
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Extension to the Speyside Way footpath between the Insh Marshes Hide at Torcroy to Ruthven Barracks, Kingussie

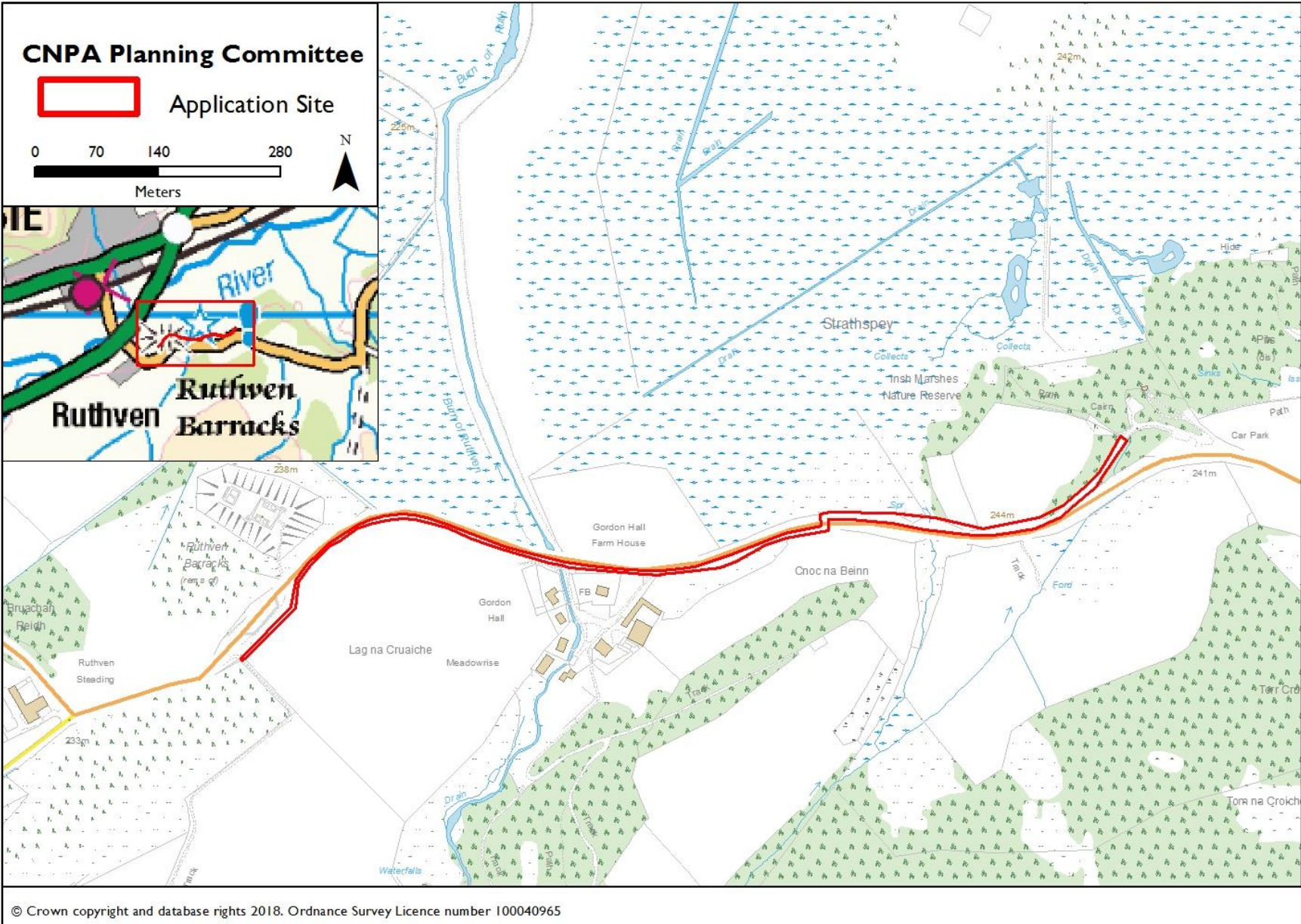
REFERENCE: 2018/0286/DET

APPLICANT: Outdoor Access Trust For Scotland

DATE CALLED-IN: 24 July 2018

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The line of the application site runs from the RSPB hide at Insh marshes in the east to Ruthven Barracks, located some 1,200m to the west. The path will follow a desire line through open woodland and farmland with varying gradients along its route.
2. The proposed route features one road crossing allowing path users to cross the B970 road to the south when travelling to the west.

Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCS4IUSI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	125517/1000 Rev A	16/07/2018	06/08/2018
Footpath Layout	125517/1001 Rev E	22/06/2018	06/08/2018
Section Plan Cross Sections	125517 1002 Rev C	26/06/2018	06/08/2018
Footpath Longitudinal Sections	125517/1003 Rev B	12/07/2018	06/08/2018
Kerb Layout Plan	125517/1004 Rev B	12/07/2018	06/08/2018
Section Plan Construction Details	125517/1005 Rev D	12/07/2018	06/08/2018
Site Layout Plan – Planning Application Boundary	125517/1006 Rev A	12/07/2018	06/08/2018
Footway Visibility Splay Longitudinal Sections	125517/1007 Rev A	18/10/18	17/12/18
Retaining Wall Section at uncontrolled Pedestrian Crossing Point	125517/1008 Rev A	06/12/18	17/12/18
Ecology Report		02/05/2018	06/08/2018
Path Construction Method Statement			06/08/2018

Planning Support Statement		July 2018	06/08/2018
Proposal Report		March 2016	06/08/2018
Tender Brief Report		November 2017	06/08/2018

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

4. The proposal is to extend the Speyside Way long distance footpath for 1.2km from Insh Marshes Hide at Torcroy to Ruthven Barracks. The extension, when complete, will form a part of a designated Long Distance Route from Buckie to Newtonmore.
5. The proposed route includes access and egress routes to the public highway and will be 2m in width finished with 150mm quarry Type I sub base formed above a path tray or original ground levels topped with 25mm quarry grey granite dust surfacing compacted to form a 1:30 centre camber.
6. An ecology report produced for the application concluded that there will be no issues for protected species although any felled trees should be left on site for future habitat.
7. The plans are available in Appendix I.

History

8. The current application, along with CNPA reference number 2018/0264/DET, approved in October 2018, is the most recent in a series of applications for the Speyside Way. The Speyside Way was most recently extended to Insh through planning application reference number 2017/0036/DET, approved in September 2017.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL	

	COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

9. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:
<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
10. The CNPA will shortly be consulting on the Proposed Local Development Plan 2020. At present this has no additional materiality with regard to the decision making process for this current application.

Planning Guidance

11. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

A summary of the main issues raised by consultees now follows:

12. **Historic Environment Scotland** has been consulted and upon consideration of the submitted documents have no comments to make with regards to the proposal, although advised consulting the Highland Council's Archaeology Service to seek advice regarding any unscheduled archaeology and listed buildings.
13. **SEPA's** standing advice states that footpaths should be designed so as to ensure there is no elevation in the land within the functional flood plain. It is considered that this section of the Speyside Way is not at risk of flooding.

14. **Transport Scotland** have been consulted due to the proximity of the A9 trunk-road. They confirm that they do not wish to advise against the granting of planning permission.
15. **Scottish Natural Heritage** advise that an appropriate assessment is not required, nor is a habitats regulation appraisal, however the CNPA is required to consider the effects of the proposal on the SAC before it can be consented.
16. **Highland Council Archaeology** offered no comments.
17. **Highland Council Forestry Officer** advises that there are areas of the proposed routing of the path will require the removal of birch or aspen scrub however no objection has been raised.
18. **Highland Council Transport Planning Team** originally objected to the development on the basis of a lack of visibility at the proposed road crossing point as well as further details of how the ditches will be crossed and those crossings maintained.
19. In response to the visibility issue the applicant had produced a topographic survey showing that the sightlines to the west can be achieved with no interference but to the east an area of ground should be lowered in order to achieve the desired sightlines, this will be done by installing a retaining wall constructed using gabion baskets. This approach has satisfied the Transport Planning Team's requirements and the final details of these will be covered through the use of a condition.
20. There are additional concerns regarding how the footpath will be built over the ditches and maintained throughout the lifetime of the development. The applicant, as Access Authority has confirmed that the maintenance of the Speyside Way and all associated infrastructure will be the responsibility of the Access Authority. The final crossing details and maintenance will be sought through a suspensive planning condition.
21. **CNPA Ecology Officer** states that the proposed extension of the Speyside Way from RSPB Insh Marshes car park to Ruthven Barracks is not likely to have an adverse effect on ecology in the immediate area. The Ecology officer does request that one condition be attached to the granting of any permission with regards to the 'Kentish Glory' moth caterpillar. Some of the birch along the route were of the size/age to be potential food plants for the moths
22. **CNPA Landscape Officer** advises that beyond the immediate construction window there shall be no significant adverse impact on the landscape character and no significant adverse impacts on the special landscape qualities of the area.
23. **CNPA Outdoor Access Team** are supportive of this application as it fulfils the long term ambition to extend the Speyside Way Long Distance Walk.
24. **Kingussie and Vicinity Community Council** have been consulted with regards to this proposal however no response has been received to date.

REPRESENTATIONS

25. There have been no representations with regards to this proposal.

APPRAISAL

Principle

26. **Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015** states that the development must minimise the effect of the development on climate change in terms of siting and construction while using materials and the landscape to complement the setting of the development and maximising all opportunities for responsible outdoor access.
27. The principle of this application may be supported due to the fact that the application is to extend an existing, long distance walking route. This section shall link the RSPB Insh Marshes hide and Ruthven Barracks to allow non-motorised transportation without using the B970 road. Furthermore it shall increase the formal footpath network and provide opportunities for informal recreation. Therefore the principle of the development is acceptable.
28. The process of extending the Speyside Way Long Distance Walk was begun in 2004 with a desire to extend the route beyond Aviemore to Badenoch & Strathspey. This application shall provide the final extension between Aviemore and Kingussie and this has been identified as a priority in the Cairngorms National Park Outdoor Access Strategy.
29. The supporting statement accompanying the submission of the application provides sufficient justification that the development complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Roads and Access

30. **Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015** states that proposals must provide means of access and egress to and from the public highway. The applicant has provided details to ensure a safe crossing point along the footpath which includes the construction of a retaining wall on the south side of the B970 principally constructed using gabion baskets. However details of how this will be fully achieved have not been provided therefore a condition requiring these details will be sought.
31. The Transport Planning Team has also raised concerns regarding the final details of the ditch crossing points and their long term maintenance. As with other sections of the Speyside Way the applicant has confirmed that all aspects of maintenance are the responsibility of the access authority and as such a condition requiring these details will be sought. Given the additional control that the conditions allow the proposal complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Ecology

32. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity.
33. The proposed routing has been selected to avoid areas of woodland most likely to be sensitive to disturbance from recreation. It has been determined that there is no requirement for an appropriate Assessment or a Habitats Regulations Appraisal as it shall not result in any significant, detrimental effect on the natural heritage of the proposed site and as such complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

Landscape

34. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
35. As the method of construction has been considered throughout the supporting documentation and given that beyond the construction phase there are unlikely to be any landscape impacts the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

36. The principle of good footpath provision for use of residents and visitors to the Cairngorms National Park is acceptable and accords with policies in the Cairngorms National Park Local Development Plan 2015. The material submitted to support the application demonstrates that the design and mitigation incorporated with the proposals will avoid or mitigate any significant impacts on the natural heritage features of the area. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the Extension to the Speyside Way footpath between the Insh Marshes Hide at Torcroy to Ruthven Barracks, Kingussie subject to the following conditions::

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. **No development shall commence on site until full details demonstrating how the retaining wall will be constructed within the roadside has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. These details should include a planting schedule to ensure the wall fits in with the surrounding landscape. The development shall be implemented thereafter in accordance with the approved plans before the footpath is brought into use.**

Reason: To ensure that the development conserves and enhances the landscape character, in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape and of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence on site until full details of the ditch crossings and a maintenance schedule for those crossing points has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with The Highland Council Transport Planning Team. The development shall be implemented thereafter in accordance with the approved plans before the footpath is brought into use;**

Reason: To ensure public safety at the public road crossing points in accordance with Policy 3: Sustainable Design and of the Cairngorms National Park Local Development Plan 2015.

3. No development shall commence on site until a maintenance schedule or agreement for the markings, signage and footpath crossing infrastructure within the public road boundary has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with The Highland Council Transport Planning Team. The signage shall be implemented in accordance with the approved plans before the footpath is brought into use and maintained thereafter in accordance with the approved scheme;

Reason: To ensure public safety at the public road crossing points in accordance with Policy 3: Sustainable Design and of the Cairngorms National Park Local Development Plan 2015.

4. Any cut birch scrub that is less than 2m in height must be retained in situ and left close to retained birch scrub so that any Kentish Glory moth caterpillars can disperse.

Reason: To prevent any loss of the moths during the construction of the footpath, in accordance with Policy 4; Natural Heritage of the Cairngorms Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
3. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents and recreational users in the area.
5. You are required to apply for and receive a Road Opening Permit from the Highland Council before any work commences on or adjacent to the public road.
6. You are advised that if any work is proposed to start during the bird breeding season (April to August) then pre construction checks for breeding birds must be undertaken.

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.