

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: CONSTRUCTION OF FOOTBRIDGE, AT SEANN SPIDDAL, NEAR THE A93, GLENSHEE, BRAEMAR

REFERENCE: 04/242/CP

APPLICANT: BRAEMAR COMMUNITY COUNCIL, PER BILL MARSHALL, MOUNTAIN COTTAGE, CHAPEL BRAE, BRAEMAR

DATE CALLED-IN: 21 MAY 2004

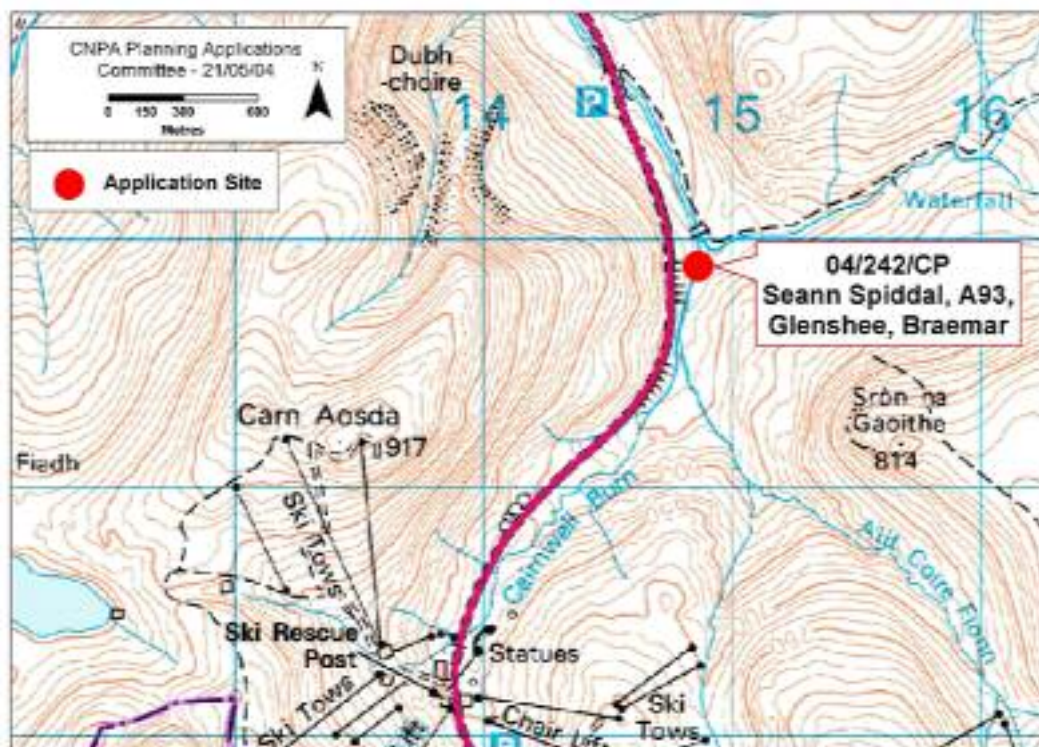


Fig. 1 - Location Plan



Existing crossing point

SITE DESCRIPTION AND PROPOSAL

1. The site is located to the east of the A93 road, about a mile and a half north of the Cairnwell. The bridge is located below the A93. It is to replace a temporary structure which consists of 3 aluminium telegraph poles laid across the burn known as the Allt Coire Fionn/Cairnwell Burn before it joins the Allt a' Gharbh-chorie burn (see map at back of report). The bridge proposal is to be of modern design along similar lines to the recently approved bridge over the River Clunie in Braemar, with a single arching span. The location of the replacement bridge will be some 10 metres upstream from the temporary structure on the rock banks, giving the bridge greater clearance from high water. There will be no change or alterations to the bank profiles or the watercourse itself. The basic structure is a 12.8 metres long bridge with a 10 metre span, constructed of steel tubes and bars, timber decking and larch handrails. The proposal is for the steel tubes to be painted brown and green, the top rail dark red, the infill bars silver, and the timber would have a natural colour.
2. It is considered that the bridge will provide a safer footpath access to and from the White Mounth and the nine Munros east of the A93, from an informal parking area at the side of the A93 road. It should be noted that there is an existing traditional stone military bridge which gives access across the Cairnwell burn to the north bank of the Allt a' Gharbh-choire and access to the Munros of Carn an Tuirc and Cairn of Claise. Descent of these Munros is often made by the Monega path from Sron na Gaoithe

resulting in the need to cross either the Allt a' Gharbh-choire burn or the Cairnwell burn via the steel tubes to gain the car parking area.

DEVELOPMENT PLAN CONTEXT

3. The site lies within the River Dee **Site of Community Importance (SCI) (former cSAC)**, and close to (but not within) the Deeside and Lochnagar **National Scenic Area (NSA)**. The Site of Community Importance designation arises out of European and National Directives and Regulations, and development in such an area requires careful assessment.
4. For the Site of Community Importance (former cSAC), the River Dee is considered to have important populations of fresh water pearl mussels, Atlantic salmon and otter. Where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. This assessment may necessarily extend outwith the boundary of the site in order to determine any implications for the interests protected. This is in terms of the relevant Regulations (**the Conservation (Natural Habitats) Regulations, 1994**), where the Cairngorms National Park Authority (as the competent authority) has a duty to,
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implication for the site in view of the site's conservation objectives.

The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.

5. In the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST)** Policy 19 states that development which would have an adverse effect on a Natura 2000 or Ramsar site will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (through Scottish Natural Heritage) is required unless the development is necessary for overriding public health or safety reasons.

6. In the **Finalised Aberdeenshire Local Plan** the main policy that covers this location is Policy Env\1 (International Nature Conservation Sites) where development that would have an adverse effect on a Natura 2000 or a Ramsar site will be refused unless the developer proves:
- (a) there are imperative reasons of overriding national interest, including those of a social, environmental or economic nature;
 - (b) the objectives of the designation and overall integrity of the area will not be compromised; AND
 - (c) there is no alternative site for the development.

Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest. Policy Env\5 provides protection to NSAs, only permitting a new development where its scale, location or design does not detract from the quality or character of the landscape, either in part or as a whole. In all cases the highest standards of design will be required.

CONSULTATIONS

7. **Scottish Natural Heritage** were consulted, and initially objected to the proposal as submitted, as there was insufficient information to assess the potential impacts on otter. There were comments also on the potential for pollution or sedimentation during the construction of the proposal to smother salmon redds and to disturb juvenile salmon and/or freshwater pearl mussels. Specific conditions have been advised to overcome these effects. These include,
- construction taking place between June and mid-October,
 - SEPA's Pollution Prevention Guidelines are followed,
 - disturbance to the river banks is minimised, and
 - a construction statement is submitted for the approval of the National Park Authority.
8. **SNH** also advise that there should be an appropriate colour finish for the new footbridge.
9. **SNH** were consulted again following receipt of further information, an otter survey and a statement from the applicants relating to the proposed design of the bridge and the potential impact of constructing the bridge on salmon. SNH still advise that a condition restricting construction between June and October is necessary. If such a condition is not applied then an appropriate assessment will have to be carried out to demonstrate the proposal will have no adverse impacts on the integrity of the SCI. From the results of the otter survey, SNH has no further concerns in relation to potential impacts on otter.

10. **SNH** originally raised objection to the design that was considered too urban for this location within the Lochnagar and Deeside National Scenic Area. This would have meant that SNH's objection carried statutory weight. However, subsequent investigations have shown that the site is not within the National Scenic Area and SNH have revised their response to point out that their concerns relating to design should be considered as advisory.
11. **Aberdeenshire Council Planning Service** indicate that a new bridge at the location intended would be acceptable given the unsafe and unsatisfactory situation presently existing at the site.
12. **SEPA** would prefer that the abutments were set back far enough in order to avoid adverse impact on the river banks. SEPA also require a detailed construction method statement for the works to be agreed with the CNPA in consultation with SEPA, prior to the commencement of development. This should include: temporary measures to deal with surface water run-off during construction in order to prevent potential water pollution; all waste streams associated with the works should be identified; details concerning machinery access in or near the watercourse; landscaping details; the staging of the bridge construction to avoid periods of high rainfall if possible.
13. The developer should comply with SEPA's guideline document PPG5 - Works, in, near or Liable to Affect Watercourses, and SEPA's Pollution Prevention Guideline – Working at Construction and Demolition Sites.
14. The **CNPA's Natural Resources Group** have expressed some concerns about the timing of the otter survey – just after a period of very high water level in the watercourse, when signs of otter could have been washed away. This may have resulted in the lack of any evidence of otter presence in the vicinity of the bridge site. The NRG have also commented on the design of the bridge, and state that placing new bridges into landscapes with few human artefacts needs to be considered against the existing character of the area. A consideration of the visual impact of a footbridge within such a landscape needs to look at the merits of the proposal in the context of local character and distinctiveness and other footbridges in the area. (SNH have confirmed that as with the Cluniebank Bridge proposal they are content with the otter survey).
15. The **CNPA's Visitor Services Group** note that the applicants have provided further information in terms of the justification for the bridge in principle. There is an issue about wild land and the introduction of man made structures should be carefully considered. However, in this case given that prominent bodies such as the North East Mountain Trust have expressed support for the bridge and that the Mountaineering Council for Scotland have raised no objection, taken together with the fact that the site is close to the road and that there is an informal crossing at the site then perhaps in wider terms this proposal can be considered acceptable. However, it is important to point out that the construction of many new

footbridges within the Cairngorms, particularly the mountain core is not anticipated. The Visitor Services group recommend that consideration is given to the establishment of suitable path surfaces immediately before and after the bridge.

16. **The Mountaineering Council of Scotland** were consulted and have responded to say that they are fairly relaxed about the introduction of a bridge at this location, although they express concern at the precedent of using a very informal arrangement like the poles to gain a planning consent a few years down the line. In that kind of situation the re-wilding or removal option should always be considered, because in certain locations it may well be the appropriate response. However, on this occasion the bridge is less than 100 metres from the road so is not a wild land intrusion in itself. It does provide easier access to a reasonably remote area for walkers and to a good cross-country ski area (away from the mechanised ski area).

REPRESENTATIONS

17. A letter has been received from the agent, the project manager for the Braemar Community Council (the applicants) indicating that they have the support of the Scottish Rights of Way Society, the Order of St. John (Aberdeen Mountain Rescue) and the North East Mountain Trust. The first 2 of these are also providing financial support (copy attached at the back of the report).

APPRAISAL

18. The main issues to be considered for this planning application, are firstly the principle of erecting a new structure in this location, within a SCI and secondly to consider the details of design, and the physical construction of the proposal.
19. In order to establish if a full assessment of the implications for the SCI's conservation interests was necessary in this case, further information and comments were sought from the applicants to establish whether this location is important for otters, and/or any other protected species. For this scale of development, the information that was made available would suggest that there are no significant impacts. SNH have confirmed that they are satisfied that there will be no impact on otters, the survey indicating the lack of evidence of otter holts in the immediate locality. There are some concerns regarding the timing of the otter survey in that it was carried out at a time of high water. However, the information points out that there are no holts in the area and suggested condition 2 ensures that a check is carried out nearer the time of construction should the application be approved.

20. The existing situation of using a group of poles placed across the watercourse has been a practical temporary measure and is used to access sheep fanks by a local shepherd. The watercourse has extremely variable flows of water down this valley over a year, and the poles bridge has also provided a means of crossing the water for recreational activity. However, this is a hazardous crossing with slippery and uneven surfacing, and the structure is capable of being swept away in high water flows. A new structure with better (even) surfacing and an arched design would overcome these problems. Therefore, such a new structure could, in principle, be supported in an area where there is an established need for access (as supported by the Scottish Rights of Way Society) into the adjacent countryside.
21. There are concerns about the design of the structure from SNH. However, it should be noted that arched bridges are not unusual for old military roads in the Highlands and the stone bridge close to the parking area giving access to Carn an Tuirc is an example. In addition, the use of metal structural elements are familiar in Victorian footbridges. The significance of the comments for this application is the relative sparsity of man-made structures and non-natural materials in this rural location. Policy ENV5 of the Local Plan requires the highest standards of design for new developments in the adjacent National Scenic Area (a short distance to the east). Although the site is not within a National Scenic Area, design should be optimised, and the applicants have proposed a structure, which is visually pleasing and its siting will not have a significant impact in the overall landscape. The colouring of the bridge as proposed, with 4 different colours (brown, green, dark red and silver) as well as the natural timber is excessive for this remote rural location. Colouring should be restricted to not more than two, subdued colours. The applicants have indicated that they would be happy with this. Either a muted brown or green colour would be appropriate to integrate the new structure into this landscape. Most people will only see the bridge from the surrounding hills with the background of the A93, itself a far more visible, unnatural feature in the rural landscape.
22. There are important planning conditions that can be attached to the consent that will control potential harmful impacts from the erection of the new bridge structure on the watercourse and the banks. The timing of the works is critical and the advice of SNH to restrict the construction period to within the June to October period should be included in a planning condition. The applicant has raised some concern regarding this, but given that the condition is aimed at the protection of species covered by European legislation, the condition should be applied in accordance with SNH's wishes and to be consistent with the recent decision on the Cluniebank Bridge in Braemar. A works statement is required to ensure that proper construction practices are adopted for this development in what is a sensitive location. The existing poles should be removed as soon as the new crossing has been completed. All of the above are included as conditions.

23. At first I had concerns in relation to both the principle and design of the bridge in this location. The principle of the introduction of a man made object in this location raised some concern regarding wild land and remote area issues, particularly when there is a more traditional bridge approximately 30 metres north of this site that provides access to the Munros of Carn an Tuirc and Cairn of Claise. However, the descent route involves crossing the poles (which can be dangerous in icy conditions) or wading one of two burns. Also, given that this is a local community council proposal taken together with a positive response from a range of outdoors organisations I am led to a conclusion that the proposal is acceptable in principle.
24. The design of the bridge at first hand appears formal for such a location and I have at one point suggested to the applicant that a more informal timber bridge may be appropriate. However, the applicant wishes to retain this scheme has provided a strong justification (attached at back of report) and it is pointed out that the designer has a considerable track record in relation to bridge design in Scotland. Reasonable points have been made that the bridge is effectively a curved element in a contoured landscape and that the introduction of a flat timber bridge would be alien to its surroundings, despite this often being a standard approach to footbridges in the countryside. It is also important to recognise that the curved shape of the bridge provides its own reinforcing strengths and other approaches may well require greater works to the embankments of the watercourse to provide the same tensile strengths. Further to this, it must also be recognised that there are a number of man made features in the locality including the ski centre, sculpture area and the A93 itself. Given this, and despite earlier reservations my conclusion is that the bridge is acceptable in this location, but that the colour scheme needs to be more modest, this would be achieved by condition No4.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

25. The new bridge will replace an informal structure on the edge of one of the remoter parts of the Park. This will ease access into the remoter hinterland and therefore, there is the potential that more people will be able to access that area. An unsafe bridging structure exists already, so that access has been available for walkers and skiers for some years. The site is close to a main traffic route, and an informal parking location for visitors to start their walk from. The provision of a new bridge will lead to a more formal recognition to this access across the Monega – for walkers and for cross-country skiers and may help in the general management of this area.

Promote Sustainable Use of Natural Resources

26. It is not clear where all the material will be sourced from, but the timber elements could be sourced locally. The steel elements will have to be manufactured elsewhere.

Promote Understanding and Enjoyment of the Area

27. The replacement of the bridging point over this burn will provide a safer (and therefore more enjoyable) passage for people using the footpath into the Monega Pass and a number of Munros in the area.

Promote Sustainable Economic and Social Development of the Area

28. The bridge will only be usable by foot traffic, and will provide a safer route for locals and visitors using the remoter areas beyond for recreational activity. It has been suggested that local labour may be used in the construction of the new bridge as a pilot for other similar projects on local estates, where replacement bridges may be needed. This is being promoted by the applicants as potentially a sustainable development by the community, and an ideal form of diversification for the local Chairlift Company who may be involved.

RECOMMENDATION

29. That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the erection of the Footbridge at Seann Spiddal, Glenshee, subject to the following conditions:

1. The development to which this permission relates must be begun within 5 years from the date of this permission.
2. Prior to the commencement of the development hereby approved a detailed method statement indicating the following:- a) temporary measures proposed to deal with surface water run-off during construction in order to prevent potential water pollution. b) identification of all waste streams associated with the works. c) machinery access in or near the watercourse. d) landscaping. e) timing of works, with bridge and other construction works being staged to avoid periods of highest rainfall. f) micro siting of bridge foundations. g) A further check for signs of otter at a time to be agreed by the CNPA prior to start of works. h) measures to ensure satisfactory path surfaces at either end of the bridge. All of the above shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and SNH. Construction shall be carried out in accordance with the approved method statement.

3. That the construction work shall only be carried out at the site within the months of June through to 15 October.
4. That the colour of the footbridge structure shall be restricted to not more than two colours which shall be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of the development.
5. That within three months of the completion of the new footbridge the existing poles across the watercourse shall be removed from the site and the locality, and the banks of the watercourse shall be reinstated to match the adjacent ground.
6. Prior to the erection of the footbridge on the site a maintenance agreement for the bridge shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The bridge shall be maintained in accordance with that agreement unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

ADVICES TO APPLICANT

The developer should comply with SEPA's guideline document PPG5-Works In, Near or Liable to affect Watercourses.

During the construction phase of the development, any muddy surface waters or discoloured groundwater generated on the construction site should not be admitted to any surface water drain or watercourse. All construction work must be in accordance with SEPA's Pollution Prevention Guideline PPG6 'Working at Construction and Demolition Sites'.

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24 January 2004