nests. In an effort to ensure that the integrity of the designated sites is not compromised, a number of measures have been proposed. In the event of the granting of planning permission it is proposed to mark the detailed route of the path with bamboo canes and ensure that a site visit by **Scottish Natural Heritage** is undertaken to confirm the precise route prior to any turf being cut. In addition other proposed measures include avoiding cutting branches from trees between March and June; the use of soil surplus to requirements for the re-instatement of paths, tracks or near by lay-bys; and the seeking of approval from **Scottish Natural Heritage** prior to the removal of cutting of any juniper bushes. In addition, it is also proposed to hold a pre-commencement meeting with **Scottish Natural Heritage** to agree commencement and completion dates, precise construction methods, protocols for construction vehicles, and also agreement on the location of ant nests³ and the marking of nests in order to ensure that operations avoid them. An extract from the supporting documentation submitted in conjunction with this application is attached to the rear of this report which provides more detail on the construction methods proposed.

¹ Fill material of either 500mm or 1000mm is suggested at various locations to create the causewayed path.

² The burn crossing would be approximately 230 metres to the south east of the Achnahatnich Farm Road.

³ Narrow headed ants, Scottish wood ants and hairy wood ants have been identified in the area.

6. In addition to the above detailed measures which would occur prior to the commencement of the proposed development, I also understand that a pre-tender site visit has recently taken place⁴ for the near future, involving all contractors invited to tender. Officials from **Scottish Natural Heritage** attended the meeting in order to explain to contractors the importance of the habitat.

DEVELOPMENT PLAN CONTEXT

7. **NPPG 11 – Sport, Physical Recreation and Open Space** sets the national policy context within which to assess developments of the nature proposed. A section entitled ‘The Countryside : Sport and Recreation in Rural Areas’ (paras.60 – 67) is of particular relevance, and it is acknowledged that in addition to widespread participation in ‘informal recreation’ such as hill walking and rambling, a smaller but growing number of people are taking part in more ‘organised sports’. Cycling and horse trails are specifically mentioned. In addition to recognising that natural resources for specific activities attract visitors to the countryside, **NPPG 11** also alludes to the fact that people residing in rural areas have the same need for sport and recreation facilities, and given the often scattered population of rural areas, it is often the case that a combination of support and use of facilities by residents, tourists and visitors are the only means by which such facilities are viable. In addition, **NPPG 11** highlights the fact that the provision of recreation facilities in rural areas has a significant purpose “in contributing to the retention of population and in promoting tourism, hence having an impact on the rural economy.”
8. **NPPG 11** is realistic in noting that there are concerns about rural recreation, for example where there may be conflict between active sports such as mountain biking and more passive sports, such as walking or fishing. Other concerns highlighted include the environmental impact of recreational pursuits and their related developments, their relationship to rural land management, and “how they can be harnessed to bring benefits to the rural economy without posing a risk for landscape, nature conservation and rural management objectives.”
9. Paras. 64 and 65 of **NPPG 11** provide guidance on the provision of recreational facilities within sites designated for nature conservation purposes or areas designated for their national landscape or cultural heritage importance. It is recognised that some recreational developments may be inappropriate but “there is no general prohibition against development in these areas.” In general however, the approach of the strategic provision of managed facilities or the selection of alternative locations is advocated as a means of possibly reducing visitor pressure on the more sensitive environments.

⁴ The site visit was scheduled to take place during the week commencing 6th August 2007.

10. Other national level advice is contained in **NPPG 14 on Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
11. Under a section entitled Enjoyment and Understanding of Natural Heritage **NPPG 14** acknowledges that “the natural heritage is enjoyed both for its intrinsic value and as a setting for open air recreational and educational activities which depend on its qualities.” The benefits of natural heritage linked to open air recreation are recognised in the form of economic benefits to rural communities due to visitors being attracted to an area, as well as indirect benefits to the nation in terms of health and quality of life. Para. 22 of the Planning Guidance advises that Planning Authorities should seek to identify opportunities for promoting the enjoyment and understanding of the natural heritage which are compatible with its conservation.⁵
12. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns. Para. 50 stresses the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with under section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever appropriate, planning permissions make adequate provision for the preservation or planting of trees.
13. **Highland Council Structure Plan 2001**
The **Highland Structure Plan 2001** includes several policies that are broadly applicable to the type of development proposed, including policies on sport and recreation as well as tourism and the environment. The benefits of sport and recreation facilities are highlighted in section 2.5.1 of the Plan, where they are attributed to making an important contribution to sustainable development and enhancing the health and quality of life of the residents of the Highlands. The Plan’s strategic themes include encouraging the

⁵ Guidance on this has been prepared by Scottish Natural Heritage - *Countryside Recreation and Access Strategies : Guidance for Local Authorities* (1997).

“adoption of a proactive approach to the wise use of the natural environment”.

14. Section 2.5.10 of the Plan concentrates on the subject of informal recreation and access, noting that it is of very high importance, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry. The Plan however recognises that increasing demands for access necessitates the achievement of a balance between accommodating the needs of countryside users and protecting the fragility of the Highland countryside. Section 2.5.13 of the Plan notes that the “protection of rights of way and provision of an integrated system of well maintained and signposted paths catering for walking, cycling and equestrian use are a valuable resource for local communities and visitors, both in terms of providing access and heightening appreciation of the wider environment.
15. The **Highland Structure Plan** also includes a number of detailed policies on Tourism which are considered pertinent to the development proposal. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. Section 2.7.1 also highlights the fact that community needs should also be considered in order to ensure that facilities and opportunities are provided which serve the needs of both visitors and local residents.
16. **Policy T2** of the Structure Plan aims to support high quality tourism development proposals, particularly those which extend the season, spread economic benefit more widely and provide opportunities for the sustainable enjoyment and interpretation of the area’s heritage.
17. The **Structure Plan** includes a detailed section on forestry, noting that it is a significant land use within the Highlands, and highlighting the fact that forests increasingly serve a variety of purposes besides commercial timber production (section 2.10.3). The opportunity to provide an important network of recreational facilities, capable of accommodating a much higher number of visitors than more open areas is emphasised.
18. The proposed site is located within a National Scenic Area. The Cairngorms Mountains NSA has been designated for its landscape quality.

Badenoch and Strathspey Local Plan (1997)

19. The **Local Plan** details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage. The conservation strategy advocated for the countryside includes provision being made for the restoration and expansion of the core Caledonian Forest, and the upgrading of facilities for recreation, tourism, interpretation and education / research in more robust locations. In particular, multiple use of forest areas is encouraged.
20. The proposed cycleway is located on land identified as the Glenmore Corridor in the **Badenoch and Strathspey Local Plan (1997)**. The majority of the route is within a Site of Special Scientific Interest.⁶ The Plan states that "the Council recognises the integrity of the corridor linking from the Spey into the Cairngorms, its distinctive conservation features and the mounting visitor pressure." The general development policy for the area is outlined in section 4.14.1 of the Plan where it is stated that reasonable consolidation and improvement of established businesses is acceptable in principle, although a strong presumption will be maintained against further new development throughout the area "except where this is considered essential for the proper management of visitors." It is the policy to avoid conflict between users and activities, hazard or jeopardy to public safety or damage to the environment.
21. The general topic of Tourism and Recreation is addressed in Policy 2.2.9 of the Local Plan where it is acknowledged that tourist activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities is balanced with protecting the area's exceptional scenic and heritage resources. The Local Plan also states that the more accessible intermediate lowland areas have potential for a broad range of activities and that provision should be made for upgrading recreation, tourism, interpretation and education / research facilities in the more robust locations better able to absorb visitor pressure. Multiple use of forest areas in particular is encouraged.

Cairngorms National Park Plan (2007)

22. The Cairngorms National Park Plan has a number of strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are set out under three broad headings – (i) conserving and enhancing the park; (ii) living and working in the park; and (iii) enjoying and understanding the park.

⁶ North Rothiemurchus Pinewood SSSI.

23. In terms of conserving and enhancing the park, the specific objectives are intended to ensure the management of the natural and cultural heritage of the Park whilst recognising the interdependence between the special qualities and the important links to the socio-economic viability of land management, businesses and communities. The Park Plan includes a strategic objective for Landscape, Built and Historic Environment, which has a number of aspects including maintaining and enhancing the distinctive landscapes across the park and ensuring that development complements and enhances the landscape character of the park. Also in relation to the conservation and enhancement of the Park, the subject of biodiversity is addressed in considerable detail. Reference is made to Natura 2000 sites⁷ and it is highlighted that there is an “obligation by law to prevent any activities being undertaken which are likely to have an adverse impact on the qualifying features of interest, unless such impact would be caused by an activity that is in the overriding public interest and for which, there was no available alternative. One of the strategic objectives for biodiversity which is of particular relevance to the current application is to “develop awareness and understanding of the interactions of land-uses, tourism, outdoor access and nature conservation amongst other interests.”
24. Continuing on the theme of conserving and enhancing the Park, the Plan includes strategic objectives for Forest and Woodland Management. Objectives include promoting multi-objective forest and woodland management that delivers environmental, economic and social benefits and also promoting the value of forests and woodlands as a major sustainable tourism asset, increasing the derived economic benefits to woodland owners and local communities.
25. Under the heading of ‘Enjoying and Understanding the Park’ the Park Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and that this in turn requires “a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.” The Plan also emphasises that enjoyment of the area is not only relevant to those people travelling to the Park, but is also part of the everyday experience of those living in and around the area. There are a number of strategic objectives which are of relevance in relation to ‘Sustainable Tourism.’ Objectives include improving and maintaining the quality of the experience in the Park for all visitors, communities and those working within the tourism industry; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and also to encourage an optimum flow and spread of visitors across the Park and minimise social and

⁷ Natural 2000 is a European network of protected sites which represent areas of the highest value for habitats and species of plants and animals which are rare, endangered or vulnerable in the European Community. The network includes Special Areas of Conservation and Special Protection Areas.

environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

26. A specific section of the Park Plan addresses the subject of 'Outdoor Access and Recreation' and strategic objectives of relevance to this proposal include – encouraging people of all ages and abilities to enjoy and experience the outdoor environment; developing a co-ordinated approach to the sustainable management of high quality outdoor access and recreation by the public, private, community and voluntary sectors; planning for outdoor recreation needs and opportunities in a co-ordinated way across sectors; and developing a high standard of responsible management of outdoor access based on a common understanding of the needs of access managers and users.
27. Emanating from the strategic objectives, the **Cairngorms National Park Plan** identifies Priorities for Action. This is essentially a programme of work in key areas for the five year period from 2007 – 2012. One of the priorities is to provide high quality opportunities for outdoor access and amongst the specific actions identified to achieve this is to improve or extend strategic routes. The completion of the Aviemore to Glenmore off-road route is one of the specific actions identified.⁸

CONSULTATIONS

28. **Scottish Natural Heritage** has provided a detailed consultation response stating that there is no objection to the proposal. “**SNH** is confident that the proposal will ensure that the special features of the designated sites will be safeguarded.” In addition it is stated that **SNH** support the proposal in relation to the access remit because “the proposal is an important link in providing off road access in one of the National Parks key outdoor recreation localities.”
29. The response details the natural heritage interests affected, referring to the fact that the proposed development site lies within -
 - Cairngorms Special Protection Area (SPA) - a European site, designated for woodland and upland breeding birds, with the qualifying features relevant to this application being Scottish crossbill, osprey and capercallie;
 - Cairngorms Special Area of Conservation (SAC) - a European site designated for a number of habitats and species. Qualifying features relevant to this application include Caledonian Forest, bog woodland, dry heath, wet heath, juniper, otter and Atlantic salmon;

⁸ Other works identified include the extension of the Speyside Way to Newtonmore, ensuring that the Speyside Way is suitable for the widest possible variety of users, and the completion of the Deeside Way to Ballater.

- Within 30 metres of the boundary of the River Spey Special Area of Conservation (SAC) – European site, with the qualifying features relevant to this application being otter and Atlantic salmon;
- North Rothiemurchus Pinewood Site of Special Scientific Interest (SSSI) – a site of national interest which has been designated for a number of habitats and species associated with native pinewood. The qualifying features relevant to this application include Caledonian forest, vascular plant, fungi, lichen and invertebrate assemblages, breeding bird assemblages, and specifically capercallie, Scottish crossbill, osprey and crested tit.

SNH also consider that the proposal may have an impact on European protected species including otters, bats and wildcat.

30. In terms of the European sites, **SNH** consider that the proposal is not connected with or necessary for the conservation management of the site. In relation to the Cairngorms SPA **SNH** have already carried out a Natura appraisal, examining potential impacts to capercallie, Scottish crossbill and osprey. Measures to avoid impacts on the species have been built into the construction protocol. **SNH** advise that although the proposal is likely to have a significant effect on the qualifying interests of the site, the proposed methods to avoid damage to potential nest sites, timing of works, follow up guidance to route users and the details contained within the 'general description' (Document 2 of supporting information) of the methods of construction will result in the proposal not adversely affecting the integrity of the site. Consequently **Scottish Natural Heritage** consider that an appropriate assessment is not required.
31. **SNH** have also carried out a Natura appraisal on the potential impacts to Natura habitats and species within the Cairngorms SAC. It is concluded that the proposed construction of the cycleway on the Natura sites will be mitigated by habitat reinstatement within the site and that other measures to avoid impacts to habitats and species are built in to the construction methods. Similar to the Cairngorms SPA **SNH** advise that the proposal is likely to have a significant effect on the qualifying interests of the site. However, it is advised on the basis of "SNH's involvement in the development, implementation and completion of habitat mitigation measures and the details contained within the method statement that the proposal would not adversely affect the integrity of the site." Consequently SNH consider that an appropriate assessment is not required.
32. The consultation response from **Scottish Natural Heritage** also comments on European Protected Species. The Natura appraisal concluded that there would be no significant effect on otters. It is noted that bats have been recorded feeding in the area and that they may roost in the cavities of trees within the proposed development site. On

this point however **SNH** note that no large trees are planned to be removed and accordingly no loss of potential roosting sites is expected and “any proposals to remove trees will be subject to consultation with **SNH**.” There is no information to suggest that wildcats are present on the proposed development site. However, if encountered during construction **SNH** have stated that developers will be advised. Overall in relation to European Protected Species **SNH** consider that there will not be a significant impact.

33. The final comments in the response from **Scottish Natural Heritage** relate to national interests, and in particular the North Rothiemurchus Pinewood SSSI. Reference is made to the site comprising of Caledonian pinewood which supports vascular plant, fungi, lichen, invertebrate and breeding bird assemblages and crested tit. **SNH** are satisfied that measures to avoid impacts to these species have been built into the construction protocol. **SNH** consider it unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly.
34. **SEPA** have assessed the proposal and it is noted in the consultation response that it is proposed to culvert a number of small watercourses and ditches to allow for the cycleway crossing to prevent the build up of surface water behind the path. It is proposed to cross the Allt na Caber Burn using a footbridge. **SEPA** state that there is no objection to the proposal given its small scale and the nature of the works proposed.
35. In the event of consideration being given to the granting of planning permission **SEPA** request that a condition is attached requiring that a detailed site specific construction method statement is submitted, to be agreed with the planning authority, in consultation with **SEPA**, prior to the commencement of works on the site. The construction methods must be implemented in full during works on the site. This is all in order to prevent potential water pollution. **SEPA** recommends that the method statement addresses the following –
 - Surface water run off – measures should be provided to prevent erosion, sedimentation or discolouration of controlled waters, along with monitoring proposals and contingency plans;
 - Timing of works – works should be undertaken to avoid periods of high rainfall;
 - Fuel or chemicals – measures to ensure any fuel / chemicals from plant does not cause pollution;
 - Landscaping works – planting should be undertaken to minimise run off;
 - Waste – all waste streams associated with works should be identified.

36. The **Area Roads and Community Works** division of Highland Council state that there is no objection to the development proposal subject to the applicants prior agreement with the Roads Authority, in consultation with the Planning Authority, of the detail of any works required within the public road boundary.
37. Highland Council's **Archaeology Unit** was consulted on the proposal and the response states that no archaeological condition is required in the event of the granting of planning permission.
38. **Rothiemurchus and Glenmore Community Association** have responded that they are delighted that the area may at last get this long awaited path.
39. A detailed response has been provided from the CNPA's **Visitor Service and Recreation Group**. The rationale for the proposal is outlined at the outset, where the proposed off road route is described as providing a non motorised alternative route between Aviemore and Glenmore, avoiding a busy road. The response details the fact that Forestry Commission Scotland have already constructed a route from Glenmore to the boundary of their property with Rothiemurchus Estate and that Highland Council has completed a cycling route between Aviemore village and Inverdrue. The current proposal would therefore provide the link between the two completed sections at either end of the route.
40. **VSRG** refer to the Rothiemurchus to Glenmore corridor, which provides access to a wide range of activities and destinations,⁹ being the busiest area in the National Park, attracting some 500,000 people per annum. Reference is made to the existing road through this area of the Glenmore Corridor being shared by vehicular and a variety of non vehicular traffic at present and **VSRG** consider that the provision of an off-road route would be a direct incentive to those wishing to leave a car behind and explore the area using non-motorised means.
41. The response from **VSRG** highlights the fact that the completion of the off road route is a priority for action in the **Cairngorms National Park Plan**. The completion of the route would contribute further to the achievement of the priorities in the Outdoor Access Strategy as it would assist in linking communities through the provision of a safe walking and cycling route to workplaces, schools and for leisure. The importance of a path through this entire area has also been highlighted by the public in the course of consultation on Core Path Planning and as a result the proposed route is included as a potential core path in the **Interim Draft Core Path Plan**.

⁹ Activities and destinations mentioned by VSRG include the area being the main link to Coire Cas for skiing, as well as other winter and summer climbing and walking opportunities; the Funicular which attracts approximately 160,000 visitors per annum; and low level walking and cycling.

42. **VSRG** note that the route has been presented as a 'cycleway'. However from an access perspective it is considered that it would be a lost opportunity if it did not cater fully for a wide range of users, including horses and wheelchairs, as well as pedestrians. **VSRG** recognise that the route has been designed with multiple use in mind and reference is made in particular to factors such as the path width and the type of surfacing specified. However, some concern is expressed about the proposed pedestrian barriers and the placement of boulders, largely due to a concern that the route should offer "a seamless open passage between Inverdrue and Glenmore." Therefore any barriers which would require users to stop, dismount or open a gate would seriously detract from the attractiveness of the route to users. It is essential that any pedestrian barriers erected where the route comes onto / off the road should ensure easy passage for all users. In order to achieve this **VSRG** suggest that barriers are staggered at 2.5 metres apart, as opposed to the 2 metre distance currently proposed. This would be sufficient to slow users without necessitating a major change in direction. It is also suggested that the material and design of the barriers should reflect the rural environment in which the route is being constructed and the preference would be for wooden barriers rather than galvanised ones. An increased separation distance between proposed boulder positions is also suggested. A minimum gap of 1.2 metres, in accordance with recommendations in the *BT Countryside for All* standards, in order to ensure all abilities access.
43. Suggestions are also made in relation to the specification of the proposed wooden footbridge. Suggestions made by **VSRG** include a non-slip paint or strip being used on the surface and the avoidance of a wire mesh on the surface; hand rails raised to 1.5 metres high; and bridges having fenced wings to prevent erosion in the adjacent area and also to avoid shying by horses using the route.
44. The response from **VSRG** acknowledges that there is a body of opinion that the less barriers there are on a route, the more potential there is for it to be accessed for illegal use, such as motorbiking or quad biking activities. **VSRG** however consider that "the more open the route is to multi-use the more people there will be using it and in a position to deter illegal use." It is also suggested that an easy system of reporting illegal use can help to head off such issues.
45. The final issue raised in the consultation response from the **Visitor Services and Recreation Group** relates to signage and the Scottish Outdoor Access Code. **VSRG** does not consider that the proposed route would have a greater impact on land management or forestry activities, over and above current impacts presented by the existing road which is in close proximity. Reference is made to the submitted

Environmental Impact Assessment,¹⁰ which raises the issue of uncontrolled dogs and their effect on bird life and deer management. The response from **VSRG** concurs with the mitigation measures suggested, namely that signage compliant with the Scottish Outdoor Access Code is placed at sites of the greatest sensitivity, alerting users to the sensitivities. **VSRG** also suggest that there may be a need to erect signage on the forestry tracks traversed by the route in order to warn of people crossing the track.

46. The CNPA's **Natural Heritage Group** has examined the proposal from a landscape perspective and a detailed response has been provided which generally supports the principle of the development proposal. The response notes that the site is within the Cairngorm Mountains National Scenic Area¹¹ and that it is also proposed to traverse through Rothiemurchus Forest.¹² Reference is made to the route being in proximity to a busy road, as well as passing close to houses, a hotel, a caravan and camping site, as well as access points to other facilities. Despite this it is commented that the overall feel along the proposed route is one of seclusion, "with a sequence from the more developed Aviemore area to the remoter Loch Morlich area, where natural forests and heaths with views of the mountains become increasingly dominant."
47. In assessing the landscape impact it is commented that at the local level the proposed route would be visible from the Aviemore – Glenmore road, particularly where it is seen crossing slopes. However, for the most part it will be seen in the context of trees and it is acknowledged that the scale of the proposed route and its setting predominantly within or to the edge of woodland is unlikely to make it prominent in the wider landscape.
48. Whilst broadly accepting the development proposal some concern is raised regarding the wet nature of the terrain through stretches of section 4 and 5 and the consequent practicalities of construction and the resultant impacts of the proposed path through those stretches. It is recommended that this aspect of the scheme is closely monitored and that specialist advice and guidance is sought from the CNPA's Access Officers in order to confirm the appropriateness of the proposed design solution.

¹⁰ The document is not an EIA which has been prepared specifically in relation to this current application. It was prepared in 2001 on behalf of 'Cairngorm, Rothiemurchus and Glenmore Group' and provides environmental information relating the overall Aviemore – Glenmore off road route.

¹¹ Identified key features of the Cairngorms Mountains NSA include the granite plateau of the Cairngorms, key summits, corries and the plateau area, the tiered slopes and the Caledonian pine forests.

¹² The landscape response refers to Rothiemurchus Forest being noted for its "pine and birch forests with rich under storey vegetation and various lochs and lochans."

49. The **NHG** response on landscape advises that further detail should be provided in relation to trees to be retained or removed and the protection measures to be applied in the context of BS 5837: 2005, 'Trees in relation to construction.' Amongst the details suggested for inclusion are the spread of the root and canopy zones; details of all excavation or fill of materials in these areas; proposed tree works such as crown up-lifting; and any required protective fence line.
50. Similar to the response from **SEPA** it is also suggested that a construction method statement should be provided and agreed prior to the commencement of any works on site. **NHG** suggest that the statement should verify the working area, the scope of operations and measures to ensure that the site's sensitivities will be adequately protected during site works. It is also recommended that a Landscape Clerk of Works, or otherwise suitably experienced site supervisory personnel be employed on site.

REPRESENTATIONS

51. No representations have been received in respect of the proposed development.

APPRAISAL

52. On the basis of national, regional and local level planning policy as outlined in earlier sections of this report, the principle of this type of recreational development is acceptable, and indeed supported by policy. However, as detailed in foregoing sections of this report the proposed cycleway lies within a number of sites designated for natural heritage interests, including the Cairngorms Special Protection Area, Cairngorms Special Area of Conservation and the North Rothiemurchus Pinewood Site of Special Scientific Interest. Consequently it has been necessary in the assessment of the development proposal to consider the impacts of such a development on the interests of the designated areas. The natural heritage implications of a development of this nature and ensuring that measures are incorporated to minimise any impacts appear to have been to the forefront from the initial stages of developing the proposal. Although Forestry Commission Scotland are the applicants, this third and final phase of the Aviemore – Glenmore off road route has come about from a close collaboration with Scottish Natural Heritage and the Cairngorms National Park Authority, all of whom are keenly aware of the sensitivities of the proposed site.

53. Paragraphs 28 to 33 of this report refer to the consultation response from **Scottish Natural Heritage** and it is particularly relevant to highlight the comment in the response which states that “**SNH** is confident that the proposal will ensure that the special features of the designated sites will be safeguarded.” The consultations responses received all endorse the development proposal. In some instances conditions have been recommended to be attached in the event of the granting of planning permission. The conditions recommended by consultees would not alter the nature of the proposal, and are merely requiring further elements of detail which would routinely be agreed for developments prior to their commencement. A case in point is the required construction method statement. The supporting documentation already provides a significant level of detail in relation to the construction process and the required statement is intended to elaborate on that and set comprehensive construction method standards to be agreed with the CNPA acting as Planning Authority prior to the commencement of development.
54. As detailed in paragraph 50 of this report, the landscape assessment by the CNPA’s **Natural Heritage Group** has suggested that a Landscape / specialist access clerk of works be employed during the development. This suggestion has been explored with Forestry Commission Scotland (as the applicants). Given that the overall project to develop the route between Aviemore and Glenmore is proposed to be achieved through the joint collaboration of the Forestry Commission, Scottish Natural Heritage and the Cairngorms National Park Authority, the applicants have questioned the appropriateness of a such a prescriptive specification, when the cross section of agencies involved in the project jointly have the relevant ‘micro-landscape’ skills to fulfil the role which would be intended by the suggested Clerk of Works. Forestry Commission Scotland have given assurances that the proposed route would be developed to the same standard as the existing Badaguish to Glenmore section of cycleway, which traverses through similar areas of landscape sensitivity. Given the range of skills available within the agencies jointly involved in the delivery of the proposed development, I accept the case made by Forestry Commission Scotland on this point and do not therefore consider that a specialist Landscape Clerk of Works is warranted to oversee sections 4 and 5 of the route. In addition the conditions recommended are also intended to address any points of concern in relation to construction of the route, including sections 4 and 5.
55. The route is the final stage in the provision of comprehensive off road access linking Aviemore and Glenmore, which is an area recognised as one of the National Parks key outdoor recreation localities. Although officially described as a cycleway, the route would provide opportunities for multiple use, including pedestrians and horse riders. The provision of an off road route in this highly used area has the potential to improve general safety to recreational users, providing the opportunity to enjoy the special qualities of the area in a traffic free environment, thereby

eliminating conflict between motorists and non motorist in this popular area. In conclusion, the proposal meets the terms of planning policy as detailed in NPPG11, NPPG14, The Highland Structure Plan and the Badenoch and Strathspey Local Plan. In addition the completion of the Aviemore to Glenmore off road route would also fulfil one of the actions specifically identified as one of the the CNPA's Priorities for Action for the period from 2007 to 2012.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

56. The proposal involves development within a number of sites designated for their natural heritage interests. The route selection process and the measures outlined to date for the construction process, together with the fact that there is on going involvement of **Scottish Natural Heritage** in the project, all indicate that appropriate measures will be put in place to safeguard the natural heritage of the area.

Promote Sustainable Use of Natural Resources

57. There are no significant negative impacts associated with the proposed development. The creation of a facility in an area of existing woodland and moorland, which promotes healthy outdoor pursuits, can be viewed as a positive sustainable use of the National Park's natural resources. The existence of the multiple use route from Aviemore to Glenmore could also have the potential to reduce the dependence of visitors to the area on vehicular transport.

Promote Understanding and Enjoyment of the Area

58. The proposed development promotes increased recreational use of the area and provides opportunities for enjoyment of this part of the National Park.

Promote Sustainable Economic and Social Development of the Area

59. The proposal by its nature and location provides the opportunity to attract additional visitors to the area. The proposal is therefore considered to be of benefit to the socio-economic development of the community and the wider area.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant Full Planning Permission for the construction of a cycleway adjacent to the B970 and C38 Inverdrue to Aviemore Road at Aviemore subject to the following conditions -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Unless otherwise agreed in writing with the Planning Authority, use of the trails hereby permitted shall only be by pedal cycle or any other means of access permitted in accordance with the Scottish Outdoor Access Code.
3. Unless otherwise agreed in writing with the Planning Authority, controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavations or other operations on site, shall be disposed of only at a licensed facility or re-used strictly in accordance with an activity exempt from waste management licensing controls, as specified within The Waste Management Licensing Regulations 1994, and pre-registered with SEPA.
4. All proposed pedestrian barriers shall be staggered at 2.5 metres apart. A minimum spacing of 1.2 metres shall be maintained between all proposed boulders in accordance with recommended *BT Countryside for All standards*.
5. Prior to the commencement of development a detailed site specific construction method statement shall be submitted for the written agreement of the CNPA acting as Planning Authority, in consultation with SEPA. The agreed construction method statement shall be implemented in full during works on the site.
6. Prior to the commencement of development additional tree survey information shall be submitted for the written approval of the CNPA acting as Planning Authority. The information shall include further detail on the trees to be removed and retained, as well as protective measures in the context of BS 5837:2005, *Trees in relation to construction*.
7. Prior to the commencement of development detailed specifications for the materials and design of pedestrian barriers shall be submitted for the agreement of the CNPA acting as Planning Authority. The material and design of the barriers shall reflect the rural environment in which the route is being constructed.
8. Prior to the commencement of development detailed specifications for the proposed wooden bridge shall be submitted for the agreement of the CNPA acting as Planning Authority.

9. Prior to the commencement of development details of the extent of signage proposed, together with a detailed specification of all signage, including its contents and the identification of signage locations, shall be submitted for the agreement of the CNPA acting as Planning Authority.

Advice notes :

1. The construction method statement required in condition no. X shall address the following –
 - Surface water run-off : measures to prevent erosion, sedimentation or discolourisation of controlled waters should be provided, along with monitoring proposals and contingency plans;
 - Timing of works : works should be undertaken to avoid periods of high rainfall;
 - Fuel or chemicals : measures to ensure any fuel / chemicals from plant does not cause pollution;
 - Landscaping works : planting should be undertaken to minimise run-off;
 - Waste : all waste streams associated with works should be identified.
2. The detail of any works required within the public road boundary shall be agreed with the Roads Authority prior to the commencement of development.
3. The wooden footbridge specification shall include the following –
 - Kick boards to a height of 250mm with a gap of up to 50mm to facilitate drainage and ideally mesh over the top rail;
 - Bridges should have fenced wings to prevent erosion adjacent to the bridge and avoid shying by horses using the route. The wings should be finished with a vertical post cut flush with the top to prevent users catching themselves;
 - Hand rails shall be raised to 1.5 metres high; and
 - The surface should be a non-slip paint or strip. The use of a wire mesh should be avoided.
4. Additional detailed tree survey information could include –
 - More detailed survey information, including the spread of the root and canopy zones;
 - Details of any excavation or fill of materials in these areas;
 - Proposed tree works such as crown up-lifting;
 - Any required protective fence line.

Mary Grier 15th August 2007 planning@cairngorms.co.uk

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.