# AGENDA ITEM 6

# APPENDIX I

# PRE/2022/0016

# PAN APPLICATION FORM, SUPPORTING PLAN & PRE-APP RESPONSE



The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

Applicant - Transport Scotland	Agent – AMJV (WSP Glasgow Office)
Address.	Address.
Major Projects	Floor 7
Buchanan House	110 Queen Street
58 Port Dundas Road	Glasgow
Glasgow	G1 3BX
G4 0HF	
	Phone - 07557172747
Phone – 0141 272 7100	E-mail – ACNMU@wsp.com
E-mail – info@transport.gov.scot	•

#### Address or Location of Proposed Development

Please refer to strip plans appended to this submission, which outlines the location of the route.

Description (South-to-North):

• The ACNMU route starts at Dougal Drive. A priority crossing will be provided to connect with the existing Speyside Way (Core Path LBS116) to the South of Dougal Drive. The route continues north to Granish Junction and over this section, the route lies remote from the carriageway running to the east of the B9152.

Existing T-Junction between the B9152, A95 and A9 will be replaced by a proposed roundabout as part of the P11 Dalraddy to Slochd A9 Dualling Project. The route will remain on the eastern side of this proposed new roundabout. A crossing will take users from the east to the west side of the A95, approximately 60 metres north of the proposed new roundabout
 Between Granish Junction and Avielochan the route remains adjacent the west of the A95 carriageway

• Due to the close proximity of an existing pond adjacent to the A95 at Avielochan, the route is remote from carriageway at this location

• The route runs to the west of the Highland Mainline Railway (HMR), and is remote from the A95 carriageway and on the approaches to the HMR underpass, is shared with a proposed A9 Dualling Dalraddy to Slochd project agricultural access track over a length of 80 metres. Between the HMR Underpass and Kinveachy Junction, the route is adjacent to the west of the A95 carriageway

• At Kinveachy Junction the development will continue from the west side of the A95 to the west side of the B9513 via a crossing of a private access road. The route is remote from the B9153 to retain the line of mature trees which are adjacent to the west of the carriageway. An uncontrolled crossing of the B9153 will be provided to connect with the existing off

carriageway NCN7 leading to Boat of Garten. Between Kinveachy Junction and Carrbridge, the ACNMU runs on the west side of the B9153.

• The ACNMU route terminates at the southern extents of Carrbridge. For cyclists travelling North from the ACNMU into Carrbridge, a transition has been provided to allow cyclists to continue on the B9153 carriageway.

#### **Description of Development**

Formation of the Aviemore to Carrbridge Non-Motorised User Route/Path, of approximately 10km in length and formed via both existing and new paths

The development will create a wholly segregated NMU Route/Path between Aviemore and Carrbridge with an approximate length of 10km. Some of this will include upgrading of existing infrastructure by resurfacing with a bound bituminous surface as well as widening to meet the required 3m standard for an NMU route, but the majority of the route will be a newly constructed bituminous surface.

The development of the ACNMU is classified as a major development within The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 given that the development exceeds 8km in length (schedule, paragraph 6). This also means that the development will be subject to an Environmental Impact Assessment as has been confirmed by the screening opinion received from the Highland Council on 22/02/2022

## Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

If yes, please provide a copy of this Opinion.

Yes, please find attached within the submission

#### **Community Consultation**

There have been two completed programmes of public consultation (At Baseline Assessment stage and Options Appraisal Stage).

There is a further consultation event (Outline Design Stage) currently in progress with a closing date of 15 June 2022 which is a hybrid event of both in-person and virtual/online (please see following section).

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s

- · Aviemore & Vicinity;
- Boat of Garten;
- · Carrbridge;

- · Dulnain Bridge;
- · Grantown-on-Spey;
- · Kincraig & Vicinity;
- Nethy Bridge; and,
- · Newtonmore.

Names/details of any other parties

- · Highland Council
- · CNPA
- · Sustrans
- · HITRANS

#### Please give details of consultation currently in progress:

#### Outline Design Exhibition (May/June 2022)

This event differs from the previous 2 events in that the preferred route has now been selected, with that in mind the stated purpose of the exhibition is to:

- · Provide an overview of the Preferred route design proposals
- Present details of the ongoing design development of the preferred route and outline the next steps for the project
- Provide attendees with an opportunity to submit any views they may have on the design for review in advance of the application for planning consent being submitted.

Some of the exhibition materials include:

- · Overview plans
- A graphic of the project development process
- · Details of previous commentary on the NMU route
- · Key areas of the preferred route
- The same materials are available at both the 'In person' and virtual events.

#### Venues:

Event 1: Aviemore Community Centre, Muirton, Aviemore, PH221SF Event 2: Carrbridge Village Hall, Main Road, Carrbridge, PH233BB

#### Date and time

Event 1: Aviemore, Wednesday 25 May 2022, 3–8pm Event 2: Carrbridge Thursday 26 May 2022, 2–6pm

A parallel VIRTUAL EVENT has been posted on the Transport Scotland website at transport.gov.scot/ACNMU over the 3 week period from Monday 23 May to Monday 15 June where the public will also be able to provide feedback on the designs

#### Advertising

In advance of the exhibition, letters of invitation and an accompanying flyer were sent via email to local Community Councils and NMU groups who were asked to distribute the information to members and the wider community. Similarly, invitations were issued via email to CNPA, THC, HITRANS and Sustrans, who were asked to distribute them to interested parties. Further invites were issued via email to Historic Environment Scotland, SEPA, NatureScot and The Spey Fishery Board in their capacity as Statutory Consultees. The invites were issued via email to the following Community Councils:

- · Aviemore & Vicinity;
- Boat of Garten;
- · Carrbridge;
- Dulnain Bridge;
- · Grantown-on-Spey;
- Kincraig & Vicinity;
- Nethy Bridge; and,
- · Newtonmore.

The invitations were issued to local stakeholder and NMU groups, and offered an opportunity for representatives from the groups to view the virtual room and attend the in-person event.

Press advertisements were published in the following newspapers:

- · Inverness Courier
- · Highland News
- · Strathspey and Badenoch Herald; and
- · The Press and Journal

A poster / leaflet drop for businesses and groups to advertise the event at their premises/venues was carried out.

#### Details of any other consultation methods (date, time and with whom)

Affected parties (landowners and those with a land interest within the study boundary) have been identified through a formal search process and have been engaged with throughout the project development (2019 – Present)

Ongoing correspondence with stakeholders and landowners throughout the development of the project. Formal meetings have taken place as follows:

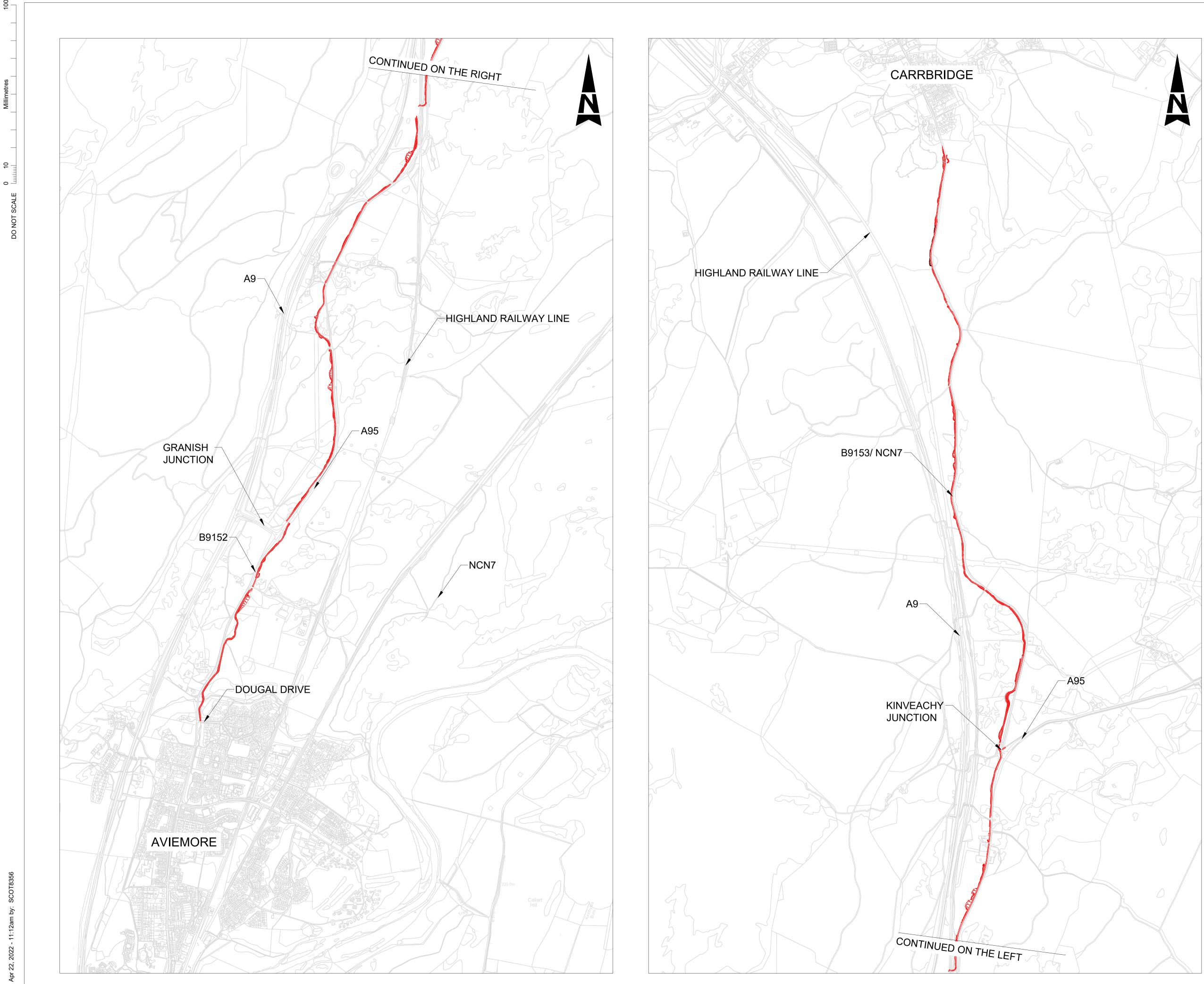
Meeting Date	Meeting Name	Attendees
21/01/2019	Multi Agency Meeting 1	Highland Council, Cairngorm NPA, Sustrans, HITRANS
22/08/2019	Multi Agency Meeting 2	Highland Council, Cairngorm NPA, Sustrans, HITRANS
03/06/2020	Multi Agency Meeting 3	Highland Council, Cairngorm NPA, Sustrans, HITRANS
09/07/2020	Statutory Consents including Planning Meeting	Highland Council (Planning Team), Cairngorm NPA (Planning Team), Sustrans, HITRANS
10/01/2021	Badenoch & Strathspey Business Ward Meeting	Highland Council, Badenoch and Strathspey Ward Councillors
05/07/2021	Consultation with BEAR/Transport Scotland Roads	BEAR, Transport Scotland Roads Department (NE and NW Units)
16/02/2022	Multi Agency Meeting 4	Highland Council, Cairngorm NPA, Sustrans, HITRANS
02/03/2022	Statutory Processes Summary and Clarifications	Highland Council (Planning Team), Cairngorm NPA (Planning Team),

21/03/2022	BEAR / TS Roads Meeting – (Advance of Technical Meeting)	BEAR
28/03/2022	Multi Agency Technical Meeting	Highland Council, Cairngorm NPA, BEAR
31/03/2022	Accessibility Group Meeting	CNPA, Disability Beyond Borders, Badenoch and Strathspey Access Panel
06/04/2022	Statutory Processes Meeting	Highland Council (Planning Team), Cairngorm NPA (Planning Team),
19/04/2022	Maintenance Discussion	Highland Council
19/04/2022	Maintenance Discussion	Cairngorm NPA
20/04/2022	Maintenance Discussion	Sustrans
20/04/2022	Maintenance Discussion	BEAR
22/04/2022	Maintenance Discussion	Highland Council

Signed

(John Kennedy, AMJV)

Date: 09/06/2022



PLAN SCALE 10,000

# NOTES 1. DO NOT SCALE FROM THIS DRAWING. <u>KEY</u> ACNMU PREFERRED ROUTE P01 CC RO RS 29/11/21 FIRST ISSUE P02 RO RS 22/04/22 CC FIRST ISSUE Drawn / Des Checked Approved Date Rev Description Drawing Status Suitability FOR INFORMATION S2 Client TRANSPORT SCOTLAND CÒMHDHAIL ALBA AVIEMORE TO CARRBRIDGE NMU STUDY ATKINS mouchel Drawing Title ACNMU LOCATION PLAN Authorised Scale Designed / Drawn Checked Approved RS RS AS SHOWN CC RO Original Size Date Date A1 18/04/22 22/04/22 22/04/22 22/04/22 Drawing Number Revision ACNMU - AMJ - HGN -Project Volume P02 X\_ZZZZZ\_ZZ - DR - RD - 0002

Location Type

Role

Number



# **Pre Application Advice**

Planning Ref:	20/03131/PREMAJ CNPA Ref. PRE/2020/0016 (CNPA) Land between Aviemore and Carrbridge
Proposal Name	Non-Motorised User (NMU) route between the settlements of Aviemore and Carrbridge.
Date of Meeting	9 September 2020
Date of Response	5 October 2020

#### Response

### **General and Policy Background**

This proposal is for a new non–motorised user route between Aviemore and Carrbridge and will be considered in relation to the policies of the Cairngorms Local Development Plan (LDP) 2015 and associated supplementary guidance as well as any other material considerations that may apply including the National Park Partnership Plan and Scottish Planning Policy.

The LDP and associated guidance are available on this web link:

http://cairngorms.co.uk/park-authority/planning/

#### Principle of development

The principle of development must be considered against the relevant policies and guidance as contained within the Cairngorms National Park Local Development Plan 2015, the Cairngorms National Park Partnership Plan 2017 – 2022 and Scottish Planning Policy. These documents lend support to the principle of increased connectivity subject to detailed assessment regarding the landscape and ecological impacts of the proposed development.

Policy 2.2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015 seeks to support development which enhances formal and informal recreation and leisure facilities;... tourism and leisure related infrastructure including... improved opportunities for responsible outdoor access and through improved levels of open space where it will have no adverse environmental impacts, makes a positive contribution to the experience of visitors and where it adds to or extends the core tourist season. The policy further seeks to support the vitality and viability of the local economy and the broader economy of the park.

#### Landscape Impacts

Policy 5: Landscape states that there shall be a presumption against development that does not conserve and enhance the landscape character and special qualities of the National Park and states that any significant adverse effects on the landscape character of the Park must clearly be outweighed by social or economic benefits of national importance. Any adverse effects should be minimised and mitigated through appropriate siting, layout, scale and construction.

It is noted that the preferred option for the route has not been confirmed and full landscape, visual and Special Landscape Quality assessments have not been completed. A full appraisal of each route will be required to justify the chosen route.

A desk top survey has been undertaken, however, a site based survey will be required with full details of the assessment of effects on landscape character areas and visual receptors to accompany and subsequent application for planning permission.

A full SLQ assessment will be required for each option to justify the final choice.

The survey work undertaken and information submitted to date is incomplete and does not follow best practice.

\*\* Please refer to the Landscape Advisor's detailed response which is attached \*\*

#### **Environmental Impacts**

Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan states that development shall only be permitted where the integrity of the area or the qualities for which it has been designated will not be adversely affected, unless any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance.

Policy 8: Sport and Recreation supports development of recreational facilities... or the enhancement of the quality and design of existing facilities where they demonstrate best practice in terms of sustainable design, operation and future maintenance and where there will be no adverse environmental impacts.

All route options will impact on woodland, including Ancient Woodland Inventory habitat through the loss of trees, ground flora, disturbance to soils and the loss of existing woodland edge. There will be a substantial loss of AWI woodland, however this is unavoidable given the desire to create a direct route. Whichever route option is chosen, the aim must be to minimise damage to semi-natural habitats and habitat of conservation value as far as possible. Where habitats are to be lost, compensation will be required. Given the constrained nature of the site this will likely have to be off-site and must be equal to the value of that being lost (as detailed in the Control of Woodland Removal Policy). It should be noted however that ancient woodland is considered irreplaceable due to the time taken to creat this type of habitat.

The impact on Capercaillie is likely to be significant, although for other protected mammals there will not be a significant loss of habitat given it will be predominantly edge habitat alongside busy roads and existing paths. A detailed walk-over survey of all routes will be required for protected mammals, to identify places of rest within 30 metres of the working corridor. A larger/wider survey (up to 200 metres) will be required for water crossings to search for otter holts and couches. Special Protection Plans will be required where any impacts are anticipated.

Wood ant colonies will be likely to be impacted upon and therefore survey work must be undertaken early on to establish what nests will be affected. Nests may require translocation and this will require forward planning. There is scope for the development to act as a wildlife corridor if designed and reinstated to a very high standard. Interpretation along the route is encouraged to increase awareness of local biodiversity.

### \*\* Please refer to the Ecology Advisor's detailed response which is attached \*\*

### **Public Access**

Policy 3: Sustainable Design of the LDP seeks to ensure that new development maintains and maximises all opportunities for responsible outdoor access, including links into the existing path network. All developments are to be consistent with the Core Paths Plan.

Policy 8: Sport and Recreation supports development of recreational facilities... or the enhancement of the quality and design of existing facilities where they maintain and maximise all opportunities to link into the existing path network.

O1 (orange) route links well with existing path network and offers the only realistic access north from the village of Aviemore.

P1 – P3 (purple) route follows the existing Aviemore orbital and the Speyside Way. The Speyside Way is an official long distance route designated under the 1967 Countryside (Scotland) Act. The route has been promoted for over 20 years and is a recognised rolled dust and farm/forest road well used by three audiences; residents undertaking short journeys, visitors undertaking short journeys, and long distance route users. It is likely that current users would see a significant change in the experience if this route, through regenerating native woodland, is tarmac, contradicting the statement that this offers '*less loss of landscape elements contributing to the character*'. It would potentially 'urbanise' this countryside experience and receive significant negative feedback.

This route creates a route from Aviemore to Carr-bridge that is 3km longer (12-15 mins for the 'average' cyclist) than A95 B9153 suggesting that the active traveller may continue to use the road.

The promotion of P1 – P3 (purple) route may encourage users wishing to access Carrbridge to use the 'short cut' forest road from 'The Yard' NW to Kinveachy and A95 through an area of Capercaille with potential negative impacts followed by a short section on A95 – a potential 'hot spot' with no formal access to sections O2 or O3. Capercaille protection previously 'rejected' this as an option. Further survey work will be required on the potential impact on Capercaillie.

Options for creating an off-road, rolled dust path from 'The Yard' to the county road into Boat of Garten as part of Speyside Way (parallel to the rough forest road) are being developed by CNPA and Nature Scotland.

P1 – P3 (purple) route will be maintained as Speyside Way continuing to provide access between Aviemore and Boat of Garten if not upgraded as an NMU

If P1-P3 (purple) route is progressed, further detail on implementation safe active travel through the village of Boat of Garten will be required.

It is noted that the Blue route requires significant removal of roadside native woodland and the project should investigate ways that this could be compensated for by either replanting or supporting native woodland expansion near to the route.

### Process

It is understood that this proposal will constitute a major application under the Scottish Government's hierarchy of development so appropriate pre application consultation with the community will require to be undertaken.

In addition the proposal will require to be screened to establish if Environmental Impact Assessment is required – the applicant will require to make such a request to the Highland Council who will consult with the Cairngorms National Park Authority (CNPA).

Any application would be submitted to the Highland Council for validation. Thereafter once valid, an application for this type and scale of development would be called in by the Cairngorms National Park Authority (CNPA) for determination as it constitutes a Type 1 development under our criteria for call in – more detail on this link:

http://cairngorms.co.uk/wpcontent/uploads/2016/02/151218PANApplyingForPlanningPermissionV22.pdf

The CNPA would then offer a processing agreement setting out a timetable towards determination and identifying which Planning Committee it would be considered at. All applications determined by the CNPA are decided at Committee. The CNPA would welcome ongoing discussion on the proposals prior to submission of an application.

## Conclusion

In order to fully consider any application detailed supporting information as set out below will be required. Submission of a *complete* package of information will help to facilitate processing, avoiding the need for re consultation with other parties and importantly enable the public to comment fully. It will also avoid, in the event of the application being supported, the need for extensive use of "suspensive" planning conditions. Information set out below represents our initial assessment and we will of course be guided by the responses of other statutory consultees who it is expected will be seeking additional information.

Key Points	Assessments to be carried out and/or submitted with application
Detailed Plans	All standard plans to be provided.
	Site Sections - to show existing, proposed and restored ground levels across the development.
	<u>Design and Access Statement</u> – this is required for all major applications and more advice on matters to be covered is available on the Scottish Government website. This should cover the rationale and evolution of

	the choice of route options and the justification for the chosen route.
Landscape Impacts	Landscape and Visual Impact Assessment (GLVIA methodology) – this will be required for the full route and should be informed by a proper site survey. The Landscape Character Assessment must use the CNPA LCA 2010 as its baseline.
	http://cairngorms.co.uk/caring- future/cairngorms-landscapes/landscape- areas/
	The visual assessment must include recreation receptors (both users of the track and others) residents and those working in the area. The visual assessment must also include a sequential visual assessment for those travelling along the A95, B9153 as well as the cycle path itself.
	An LVIA must also be included for all route options to justify the preferred route.
	Special Landscape Qualities Impact         Assessment - consideration of the impacts         of the development on the Special         Landscape Qualities is required in         accordance with NatureScot's latest draft         guidance. This assessment shall include :         General Qualities:         • Landscape both cultural and natural         Glens and Straths:         • Broad farmed straths         • Renown rivers (purple route)         Trees, woods and forests:         • Dark and venerable pinewoods         • Light and airy birchwoods         • Long association with forestry         Wildlife and nature         • Dominance of landforms (blue and orange routes)         Visual and sensory qualities         • Attractive and contrasting textures         Recreation         • A landscape of opportunities
	It is considered that wildness will not be affected.
	Full Tree Survey and Protection Plan – work around trees will occur and this should

	include a survey of notable trees (individual and small groups) and areas of woodland.
	<u>Compensatory Woodland Planting Scheme</u> - to provide for habitat loss and will possibly have to be off site given the restraints of the site.
	Detailed landscape plans with full planting / seeding specifications and objective-based landscape management plan and landscape maintenance schedule - this information should clearly identify areas to be planted, species mix and density, protection and future maintenance.
	<u>Visualisations</u> - to demonstrate how the proposed development will fit into the landscape. This could usefully include photomontages and visual sections suitable for presenting the proposals to the Planning Committee. The CNPA is happy to input to viewpoint selection.
Environmental Impacts	Natural Heritage / Ecology Reports
	<u>Phase 1 Habitat Survey</u> - this is required for all route options which allows for the path corridor and also proposed laydown areas for construction. This will allow an assessment of habitat loss to be made so that particularly sensitive habitats can be avoided and so that sufficient compensation for habitat loss can be determined.
	<ul> <li>Known habitat along the route of particular note:</li> <li>Mature semi-natural woodland and species rich (including Arctostaphylos) heath (P2)</li> <li>Mature aspen stands alongside A95 close to Deshar road junction (P4)</li> <li>Species rich road verges on west side of A95 at Granish junction (B1)</li> <li>Avielochan and associated pools/ponds – (B4)</li> <li>Lochans north of Loch Vaa known to support great crested newts (B8)</li> <li>Significant aspen stand at Kinveachy junction (O2)</li> <li>Mature pine forest alongside B9153 (O2 and O3).</li> </ul>

	<u>Species Protection Plans</u> - this will be required to demonstrate how impacts will be avoided, reduced or mitigated for any protected species that are likely to be affected by the proposal. Wood ants feature along all routes and colonies are likely in the Loch Vaa and Avielochan area.
	Narrow headed ant occur in one or two isolated locations adjacent to the B9153 and are therefore very vulnerable.
	This plan will have to include details of translocation where this is required.
	<u>Habitats Regulations</u> Appraisal - this will be required to determine the impact of the development in this part of Strathspey where there is important woodland habitat for capercaillie, both inside and outside of designated areas (SPAs). The HRA must address impacts through recreation disturbance immediately adjacent to the route, but also impacts caused by increasing accessibility to neighbouring areas that support capercaillie, (i.e. Docharn, Loch Vaa, Boat of Garten Wood, Kinvechy area).
	Construction Method Statement - this will include:
	<ul> <li>Methods to minimise disturbance to habitat</li> <li>Methods of reinstatement of tracksides to make this as ecologically beneficial as possible</li> <li>Measures to avoid or minimise impacts to species</li> </ul>
Drainage	Drainage Impact Assessment, including information on foul and surface water drainage arrangements.
Cultural Impacts	<u>Cultural Heritage</u> – consideration of any impacts upon any listed building, ancient monuments and archaeological interest.
Residential Amenity	Noise Impact Assessment
Transport Impacts and Public Access	<u>Transport Impact Assessment</u> - Transport Scotland and Highland Council Roads Service will advise on this aspect,

Pre Application Consultation with the community (PAC	Pre Application Consultation Report as required by Scottish Government legislation explaining how the public consultation process has informed development of the proposal and the measures taken to inform the public. It is also recommended that, (aside from the neighbour notification process which will be carried out by the Highland Council), the developer advise residents in the area of the submission of the application in the interests of good practise and public relations as it is our experience that this type of proactive work is usually beneficial.

Organisation	Cairngorms National Park Authority (CNPA)
Name	Emma Bryce
Position	Planning Manager (Development Management)
Email	planning@cairngorms.co.uk
Phone	01479 873535

Please attach any additional information as a separate file and send to <u>majorpreapps@highland.gov.uk</u>