
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of Replacement Bridge and Formation of Access Track at Land To South West Of Allanaquoich Braemar Aberdeenshire AB35 5YJ

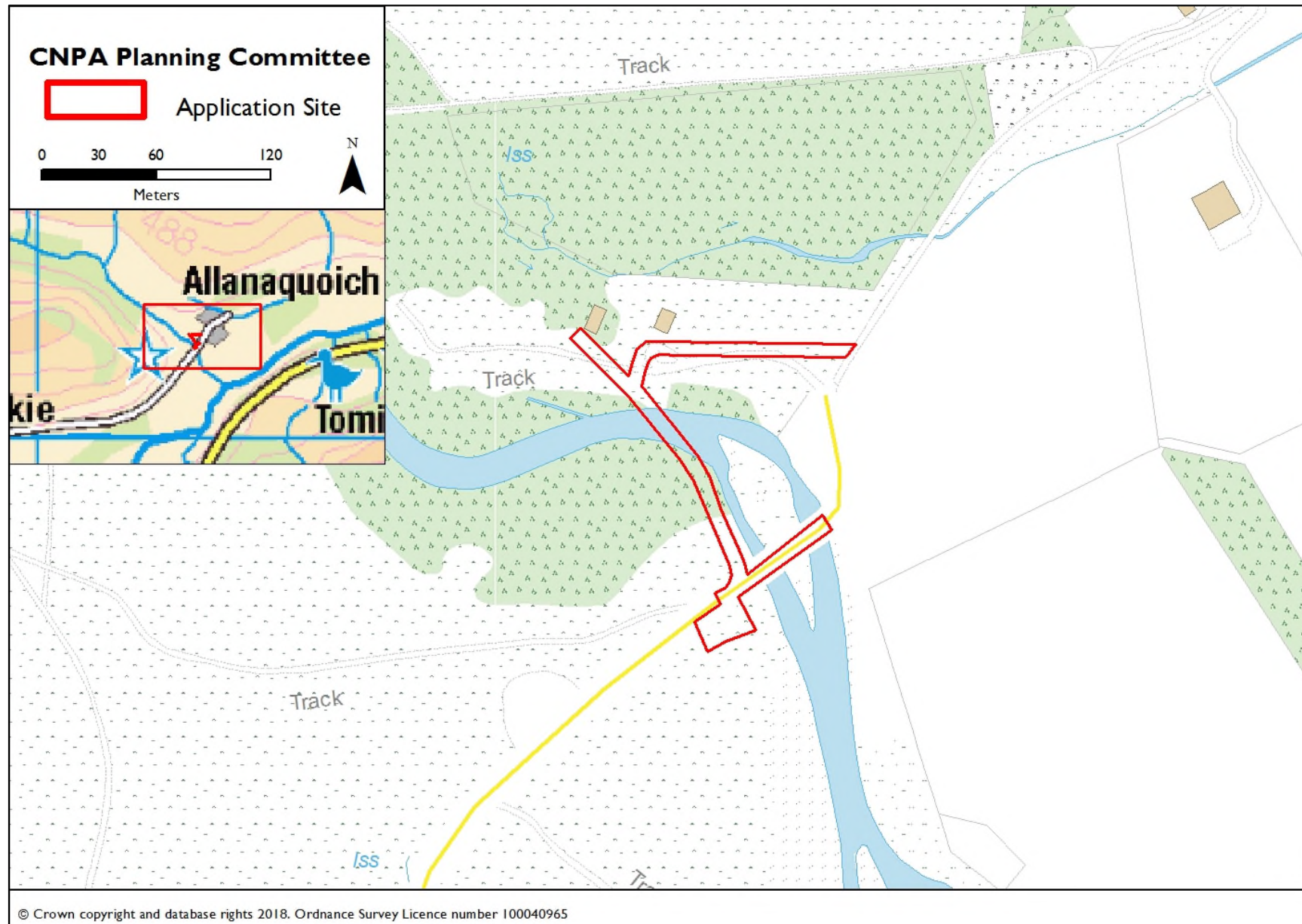
REFERENCE: 2018/0394/DET

APPLICANT: National Trust For Scotland

DATE CALLED-IN: 15 October 2018

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Edward Swales Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site is adjacent to the Linn of Quoich car park, two and a half kilometres east of Mar Lodge and three kilometres west of Braemar. The site is 10 miles away from Braemar by road.
2. The site is 200 meters from an existing parking area, surrounded to the north and west by woodland and flat open ground to the south and east.

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=PGNES8SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Site Plan	600280-DRG-1000-P5	26/02/18	22/10/18
Location Plan/Site Plan	600280-DRG-1001-P3	22/03/18	22/10/18
Sections – existing ground profile sections A-A AND B-B	600280-DRG-1002-P3	22/03/18	22/10/18
Sections – existing ground profile sections C-C AND D-D	600280-DRG-1003-P3	22/03/18	22/10/18
Sections – proposed track cross sections A-A & B-B	600280-DRG-1004-P3	22/03/18	22/10/18
Sections – proposed track cross sections C-C & D-D	600280-DRG-1005-P3	22/03/18	22/10/18
Sections – existing section and proposed bridge elevation looking upstream	600280-DRG-1006-P3	22/03/18	22/10/18
Specifications - Hydrological and Design Water Level Assessment		11/07/18	22/10/18

Specifications - Measured Survey of the Allanaquoich Mills		17/09/15	22/10/18
Ecological surveys: Otter, bat and red squirrel surveys			23/10/18
Phase One Habitat Survey		06/06/18	22/10/18
Tree Survey Report, AIA & TPP		28/11/18	29/11/18

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

4. The proposed development is the replacement of the ruined bridge crossing with a bridge further upstream and replacement connecting track, replacing the bridge that was washed out in the 2015 floods.
5. The track will be built upon a shelf between the river and existing bank comprising 450mm of compacted type 1 and a geotextile membrane on a compacted soil surface. The plans are shown in **Appendix I**.

History

4. The original bridge had approval for improvements granted in 2012 under reference 2012/0180/DET.
5. This current application has been the subject of pre-application advice as well as an application reference 2018/0123/DET earlier this year which was withdrawn.

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	
POLICY 9	CULTURAL HERITAGE	X

POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

6. 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>

7. 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

8. 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	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

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

9. **Forestry Commission Scotland** have no comments to make on the application
10. **Historic Environment Scotland** state that while the replacement bridge would have no direct impact on the monument it would affect the setting, although this is mitigated by the fact that the old bridge had already introduced a modern element close by.
11. **SEPA** have raised no objection to the proposed development on the basis that a condition relating to land raising as a result of the temporary construction compounds and ensuring there is no permanent land raising within the flood plain as a result of these compounds due to the effects of the active flood plain and restriction of its size. SEPA are satisfied that the land raising as a result of the access track will not have a detrimental impact on the flow of water in the floodplain as the track is located as close to the existing bank as is reasonably practicable.

12. **Scottish Natural Heritage** provided a response on the original application in March 2018 and considers those comments still relevant to this application.
13. That response stated the proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, they object to this proposal unless it is made subject to a condition so that the works are done strictly in accordance with a construction method statement submitted prior to works taking place on site and any in-river works taking place at an appropriate time of year due to the vulnerability of Atlantic Salmon.
14. They also commented on the impact of the development in relation to the River Dee SAC and Cairngorms SAC stating the works are likely to have a significant effect on the River Dee SAC and Cairngorms SAC, but will have no likely significant effect on the interests of the Cairngorms SPA, and Cairngorms Massif SPA. They have carried out a Natura Appraisal for the development which concludes the above mitigation is sufficient.
15. The main impacts likely to arise will be release of sediment or other pollutants to the watercourse, and also direct impacts to spawning grounds and also freshwater pearl mussel beds from vehicle access to the river, hence the requirement for a construction method statement.
16. **Aberdeenshire Council Archaeologist** recommends Historic Environment Scotland are consulted (see above) and that the revised application takes account of previous concerns raised and seeks to limit impacts on the Scheduled area of the Allanaquoich mills by now routing the track through the “gap” between the two designated areas which is welcomed. They do recommend a condition relating to the submission of a programme of archaeological works to be submitted prior to works commencing on site.
17. **Aberdeenshire Council Flood Risk & Coast Protection** states they note the hydrological assessment has been undertaken for the proposed development, and it is welcomed that the design now incorporates a minimum of 600mm freeboard between the 0.5% annual exceedance flood level (including climate change allowance) and the soffit of the new crossing. Also noting the proposal includes the removal of the previous structure located within the fluvial floodplain. Given this and the remainder of the submission they do not object to the application.
18. **CNPA Ecology Officer** states the proposal suggests constructing a new track which leads to the replacement bridge on what appears to be a shelf beside the river and that this track will be built up in order to attain enough height above flood level, however following a site visit it appears this shelf is not present and the position of the proposed access track between the bridges actually straddles the new re-aligned river bed and a steep bank. The impacts on the river and adjacent riparian habitat are therefore not clear – clarification is required as to the position of the track in relation to the river and local landform. SEPA has been consulted to ensure any river works accord with their regulations.

19. A Construction Method Statement is required to clarify the use of a geotextile material and ensure a more natural and sustainable finish. The CMS should also include pollution control and any mitigation suggested as a result of the mammal surveys.
20. In addition to the material submitted during the application they have also requested protected mammal surveys including Squirrel and bat surveys on the tree proposed for removal as well as surveys for water voles prior to any works commencing on site. The applicant has proposed pre-construction surveys for otter as well.
21. There is a further request that any excavation works within the Root Protection Areas should be undertaken using hand tools only.
22. **CNPA Landscape advisor** states that the bridge itself is in a poor condition and in drastic need of replacement. The proposed replacement is located further upstream where it is thought the river banks are more stable and therefore less likely to move over time. This requires the construction of a new approach track. While the principle is acceptable there are details that are currently missing or are not clear from the submitted plans.
23. Similar to the comments from Ecology, the track design currently sitting on the river bed needs to be fully clarified to assess the visual impact of the bridge. These details will include more detailed cross sections than those provided. Further details regarding the laydown areas will require to be sought through the Construction Method Statement as well as clarification of where the material will come from for the construction of any banking.
24. **Braemar Community Council** no response has been received to date.

REPRESENTATIONS

11. There have been no representations on this application

APPRAISAL

12. **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.
13. The principle of this development is to construct a new river crossing close to the existing bridge with associated development of the approach and run off tracks. The principle is accepted particularly as the new location is likely to be less visually intrusive and less at risk of damage caused by flooding. However further clarification is sought on the details regarding the construction of the track, laydown areas as well as tree protection, on the basis of satisfactory submission of these documents the development complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Cultural Heritage

14. **Policy 9:** Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 aims to conserve and enhance the rich cultural heritage of the National Park. It has been assessed that the development will not impact on the Allanaquoich Mills close to the new bridge due to there already being existing infrastructure close by. A Written Scheme of Investigation has been requested and subject to the satisfactory submission of these documents the development complies with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

Environmental Issues

15. **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 and **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.
16. The current site is approached using the existing road leading up to the ruined bridge, the new track will then bear left and approach the proposed bridge crossing on a newly formed banked track. Clarification is sought on this as the new track appears to be across the river bed. SEPA have been consulted for their view on this and further details are requested through the use of a suspensive condition requiring a Construction Method Statement showing the details of how this will be carried out, and the timing of when these works will be undertaken to take into account salmon spawning seasons.
17. The CMS will also clarify the details regarding the laydown areas, currently relatively flat pieces of ground but any earthworks here will need to be included in the CMS along with the restoration of the site upon completion to ensure no pollution, sediment loss or permanent land raising occurs as a result of these laydown areas and materials to be stored there.
18. The CMS will also confirm the use of a more natural and sustainable finish rather than the current proposed geotextile material and the origins of any material to be used.
19. Protected mammal surveys are also required prior to any works commencing on site with mitigation proposed should these show mammals are present within the development area.
20. Clarification of how the old bridge will be removed, including timescales, will also be required, to ensure there is no pollution risk or risk to the spawning areas in the river.
21. In the supporting information three trees are proposed to be removed but others have been described as requiring works therefore any works within the Root Protection Areas should be undertaken using hand tools only, this will be controlled through condition.

22. With the use of suspensive conditions and the satisfactory submission of the required documents the proposal will comply with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

23. **Policy 2:** Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015 states that sustainable growth in the economy of the park is at the heart of supporting our communities, helping them become and remain vibrant and attractive places for people to live and work.
24. The principle of the development is acceptable and the development itself is considered to be acceptable providing additional details are submitted prior to any works taking place on site. The resultant development will restore road access that has been lost since 2016 and therefore complies with Policy 2: Supporting Economic Growth and the other relevant policies of the Cairngorms National Park Local Development Plan 2015.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the Erection of Replacement Bridge and Formation of Access Track at Land To South West Of Allanaquoich Braemar 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 work shall commence on site until a Construction Method Statement including, but not limited to the following information is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SNH:**
 - a) **Details of each stage of the track construction, including further cross section drawings of the banked track plus installation of the replacement bridge, including timings of any in-river works.**
 - b) **Details of the finished surface of the track, to include rip-rap and turfed centre line.**
 - c) **Details of the laydown areas to show how they will be constructed and protected from any flooding. These details shall include restoration methodology and timescales for removal.**
 - d) **Details showing how the old bridge will be removed, including timescales.**

- e) **A detailed timetable indicating commencement and completion of all elements detailed in the approved plans and supporting documents.**

Thereafter the development shall be implemented in accordance with those approved details;

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 work shall commence on site until an Environmental Clerk of Works is appointed and a schedule of reporting has been submitted to and approved in writing by the CNPA acting as Planning Authority. This will include, but shall not be limited to, details on the scope, frequency and method of reporting. Thereafter the development shall be monitored and managed by the Environmental Clerk of Works in accordance with the approved schedule of reporting;**

Reason: To ensure that environmental impacts are reduced and mitigated in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

3. **No development shall commence until Protected Mammal Surveys for Squirrels, Bats and Water Voles has been undertaken, submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. If the survey indicates that any protected mammals will be directly affected by the development, this will require mitigation, which should be detailed in a submission to the Cairngorms National Park Authority. In this case, the approval in writing will only be forthcoming if the mitigation measures are acceptable and implemented in accordance with the details submitted;**

Reason: To ensure that there is no risk to Protected Mammals in accordance with Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015.

4. **No development shall commence until an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design**

(PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details;

Reason: To ensure that the archaeological value of an area which has potential for the survival of buried archaeological deposits is evaluated and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

5. No in-river work should be undertaken between 15th October and the 30th May inclusive to avoid the risk to Atlantic Salmon Spawning habitat;

Reason: To minimise any risk of loss of habitat during the development, in accordance with Policy 4; Natural Heritage of the Cairngorms Local Development Plan 2015.

6. Any laydown areas will be cleared of all plant, machinery and materials within 2 months of the completion of development including the removal of the old bridge. Furthermore there shall be no permanent land raising within the Proposed Temporary Laydown Areas as shown in the Proposed Site Plan Reference: 600280-DRG-1000-P5;

Reason: To ensure there are no lasting impacts of the development beyond the construction phase of the proposal in accordance with Policy 5; Landscape of the Cairngorms Local Development Plan 2015.

7. Any excavation works within the Root Protection Areas as shown in Appendix 6: Tree Protection Plan overview within the Tree Protection Plan Reference: 190618 dated 28th November 2018 will be carried out using hand tools only, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority;

Reason: To minimise the risk of additional tree loss 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. 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.

3. 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.
4. The developer is required to obtain a CAR license from SEPA.

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.