

3/41

Springfield Properties (Scotland) Ltd.

Our ref: WHR.

Your ref: VSRG/PPP/3

Date: 19/06/08

22 Braid Road,
Edinburgh.
EH10 6AD

Tel: 0131 452 8917
Fax: 0131 452 9091

Miss Sandra Middleton,
Cairngorms National Park Authority,
14 The Square,
Grantown – on – Spey,
Moray.
PH26 3HG.

Dear Miss Middleton,

River Spey Core Path. Proposed Designation.

This letter can be logged as our formal objection to the Draft Core Paths Plan.

The contents of your letter of 28th May add much to our concern.

You appear to act as a lobby for canoeists. With the exception of the canoeist organisations we cannot find anyone with the slightest inclination to promote such a further designation. The river is dangerous and we consider the promotion to be negligent and impractical and it may well come with unwanted responsibilities and consequences.

The Moray Council carried out an extensive consultation and, at first, it was hard at the time for most to appreciate that the proposals were so foolhardy and without commonsense to be for the actual watercourse. The Council has subsequently given us categorical assurance that no such designation will be sought on the actual river itself within our area. Highland council appear to suggest that it will 'fall in' with anything that you do and will leave it to you in that you have an abundance of public purse funding.

After much consideration of other rural areas we decided to invest in the Spey valley in the mid 1980's and, at that time, there was little interference in our commercial activity. On the salmon fishery the canoe traffic at that time was casual and at best sporadic. We allowed for that. The canoeists, in the main, were enthusiastic and skilful amateurs and caused no real concerns to the tenants.

Sadly from the mid 1990's the river and valley have had a seemingly endless abundance of different surveys from many bodies and 'experts'. Our files are full and we have learned lots of new abbreviations and acronyms and not much more. We have had tree preservation orders and the valley has had two formal designations. Now you promote another and, at that, for a part of the upper river only.

At the same time the river traffic began to increase and now the tenants are becoming restless. The river is correctly their playing field for their sport and they are entitled to the similar privacy and freedom to that of any other sporting activity. The amateur canoeist causes little concern but the organised and commercial groups do. Our fishery is pictured and advertised by outsiders on a commercial website and outside interests appear to be

allowed to freely use our facility at will. The groups tend to demand an immediate passage and when asked politely to manoeuvre they rarely have the skill or ability to so do. Friction is building. Because of the growing litter problems we are no longer allowing camping on the banks. That's sad.

The mess of a 'free for all' is obvious on the upper river and, so far, has not fully reached us and we ask you to consider this in your decision. Rubbish can only flow downriver. We see that you take recognition of yet another appraisal from SNH. We don't agree with the finding and it doesn't include a survey for the opinions and knowledge of those who live, work and are otherwise directly involved on the river.

We are responsible for a fairly wide variety of commercial properties and it is only the holdings on the river that are the subject of endless analysis and interest from so many bureaucratic layers.

The commercial involvement on canoeing and the restriction on the numbers of craft allowed at any particular time will have to be formally considered soon and we sincerely trust that your decision to promote yet another designation will not exacerbate this growing problem.

We have now had perusal of The Spey Fishery Board's recent objection and we record our agreement with the detail of same.

Please, please no more designations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W.H. Robertson', with a long horizontal flourish extending to the right.

W.H. Robertson.

3/42

Gordon Woodlands Ltd
721 Shields Road
Pollokshields
Glasgow
G41 4PL



18 June 2008

Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG

Dear Sirs,

**DRAFT CORE PATHS PLAN
COMMENTS ON PROPOSALS**

Thank you for forwarding out a CD with your draft of proposals for inclusion in the Core Paths Plan within the Cairngorms National Park boundaries.

As you know, Gordon Woodlands Limited (GWL/the company) is the owner of Ben Newe Forest in which you make various proposals for Core Paths. In this letter, I will specifically refer to proposed path **UDO12**. Comments on the other proposed core paths are made in other letters of equal date with this one.

Proposed path UDO12 follows the outward leg of a circular waymarked trail to the summit of Ben Newe. This path was constructed and promoted by GWL in the mid-1990s as part of the company's voluntary commitment to encouraging appropriate and targeted access over its property. The route starts at the voluntarily constructed car park on the Deochry Burn opposite Altdachie Cottage.

Ben Newe Forest is a working forest from which GWL earns its income. As a result, all areas of this woodland will, in their own time, be planted, thinned, felled and replanted, in accordance with the existing 20-year Forest Plan, approved by the Forestry Commission, the Government's forestry department, following the requisite periods of public consultation, both in the local community and on the public register. During these periods of economic activity GWL must reserve the right to close access that it has made available to the public – for the purposes of public health and safety, if for nothing else.

You will note that the area to the North of the Meikle Grey Stone has recently been felled and replanted. During the periods of heavy plant activity, public pedestrian access past this site was unfeasible. This was due to the route:

- Being used by timber lorries for hauling produce to the public road;
- Being used by tree harvesting equipment to access and exit the site; and also,
- Becoming hugely rutted in the muddy conditions prevailing at the time.

While GWL has shown its willingness to facilitate appropriate and targeted access by pedestrians through the construction, maintenance and promotion of this and other paths, this has been done on a purely voluntary basis. To have this and other routes formally identified in statutory documents increases the burden and expectations on the company beyond the level appropriate to privately-owned, income-generating property.

All areas of the forest that the proposed path UDO12 passes through, except for the recently felled area and the open ground at the summit of Ben Newe, are scheduled for thinning within the time frame of the current approved Forest Plan for Ben Newe Forest, with subsequent clear-felling anticipated to start in about 15 years' time. This will require closure of this, and other, routes to the public for varying periods of time on each occasion. Otherwise, GWL will be prevented from pursuing its legitimate income-generating business and the appropriate management of the working landscape for which the Cairngorms National Park was designated.

GWL has no intention of closing this route to the public – it has been available and promoted for in excess of a decade, after all! – but the potential for a future requirement on GWL to maintain such a path at its own expense is not something that the company wishes to concede.

GWL has not carried out any survey of usage of the trails waymarked through Ben Newe Forest. However, our awareness of the situation suggests that only limited use of this proposed path UDO12 takes place at the moment. Neither the sporting tenant on the property nor agents acting on behalf of GWL report interference from, or even evidence of, pedestrians. The company cannot see any reason why a path with such limited existing use after 10 years' existence should be designated as a Core Path.

In summary, GWL objects to the proposed path UDO12 being designated in the Core Paths Network for the following reasons:

- Health and safety of path users during periods of regular income-generating and landscape management activities.
- Relatively limited current use of the existing voluntarily-constructed and promoted path.
- A voluntary contribution to the community and tourists becoming a statutory obligation without acknowledgement of suitability or efforts of the landowner.
- Potential loss of income when appropriate and necessary forestry activities are not able to be undertaken.
- Dilution of the area's scenic splendour when appropriate and necessary landscape management activities cannot be carried out in the forest.
- Contradictory advice from different government authorities regarding the presence of paths through areas where significant felling is to take place: the National Park Authority requiring the paths to be kept (by inclusion in the Core Paths Plan) while the Forestry Commission requires their removal (as evidenced elsewhere in the Forest).

It is also noted that the proposed Core Path through Ben Newe Forest, identified in the Interim Draft Plan, that GWL was wholly in favour of has been dropped from the Final Draft Plan. At the same time, paths the company was not in favour of have been

retained and an additional route has been proposed in the face of strong objections to the suggestion when informed by the National Park Authority.

It gives the appearance of the National Park Authority being more concerned about placating external commentators, who have no pecuniary interest in the property, than working in partnership with the actual owners and managers of private, income-generating property.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Neil Gordon', with a long, sweeping flourish at the end.

Neil Gordon
Chair
Gordon Woodlands Ltd.

FORM FOR SUPPORTING OR OBJECTING TO THE DRAFT CORE PATHS PLAN

Please note that all responses will be made public and are not valid without a full name and postal address.

Please read the explanatory notes inside the front cover and in Section 4 (see page 12) of the Draft Core Paths Plan before completing this form and return it by **30 June 2008**. Please use this form to set out your objections to or comments in support of the draft Core Paths Plan quoting the path reference number where appropriate. Further copies of this form can be photocopied, obtained from the CNPA offices or printed from our web site where you can also complete it electronically. www.cairngorms/access/corepaths

1. Your Details (*indicates a compulsory field.)

Title Mr & Mrs First Name* Frank & Alison Last Name* Bardgett

Responding on behalf of ourselves and with authority also to represent:
James and Penny Dunbar, Kincardine House, Street of Kincardine, Boat of Garten PH24 3BY
Jeremy and Jane Fletcher, Flowerfield, Pityoulish, Aviemore, PH22 1RD
Sean Partridge and Sheena Wilson, Kincardine Cottage, Street of Kincardine, Boat of Garten PH24 3BY
Jock and Margaret Stein, Elinor Stein and Jordi Homan: Millfield, Street of Kincardine, Boat of Garten PH24 3BY

Postal Address*

Tigh an Iasgair
Street of Kincardine
Boat of Garten
Inverness-shire

Postcode* PH24 3BY
Email tigh@bardgett.plus.com

Telephone* 01479 831751

2. Do you think that the proposed core paths network is sufficient to give people reasonable access throughout the area?

Please tick one
Yes No

3. Please state clearly and fully the grounds of your objection or support to the Draft Core Paths Plan, continuing on a separate sheet where necessary.

1. This objection relates to the network shown on Map 20, Boat of Garten, and the comments thereon on page 36; and also to Map 28, proposed core path GR6.
2. Summary The proposed network leaves the communities to the south of Spey, from Mullingaroch through Street of Kincardine to Auchgourish (Kincardine Church) essentially cut off from the core paths network - apart from LBS 121, which is itself a mere connecting track. The B970 road, although a

designated cycle route, is narrow, winding and (given the speed of traffic) in places dangerous for walking. The estate track along the Spey, however, from LBS 121 to Auchgourish (ie opposite Kinchurdy, not the Gardens), is well maintained and, to many of these respondents' personal knowledge, has been well used by local inhabitants for in excess of 50 years. Moreover it connects to the long/middle distance route to Glenmore via the Sluggan Pass. Access to the river track from the B970 at OS 938 159 is via an existing field gate and by a well-made bridge over a stream. Draft Core Path, LBS 65, should be reinstated.

3. This objection therefore considers that the proposals on Maps 20 and 28 fall short of the objectives of the Core Paths Plan because ...

- 3.1. See para. 1.5, page 06: *Core paths will provide opportunities for everyone, including walkers, cyclists, horse riders and canoeists. The core paths network will enable people of all ages and abilities to move around their area whether it is for getting to the shops, walking the dog or enjoying the outdoors. Most core paths will be located on the lower ground and there will be especially good provision close to communities. Rivers too can be designated as core paths.* This paragraph specifies the main objectives of the entire project. It suggests a plan that is comprehensive, referring to "everyone", "people of all ages and abilities", with "especially good provision close to communities". Yet the residents of our particular small community appear not to need to "enjoy the outdoors".
- 3.2. It is not an adequate fulfilling of the objectives of the Plan to limit the Core Paths Network, as Map 20 does, to a) long distance connections between main settlements and b) loops leading to and from Boat of Garten itself. The settlements south of Spey, though small, may be expected to grow by 33% within the 5 year span of the Deposit Local Plan, and provision needs to be made for their inhabitants. The prime purpose of giving the public reasonable access throughout their area simply has not been met on this side of the Spey. See the Outdoor Access Strategy 2007-2012• Cairngorms National Park - Action Area F, page 83: 6.36: *There is an inconsistency across communities in the provision of path networks. Some communities have well developed and promoted networks within and between them while others, eg Cromdale and Dulnain Bridge/Skye of Curr, have none.* An opportunity to remedy this inconsistency has not been taken; and if it is not taken, even existing access opportunities may diminish as the recognised network creates new realities.
- 3.3. Circular or long distance routes clearly create what may be described as a 'network'; yet to use the word 'network' to insist that all Core Paths must inter-connect is an unnecessary limitation on the essential objectives of the scheme - which is to offer outdoor access to people where they are. The Plan as it exists accepts that a Core Path may not connect with the others - see LBS 121; and also that it may run along a road for a short section - see LBS 64.
- 3.4. Draft Core Path, LBS 65, from the Spey Bridge along the Spey to Auchgourish, as shown on Map 17 of the Draft Core Paths Plan, has the virtue of connecting the south of Spey settlements to Boat of Garten itself (and hence to the 'network'). It is recognised that from LBS 121 to the Boat of Garten Bridge the track is less well maintained - in places non-existent - and that it may have been concluded, as under 3.3, that *it cannot be made ready within two years of the Plan being adopted.*

The worst section of path, however, could be bypassed by running the path from LBS 121 along the road within Street of Kincardine itself (where traffic may be expected to observe the existing 40mph speed limit), thus crossing the Mullingaroch Burn on the road, and rejoining the current riverbank path to the Spey Bridge via the existing stile at OS 948 182.

- 3.5. Street of Kincardine has no public transport connections. Supporting this route as a core path would offer residents a safer, quicker walking route to Boat of Garten, its bus connections and Post Office, than is currently available.
- 3.6. From LBS 121 to Auchgourish (opposite Kinchurdy), OS 938 159, the track is very well maintained and no objection under 3.3 could credibly be entertained.
- 3.7. This hard-core track is, of course, well maintained as far as the bridge over the Auchgourish Burn because of its use to support fishermen, and by the Kincardine Lodge estate for its own purposes. Nevertheless these estate interests should not override all other considerations.
- a. The Land Reform (Scotland) Act 2003 offers a presumption of right of access to all inland water, whether or not there are established fishing rights. The key is that this right of access is to be used responsibly.
 - b. It is submitted that designation of this track as a Core Path would enhance and not diminish the responsible exercise of access to the Spey at this section of its course - where a good and broad private track already exists, suitably set back from the river bank itself, but fenced off from fields used for grazing. Designation would mean appropriate signage to assist walkers to understand the needs of any fishermen, and by channeling walkers along a marked route would enhance their safety and that of livestock, and help to safeguard the privacy of adjacent houses. We argue that, despite any fears to the contrary, this route would fit well with the aspiration in 1.5: *Core paths will also have a very important role to play in ensuring that people can easily experience the special qualities of the Cairngorms National Park in a way that reduces the potential for conflict with those who manage the land.*
 - c. Kincardine Lodge is a newly built property, and access along this bank has traditionally been exercised by local residents.
 - d. The views from this open bend of the Spey, particularly in the directions of Craiggowrie and Cairngorm, are particularly fine and fit very well with the objective of *paths that are easy and attractive to use [1.6], high quality opportunities for outdoor access [1.7]*.
 - e. Kincardine Church, set in its graveyard, is a particularly scenic and historic (from 9th century) small Church; its door is open to visitors and the Visitors' Book shows that over the year people from all over the world come in and leave their name. It is a *place of local importance* [Objective 3.1 (g)] to which the track offers easy and safe access via a final few yards of road.
 - f. Further, supposing the River Spey core path LBS 65 ends as we suggest near Auchgourish, it would connect after only a short road-walk to Map 28, GR6 - The Sluggan Pass to Glenmore - thus offering access from Boat of Garten and the Speyside Way direct to the heart of Cairngorm via established traditional routes, ie the river and the hill-pass. There is a golden opportunity for joined-up thinking here that the Draft Plan has overlooked.
 - g. It is submitted that, due to the existing level of development of this track, no negative environmental impact would result from its inclusion in the Core Path Network; and cost etc implications would be very limited.

3.8. Insofar as the Objectives specified for Core Paths serve as selection criteria, we therefore argue that this section of draft track LBS 65 meets all tests and ought to be added back to the Plan:

Objectives The core paths network will:

- a) *Help to conserve the Park's natural and cultural heritage and encourage people to enjoy it in a responsible way:* YES
- b) *Help those living and working on the land:* YES
- c) *Help to deliver the priorities for each area identified in the Outdoor Access Strategy:* YES (see 3.9 below)
- d) *Provide for a wide range of activities:* YES
- from LBS121, LBS65 is also suitable for gentle cycling.
- e) *Provide for a wide range of abilities:* YES
- f) *Include a wide range of popular routes:* YES
- g) *Include paths within, around and between communities and to public transport connections and places of local importance:* YES

3.9. Adding back this Path and connecting it to GR6 would help to fulfill one of the priorities of the *Priorities for Action Area F* specified on page 84 of the Outdoor Access Strategy: *Identifying the need for and developing better path networks around communities and links between communities through the Core Paths Planning process.* Historically the Sluggan Pass linked Glenmore to Kincardine, its church and graveyard, and the riverside communities. Even taken by itself, the riverside path has been used as a right of way for many years. Not to list it as a Core Path would be a significant backward step quite contrary to the spirit of access legislation.

4. If objecting, please indicate what change(s) you are seeking to the Draft Core Paths Plan which could resolve your objection, continuing on a separate sheet where necessary.

1. The inclusion of LBS 121 is warmly supported, but ...
2. We object to the omission of draft LBS 65, as on map 17 of the first draft of the Plan.
3. This objection would be resolved by the following actions:
 - a) Restoration of LBS 65 from the south end of the Spey Bridge at Boat of Garten (junction with the Speyside Way) to OS 948 182; then along the B970 within Street of Kincardine to join LBS 121.
 - b) Restoration of LBS 65 from LBS 121 to the B970 at Auchgourish (opposite Kinchurdy), OS 938 159. If doubt exists re this junction, it was demonstrated by a respondent to Sandra Middleton of the CNPA on 25 June 2007.
 - c) Connect LBS 65 along the B970 with GR6, the Sluggan Pass to Glenmore, at OS 934 153.

Signature

Date

Please return your completed form to:
CAIRNGORMS NATIONAL PARK AUTHORITY
FREEPOST NAT 21454
GRANTOWN ON SPEY
PH26 3BR

Forms should be returned no later than 30 June 2008. After that date you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

OFFICIAL USE ONLY Reference:

From: automailer@cairngorms.co.uk
Sent: 24 June 2008 16:47
To: Core Path Planning
Subject: Core Paths Planning Comments

Name: Mrs Elizabeth Burn

Address: Kirkhill

Strathdon

Postcode: AB36 8UX

Email: lizburn@btinternet.com

Phone: 01975651241

Responding on behalf of:

1. Do you think that the proposed core paths network is sufficient to give people reasonable access throughout the area? Yes
2. Please state clearly and fully the grounds of your objection or support to the Draft Core Paths Plan: I would like to write in support of the core paths especially UD05/UD06 which proposes a new bridge over the Don at Waterside and would provide a safe walking route from Bellabeg to The Colquhonnies Hotel and Lonach Hall.

I have lived here for 20 years and always thought how wonderful it would be to have the bridge reinstated at Waterside. Hotel guests would really appreciate being able to explore on foot the wonderful places around Strathdon without having to ever go on the busy A944. I have a self-catering property on Waterside too and visitors tell me that being able to get straight over to the hotel would be a ideal.

I have mentioned it to quite a few people in Strathdon and all agreed it would be really useful and well used.

3. If objecting, please indicate what change(s) you are seeking to the Draft Core Paths Plan which could resolve your objection:

Cairngorms National Park Authority

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From: automailer@cairngorms.co.uk
Sent: 24 June 2008 18:58
To: Core Path Planning
Subject: Core Paths Planning Comments

Name: Mrs Kay Briggs

Address: Dalwhing Mill House Glen Tanar Aboyne Aberdeenshire

Postcode: AB34 5ET

Email: kaybriggs@btinternet.com

Phone: 013398 85764

Responding on behalf of: Mid Deeside Community Council

1. Do you think that the proposed core paths network is sufficient to give people reasonable access throughout the area? Yes
2. Please state clearly and fully the grounds of your objection or support to the Draft Core Paths Plan: There seem to be no concerns about plans for our area.
3. If objecting, please indicate what change(s) you are seeking to the Draft Core Paths Plan which could resolve your objection:

Cairngorms National Park Authority

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