
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE FORMATION OF A WALK / CYCLEWAY; THE FORMATION OF PASSING PLACES AND ADDITIONAL CAR PARKING AT BADAGUISH OUTDOOR CENTRE, GLENMORE.

REFERENCE: 09/295/CP

APPLICANT: SPEYSIDE TRUST BADAGUISH OUTDOOR CENTRE C/O BRACEWELL STIRLING ARCHITECTS, INVERNESS

DATE CALLED-IN: 2 OCTOBER 2009

RECOMMENDATION: APPROVE, WITH CONDITIONS

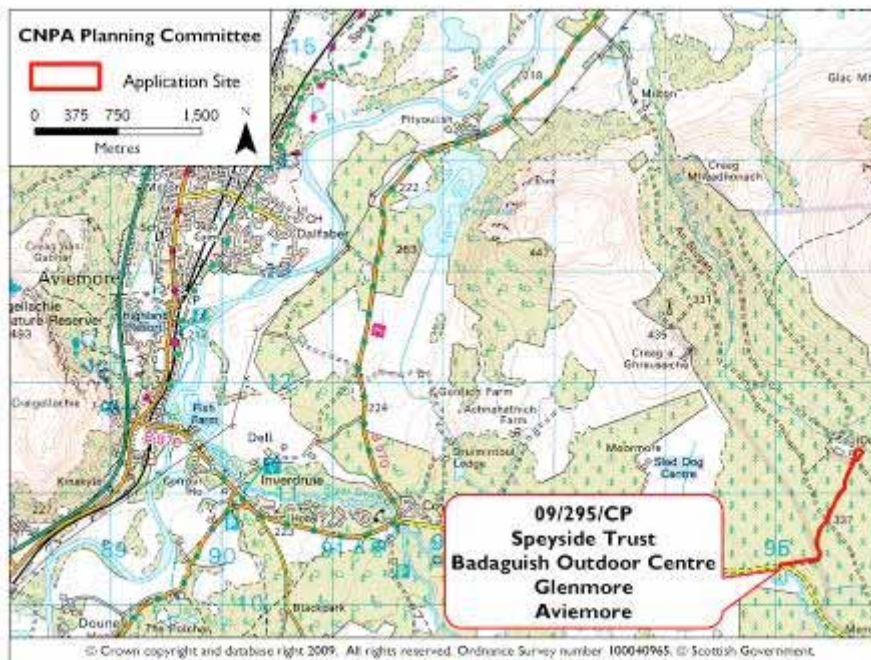


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the formation of a walk / cycleway, the formation of passing places and an additional car parking area at Badaguish Outdoor Centre in Glenmore. The outdoor centre is operated by Speyside Trust and currently includes a variety of indoor and outdoor activity areas, as well as accommodation facilities. The core area of the outdoor centre is located in a clearing in Glenmore Forest, and is accessed via a single track access road which extends from the nearest public road (which leads from Aviemore to Glenmore and the Cairngorm Mountain ski centre). The Old Logging Way i.e. the recently developed Aviemore – Glenmore off road cycle route, terminates at the junction of the Badaguish access road and the public road. At present users of the route exit onto the access road serving Badaguish, with the majority continuing their journey along the single width access road and re-joining the forest track approximately 350 metres to the north-east.
2. The walk / cycleway which is the subject of this application would be approximately 1,600 metres in length and is proposed to run adjacent to the western side of the access road, from its junction with the public road to the main area of the Badaguish complex. For the most part the line of the path is proposed to be constructed along the line of an existing ditch. The applicants consider that the construction of the route is desirable for safety reasons, as the existing arrangement “has become a safety concern due to accidents resulting from increased use of the access track by cyclists since the opening of the Aviemore to Glenmore off road cycle track.” The proposed new walk / cycleway would allow the separation of walkers /cyclists/other non motorised users from vehicles which use the existing Badaguish access road.



Fig. 2: Proposed route along the line of the ditch, adjacent to the existing single track access road.

3. Three passing places are proposed, all of which would be positioned on the eastern side of the existing access road. The first of the passing places is proposed approximately 250 metres from the junction with the public road, the second is approximately 450 metres from this, and the final passing place is proposed approximately 70 metres from the main area of the Badaguish complex.

- The final element of the development proposal is the formation of an additional car parking area within the Badaguish complex. The overall site area identified for car parking extends to approximately 3,600 square metres (0.35 hectares) and is proposed on the eastern edge of the complex in an area which currently accommodates a spruce plantation. The identified site area is dissected by the Allt Feithe Moire burn which runs through it. The site layout plan shows car parking curtailed to the southern side of the burn, with provision being made for 52 formal car parking bays, arranged in a V shape. Supporting information indicates that a 5-10 metre exclusion zone would be established along the burn adjacent to the car park and that this would be “enhanced by new native tree planting to create an attractive wildlife and landscape feature to provide screening and amenity to the car park.”



Fig. 3: Proposed car parking arrangement

Construction details

- The proposed walk / cycleway would be 2 metres wide. Excavation and scraping work would be undertaken in order to remove any organic matter. The path would then be constructed with up to 900 mm depth of clean crusher run and would be surfaced with a 25mm layer of quarry dust.¹ Supporting information indicates that the finished path is intended to be as “unobtrusive as possible and fit comfortably into the terrain it crosses with a minimum of impact and disturbance to the surroundings with no visible bare ground or spoil.” Machinery involved in the proposed path construction would include excavators of up to 7 tonnes in size, tracked dumpers of up to 3 tonnes in size, a twin drummed vibrating roller and a standard range of hand tools.
- The route of the proposed walk / cycleway would cross a burn at two points. It is proposed to install culvert pipes to channel the water under the path. The culvert pipes would be 300mm in diameter and would be twin walled polypropylene perforated. At certain points along the route a turf lined ditch would be developed in order to collect water and direct it away from the new path. The ditch would be formed by excavations to a depth of 500 mm, to

¹ The maximum particle size in the quarry dust would be 5mm, which would be compacted to form a 1:35 centre camber / cross fall, with a consistent even surface regularity with no high points and no hollows.

create a low profile. The ditch would be approximately 1,200mm wide. It would be re-vegetated with blanket turf in order to provide the final finished profile.

7. The proposed new car parking area would be created by clear felling the necessary extent of spruce plantation on the site, following by some excavation work and the importation of sub-base material. Surface dressing would be 25mm compacted quarry dust. The perimeter of the car parking area would be edged with half logs. It is also proposed that the half logs would be used to delineate individual car parking bays. The most recently submitted site layout plan also identifies areas of planting within the proposed car parking area. The details provided indicate that "new landscaping in these areas shall be planted with native trees and shrubs of local provenance to enhance biodiversity."

Car parking need

8. In the course of the CNPA assessment of the planning application the need for the proposed car parking area was queried. In a response submitted on behalf of the applicants reference has been made to it being an agreed aim with Highland Council Education Department that on site safety would be improved by making efforts to centralise parking facilities and to limit cross site vehicle movements and therefore minimise potential conflicts with pedestrians. The proposed new car parking area has been designed to accommodate varying levels of car parking demand generated by the variety of facilities and accommodation that exists on site at present, as well as occasional events run at the site. It is intended that visitors to the Badaguish facility would park their vehicles in this proposed new main car park and that vehicular access through the rest of the complex would be curtailed to necessary circumstances, for example in an emergency or accessing specific buildings upon arrival or departure.



Fig. 4: Arrow indicates proposed new car parking area

9. Reference is also made in the supporting information to the proposed new car parking area being of benefit in easing parking pressures for special events which tend to generate increases in the numbers of day visitors. The Schools Outdoor Challenge is cited as an example, as it involves the participation of 15 schools and in the region of 300 – 400 young people attending. The proposed new car parking area is described as "valuable in itself for the safety and efficient functioning of the site."

Ecological Considerations

10. An Ecological Survey and Impact Assessment² has been submitted in support of the planning application. It is acknowledged at the start of the document that the development site lies within the Cairngorms National Park, and that part of the site is also within areas designated for conservation, namely the Cairngorms Special Area of Conservation (SAC), Cairngorms Special Protection Area (SPA) and it is also within the Glenmore Forest Site of Special Scientific Interest (SSSI). Various studies were conducted, concerning protected species, red squirrel, wood ants and birds.
11. A protected species survey considered the aquatic features of the site, which is essentially the ditch over which the walk /cycleway would be constructed; and also a burn which flows through the proposed car parking site. The aquatic features in the survey area were considered unsuitable for otters, water voles or great crested newts. The potential presence of badgers was also considered. No signs of badgers were found during the walkover survey and the assessment findings consider it unlikely that badgers are utilising the proposed development area. It is also noted in the assessment that pine martens are known to be present in the local area. Although there was no sign (usually in the form of droppings), during the walkover survey, it is stated that "their presence should be treated as possible." Finally bats were discussed under the banner of Protected Species and it was noted that the open area of woodland and the woodland edges of the Badaguish Centre, including the proposed car parking area provide some suitable foraging habitat for Vespertilionid bats. Despite this however, the assessment states that "the small number of trees to be felled in the car park development are Sitka spruce and this species does not regularly develop the complex growth form that provides crevices and holes for bat roosts."
12. A red squirrel survey was carried out in June 2009 and a potential disturbance buffer zone of 40 metres either side of the proposed walk / cycleway was surveyed. One drey was found approximately 35 metres from the proposed works, located close to the archery area in the south of the Badaguish complex. The drey was given a 5 rating, which indicates that it is a 'most likely' case³ that it is active. However no trees are to be felled in this part of the development.
13. The third survey undertaken was for wood ants. It is noted in the ecological assessment that the Glenmore-Rothiemurchus-Aviemore forest complex is a stronghold of several species of wood ants. However, no wood ant nests were found in the proposed development areas. One wood ant nest was identified at the side of the access road, close to the originally proposed position of lay-by 3.⁴ It is recommended in the ecological assessment that if the nest remains in place

² The Ecological Surveys and Impact Assessment was carried out by Aquaterra Ecology on behalf of the Speyside Trust. The information was submitted in September 2009, with a revised assessment submitted in December 2009.

³ Dreys which are considered 'most likely' to be active display signs such as being well formed, with recent signs of fresh building and bedding material, and / or an entrance hole.

⁴ A number of the lay bys were originally proposed on the western side of the access road, adjacent to the proposed walk / cycleway. The proposed location of the lay bys was amended (to the east of the access road) on the site layout plan received in January 2010.

at the time of the works that it should be clearly marked and identified to the construction crew.

14. The final survey detailed in the ecological assessment relates to birds. The woods of the Glenmore-Rothiemurchus-Abernethy forest complex are noted as being important for a number of species of birds of conservation concern including Scottish crossbill, capercallie and the crested tit. The ecology assessment quotes Tim Poole, Capercallie Project Officer having advised that "the new footpath / cycleway parallel to the main access track will have a negligible impact on capercallie." In addition as the construction work would not involve any tree removal it is also considered unlikely to impact on crested tits or Scottish crossbill. The assessment does however highlight the concerns expressed by Tim Poole that "the presence of the new cycleway may increase the number of walkers in the area rendering a large area of the forest poorer for capercallie."
15. The ecological assessment document includes a number of recommended mitigation measures. The following is a summary of the assessment and mitigation measures : -

Proposed activity	Character of unmitigated impact	Impact significance without mitigation	Mitigation	Residual impact significance
Cycleway and lay-by construction				
Increased noise from heavy plant	Disturbance to wildlife including red squirrel drey	Very minor adverse impact (at local level) probable	Restrict daily construction hours to 08.00 and 18.00 and work between October and December in vicinity of drey.	Insignificant impact.
Removal of existing vegetation	Small loss of habitat and foraging for fauna. Loss of several juniper.	Very minor adverse impact (at local level) probable	Trans-locate juniper to suitable nearby area	Insignificant impact
Creation of car park extension				
Increased noise from chain saws etc.	Disturbance to wildlife	Very minor adverse impact (at local level) probable	Restrict daily felling hours to 08.00 to 18.00	Insignificant impact
Tree felling and vegetation clearance	Loss of foraging and nesting habitat. Loss of native trees.	Very minor adverse impact (at local level) probable	Retain all wind firm native trees and juniper understorey. Fell in September – March, outside bird breeding season.	Insignificant impact.
Use of cycleway and lay-bys				
Potential increase in cyclists and walkers	Noise and human disturbance. May affect capercallie in the adjacent woodland.	Minor adverse impact unlikely / probable	Do not promote for use for other than Badaguish residents	Minor adverse impact unlikely.
Potential small increase in car traffic	Increased risk of fauna (red squirrel) fatality.	Not significant	Current speed restriction adequate	Insignificant impact

Fig. 5: Ecological assessment and mitigation, as identified in the Ecology Assessment submitted by Aquaterra Ecology.

DEVELOPMENT PLAN CONTEXT

National Policy

16. In the national context, **Scottish Planning Policy**⁵ is the statement of the Scottish Government's policy on nationally important land use planning matters. **Scottish Planning Policy** supersedes previous Scottish Planning Policy documents and National Planning Policy Guidance. Under the heading of Core Principles, a number of broad principles which the Scottish Government believe should underpin the modernised planning system are outlined and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
17. Para. 33 of **Scottish Planning Policy** focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." 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.
18. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."
19. **Scottish Planning Policy** includes a detailed section on Landscape and Natural Heritage. Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities are required to support opportunities for enjoyment and understanding of the natural heritage. It is noted in para. 127 that "landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character."
20. The topic of **Open Space and Physical Activity** is discussed in paragraphs 149 to 158 of the policy document. It is noted that "access to good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland." Planning authorities are required to consider access issues and protect core and other important routes and access rights when preparing development plans and making decisions on planning applications.

⁵ February 2010

Highland Council Structure Plan 2001

21. The **Highland Structure Plan 2001** includes several policies that are broadly applicable to the type of development proposed, including policies on sport and recreation as well as tourism and the environment. The benefits of sport and recreation facilities are highlighted in section 2.5.1 of the Plan, where they are attributed to making an important contribution to sustainable development and enhancing the health and quality of life of the residents of the Highlands. One of the Plan's strategic themes include encouraging the "adoption of a proactive approach to the wise use of the natural environment".
22. Section 2.5.10 of the Plan concentrates on the subject of informal recreation and access, noting that it is of very high importance, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry. The Plan however recognises that increasing demands for access necessitates the achievement of a balance between accommodating the needs of countryside users and protecting the fragility of the Highland countryside. Section 2.5.13 of the Plan notes that the "protection of rights of way and provision of an integrated system of well maintained and signposted paths catering for walking, cycling and equestrian use are a valuable resource for local communities and visitors, both in terms of providing access and heightening appreciation of the wider environment.
23. The **Highland Structure Plan** also includes a number of detailed policies on Tourism which are considered pertinent to the development proposal. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. Section 2.7.1 also highlights the fact that community needs should also be considered in order to ensure that facilities and opportunities are provided which serve the needs of both visitors and local residents.
24. **Policy T2** of the Structure Plan aims to support high quality tourism development proposals, particularly those which extend the season, spread economic benefit more widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
25. The **Structure Plan** includes a detailed section on forestry, noting that it is a significant land use within the Highlands, and highlighting the fact that forests increasingly serve a variety of purposes besides commercial timber production (section 2.10.3). The opportunity to provide an important network of recreational facilities, capable of accommodating a much higher number of visitors than more open areas is emphasised.
26. The proposed site is located within a National Scenic Area. The Cairngorms Mountains NSA has been designated for its landscape quality.

Badenoch and Strathspey Local Plan (1997)

27. The **Local Plan** details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage. The conservation strategy advocated for the countryside includes provision being made for the restoration and expansion of the core Caledonian Forest, and the upgrading of facilities for recreation, tourism, interpretation and education / research in more robust locations. In particular, multiple use of forest areas is encouraged.
28. The proposed cycleway is located on land identified as the Glenmore Corridor in the **Badenoch and Strathspey Local Plan (1997)**. The majority of the route is within a Site of Special Scientific Interest.⁶ The Plan states that "the Council recognises the integrity of the corridor linking from the Spey into the Cairngorms, its distinctive conservation features and the mounting visitor pressure." The general development policy for the area is outlined in section 4.14.1 of the Plan where it is stated that reasonable consolidation and improvement of established businesses is acceptable in principle, although a strong presumption will be maintained against further new development throughout the area "except where this is considered essential for the proper management of visitors." It is the policy to avoid conflict between users and activities, hazard or jeopardy to public safety or damage to the environment.
29. The general topic of Tourism and Recreation is addressed in Policy 2.2.9 of the Local Plan where it is acknowledged that tourist activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities is balanced with protecting the area's exceptional scenic and heritage resources. The Local Plan also states that the more accessible intermediate lowland areas have potential for a broad range of activities and that provision should be made for upgrading recreation, tourism, interpretation and education / research facilities in the more robust locations better able to absorb visitor pressure. Multiple use of forest areas in particular is encouraged.

Cairngorms National Park Plan (2007)

30. The **Cairngorms National Park Plan** has a number of strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are set out under three broad headings – (i) conserving and enhancing the park; (ii) living and working in the park; and (iii) enjoying and understanding the park.
31. In terms of conserving and enhancing the park, the specific objectives are intended to ensure the management of the natural and cultural heritage of the Park whilst recognising the interdependence between the special qualities and the important links to the socio-economic viability of land management, businesses and communities. The Park Plan includes a strategic objective for Landscape, Built and Historic Environment, which has a number of aspects

⁶ North Rothiemurchus Pinewood SSSI.

including maintaining and enhancing the distinctive landscapes across the park and ensuring that development complements and enhances the landscape character of the park. Also in relation to the conservation and enhancement of the Park, the subject of biodiversity is addressed in considerable detail. Reference is made to Natura 2000 sites⁷ and it is highlighted that there is an “obligation by law to prevent any activities being undertaken which are likely to have an adverse impact on the qualifying features of interest, unless such impact would be caused by an activity that is in the overriding public interest and for which, there was no available alternative. One of the strategic objectives for biodiversity which is of particular relevance to the current application is to “develop awareness and understanding of the interactions of land-uses, tourism, outdoor access and nature conservation amongst other interests.”

32. Continuing on the theme of conserving and enhancing the Park, the Plan includes strategic objectives for Forest and Woodland Management. Objectives include promoting multi-objective forest and woodland management that delivers environmental, economic and social benefits and also promoting the value of forests and woodlands as a major sustainable tourism asset, increasing the derived economic benefits to woodland owners and local communities.
33. Under the heading of ‘Enjoying and Understanding the Park’ the Park Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and that this in turn requires “a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.” The Plan also emphasises that enjoyment of the area is not only relevant to those people travelling to the Park, but is also part of the everyday experience of those living in and around the area. There are a number of strategic objectives which are of relevance in relation to ‘Sustainable Tourism.’ Objectives include improving and maintaining the quality of the experience in the Park for all visitors, communities and those working within the tourism industry; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and also to encourage an optimum flow and spread of visitors across the Park and minimise social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.
34. A specific section of the Park Plan addresses the subject of ‘Outdoor Access and Recreation’ and strategic objectives of relevance to this proposal include – encouraging people of all ages and abilities to enjoy and experience the outdoor environment; developing a co-ordinated approach to the sustainable management of high quality outdoor access and recreation by the public, private, community and voluntary sectors; planning for outdoor recreation needs and

⁷ Natural 2000 is a European network of protected sites which represent areas of the highest value for habitats and species of plants and animals which are rare, endangered or vulnerable in the European Community. The network includes Special Areas of Conservation and Special Protection Areas.

opportunities in a co-ordinated way across sectors; and developing a high standard of responsible management of outdoor access based on a common understanding of the needs of access managers and users.

35. Emanating from the strategic objectives, the **Cairngorms National Park Plan** identifies Priorities for Action. This is essentially a programme of work in key areas for the five year period from 2007 – 2012. One of the priorities is to provide high quality opportunities for outdoor access and amongst the specific actions identified to achieve this is to improve or extend strategic routes. The recently completed Aviemore to Glenmore off-road route was one of the specific actions identified.⁸

CONSULTATIONS

36. **Scottish Natural Heritage (SNH)** considered the proposal and in accordance with the casework agreement between **SNH** and **CNPA** the response focuses on the impact of the proposals for designated natural heritage features and European Protected Species - the response therefore focuses on the walk / cycleway element of the proposal.⁹ **SNH** has no objection to the proposed walk / cycleway but recommends a number of conditions in order to avoid adverse impacts on designated sites. Recommended conditions include a requirement to reposition one of the proposed passing places in order to avoid damage or removal of juniper or Scots pine trees; construction work to take place outside the bird breeding season; the inclusion of measures to protect European Protected Species during construction activity; and measures to protect a wood ant nest in the vicinity of the proposed walk / cycleway.
37. **SEPA** considered the development proposal, although noting at the outset that the proposal generally falls below the threshold for **SEPA** to provide detailed comment. Nonetheless it was noted that the proposed walk / cycleway crosses minor watercourses and it was advised that should there be a steady flow of water in these, that bridging rather than culverting would be preferable in order to ensure a free flow of water at times of high rainfall runoff.
38. In terms of the car parking area **SEPA** noted that the surface would be permeable, that cut off drains are proposed and that filter trenches would be installed around the car park to catch any ground or surface water flows. There is no objection to the development proposal. It is however advised that the developer should ensure that the overall development is compliant with CAR regulations 2005, GBR 10, 11 and 21, specifically for the SUDs requirements during the construction phase and after.
39. Highland Council's **TEC Services** division has no objection to the proposed works. Comment was offered on the originally proposed location of the passing

⁸ Other works identified include the extension of the Speyside Way to Newtonmore, ensuring that the Speyside Way is suitable for the widest possible variety of users, and the completion of the Deeside Way to Ballater.

⁹ SNH and the CNPA Heritage and Land Management Group have agreed that the proposed car parking element will be considered by HLM.

places – it was suggested that the proposed additional passing places should be positioned on the south and east sides of the existing access road in order to avoid conflict between pedestrians / cyclists and motor vehicles. This suggestion was taken on board by the applicants and the proposal was amended to show the proposed passing places located on the opposite side of the existing access road.) The response from **TEC Services** also suggested that there should be intervisibility between passing places and that the passing places should be signed as such.

40. **Aviemore and Vicinity Community Council** was consulted on the proposals and advised of no comments to make on the application.
41. The CNPA's **Visitor Services and Recreation Group (VSRG)** considered the proposals from an access perspective. The path construction technique and specifications are generally acceptable, although some comment was made about the cross fall and gradient. Similar to **TEC Services VSRG** expressed some concern at the originally proposed location of passing places on the western side of the path / cycleway. The final point raised by **VSRG** was in relation to the Old Logging Way which enters the site at the public road end. As the route is popular and widely used **VSRG** suggest that temporary signage should be installed on the route to forewarn users that they are entering a construction site. It is also advised that disruption to users of the Old Logging Way should be kept to a minimum during any construction activity.
42. The CNPA's **Heritage and Land Management Group (HLM)** considered the landscape and ecology implications of the proposed development. There is no landscape objection in principle. The site is noted as being within Glenmore Forest with the Badaguish Centre described as sitting in an enclosed clearing of open grassland, cabins and recreational infrastructure. The site cannot be seen from any distance and it was noted that even from elevated viewpoints on the Meall a Bhuachaille ridge that it cannot be readily distinguished within the surrounding woodland. Although it is noted in the response from the Landscape Officer that the site in itself does not contribute significantly to the landscape or scenic quality of the national park, it is recognised that the site is used by groups, families and individuals here to enjoy all that the National Park has to offer and in that respect the quality of the on-site experience is important.
43. **HLM** note that the kind of development proposed can be accommodated without major impact on the local landscape. The detail of the design and how it is carried out is critical to minimising adverse effects and optimising the positive qualities of the site. The main landscape 'risk' is described as being poor quality developments that do not integrate well with the woodland setting, or the existing Badaguish complex. In order to safeguard against this various mitigation measures were suggested, including planting internal trees and shrubs to break up the extent of the proposed car parking area and also create shelter. This suggestion was taken on board by the applicants and the most recently received detailed layout plan for the car parking area includes planting proposals. In relation to the proposed walk / cycleway, the landscape officer has suggested that it should be separated from the existing road by retaining a strip of vegetation (heather and blueberry) in order to avoid the path appearing as an

extension of the road surface. It is also recommended in the event of the granting of planning permission that a planting plan and schedule is required, and that detailed proposals should also be provided regarding measures to protect the planting from grazing animals etc., as well as proposals for aftercare.

44. In terms of the ecology of the area, **HLM** recognise that a limited area of the proposed car parking site is on land which is part of the Ancient Woodland Inventory (AWI). Whilst there would usually be merit in requiring the retention of trees on land within the Ancient Woodland Inventory, in this particular instance it is noted that the portion of the proposed site which is affected is on the periphery of the AWI designation and it primarily comprises of a spruce plantation, the loss of which is not considered to be significant. HLM also note that a squirrel survey was undertaken and has been submitted as part of the package of supporting information. However, as the survey was carried out in Autumn 2009 it is recommended that a further red squirrel survey be carried out not more than two weeks prior to the felling of trees on the site.

REPRESENTATIONS

45. The proposal was advertised in The Strathspey and Badenoch Herald on September 23rd 2009. Two letters of representation have been received – from Johnnie Grant of Rothiemurchus Estate and from Forestry Commission Scotland. Both are owners of land on which the development is proposed.
46. Mr. Grant of Rothiemurchus Estate confirms in his letter that the Estate supports the concept of building this “last remaining section of the Aviemore to Glenmore off-road route.” There is no objection to a planning application to the same design and principles followed by the rest of the route.¹⁰ Reference is also made to other requirements in the letter such as the need to incorporate crossing points for estate timber and areas for stacking and turning.
CNPA comment: The requirements are matters which are not part of the development proposal and are essentially matters that should be most appropriately addressed by the applicant in the course of negotiations with the landowner in securing authorisation to carry out development on Rothiemurchus Estate lands.
47. Forestry Commission Scotland (FCS) note at the outset of their letter of representation that the proposal is largely on a national forest estate managed by FCS, with a small part of the proposed cycleway situated on the neighbouring ground of Rothiemurchus Estate. FCS clarify that “no agreement has been reached between the applicant (Speyside Trust) and Forestry Commission Scotland over the construction and management of these proposed facilities.” Reference is made to the various designations affecting the proposed development site (Glenmore Forest SSSI and Cairngorms SPA and SAC).
48. FCS refer to the environmental information submitted in support of the application and note that it estimates that most residual impacts would be

¹⁰ The route referred to is the Old Logging Way.

insignificant, with the exception of a potential increase in cyclists and walkers on the cycleway. The letter from FCS also refers to a 'potential increase in Badaguish visitors present in new camping area.' In order to assess the potential levels of disturbance, Forestry Commission Scotland sought information from the applicant regarding changes in the capacity and occupancy at Badaguish. Following receipt of this it is stated that "questions remain whether both these proposed developments combined will increase visitor pressure and disturbance in this part of Glenmore forest and the protected area." In summary, FCS consider that overall there are suggestions of increased disturbance, "but it appears that taken alone the cycle-way and the car park may not increase disturbance.

49. Other comments offered in the letter of representation from Forestry Commission Scotland include recognition that safety has been presented as the need for the cycleway and car park and also an acceptance that reduced traffic within the Badaguish complex has the potential to improve on site safety. Reference is made to the ancient woodland status of part of the proposed car park site and it is also commented that no detail has been provided on how the proposal integrates with the Scottish Governments policy on the control of woodland removal. Finally in relation to the proposed cycleway, it is suggested that its impact could be reduced by planting trees and shrubs of native species adjacent to the cycleway in order to help a screen develop between cycleway users and the adjoining forest. This would be of assistance in reducing disturbance in the adjoining woodland.
50. **CNPA comment:** A number of comments contained in the letter from Forestry Commission Scotland relate to concerns associated with potential future developments which are not part of this current planning application. It is understood that the reference to 'potential increase in Badaguish visitors present in the new camping are' relates to a potential development proposal for the relocation of the canvas camping area, a phased development of timber wigwam tents, and the development of a mountain bike free-ride skills area with adventure trail, all of which is the subject of a formal Pre Application Consultation. The proposal is not the subject of this current planning application, and it is necessary to consider this application on its own merits. It would be inappropriate for the CNPA acting as Planning Authority to base the assessment of this current planning application for the walk / cycleway and car park on perceived impacts of any future developments which might potentially be proposed in the vicinity.

APPRAISAL

51. On the basis of national, regional and local level planning policy as outlined in earlier sections of this report, the principle of this type of recreational development is generally acceptable. Matters which it has been necessary to take into account in assessing the proposed development include the nature and extent of the proposal, the background to the need for the proposed development, and the fact that much of the land on which it is proposed is the subject of several natural heritage designations and the consequent need to

establish that the proposals do not impact negatively in the interests for which the sites have been designated.

52. The background to the need for the proposal is derived primarily from safety concerns. The termination of the recently developed Old Logging Way at the entrance to the single track access to Badaguish has resulted in walkers / cyclists / other non vehicle users emerging from the Old Logging Way onto the access road. The proposed new walk / cycleway would resolve potential conflicts between non vehicular and vehicular users, by offering the opportunity to separate the two distinct traffic streams. Approximately 350 metres of the walk / cycleway would serve as the last remaining section of route that would provide the opportunity for non vehicular users to journey entirely off –road from Aviemore to Glenmore, by continuing from the Old Logging Way onto the new walk / cycleway and then exiting onto the existing track to the east before continuing towards Glenmore. The remainder of the proposed new walk / cycleway would facilitate users of the Badaguish complex.
53. The need for the proposed new car parking facility close to the main area of the Badaguish complex has also been outlined (para. 8 and 9). In terms of the safety element, the new car parking facility would minimise the need for sporadic parking and associated vehicular movement throughout the site. It would also provide designated car parking provision for major events, thereby minimising the impact of temporary car parking on such occasions in more sensitive surrounding areas. The safety benefits of the proposed development have also been accepted by Forestry Commission Scotland in their letter of representation. In terms of other points raised by FCS in particular regarding potential impacts of increased disturbance from visitors in a new camping area, as discussed in paragraph 49 this does not form part of the current proposal nor is it the subject of a planning application at the present time. The extent of information provided by the applicant / agent in support of the current planning application is sufficient to satisfy queries raised by the CNPA in the course of the assessment, and confirms that the proposed car parking is required in connection with the efficient operation of the existing facilities at Badaguish.
54. The extent of development which is proposed within sites which are the subject of European designations (Cairngorms SAC and SPA) and national designations (North Rothiemurchus Pinewood SSSI, Glenmore Forest SSSI) is relatively limited, concerning only the walk / cycleway and associated passing places. The impact of the development on the interests for which the sites have been designated has been comprehensively assessed by **Scottish Natural Heritage**, with the assessment assisted by supporting information, in the form of ecological surveys and impact assessment, which accompanied the planning application. **SNH** is satisfied with the proposals subject to a number of conditions being included in the event of the granting of planning permission. The required conditions would ensure that juniper and Scots pine in the vicinity of one of the proposed passing places would be protected, as well as ensuring that measures would be put in place to ensure the protection of breeding birds, otters and ants nests.

55. The proposed car parking areas lies outwith the majority of designated sites. A small area of the identified site is within the Ancient Woodland Inventory. Planting in this area consists mainly of spruce plantation and has the general appearance of a standard commercial forestry plantation. As detailed in foregoing sections of the report, the impact of this area of the proposed development has been considered by the CNPA's **Heritage and Land Management Group**. Various suggestions made in the initial consultation response (such as the inclusion of internal planting and the creation of a softer less rigid edge planting of native trees and shrub species) have been taken on board, with a revised and more detailed site layout plan being provided for the car parking area. In addition car parking is proposed to be curtailed to the southern area of the site and would not therefore interfere with or result in any works being undertaken in the vicinity of the burn which runs through the site. While it is recognised that the creation of the new car parking area would necessitate the felling of some of the spruce plantation on the site, the overall landscape impact is acceptable, particularly when the development is considered in the context of its proximity to and relationship with the existing facilities at Badaguish, all of which are contained within the clearing in the woodland.
56. Responses from **SNH** and **HLM**, as well as reference in the letter of representation from Forestry Commission Scotland, all refer to the benefits of potential additional landscaping in the vicinity of the proposed walk / cycleway. The provision of appropriate landscaping, of native species, would assist in minimising the visual impact of the new path, would emphasise the separate nature of the new path from the existing access road, and would also discourage users from venturing into the wider woodland area.
57. In conclusion, the proposed development is acceptable. Adequate justification has been provided regarding the need for the walk/ cycleway and the car parking area, with safety within the main area of the Badaguish complex as well as on the approach to it being the principle objective. Both elements of the development proposal are intended to provide improved opportunity for existing users of the facility. The development proposals are ancillary to the existing facilities at Badaguish and are not attractions in their own right. As such they would be unlikely to give rise to increased use of the area and would not therefore result in increased disturbance to natural heritage interests in the wider area. Acceptance of the principle of the currently proposed development does not imply acceptance of or any prejudgement of any future development proposals that may occur within the area in connection with the Badaguish Outdoor Centre.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

58. The proposal involves development within a number of sites designated for their natural heritage interests. The nature and extent of the proposal is relatively limited and through the implementation of adequate safeguards, can be developed without adverse impact on the natural heritage interests of the area.

In addition, the undertaking of appropriate landscaping works in the vicinity of the walk / cycleway and also interspersed within the car parking area could be considered as an opportunity to enhance the natural heritage of the area.

Promote Sustainable Use of Natural Resources

59. There are no significant negative impacts associated with the proposed development.

Promote Understanding and Enjoyment of the Area

60. The proposed walk / cycleway would facilitate an improved and safer means of passage through the area for non vehicular users. This would provide an improved opportunity to enjoy this part of the National Park. The provision of a new car parking facility on the Badaguish site would provide an opportunity to minimise traffic movement and sporadic car parking throughout the site and would therefore enhance the experience of users of the facility.

Promote Sustainable Economic and Social Development of the Area

61. The proposal would provide a safer environment for users of the Badaguish facility. The improved safety element may be of benefit in encouraging specific groups to continue to use the facilities. The proposal could therefore be considered of benefit to the socio-economic development of the community and the wider area.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the formation of walk / cycleway; formation of passing places and additional car parking at Speyside Trust, Badaguish Outdoor Centre, Glenmore, subject to the following conditions

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

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

2. Unless otherwise agreed in writing with the Planning Authority, use of the walk/cycleway hereby permitted shall only be by pedal cycle or any other means of access permitted in accordance with the Scottish Outdoor Access Code.

Reason: In the interests of public safety.

3. Prior to the commencement of development, amended plans shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Scottish Natural Heritage, to show passing place no. 3 repositioned to avoid damaging or removing juniper and Scots pine in the vicinity. Details shall also be provided of the measures proposed to protect the juniper and Scots pine in the vicinity during the course of construction activities. Thereafter all works shall be undertaken in accordance with the agreed measures.

Reason: In the interests of protecting sensitive vegetation in the vicinity and in order to conserve and enhance the natural heritage of the area.

4. No development associated with the walk / cycleway shall be undertaken during the recognised bird breeding period between April and mid July inclusive, unless otherwise agreed in writing with the CNPA acting as Planning Authority, in consultation with Scottish Natural Heritage.

Reason: In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

5. Prior to the commencement of development, details shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Scottish Natural Heritage, to demonstrate that adequate measures will be put in place during the course of construction to ensure the all European Protected Species, including otters and wildcats are protected. All agreed measures shall be implemented in full thereafter.

Reason: To ensure that appropriate protection is afforded to European Protected Species and in the interests of conserving and enhancing the natural heritage of the area.

6. Prior to the commencement of development the wood ant nest identified opposite passing place no. 3 (survey – September 2009) shall be marked with tape, and the marking shall be maintained in position for the duration of the construction period to ensure that the ant nest is protected during the construction period.

Reason: To ensure that adequate protection is afforded to a SSSI designated feature and in order to conserve the natural heritage of the area.

7. The walk / cycleway shall not be promoted as a new recreational facility in the area. The only form of signage permitted shall be warning signage, of a temporary nature, erected and maintained in place for the duration of the construction works. Prior to the commencement of development details of the extent of all temporary warning signage, including its contents and the identification of signage locations, shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority. The signage shall be erected thereafter in accordance with the agreed proposals and shall remain in place for the duration of construction activities.

Reason: To limit disturbance of the designated features of interest and in the interests of ensuring that adequate warning is provided in advance of construction activities in order to protect the general safety of users of the area.

8. Prior to the commencement of development, details of the nature of the proposed crossings of the watercourses along the route of the walk / cycleway shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with SEPA. The water crossing shall be constructed in accordance with the agreement thereafter.

Reason: To ensure that the method of construction of water crossing does not impede the free flow of water.

9. Prior to the commencement of development a detailed site specific construction method statement shall be submitted for the written agreement of the CNPA acting as Planning Authority, in consultation with SEPA. The agreed construction method statement shall be implemented in full during works on the site.

Reason: In the interests of environmental protection and in the interests of conserving the natural heritage of the area.

10. Prior to the commencement of development a landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, to show comprehensive proposals for internal planting within and on the boundaries of the car parking area, planting proposals for the area to the north of the burn opposite the car parking area, and the provision of a strip of retained vegetation either side of the walk / cycleway. The landscaping plan shall include details to specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. The landscaping shall consist of native species.

A maintenance programme shall also be submitted in conjunction with the landscaping plan. The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason: In the interests of visual amenity, to ensure a satisfactory standard of local environmental quality and in the interests of enhancing the natural heritage of the area.

11. Prior to any tree felling works being undertaken on the car park site a pre-felling red squirrel survey shall be undertaken of all trees to be felled and the results shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, which shall be obtained before any development proceeds. The pre-felling red squirrel survey shall not be undertaken more than two weeks in advance of the intended felling date. In

the event that any squirrel drey is found to be present no work shall be undertaken without the written permission of the CNPA.

Reason: In the interests of ensuring adequate protection of protected mammal species and in the interests of conserving the natural heritage of the area.

12. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, working operations at the site shall be restricted to the hours of 0800hrs to 1800hrs (Monday to Friday) and 0800hrs to 1300hrs (Saturday) and at no time on a Sunday.

Reason: To protect the general amenity of the area and in the interests of minimising disturbance to wildlife.

Advice notes:

- A. Measures required in fulfilment of condition no. 5 of this permission to ensure the protection of European Protected Species, include but are not limited the following :
- contractors being made aware that otters and wildcats may pass along the site; and
 - that no equipment or excavations that may entrap an otter or wildcat are left unattended.
- B. The planning consultation response from SEPA highlights that the overall development should be compliant with CAR regs, 2005, GBR 10, 11 and 21 specifically for the SUDs requirements during the construction phase and after.
- C. Red squirrels are one of a number of species protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended under the Nature Conservation (Scotland) Act 2004). Section 9(4) of the Act makes it an offence to intentionally or recklessly damage a red squirrel drey.

It is now an offence to intentionally or recklessly

- Kill, injure or take (capture) a red squirrel;
- Damage, destroy or obstruct access to any structure or place which a red squirrel uses for shelter or protection;
- Disturb a red squirrel whilst it is occupying a structure or place which it uses for that purpose

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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.