
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: CONSULTATION REPORT: CNPA RESPONSE
TO HIGHLAND COUNCIL NOTICE OF
PROPOSED DEVELOPMENT APPLICATION.

Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: CONSTRUCTION OF ALL ABILITY
FOOTPATH, DISABLED PARKING BAYS
AND LINK PATH, TOGETHER WITH THE
INSTALLATION OF 13 PERMANENT
OUTDOOR SCULPTURES

REFERENCE: 05/341/CP

APPLICANT: FORESTRY COMMISSION SCOTLAND

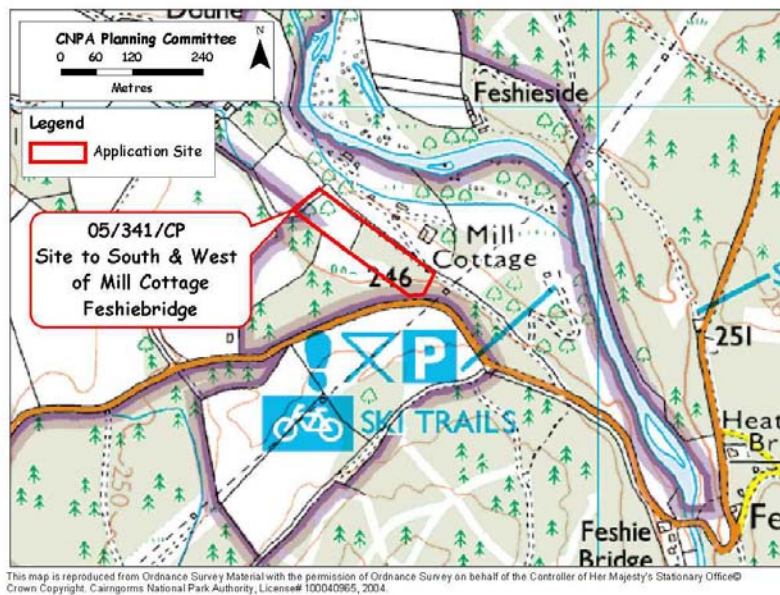


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This report has been prepared to provide a formal consultation response to Highland Council in relation to the above application. The scheme was presented to the Planning Committee on the call-in list discussed at the meeting of 29th July 2005. Because the application is in the form of a 'notice of proposed development' (NPD) the Park could not under current planning arrangements call in the proposal. However, the nature of the development and its location was considered to raise relevant issues with regard to the aims of the Park and so it was resolved that a considered response should be provided to Highland Council and this report is intended to form the basis for that consideration.
2. The proposed site is located to the west of the existing Forestry Commission car park at Feshiebridge within Inshriach Forest. Access to the proposed site is from the existing gravelled access track off the B970. The access track also serves the aforementioned car parking area – access to that area is via a spur extending to the north and winding its way down to terminate in the area in accordance with contour levels. The main track continues to the north west, serving a property known as Mill Cottage and passing the application site, after which it becomes a grass track which appears to experience a significant degree of pedestrian use.



Fig. 2 : Access track (left) serving proposed site (right)

3. The proposed site extends for approximately 250 metres alongside the access track, and extends southwards for approximately 60 metres. A significant proportion of the site is heavily wooded at present – mostly Scots Pine, especially in the eastern area of the site. The western end of the site is enclosed by a stone wall, which formed part of a walled garden in the past and is now in a somewhat overgrown state, although some clearance work appears to have been undertaken in the relatively recent past. Its reinstatement is proposed as part of the

development project. The walled garden is home to a number of mature trees including wild cherry, ash, sycamore, birch, rowan, willow and a yew tree, all of which are to be retained. The land opposite the site to the north of the access track drops relatively steeply towards the Feshie River.

4. The proposed development involves the creation of 748 metres of a new all abilities footpath extending around the proposed site, leading through the woodland area and into the proposed walled garden at the western end of the site. The proposed pathway through the site is intended to traverse past 13 sculptures placed on permanent bases. The 13 sculptures form part of 'The Frank Bruce Collection', created by internationally renowned sculpture Frank Bruce during his time living and working in Strathspey. Twelve of the sculptures were crafted from fallen mature trees, many of which grew in the local area, and one was hewn from solid granite. The sculptures have for some time formed part of the Colleonard Sculpture Garden near Banff. Each sculpture is associated with a distinct theme, and the names of the artworks include 'The Architect', 'The Walker', 'Two Patriots', 'Celebration' and 'Inner Man.' Five of the sculptures are proposed to be located within the walled garden area and the overall sculpture trail is intended to provide visitors with both a "spiritual and physical experience."
5. The development proposal also includes the provision of two car parking spaces for blue badge holders to be located at the start of the footpath on the eastern side of the site. It is also proposed to create a new pool within an area of existing damp birch woodland, with one of the sculptures positioned adjacent. A further pathway is proposed to extend for 88 metres from the proposed development site to the existing Feshiebridge car parking area.
6. The site layout plan submitted with the current Notice of Proposed Development also identifies later stage proposals for the provision of toilets and a gallery building. No elevation drawings of the building have been submitted and the information supplied by the Forestry Commission in connection with the current proposal indicates that the building would be the subject of a later separate application "for outline planning permission (to be followed by a detailed planning application)." The gallery building is intended to accommodate approximately twenty smaller sculptures that are supplementary to the large outdoor collection.
7. Amongst the documents included in the application submission is an 'environmental checklist' which details the extent of plants species, together with mammals and birds found to be present at the proposed site. The majority of trees and plants at the site are described as being "generally common in this part of Scotland" and it is stated that the management history of the site has led to some being more prolific than may be the case in a natural situation.

8. In terms of mammals present at the site, the environmental checklist refers to the fact that Red Squirrels use the adjacent forest and notes that there was also evidence of Roe Deer droppings on the subject site at the time of inspection.
9. A variety of bird species are present at the site, including blackcap, thrush, robin, great tit, wren, willow warbler and chaffinch. Some of the species are UK species of conservation concern and others are of local importance. However, none of the birds present at the site are rare in this area or indeed in the United Kingdom in general.
10. A concept paper prepared by Forestry Commission Scotland to accompany the application refers to the fact that the development proposal could assist in delivering Scottish Forestry Objectives, particularly through the creation of a further opportunity for people to enjoy Scotland's woodlands and also in potentially helping local communities to benefit from the opportunities that it would bring. Forestry Commission Scotland wish to develop the proposed project to have a formal opening by or during the Highland Year of Culture in 2007.
11. The proposed development site is located at its closest point within approximately 55 metres of the River Special Area of Conservation (SAC) and the River Feshie Site of Special Scientific Interest (SSSI).

DEVELOPMENT PLAN CONTEXT

The Highland Structure Plan 2001

12. The **Highland Structure Plan** identifies a number of strategic themes many of which are relevant to the nature of the development proposed. For instance the Highland identity is identified as one of the greatest strengths and its vital importance to the tourism industry is highlighted. The Plan notes that the "rich wildlife, scenic beauty and traditional land uses of the natural heritage help to develop the personality of the area and the living landscape of the Highland" and advises accordingly that policies should seek to safeguard and build upon this strong identity and to recognise it as a primary resource.
13. A further strategic theme identified in the **Structure Plan** is the adoption of a proactive approach to the wise use of the natural environment, where the environment is recognised as being a key strength of the Highlands. Section 1.5.8 in particular highlights the fact that there is huge potential from supporting better interpretation and investment in public access.

14. In terms of the **Structure Plan** policies on forestry, section 2.10.3 highlights the fact that forests increasingly serve a variety of purposes besides commercial timber production. The landscape benefits of well designed forests are alluded to, and in particular the fact that they provide an important network of recreational facilities throughout the Highlands and can accommodate much higher numbers of visitors than more open areas. Section 2.10.11 of the Plan also refers to the fact that smaller areas of woodland, hedgerows and roadside trees are an integral element of Highland's character, "offering important visual amenity and biodiversity values in addition to an important local recreational resource." **Policy F5** on Amenity Woodlands states that the Council will support the maintenance and expansion of amenity woodlands throughout Highland.
15. The Nature Conservation section of the Structure Plan includes a detailed section on Interpretation and Enjoyment, with section 2.13.5 advocating the belief that the socio-economic benefits of the nature conservation resource should be optimised to a high level and standard of interpretation and understanding, thereby adding value to the experience of the environment for local people as well as being an important aspect in the promotion of green tourism. It is suggested that there is considerable scope to upgrade and maximise existing provision as well as developing small scale, high quality visitor centres or way marked trails, guided walks or interpretation panels where appropriate. **Policy N2 on Interpretation and Enjoyment** states that "proposals for the interpretation, enjoyment and otherwise positive management of the nature conservation resource will generally be supported."
16. The **Highland Structure Plan** also advocates the need to protect and enhance the landscape and suggests that there should be "positive provision for management in order to achieve successful local stewardship." The proposed site is located within the Cairngorm Mountains National Scenic Area.

Badenoch and Strathspey Local Plan 1997

17. The land is allocated in the **Badenoch and Strathspey Local Plan 1997** Landward Strategy as Amenity Woodland. With reference to the landward area in general, the Local Plan highlights the need to safeguard traditional ways of life and advises where compatible with land management and nature conservation that public access and enjoyment of the countryside would be enhanced by an improved network of footpaths and related facilities. One of the main planning principles detailed for the landward area is the promotion of a hierarchy of visitor facilities for information in relation to the natural environment.

18. The **Badenoch and Strathspey Local Plan** although not specifically mentioning sculptures, makes reference to Tourist Trails, with section 2.2.13 stating that the Council will encourage way-marking of local trails to promote tourism, interpret the countryside/ heritage and safeguard the scenic and conservation resources of the area.
19. Section 2.3.2 on Visitor Management is also pertinent in the context of the current development proposal, where it is stated that the Council will encourage the development of a hierarchy of centres for the purposes of providing information, education and interpretation of the natural environment. One of the suggestions included in the Plan is the creation of smaller localised themed centres at key places throughout the District.

EXTERNAL CONSULTATION RESPONSES

20. At the time of writing this report Highland Council Planning Department had received consultations responses from **Scottish Natural Heritage** and Highland Council's internal Archaeology Unit.
21. **Scottish Natural Heritage** responded positively stating that there is no objection to the proposed development and that SNH fully supports the provision of all abilities access to the site. A number of recommendations were however made in relation to enhancing the all abilities access. The response recommended the provision of seating in conjunction with the all abilities access and recommends that it should be developed in accordance with guidance contained in the *Countryside for All (A Good Practice Guide to Disabled People's Access in the Countryside)*. Within that publication it is recommended that the distance between seats should be no more than 100 metres, or wherever possible that there is something to look at or where there is a shelter.
22. In relation to Landscape Interests, the SNH response referred to the location of the proposed site within the Cairngorm Mountains National Scenic Area and noted that it is set within mature woodland and a walled garden and is not visible from the public road. In conclusion the response from SNH advises that the development would be "unlikely to be contrary to the landscape interests of the area." No reference is made to the proximity of the proposed development site to designated sites (SAC and SSSI as detailed in para. 11) and it is assumed therefore that the development proposal would not be injurious to any aspect of the designated status.
23. The **Archaeology Unit** of Highland Council were also consulted on the proposed development and have advised that a well is marked on the first edition Ordnance Survey map of c.1870 within the area of the proposed development, at a location to the south-east of the walled garden. There is no evidence of it being immediately visible on the

ground surface and the Archaeology Unit advised that there is no requirement to record the remains of the well. The report suggests however that it may be beneficial for the applicants to be made aware of the potential remains in the event that they wish to include it in their project. The Archaeology Unit further recommended in the event of “anything else of possible historic interest, of any type or period” being found during the course of construction that the Archaeology Unit be notified in order to ensure that the remains are recorded and or analysed if appropriate.

CNPA CONSULTATION RESPONSES

24. The **Visitor Services and Recreation Group** (VSRG) has provided detailed comments on the scheme from both the perspective of visitor services and access. The development proposal is described very positively from an interpretation point of view, and the overall concept which uses a local artist, local materials and the return of the sculptures to their “spiritual and physical home” is described as a means of reflecting and reinforcing the unique and special qualities of the Cairngorms.
25. In terms of visitor access, the comments of the group are also positive referring to the fact that the proposal meets the aims of the National Park in ‘helping to deliver a Park for All’ and promoting enjoyment and understanding of the special qualities. The comments made by SNH regarding the need to consider the provision of seating are also endorsed by VSRG, and the group also make a further suggestion that consideration be given to the incorporation of “perches” – structures that provide semi-seating / leaning support, and a “tap rail” to guide visually impaired persons.
26. **Natural Resource Group** (NRG) has provided a positive response, endorsing the proposed development, describing the proposal as “well thought out” and stating that natural heritage issues have been clearly and demonstrably considered. NRG considers that the proposed development is in sympathy with the local environment and “supports such a considered approach to developments within a woodland setting.”

REPRESENTATIONS

27. A number of letters of representation have been submitted in respect of the development proposal. The majority of the letters were in support of the proposed project and were submitted directly to the Forestry Commission and subsequently submitted to Highland Council as part of the application documentation.

28. JD A Williamson has written on behalf of Alvie Trust, raising particular concerns regarding the impact of the proposed development on Invereshie Farm (which is owned by Alvie Trust), in respect of the water supply serving the farm. The water is collected from “springs rising in the strip of ground between the B970 road and the access track to the walled garden.” It is stated that Alvie Trust requires free and unhindered access to this water supply for the purposes of repair, maintenance and renewal and concerns are raised in particular that the proposed disabled car parking facility extends over this water supply, and that any surfacing of the area may inhibit to this water supply. In addition reference is made to the close proximity of the proposed development, “including a proposed septic tank and soakaway” to this water supply. The letter concludes with a request for an assurance that water supplies serving Invereshie Farm and Invereshie House are “not disrupted, contaminated or damaged or access to these supplies impeded.”
29. Three letters of support were submitted with the application. One letter, from Ms. Joyce Laing of Pittenweem, Fife, in her capacity as Convenor of The Art Extraordinary Trust describes the artworks as ‘remarkable’, ‘powerful’ and ‘thought provoking images.’ She considers that the area would be much enriched by such authentic art and that the rich symbolism in the work would inspire visitors embarking on their own “journey of discovery through the magnificent scenery.”
30. Gilbert G Carling of Seafield Avenue, Keith, former Director of Leisure Services at Aberdeenshire Council also wrote in support of the proposal stating that “much of the appeal of Mr. Bruce’s work arises from his imaginative enhancement of the form of natural material, principally wood, and the manner in which each of his pieces, regardless of their scale sits comfortably in the natural setting.” Mr. Carling provides a favourable account of the establishment and benefits of the sculptures at Frank Bruce’s sculpture garden and gallery at Banff, stating that it proved very popular and made a very positive contribution to visitor attractions in Aberdeenshire.
31. The third letter of support submitted came from RJ Kinniard, a Kingussie resident and President of the Society of Badenoch and Strathspey Artists. He expresses delight on behalf of the practicing artists of the area at the concept of a sculpture park / outdoor gallery being created in the area.

APPRAISAL

32. This report is structured in a similar manner to previous consultation reports, with an assessment of the proposal being made against the four aims of the Park. However, it must be recognised that any comments provided to Highland Council through the commenting procedure are of an informal nature and do not carry statutory weight. The development plan context section of this report is largely for informative purposes, as Highland Council Planners will make an assessment of the proposal against these policies. However, it is my view that the proposal is generally consistent with development plan principles and policies.
33. The proposed development is to be located at Feshiebridge within Inshriach Forest, on land allocated in the Local Plan as Amenity Woodland, and in close proximity to an established rural recreation resource where car parking and picnic facilities are already provided on Forestry Commission land, together with a network of pathways leading around and through the general area.
34. The proposed development would effectively provide an additional area for passive recreational opportunity as well as offering interpretation facilities to promote the enjoyment and understanding of the concept of each of the sculptures. This current application is essentially for stage 1 of a more extensive programme of works and is intended to establish the principal essence of the project – namely an extensive pathway traversing past the strategically placed sculptures, firstly through a heavily wooded area where the existing plantation is to be kept largely intact, and then into the walled garden area and a slightly more formal layout. The second stage of the overall project, as referred to earlier in this report includes the provision of a gallery for the display of smaller sculptures and also the provision of toilets.
35. A summary of plant species existing on the site has been submitted with the application documentation and the summary report concludes that the site is rich in flora and fauna, some of which may be considered interesting, although “none of which is regarded as rare or threatened.” There is a commitment to retain existing mature trees and thereby have only minimal impact on bird species in the area. The retention of significant growths of lupins on the site is also recommended in the summary, primarily for visual amenity reasons. The plant summary does however advocate the introduction of limited vegetation management i.e. the reduction of some invasive and prolific species in targeted areas. Throughout the application documentation there is a commitment to design the proposed footpath and sculpture trail in sympathy with existing plants and trees and with a view to maintaining the biodiversity of the site, whilst providing easier access that would allow more people to enjoy the diversity of the site.

36. The proposed development is considered to be compatible with the existing land use allocation and the indeed the general land use activities in the area at present. In terms of the letter of representation received raising concerns about potential impacts of the development on the water supply serving Invereshie House and Farm it is considered that any potential impacts of this nature would be fully and satisfactorily investigated by the relevant environmental officials of Highland Council, and by SEPA where necessary, and it is not therefore proposed to dwell on this matter in detail in this consultation report which largely centres on whether or not the principle of the development proposed is acceptable at this location and whether or not it is compatible with the aims of the Cairngorms National Park.
37. The proposed development is considered to be acceptable, and as the following sections of this report illustrate it is considered compatible with National Park aims, and could in fact be considered an embodiment of the type of new facility that “reflects and reinforces the unique and special qualities of the Cairngorms” as mentioned by the Visitor Services and Recreation Group.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

38. The proposed development includes the retention of much of the existing woodland setting and the mature trees that are present within the walled garden area. This application is for stage 1 of the project and as such the only works proposed at this time are in relation to the provision of the all abilities walkways and car parking provision for mobility impaired visitors, together with the erection of the sculptures and associated bases. No buildings are proposed within this stage of development and the works proposed are unlikely to give rise to significant disturbance of species in the area. As has been detailed in earlier sections of this report, the mammal and plant species at the site are generally found throughout much of the Highlands. The proposal also includes the preservation and enhancement of the walled garden area and this would be likely to contribute further towards educating visitors about the natural heritage. The retention of the walled garden will also be of benefit in terms of the preservation and conservation of the cultural heritage of the area.
39. Furthermore, in terms of cultural heritage the proposed sculpture trail would provide an interesting cultural experience (with the sculptures described in application documentation as being “spiritual”) amidst the forest setting while having minimal landscape impact.

40. The existing car park area to the east of the proposed site provides a starting point for a range of walks in the area. However, given the fact that it provides picnic facilities and is in a scenic location close to the River Feshie, it would appear that the immediate environs of the car park is frequently used as a destination in itself, with many visitors only experiencing the countryside from the confines of the car park. The footpath proposed to link between the existing car park and the proposed sculpture trail, together with the all abilities footpath proposed on site and its proximity to the proposed dedicated car parking provision for mobility impaired visitors, could be of benefit in encouraging further exploration of a slightly wider area and thereby assisting in the creation of a greater understanding of the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

41. The sculptures that are proposed as the principal attraction of the overall project have been created out of timber from Scotland's national forests, some of having come from Badenoch and Strathspey area and is therefore in accordance with the second aim of the National Park.
42. The location of the proposed sculpture trail reinforces the existing use of this general area of Inshriach Forest as a recreation resource with a car park and picnic area nearby. The proposal to provide a pathway linking the proposed new development with the existing developed car parking / picnic area will encourage multiple uses of the general area, thereby potentially increasing visitor time spent at the site and reducing vehicular activity between this and other areas.
43. This current application does not include details of the proposed toilet / gallery building (intended to form the basis of stage 2 of the project) and it is not therefore possible to assess whether or not the actual structure would promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

44. The popularity of this area of Inshriach Forest for enjoyment is evident, in the form of the well utilised walking trails and winter ski trails in and around the area, and the use of land a short distance to the east of the subject site for car parking and picnicking.
45. The development proposal clearly increases the potential and opportunities for the enjoyment of the area, and due to its unique nature would in fact introduce a new dimension of more passive and culturally enriching enjoyment of the area. The proposal also includes the provision of interpretative information which would undoubtedly assist in promoting an understanding of the project and the forest area. In the event of the development progressing it is possible that the stage 2 proposals for the provision of a gallery building would further assist in the achievement of this aim and could potentially serve as a

information resource to provide information to guide and manage visitors not just in the immediate vicinity of the site, but over a wider area of the National Park.

46. The development of the proposed all abilities path around the sculpture trail is a key feature of the project and one that would provide increased opportunities for the less mobile, families with young children etc. to experience, understand and enjoy the area.

Promote Sustainable Economic and Social Development of the Area

47. The effects of the proposal upon this aim are perhaps difficult to predict. It is possible, given the unique nature of the sculptures proposed to be included in the project, that increased numbers of visitors may be attracted into the locality and once there may be encouraged to engage in additional activities and experience other existing facilities in the wider area, thus creating an increased economic benefit.

RECOMMENDATION

That Members of the Committee support a recommendation to:

- A. Express support for the scheme in principle, as making a significant positive contribution to the collective aims of the Park.**
- B. With regard to visitor services / access provision, the CNPA would suggest the incorporation of seating and other physical supports to enhance the all abilities aspect of the development proposal (in particular the provision of appropriate and strategically placed seating, including the use of “perches” and also the incorporation of a “tap rail” to guide the visually impaired) and thereby achieve maximum usage, understanding and enjoyment of the project by all members of the public.**
- C. The CNPA would recommend that SEPA are consulted on this and any application associated with stage 2 of the overall project.**

Mary Grier
Planning Officer, Development Control

planning@cairngorms.co.uk
22 August 2005