
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE CONSTRUCTION OF AN ADVENTURE ROPES COURSE AND RECEPTION BUILDING AT LAND BETWEEN St JOHN'S EPISCOPAL CHURCH SOUTH EAST TO THE ROAD JUNCTION, INVERDRUIE, AVIEMORE

REFERENCE: 08/409/CP

APPLICANT: ROTHIEMURCHUS ESTATE

DATE CALLED-IN: 12th DECEMBER 2008

RECOMMENDATION: APPROVAL

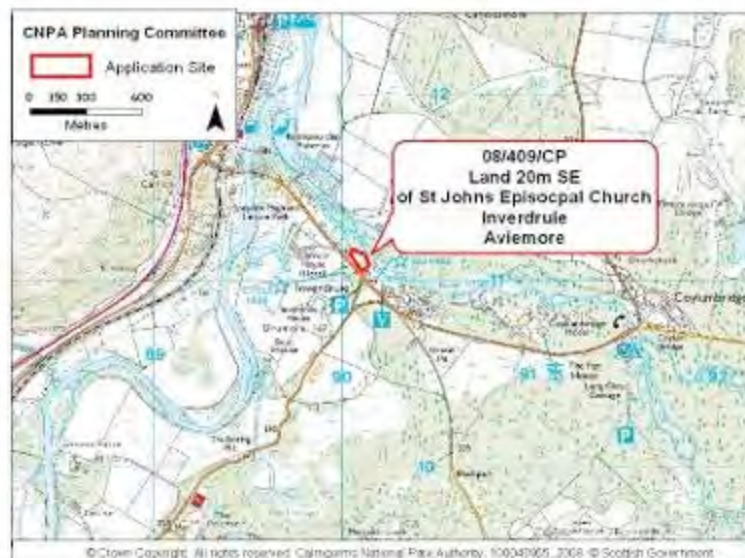


Fig. 1 Location Plan

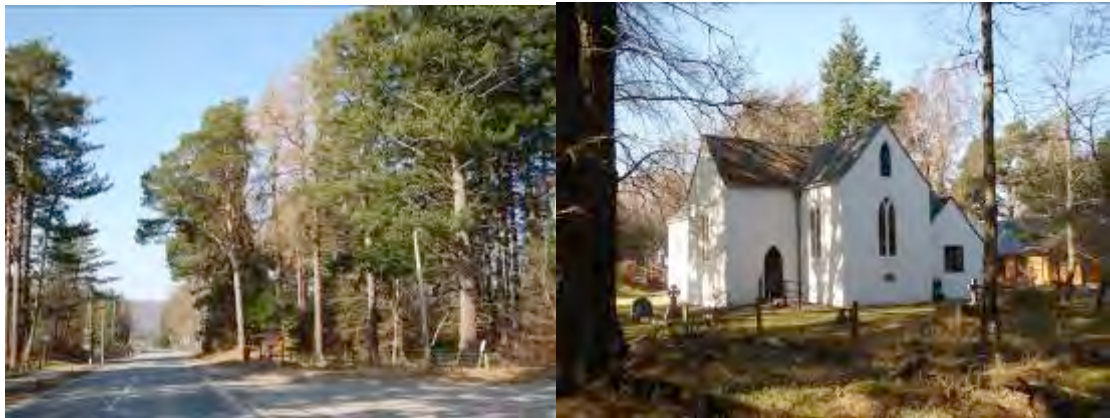


Fig. 2 Looking North West along site frontage to B970 Glenmore Road
Fig. 3 View of St Johns Episcopal Church from foot of zip wire launch tree



Fig. 3 Main part of site looking West
Fig. 4 Looking South East (free fall jump area)



Fig. 5 Site from Rothiemurchus Visitor Centre car park
Fig. 6 Entrance to site and position of reception building



Fig. 7 Detail of structure for ropeway (from Trentham)

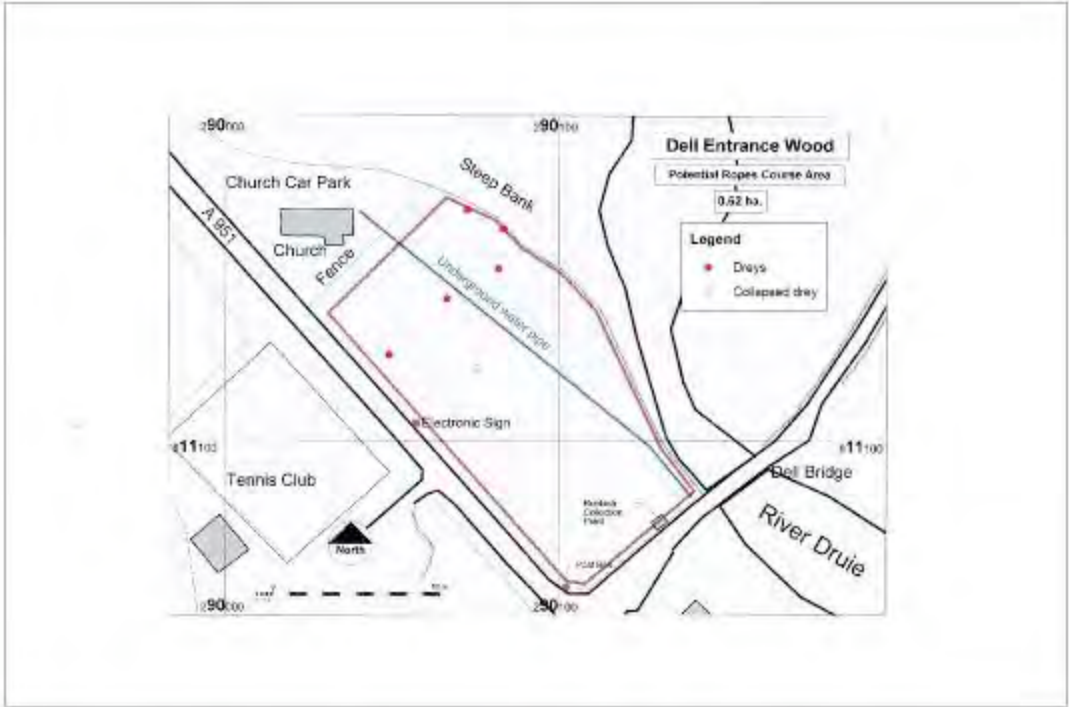


Fig. 8 Site boundary and dreys map



Fig. 9 Site Layout, 2009 dreys overlaid (red dots)

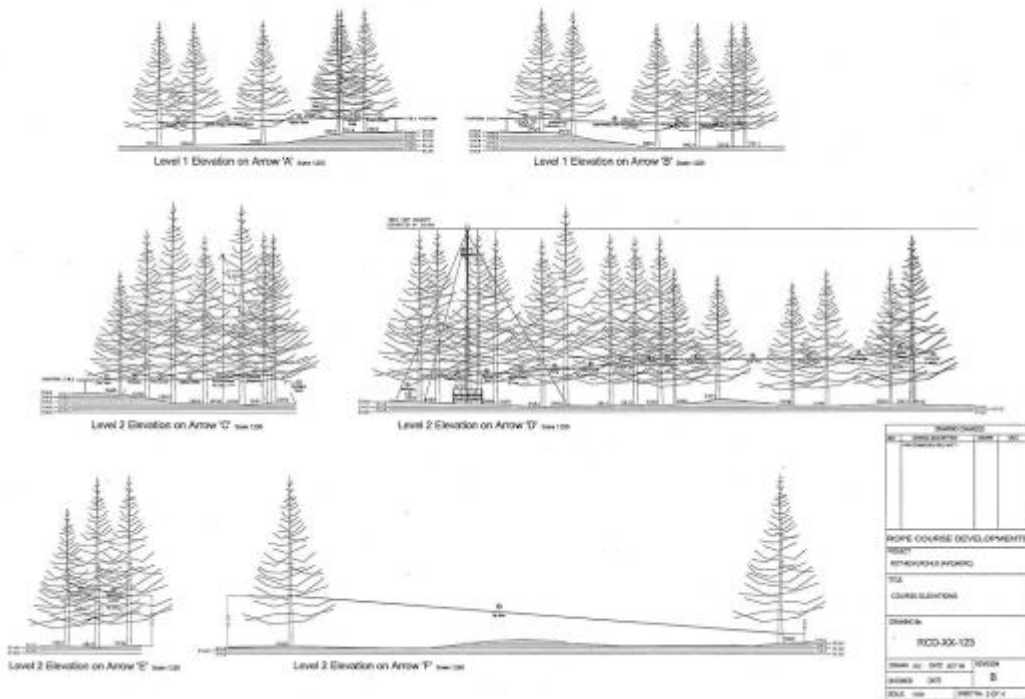


Fig. 10 Elevations

SITE DESCRIPTION AND PROPOSAL

1. The site measures 0.56ha. and comprises mature plantation woodland containing predominantly Douglas Fir with some Scots Pine, Sitka Spruce, Birch and Larch. The tallest trees are between 30 to 40 metres in height. Most trees are around 25-30 metres, with abundant natural Beech regeneration up to 3m tall. The ground profile is undulating. The rear North East part of the site slopes gently towards the River Druie which is part of the River Spey Special Area of Conservation.
2. The site is located North West of the Rothiemurchus Visitor Centre and is bound to the South East by the access road to Dell Bridge and to the North West by the St Johns Episcopal Church and Church Hall. To the South West is the B970 ski road, with the tennis court, Bothy Bikes and informal car parking amongst the trees opposite. There is an extant planning permission for a retail and office development with parking in the area across the B970. The site is in the opposite quadrant to the main visitor centre car park at the junction of the B970 with the B road to Feshiebridge.
3. The site is within the Cairngorms Massif National Scenic Area and is identified in the Badenoch and Strathspey Local Plan as Amenity Woodland. A small part of the rear of the site, close to the river is semi-natural ancient woodland. There are no Tree Preservation Orders in the site area. The rear part of the site, close to the river is identified as falling within the 1:200 year flood risk area. The adjacent church is a Category B Listed Building and is recorded on the National Monuments Record.
4. It is proposed to erect an aerial adventure ropes course and “free fall jump” pole, with a timber reception hut located just into the wood from the South corner. The course will comprise various linked trial elements suspended from the trees. The course starts 2.5 metres off the ground rising to 10 metres off the ground at the North West end before descending from a small platform down a 95 metre long zip wire. The zip platform would be in a substantial tree 12 metres from the church grounds. The course would be visible from the grounds but not from inside the church due to the orientation of the East windows. The ropes course would be 3 metres from and 3 metres high at its nearest point to the inside edge of the road side verge. It would be 20 metres from the river edge at its nearest point and will be predominantly in the higher parts of the site. An informal footpath will be about 15 metres from the river edge.
5. The operators are geared towards coach parties and estimate up to 30 people could be on the course at any one time. They operate special times for the very young. The minimum user height is 1.1 metre i.e. around 6 years old. Users are supervised and remain attached to the course by a safety line at all times.
6. The “free fall jump” pole will be erected towards the South East end of the site, to the rear of the reception hut and will comprise a c.30 metre pole and platform secured by three long wire guys. The activity consists of a vertical decent down a fixed wire and is not a “bungee jump”. Opening times are restricted to daylight hours so no lighting other than at the reception hut is required. No

amplified music is required. The operator is prepared to suspend operations during church services, by arrangement. No parking is planned on site and only heavily used areas at the beginning and end and around the hut and “kit-up” area will be laid with bark to prevent erosion. Small numbers of spectators are expected to walk round below and their movements will be managed by discrete use of timber rail fencing and the laying of bark where required. The site area will remain open for public access and will not be fenced in.

DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

Strategic objectives for Landscape, Built and Historic Environment include ensuring that development complements and enhances the landscape character of the Park. Strategic objectives for integrated land management of forestry and woodland promote multi-objective management that delivers environmental, economic and social benefits, including those from recreation and tourism delivered in a manner that protects the environmental qualities of the woodland. Strategic objectives for Sustainable Communities include the encouragement of year round employment opportunities arising from year round recreational activity. Strategic objectives for Sustainable Tourism include strengthening and maintaining the viability of the tourism industry in the Park and the contribution it makes to the local and regional economy. Strategic objectives for Outdoor Access and Recreation encourage people of all ages and abilities to enjoy and experience the outdoor environment.

Highland Structure Plan 2001

4. **Policy T2 Tourism Developments** supports high quality tourism developments particularly those that extend the tourism season, provide wet weather opportunities, spread economic benefits and are accessible by means other than private vehicles and provide opportunities for sustainable enjoyment and interpretation of the area’s heritage.
5. **Policy F5 Amenity Woodland** supports the maintenance and enhancement of amenity woodlands.

Badenoch and Strathspey Local Plan 1997

6. The site is allocated as amenity woodland.
7. **Para. 2.2.9 Tourism and Recreation.** broadening the range and quality of facilities is to be balanced with protecting the area’s exceptional scenic and heritage qualities.
8. **Para. 2.3.1 Countryside Recreation** is encouraged where it is compatible with rural land use, nature conservation and heritage interests.

- Para. 2.5.2 Forestry.** The amenity conservation and recreational value of commercial forests is recognised, with special attention to the main tourist routes and corridors.
9. **Para. 2.5.4 Woodlands and Trees** seeks to protect existing trees and established woodland areas, including Ancient and Semi-Natural Woodland and individual granny pines and mature exotics associated with estate policies. Development should be outwith 20m of the trunks of mature trees and care should be taken to protect root systems and tree stability.
10. **Para. 2.5.11 Glenmore Corridor.** The plan recognises the national and international significance of conservation, recreational and amenity interests in Glenmore Corridor and specific policies are stated:
11. **Para. 4.14.1 Glenmore Corridor** specifies a presumption against development other than reasonable consolidation and improvement of established businesses. Such developments should be restricted to activities subservient to or consistent with existing property and should not adversely affect amenity.
12. The main objectives for **Inverdrue/Coylumbridge** are to restrict future development to what can be successfully absorbed in landscape terms; to restrict development South of the ski road and to protect an enhance roadside amenity.
13. **Para. 6.7.1** states that visitor facilities should retain road side trees and bunding. **Para. 6.9.1** states that the character and **identity** of Inverdrue will be safeguarded, including woodlands, open spaces and footpaths. Tourist developments of remaining gap sites will be encouraged consistent with these objectives but further development along the ski road frontage will be resisted.

CONSULTATIONS

Scottish Natural Heritage comments in the context of its responsibilities towards the River Drue as a tributary of the River Spey SAC and the interests of otter using the River Drue area. They also comment on the Bat Report in relation to their duties towards the protection of all bat species. It comments on the risk of entanglement and entrapment of otter during the construction and operation phases. Rigorous management of materials and waste management should be demonstrated as part of a method statement. It wishes to consider any proposals for lighting. Operating hours should be disclosed and agreed. SNH has considered the Bat Report and confirms that it has no record of bats at the site and has no further comments arising from the bat report.

Scottish Environmental Protection Agency initially objected to the application on the grounds that part of the site (to the rear, near the river) falls within the 1:200 flood risk area. This objection has been withdrawn on the grounds that the development lies outwith the area at risk of flooding.

Highland Council Area Roads Manager: Initial comments were provided on the basis that on-site parking would be provided. Pressure on existing parking facilities at the locus at peak times indicates that additional parking and manoeuvring space to meet the demands of the development should be provided. Subsequently, data from the applicant demonstrates that there is adequate parking in the vicinity to meet existing and proposed demand around the Rothiemurchus Visitor Centre and associated developments. Objections on parking grounds are therefore withdrawn.

Highland Council Forestry Officer notes that the site has a high amenity value being prominent from the B970 ski road and visitor facilities in the vicinity. It also has an ecological value, with evidence of Red Squirrel and Otter. The proposed method of attachment to the trees requires careful assessment to avoid any detriment to their physical health. The reception hut is within the root protection area of a large tree. Information is required on trees to be removed or trimmed. An initial objection was lodged.

Aviemore and Vicinity Community Council: a fantastic idea but concerned about the lack of information about parking.

Rothiemurchus and Glenmore Community Association: support the proposal but concerned over the capacity of existing car parks, traffic and road safety.

Visitor Services and Recreation: the application does not impinge on general access to the area as the site will not be fenced. Other similar facilities in the UK represent an important and economically viable visitor attraction. The proposed location is excellent from the point of view of “visitor capture”. It would add value to the areas visitor attractions.

Heritage and Landscape Management: The Landscape Officer comments that the course is unlikely to have a detrimental impact provided it is contained within the tree canopy. The Ecology Officer, following review of the amended submissions, comments that proposals for mitigation measures in relation to construction and operation are still required. These pertain to the protection of Red Squirrel habitat and dreys, two of which are very close to the ropes course. Breeding bird activity also requires consideration. The bat survey is satisfactory.

REPRESENTATIONS

One letter of objection makes the following comments:

- should be outside a conservation area (Officer’s note: the site is not within a conservation area),
- should not be located adjacent to a Listed and active church, noise will disturb church activities, including those at the new church hall,
- the estate had previously indicated that the site could be use for a church car park extension; parking would become a priority if the new hall is successful in attracting functions,
- loss of squirrel and other wildlife habitat,
- traffic in and out of the visitor centre is already a serious hazard to users of the Glenmore road; this proposal will add to the congestion.

APPRAISAL

The Principle of Development

The proposal is supportive of policy objectives to promote sustainable tourism provided that it is sensitively implemented with regard to landscape and ecological considerations. Inverdrue is a visitor hub with a gateway role and attracts a large number of visitors, particularly in the summer. The proposal is an adjunct to and supportive of the existing tourist facilities in the vicinity and is accessible by means other than a car. It has the additional benefit of providing an active pursuit for younger visitors and of providing a year round and poor weather attraction, adding to the scope for full time employment. It would not detract from the landscape if contained within the canopy and is likely to reduce forestry cropping pressures on the site. The ground flora and natural attractiveness would be largely retained and open access to the public would be maintained. The semi-natural ancient woodland and the riverine area to the rear of the site would be unaffected.

Local Plan policies for the Inverdrue/Columnbridge area and Glenmore Corridor state a presumption against development other than a reasonable consolidation of existing businesses, provided that they protect amenity and the landscape. Development to the South of the ski-road is more explicitly restricted. Visitor facilities should retain road side trees and the character of Inverdrue will be safeguarded. Tourist development in remaining gap sites will be encouraged provided that it is consistent with these objectives.

It is considered that the proposal is supportive of the Local Plan policies in that it is an adjunct to the existing visitor centre, will share its facilities and will be mutually supportive in commercial terms. It is a gap site on the North side of the ski-road but will represent a soft development within the trees rather than a hard build. To this extent it will protect the character of the area.

Facilities Design and Construction

The facilities will be constructed and operated by experienced national operators and to high environmental, safety and operational standards. The equipment will be attached to the trees by bolt systems, using tried and tested methods. Users will be fully instructed and protected throughout. Disturbance of the ground and formation of paths for observers will be kept to a minimum and protected by bark and small post and rail fences only where strictly necessary. The river area at the North East side will be similarly safeguarded.

The rope way, free fall jump and reception hut have been redesigned to take account of visual amenity and Squirrel habitat protection. Two poles will be used in place of trees containing active dreys. Five trees along the line of the zip wire have been identified for felling. Some further lopping of branches along the line of the ropeway will also be required. The hut will be in a traditional timber format, probably with a corrugated iron roof.

Ecology

A key issue is the interests of protected species. Signs of Otter have been identified on the North East side of the site and 5 Red Squirrel dreys ranging from good to poor condition and one collapsed drey have been identified across the site. Some of these are in different positions and condition to those plotted last year. The Ecological survey report found no evidence of Squirrels currently on the site. Nonetheless, Red Squirrel dreys enjoy legal protection. The course has been redesigned in places to avoid dreys and appropriate conditions are recommended. SNH has confirmed that the Otter is unlikely to be adversely affected provided that the risks of entrapment and entanglement are removed or minimised. This is partly covered in the Construction and Operating Method Statements already submitted but requires some further work, as recommended in Condition 2.

Whilst no particular avian interest has been identified on the site, the trees have potential for certain breeding birds and as such, recommended Condition 3 includes birds.

Parking and Traffic

The applicant has identified a potential demand for 10 parking spaces and coach parking associated with the ropes course. There is presently a need for 30 spaces in the vicinity (although this rises in peak periods). 59 spaces are presently available, not including 85 spaces presently associated with private operators. There is also overflow space for 500 cars in an adjacent field. The Highland Council Area Roads Manager has accepted these figures and acknowledges that parking is sufficient and on-site parking is unnecessary. This does not remove the problem of traffic and pedestrian movements generated by a variety of premises and activities at Inverdrue, exacerbated by various car movements around the junction and access points. This is a matter of traffic management and highlights the need for slow speeds. Coach parking is available at the Fishery.

St Johns Episcopal Church

A key issue is the presence on the adjacent site to the North West, of the Listed St John's Episcopal Church and a new Church Hall. It is material to consider the setting of the Listed church as well as any nuisance or loss of amenity resulting from the development. The top of the zip wire and the access platform would be 12 metres from and visible from the church grounds and hall. It would not be visible from inside the church due to the orientation of the East windows. Limited noise disturbance from the zip wire as well as a potential loss of serenity and privacy in the grounds is likely to occur. The grounds contain burials but it is not in heavy current use as a cemetery. It is appropriate that church services are not interrupted so a condition (Condition 10) preventing use of the ropeway during services is recommended. The affects on the church grounds or Listed building are not considered sufficient to preclude use of the north end of the application site for the zip wire access platform, as the length and the angle of the zip is critical to the operation and predominant backdrop of trees will remain.

Conclusion

Whilst the proposal raises some issues of ecology, amenity and privacy in the area, it has been designed to minimize these impacts and protect the character of Inverdrue and its environment. It is an acceptable tourism development appropriate to a tourism hub and likely to make a positive contribution to tourist attractions, the visitor experience and the local economy. It is therefore sustainable in terms of the Development Plan policies and the Aims of the National Park and subject to a number of safeguarding conditions, is recommended for approval.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

The proposed has been amended to take account of the natural and cultural heritage of the area and it is expected that the development will not materially harm this Aim.

Promote Sustainable Use of Natural Resources

The proposal is located adjacent to a visitor hub and will encourage combined visitor trips without opening up a previously undeveloped part of the forest.

Promote Understanding and Enjoyment

The proposal is aimed at active enjoyment of the forest environment by a youthful clientele and presents opportunities for environmental and wildlife interpretation and appreciation.

Promote Sustainable Economic and Social Development

The activity will contribute to the diverse range of tourism and recreation in the area, compatible with amenity, landscape and conservation objectives for the Inverdrue area, so contributing to local economic opportunities and recreation.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the construction of an adventure ropes course and reception building at land between St John's Episcopal Church, South East to the road junction, Inverdrue, Aviemore, subject to the following conditions :-

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Prior to the commencement of the development hereby approved a construction and operational method statement detailing the means of avoiding disturbance of Red Squirrel habitat including link trees and dreys; avoidance of

Otter entanglement and entrapment in materials, equipment and waste containers; and ground protection from damage, wear and tear and oil and materials spillage during construction and operational phases, shall be submitted for the approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environmental Protection Agency. The development shall be constructed and managed in accordance with the approved details.

3. Notwithstanding the provisions made in the construction management plan there shall be no site preparations including tree felling or lopping or construction works during the Red Squirrel or bird breeding season, defined as the months of February to September inclusive.
4. The ropes course shall be constructed in accordance with the submitted advice given in "Issues Concerning the Use of Ropes Courses in Trees" By Steve Maros, published 10th December 2006. In particular, cut outs and rebates to accommodate bolts and plates shall be kept to an absolute minimum.
4. Prior to the commencement of the development full details of the design including foundations, base, roof and all colours and finishing materials of the reception building shall be submitted for the approval of the Planning Authority. For the avoidance of doubt, the reception building shall be constructed with a stilted base set above natural ground level. The building shall be constructed and finished in accordance with the approved details.
5. No part of the free fall jump structure shall be significantly visible above the surrounding tree canopy, as viewed from the Rothiemurchus Visitor Centre car park, located to the South side of the B970 junction.
6. No tree shall be felled topped or lopped unless it is within 2.5 metres of the zip wire or otherwise without the prior written approval of the Cairngorms National Park acting as Planning Authority.
7. Notwithstanding the provisions made in the operational management plan, there shall be no use of the ropeways or free fall jump during the hours of darkness, defined as after sundown and before sunrise, each day.
8. There shall be no artificial lighting of the site other than in the immediate vicinity of the reception building and designed for its safe function. Wattage shall be kept to a minimum compatible with safe operation and lighting shall be cowled to avoid light spillage beyond the lit area.
9. There shall be no amplified music at any time and no mechanical noise audible outwith the site area.
10. The ropeway and zip wire shall not operate during any church services held in the adjacent St. Johns Episcopal or its grounds provided that the operator has sought and received at least 24 hours notice of planned services, in writing. Full records must be maintained for inspection by the Planning Authority.

11. In the event that the ropes course or free fall jump fall into disuse, defined as being non-operational for a period of 2 years, the entire structure, other than callused over bolts, shall be dismantled and removed from the site and the surrounding ground cover restored to its natural state.

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18th May 2009

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.