
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR
CONSTRUCTION OF NEW VEHICULAR
ACCESS BRIDGE WITH LINK TRACK TO
ESTATE FACILITY
AT PITMAIN ESTATE, KINGUSSIE**

REFERENCE: 2012/0402DET

APPLICANT: PITMAIN ESTATE

DATE CALLED-IN: 21/12/2012

RECOMMENDATION: APPROVE WITH CONDITIONS

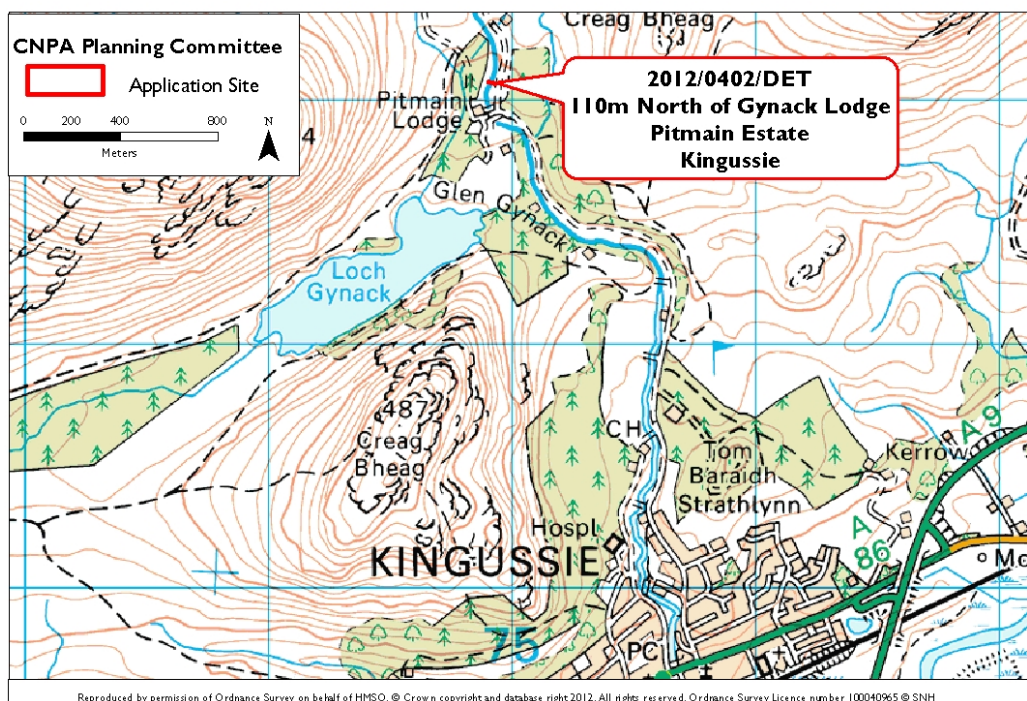
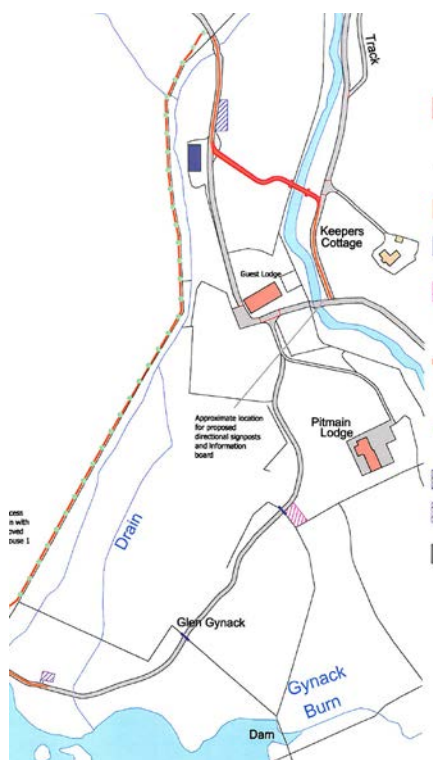


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

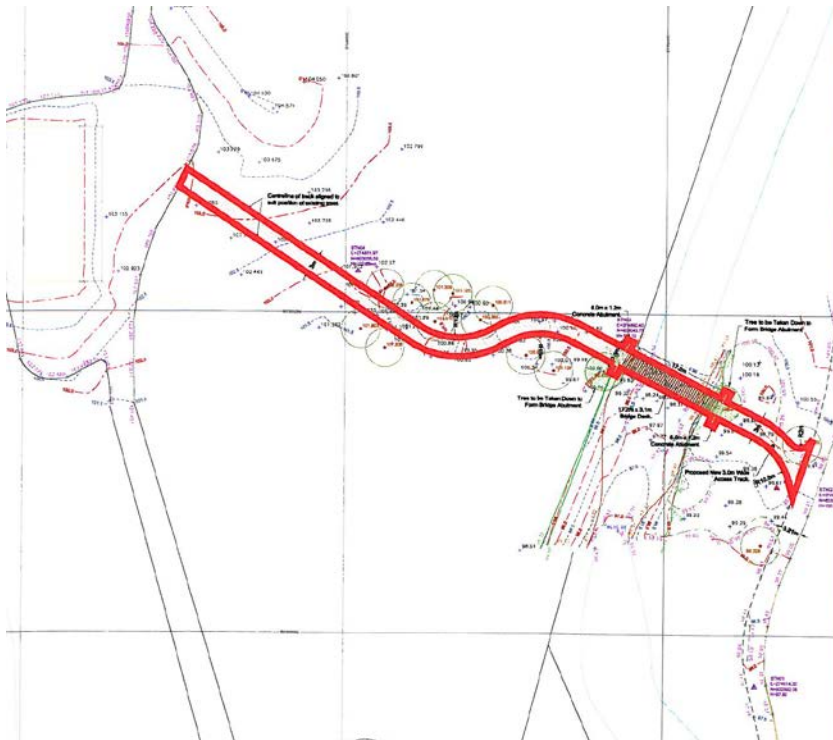
1. Full planning permission for the erection of a new vehicular bridge and associated access track at Pitmain Estate to the north of Kingussie close to Loch Gynack. The development is required in order to provide as shorter link between the recently constructed Gamekeeper's house westwards across the Allt Mor watercourse to an agricultural workshop serving the Estate. This workshop is located on the other (west) side of the river. There is an existing vehicular bridge located some 100 metres to the south which leads west to the workshop, past recently built guest accommodation at Pitmain. At present estate traffic takes this route and it is understood that the idea of the new bridge is to separate estate and domestic/recreational traffic.
2. The new bridge will be accessed via an existing track which leads up from Gynack Road, Kingussie past the Golf Course and through the estate onwards towards the hills of Creag Dhubh and Creag Mhor. This track branches off at Pitmain Lodge to lead westwards past the guest accommodation referred to above, then past the workshop to lead northwards again to the hills beyond. These are well used local routes by walkers, riders and cyclists, with the track leading past Pitmain Lodge and the guest accommodation being a Right of Way. This path network also links to walks past Loch Gynack from Newtonmore. Figure 2 below shows the overall layout in relation to the environs of Pitmain Lodge. This sketch has been submitted as supporting information by the applicants and the wider network does not form part of this application.

Fig 2 – Indicative Overall Plan



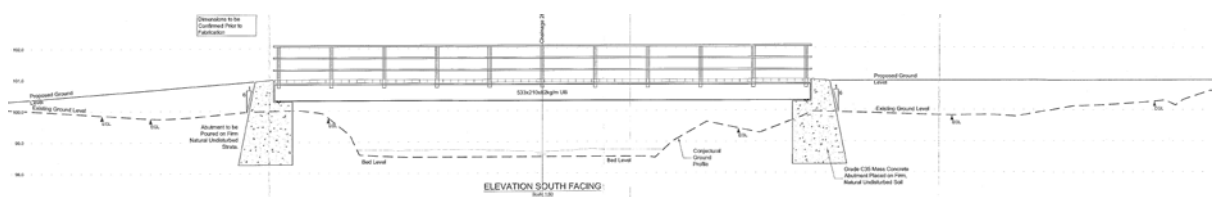
- The proposed new link track between these two routes is around 100 metres long and 3 metres wide. The track will run through a wooded plantation and two conifer trees will require to be removed to accommodate the track. The route is being chosen to largely avoid any further tree damage. These trees are part of a largely conifer plantation here, with some Scots Pine, and figure 2 below shows the proposed route through the trees.

Fig 3 – Layout Plan



- The proposed bridge is of standard wooden construction and simple functional design, similar to the existing wooden bridge at Pitmain. The design is shown in Figure 4 below. The bridge will span the Allt Mor water and will be just over 17 metres in span and 3 metres wide. It will be of steel construction with wooden decking and wooden railings, height 1 metre. The abutments will be set well back from the water edge and constructed of concrete with the underside of the bridge around 1.7 metres above the river bed level. Upfilling of the track as it leads to the bridge will be necessary to achieve sufficient height above the burn as shown in figure 4 below. An indicative construction method statement has been submitted to demonstrate how the works will be carried out without damage to the environment or watercourse. The Allt Mor burn leads into the Spey, but is not covered by any specific environmental designations in itself.

Fig 4 – Elevations of Bridge



5. There is relevant planning history at Pitmain Estate which is summarised below and helps explain the background to the current proposals:
- a) 09/017/CP- full planning consent was granted in 2009 by the Cairngorms National Park Authority (CNPA) for erection of new house and garage for the estate keeper at land to the north of Pitmain Lodge. This new house is now built and is located to the east of the Allt Mor burn within a spruce and pine tree plantation, part of which was felled to accommodate the new development.
 - b) 11/03085/FUL – planning consent granted by Highland Council in 2011 for the demolition of former keepers house, flat, and workshop and erection of new guest accommodation to the north east of Pitmain Lodge, which sits in its own grounds. This new development is now built and is located close to the existing right of way, with a planning condition imposed requiring that there be no obstruction to this right of way. It is located on the west side of the Allt Mor burn.
 - c) 11/02328/AGR- an agricultural notification was dealt with by Highland Council in 2011 for the erection of a new agricultural workshop/storage building at Pitmain to the west of the right of way and north of the guest accommodation. The need to keep this right of way free from obstruction was again highlighted. The workshop and associated parking areas are now constructed and are very well used with considerable evidence of quad bike and other vehicular use here. Spruce and pine trees required to be removed to accommodate this development which sits within a wooded setting.
 - d) 2011/0281/DET - Further north the CNPA granted full planning permission for a hydro scheme on the Allt Mor burn with powerhouse beside Loch Gynack

DEVELOPMENT PLAN CONTEXT

National Policy

6. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
7. As a replacement for a variety of previous planning policy documents the new Scottish Planning Policy includes 'subject policies', of which many are applicable to the proposed development, including economic development, rural development, and landscape and natural heritage. These seek to ensure that new development does not have an adverse impact on the environment.
8. National Parks are discussed under the heading of national designations, and the four aims of the Park are outlined, with paragraph 138 advising that in circumstances where conflict between the objectives arise, and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence.

STRATEGIC POLICIES

Cairngorms National Park Partnership Plan 2012-2017

9. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
Three long term outcomes for the Park are set out as follows:
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.
10. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

LOCAL PLAN

Cairngorms National Park Local Plan (2010)

11. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
12. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are set out below.
13. Policy 6 – Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all adverse effects have been mitigated.
14. Policy 5 – Biodiversity – which seeks to ensure no adverse impacts on habitats or species identified in the local biodiversity action plan.
15. Policy 34 – Outdoor Access applies which encourages development which improves opportunities for responsible outdoor access. Any development which would result in a loss of public access rights or loss of linear access (such as core paths, rights of

way etc.) will only be permitted where an appropriate or improved access solution can be secured.

16. Policy 16: Design Standards for new development sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide

Supplementary Planning Guidance

17. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Guidance on Natural Heritage applies which sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Reference is also made in the document to the need for applicants to provide natural heritage information. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures.

CONSULTATIONS

18. **Spey Fishery** Board have been consulted and have not provided a formal reply. However they have advised verbally that they have no objections to the application and do not consider it will have any adverse impacts upon their interests. They further advise that migratory fish do not normally reach this section of the Allt Mor Burn, and in any event the construction of the bridge will not impede access.
19. **CNPA Outdoor Access Officer** has outlined the location of rights of way at Pitmain, and advises that the new track and bridge (providing that they are of suitable standard and well signed) will help the Estate to manage public access away from the guest lodge. Right of way status will remain for the existing route (HB41) running from Kingussie past the guest accommodation, and the Officer recommends that a condition be imposed requiring that access along the right of way remain unobstructed during construction and after completion. In conclusion the Access Officer supports the construction standards of the track and bridge as being similar to the existing route and suitable for horses, cyclists and pedestrians, and recommends that signage be erected to indicate that this proposed alternative route may be used too.
20. **CNPA Ecology Officer** requested that a squirrel survey be carried out. Having considered the information provided the Officer considers that there should be no adverse impacts upon red squirrel, with no evidence of any otter holts or ants nests which could be disturbed by the development. The officer notes that apart from the two conifer trees which have been highlighted for felling, there may be additional damage to trees and undergrowth as a result of the construction of the track. It is recommended therefore that suitable conditions be imposed to ensure that damage is minimised (with trees protected and any tree loss compensated by replacement planting of native species), that works take place outwith the bird breeding season and that measures are taken to ensure good practise is followed for works in the vicinity of the watercourse to ensure no pollution occurs. On this basis the Officer

concludes that whilst the proposal would have a minor impact on ecological interests there is potential to address this by appropriate mitigation measures as outlined above.

21. **Kingussie Community Council** has been consulted but no response has been provided to date.
22. **Scottish Environment Protection Agency (SEPA)** has been consulted and advise that a Controlled Activities Regulations (CAR) registration will be require to be submitted to the Agency by the applicants. On issuing such a registration SEPA would require that a construction method statement be approved to ensure there is no damage to the water quality during construction, for example as a result of silt escaping into the river. (They can regulate this particular issue but cannot regulate works connected with the construction of the track). Consequently, they have no objections subject to a condition being imposed requiring submission of a construction method statement. SEPA further commented that they were not commenting in respect of any flooding issues, and they have been re-consulted for their comments in this regard. Their comments are expected before the date of the Planning Committee meeting.

REPRESENTATIONS

23. The application was not publicly advertised. No representations have been received. The applicant's agents have requested the opportunity to be heard at Committee.

APPRAISAL

Principle of Development

24. The principle of this development is to improve the working arrangements of this sporting estate by trying to separate out the estate/agricultural traffic from the domestic and recreational users, largely in relation of the guest accommodation. At present vehicles accessing the estate workshop require to drive past the front of the guest accommodation which sits close to the road which is not an ideal situation in terms of the amenity of residents. The proposal would improve the working practises of the estate and as such the principle is in accordance with general planning policies to support economic development.
25. The key detailed planning issues are to ensure there are no adverse environmental impacts as a result of this proposal, and that the proposals do not impede public access over the existing popular recreational routes in and around Pitmain and Loch Gynack. These matters are now considered below.

Public Access Issues

26. As outlined earlier there is a network of well used tracks around Pitmain, including a right of way leading north from Kingussie to the Creag Mor and Dhubh hills and beyond. The current proposal will not block this right of way in any respect, and will offer users coming from the southward direction an alternative route which avoids

going past the guest lodges. Directional signs can be provided to highlight this option and to manage visitors as it is understood that the Estate are keen to encourage users to use this option if possible.

27. There is no proposal to install permanent barriers (indeed this would be contrary to relevant access legislation given that this is right of way), and users coming from the Loch Gynack (south west) direction could continue to head north past the guest accommodation.
28. The proposal will not therefore impede access and as noted by the CNPA Access Officer, the standard of track proposed is similar to existing tracks in the area whereby the route is suitable for all users (horse, pedestrians or cyclists) Consequently this development is considered to comply with Policy 34 on Outdoor Access, subject to comments made by the Access Officer being incorporated as planning conditions and advisory notes as appropriate.

Design and Landscape Issues

29. The design of the proposed bridge is functional and appropriate materials for this rural location are proposed, similar to the existing bridge leading to Pitmain Lodge. The site is located within a wooded area and will have little impact upon the wider landscape. It is therefore considered to comply with Policy 6 on Landscape.

Environmental Issues

30. The main planning issue in this case is any impacts upon the natural environment. National and local planning policies seek to ensure that the natural heritage of the National Park is conserved and enhanced. Whilst the new bridge in itself is unlikely to adversely affect these interests (given that it completely spans the watercourse and does not enter it) there is always potential during the construction phase for damage to be caused to the environment, and to the species which inhabit it. Although SEPA will ensure through their regulatory regime that there are no adverse impacts upon the watercourse, it is essential to ensure that the method of construction pays full regard to the environment for both construction of the bridge and the track.
31. In response to our request, a Construction Method Statement has been submitted which outlines the measures to be taken to ensure there is no pollution of the watercourse. This statement will be the subject of further consultation with SEPA. Meantime this matter can be covered by an appropriate planning condition in this case,
32. As the site lies within an area identified in SEPA's flood maps, it is also important to ensure there are no flooding issues as a result of the development, particularly in terms of the integrity of the bridge and SEPA have been re- consulted in this regard. Their comments are expected before the date of the Planning Committee meeting. The applicants have advised that the height of the bridge above the river bed takes account of any issues.

33. Another key environmental issue relates to the construction of the track through woodland and the need to ensure that this does not adversely affect squirrels or any other ecological interests. A squirrel survey has now been submitted which concludes that there is no evidence of squirrels in the trees to be felled.
34. As noted in paragraph 20 earlier the CNPA Ecology Advisor has assessed the overall environmental impacts and concludes there will be a minor effect on ecology interests which can be mitigated by appropriate planning conditions such as timing of construction works and ensuring construction works follow appropriate guidance regarding protection of watercourses.
35. Finally there is the issue of the tree loss itself. The loss of the two conifers is not considered to be a significant issue in this particular case (providing compensatory planting is undertaken) given the relationship to an area which is already subject to human intervention by way of the keeper's house and the workshop. However there could be more damage to trees during construction and it is important to ensure that appropriate planning conditions are attached to ensure the routing of the track on site limits potential tree loss and protects existing trees. Appropriate planning conditions can be imposed to this end and as suggested by the CNPA Ecology Officer

CONCLUSION

36. Overall the application is considered to comply with Local Plan policies and will provide improved access arrangements for a working estate and its employees. Any potential impacts upon the environmental can be protected by appropriate planning conditions, and in the overall circumstances it is considered that this development could proceed without damage to the area. Accordingly approval subject to appropriate conditions is recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The design of the proposed bridge is in keeping with the rural character of the area and will not have any detrimental visual or landscape impact, whilst the proposed tracks will not have any adverse landscape impacts due to the discrete location within woodland. In addition the development can be constructed in a manner which will conserve the natural heritage here and this can be adequately controlled by appropriate planning conditions.

Promote Sustainable Use of Natural Resources

38. The applicants have indicated that Douglas Fir or larch would be used if possible thus promoting the sustainable use of natural resources. Whilst new materials will be required to construct the bridge it is hoped that these could be sourced locally.

Promote Understanding and Enjoyment of the Area

39. The proposed development has the potential to support access opportunities in the Pitmain area by providing an alternative route around the guest accommodation and does not detract from enjoyment of the area. Indeed it has the potential to promote the enjoyment of the area by residents of the guest accommodation through separating domestic and estate traffic.

Promote Sustainable Economic and Social Development of the Area

40. The development will enable the estate to work more efficiently without disturbance to residents of the guest accommodation and the short term construction works may be of some economic benefit during construction.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the construction of new vehicular access bridge and link track to estate facility/land beyond at Pitmain Estate subject to:

- a) **SEPA having no adverse comments in relation to consultation on flooding issues with any comments made incorporated as planning conditions**
- b) **The following conditions : -**

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country (Scotland) Planning Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Unless otherwise agreed with the Cairngorms National Park Authority (CNPA) acting as Planning Authority and in consultation with SEPA and the Spey Fisheries Board, no in river works shall be carried out.

Reason: To ensure there is no adverse impact upon the natural heritage of the area in accordance with Local Plan policies and as the application has been assessed on the basis of no in river works.

3. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority no work shall commence on site until a detailed landscape plan has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority to show the exact, final route of the access track and including the following requirements:
 - Details of all trees to be protected during construction and the measures to be employed for their protection including root protection areas and any pre construction pruning required. This plan shall take account of the recommendations of the British Standard for Trees in relation to design, demolition and construction (BS5837),

- Details of planting of ecologically significant native trees and shrub species suited to a riparian setting which will compensate for the loss of any regenerating trees and shrubs arising out of the construction works. For example, native willows (e.g. *Salix aurita*, *S. cinerea* and *S. caprea*), common alder (*Alnus glutinosa*) and aspen (*Populus tremula*)
- All planted trees should be protected from browsing and grazing animals such as rabbits, hares and deer by planting within mesh tubes and details of these measures to be included in this plan

Work shall thereafter be undertaken in accordance with the approved landscape plan with compensatory planting undertaken in the first planting season following completion of the development hereby approved.

Reason: To ensure there is no adverse impact upon the natural heritage of the area and that the landscape is enhanced and conserved in accordance with Local Plan policies.

4. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority the finishes of the development hereby approved shall be timber decking and railings (natural wood, not painted)

Reason: In the interests of visual amenity and in accordance with Local Plan policies which seek to ensure the special qualities of the Park area maintained.

5. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority tree felling work shall avoid the bird nesting season (1st April to 15th August in any year)

Reason: To ensure there is no adverse impact upon the natural heritage of the area in accordance with Local Plan policies.

6. No work shall commence on site until a site specific construction method statement has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. This statement to cover how work will be undertaken to ensure minimal disturbance to vegetation and wildlife, avoidance of importation of soil, reuse of excavated materials, and no adverse impacts upon the watercourse. The statement shall incorporate detailed pollution prevention and mitigation measures for all construction elements which may potentially give rise to pollution. The development shall thereafter be undertaken in accordance with the approved construction method statement unless otherwise agreed in writing by the CNPA acting as Planning Authority. *Note : SEPA's consultation reply dated 15 January 2013 provides useful information to assist in preparation of a construction method statement*

Reason: To ensure that the development does not have any adverse impacts upon the environment, and in the interests of conserving and enhancing the natural heritage of the area.

7. During construction and subsequent operation of the development hereby approved adjacent rights of way shall be kept free from obstruction at all times

Reason: In order to ensure that public access in the area is maintained and enhanced in accordance with local plan policy.

8. Before work commences on the construction of the bridge hereby approved, details of the siting and design of interpretive signage (to advise the public that there are alternative routes in the area) shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The approved signage shall be erected before the bridge is brought into use.

Reason: In order to ensure that public access in the area is maintained and enhanced in accordance with local plan policy.

Advisory Notes

1. The developer's attention is drawn to the comments of the Scottish Environment Protection Agency (SEPA) in respect of regulatory requirements and the need to obtain authorisation from the Agency for the proposed works. Please refer to SEPA's full comments for further information.

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6 March 2013

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