



Committee report

Development proposed:

Formation of 3m wide 9km long segregated non-motorised user route/path; Land between Aviemore and Carrbridge.

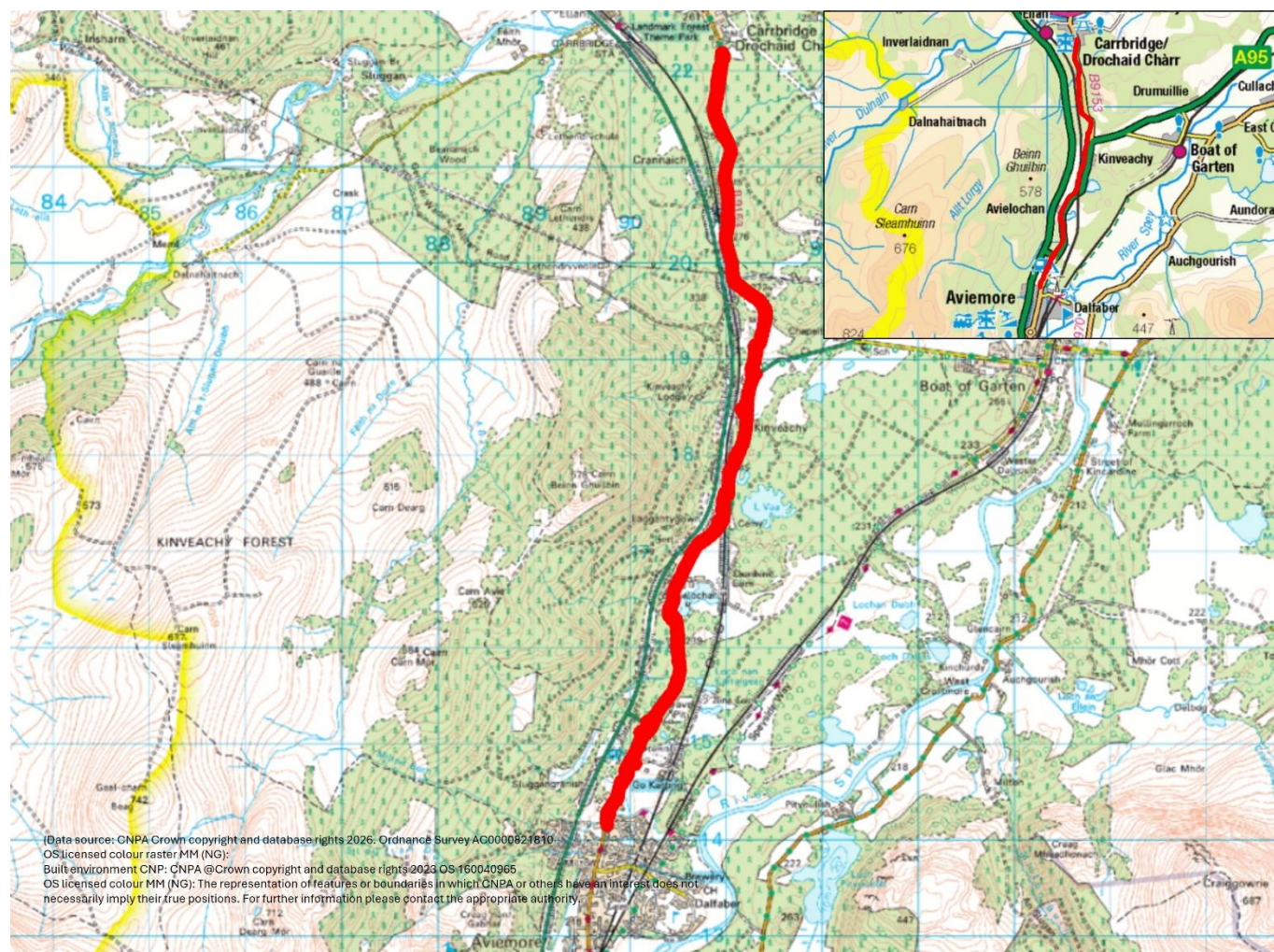
Reference: 2025/0109/DET

Applicant: Transport Scotland

Date called-in: 12 May 2025

Recommendation: Approve subject to recommended conditions

Case officer: Heather Boswell, Senior Planning Officer



This map 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.



Site description, proposal and history

Site description

1. The application site runs in a north south orientation from Carrbridge to Aviemore. At the southern end of the proposal site the route starts at Dougal Drive, Aviemore and at its northern end the route terminates at the southern extents of Carrbridge. Outwith Aviemore and Carrbridge the application site is predominantly rural in character with scattered settlements and built form present.
2. The application site interacts with a variety of existing land uses including, but not limited to, existing public footpaths, trunk road(s) and verges, farmland, woodland including ancient woodland and veteran trees, sporting estates, the Highland Main Line railway, private residences, commercial properties, access routes and utilities.
3. The application site is within close proximity (2km) of the following environmentally designated sites:
 - a) Loch Vaa Special Protection Area (SPA)
 - b) Kinveachy Forest SPA
 - c) River Spey Special Area of Conservation (SAC)
 - d) Kinveachy Forest SAC
 - e) Craigellachie National Nature Reserve (NNR)
 - f) Craigellachie Site of Special Scientific Interest (SSSI)
 - g) Loch Vaa SSSI
 - h) River Spey SSSI
 - i) Kinveachy Forest SSSI

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:
<https://www.eplanningcnpa.co.uk/online-applications/caseDetails.do?keyVal=SVMLLGSIOCP00&caseType=Application>
<https://www.eplanningcnpa.co.uk/online-applications/>



Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan - Sheet 1 of 3	ACNMU - AMJ - HGN - A_ZZZZZ_ZZ - DR - RD - 0001 P03	14/03/25	02/05/25
Plan - Location Plan - Sheet 2 of 3	ACNMU - AMJ - HGN - A_ZZZZZ_ZZ - DR - RD - 0002 P03	14/03/25	02/05/25
Plan - Location Plan - Sheet 3 of 3	ACNMU - AMJ - HGN - A_ZZZZZ_ZZ - DR - RD - 0003 P03	14/03/25	02/05/25
Plan - ACNMU Location Plan	ACNMU - AMJ - HGN - A_ZZZZZ_ZZ - DR - RD - 0002 P05	14/03/25	02/05/25
Plan - Site Section Plan - Avielochan Farm Reinforced Earthworks Slope General Arrangement & Typical Details	ACNMU - AMJ - SGT - A_MLZZZ_XX - DR - GE - 0001 P03	14/03/25	02/05/25
Plan - General Plan - Elevation & Sections - Birch View L Shaped Retaining Wall	ACNMU - AMJ - SRW - X_SRBRV_ST - DR - ST - 0001 P03	14/03/25	02/05/25
Plan - General Plan - Elevation & Sections - The Knoll L Shaped Retaining Wall	ACNMU - AMJ - SRW - X_SRKNO_ST - 0001 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 1 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0001 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 2 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0002 P03	14/03/25	02/05/25



Plan - Drainage Layout Plan - Watercourse Realignment Sheet 3 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0003 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 4 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0004 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 5 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0005 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 6 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0006 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 7 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0007 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 8 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0008 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 9 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0009 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 10 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0010 P03	14/03/25	02/05/25
Plan - Drainage Layout Plan - Watercourse Realignment Sheet 11 of 11	ACNMU - AMJ - HDG - A_MLZZZ_WV - DR - DE - 0011 P03	14/03/25	02/05/25
Plan - Drainage Strategy - Typical Details	ACNMU - AMJ - HDG - A_ZZXXX_ZZ - DR - DE - 0001 P02	14/03/25	02/05/25
Plan - Drainage Strategy - Typical Cross Sections (1 of 2)	ACNMU - AMJ - HDG - A_ZZXSE_ZZ - DR - DE - 0521 P02	14/03/25	02/05/25



Plan - Drainage Strategy - Typical Cross Sections (2 of 2)	ACNMU - AMJ - HDG - A_ZZXSE_ZZ - DR - DE - 0522 P02	14/03/25	02/05/25
Plan - Section Plan - Feith Mhor Culvert Extension	ACNMU - AMJ - SMN - X_CVFMH_CV - DR - ST - 0001 P02	14/03/25	05/05/25
Plan - Section Plan - Network Rail Embankment Reinforced Earthworks Slope General Arrangement & Typical Details	ACNMU - AMJ - SGT - A_MLZZZ_XX - DR - GE - 0002 P03	14/03/25	05/05/25
Plan - Section Plan - Standard Kerb Detail	ACNMU - AMJ - HKF - X_ZZZZZ_ZZ - DE - CI - 0001	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 1 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0001 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 2 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0002 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 3 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0003 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 4 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0004 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 5 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0005 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 6 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0006 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 7 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0007 P04	14/03/25	05/05/25



Plan - Location Plan - Planning Boundary - 8 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0008 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 9 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0009 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 10 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0010 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 11 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0011 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 12 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0012 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 13 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0013 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 14 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0014 P04	14/03/25	05/05/25
Plan - Location Plan - Planning Boundary - 15 of 15	ACNMU - AMJ - HGN - A_MLZZZ_ZZ - DR - ZZ - 0015 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 1 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0001 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 2 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0002 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 3 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0003 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 4 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0004 P04	14/03/25	05/05/25



Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 5 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0005 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 6 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0006 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 7 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0007 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 8 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0008 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 9 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0009 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 10 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0010 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 11 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0011 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 12 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0012 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 13 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0013 P04	14/03/25	05/05/25
Plan - Site Level Plan - ACNMU Mainline Plan and Profile Sheet 14 of 14	ACNMU - AMJ - HML - A_ML000_ZZ - DR - RD - 0014 P04	14/03/25	05/05/25
Other - Transport Statement			02/05/25
Other - Traffic Management Plan			02/05/25
Other - Pre-Application Consultation Report			02/05/25



Other - Planning Statement			02/05/25
Other - Environmental Impact Assessment Report (EIAR)	<i>(Including volumes 1 - 3 of the EIAR)</i>		05/05/25
Other - Environmental Impact Assessment Report - Non-Technical Summary			02/05/25
Other - Drainage Impact Assessment			02/05/25
Other - Design and Access Statement			02/05/25
Other - Habitats Regulations Appraisal			05/05/25
Other - Public Engagement Events Summary Report			27/05/25
Other - Habitats Regulations Appraisal			04/08/26
Other - Capercaillie Assessment			04/08/26
Other - Arboricultural Impact Assessment - Tree Schedule - Annex B			18/12/25
Other - ACNMMU - Planning Consultee Response to Aviemore and Vicinity Community Council			03/06/26
Other - ACNMMU - Planning Response - Compensatory Planting 2			03/06/26
Other - ACNMMU - Planning Response to Environmental Health			03/06/26
Other - ACNMMU - Planning Consultee Response - Environment			05/06/26



Other - ACNMMU - Planning Consultee Response to Recreation and Outdoor Access			05/06/26
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5. The proposed development constitutes a largely segregated non-motorised user (NMU) active travel route, approximately 9km long, running between Aviemore in the south and Carrbridge in the north, as shown on the location plans in **Appendix 1a**. The route broadly follows the existing road corridors of the B9152, A95 and B9153 to provide a relatively direct NMU link between the two settlements.
6. The route will be predominantly 3 metres wide and will include sections of upgrades to existing paths as well as newly built sections. A sealed bituminous material will be used for surfacing with an aggregate sub-base. Four at grade junctions are proposed, including:
 - a) A raised table zebra crossing at Dougal Drive;
 - b) A signalised crossing immediately north of Granish Junction at the proposed A9 Dualling Granish roundabout;
 - c) An uncontrolled crossing at Kinveachy Junction to tie into the existing National Cycle Network Route 7 (NCN 7); and
 - d) An uncontrolled crossing south of Carrbridge to access the existing footway through the village.
7. In addition, the proposed route will cross 11 private accesses which take the form of simple priority junctions. These are generally agricultural field, forestry or private property accesses, with seven of these crossings already serving as existing NMU routes.
8. The proposed NMU route will pass under the existing Highland Main Line railway via the underpass at Kinveachy. Additional design details for the NMU route at this point will be provided at the finalised design stage, subject to the grant of planning consent.
9. Elements of biodiversity enhancement and compensatory woodland planting are proposed as part of the development. The location of existing ancient woodland along the extent of the proposed route is shown on **Appendix 1b**. Within the site boundary, an area for pond habitat compensation and separate area for compensatory woodland planting have been proposed. In addition, the Applicant intends to develop a species rich grassland mix which would enhance floral species diversity along the proposed route and introduce a pollinator corridor. This corridor



would provide important habitat for pollinator species and improve connectivity between existing habitats.

10. Off-site compensatory woodland planting is also proposed to mitigate against the loss of woodland associated with the development. This off-site planting would connect into the compensatory woodland planting areas already agreed through the consenting process for the A9 Dualling Dalraddy to Slochd project and is expected to enhance the ecological connectivity and functionality of the woodland network. Further details of the off-site compensatory woodland planting will be provided as part of the Dalraddy to Slochd Scheme Woodland Creation Method Statement and Habitat Management Plan (WCMSHMP) once agreed with stakeholders.
11. The proposal is a major application under the terms of the Scottish Government's hierarchy of development and therefore required pre-application consultation prior to the submission of the planning application.
12. The following supporting documents accompany the application:
 - a) Design and Access Statement: explains the background to the development and aspirations of the proposed scheme, the characteristics of the preferred route and the design response, as well as how the scheme addresses inclusive access for all non-motorised users.
 - b) Drainage Impact Assessment: demonstrates existing drainage conditions and proposals to ensure that compliant drainage design can be constructed to ensure no risk to property, the public or the natural environment.
 - c) Planning Statement: provides an overview of the development and outlines relevant planning policies, indicating compliance with the development plan.
 - d) Pre-application Consultation Report: provides evidence that the project's public engagement and consultation were undertaken in line with statutory requirements and outlines how feedback received helped to establish a preferred route design.
 - e) Public Engagement Events Summary Report: details the Applicant's approach to engagement and feedback received in relation to the proposal.
 - f) Environmental Impact Assessment (EIA): examines the likely significant environmental effects of the proposed development and includes mitigation measures where adverse impacts are anticipated as a result of the proposed scheme.
 - g) EIA Non-Technical Summary: provides an accessible summary of the EIA's findings.



- h) Transport Statement: examines impacts on the existing road network, priority accesses at junctions, and adjacent NMU routes during construction and operation.
- i) Traffic Management Plan: provides an overview of the types of traffic management that are likely to be used during construction.
- j) Habitats Regulations Appraisal (HRA): A 'shadow' HRA undertaken by the Applicant to help inform the formal HRA undertaken by the Park Authority as the competent authority (see more information on HRA below).

History

- 13. The development site extends across a substantial area between Aviemore and Carrbridge and parts of the site have been subject to various planning applications in the past. However, these applications relate to different types of development and are not directly relevant to the proposed NMU route or material to the assessment of this application.

Habitats Regulations Appraisal

- 14. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of the European sites listed within the HRA document, which is attached as **Appendix 2**. The European sites are:
 - a) Loch Vaa SPA;
 - b) River Spey SAC;
 - c) Kinveachy Forest SPA;
 - d) Cairngorms SPA;
 - e) Abernethy Forest SPA;
 - f) Craigmore Wood SPA; and
 - g) Anagach Woods SPA.
- 15. Additionally, the HRA assesses the potential impact upon protected species found within these SPAs and SACs, such as Slavonian grebe, freshwater pearl mussels, sea lamprey, Atlantic salmon, otter, capercaillie, Scottish crossbill, golden eagle, dotterel, merlin, peregrine, and osprey.
- 16. The HRA concludes that there will be no adverse effects to the integrity of the relevant European sites, providing that mitigation measures outlined in the planning application, as well as amendments to these measures recommended as part of the HRA, are secured by conditions attached to any planning permission.
- 17. NatureScot have confirmed agreement with the HRA and its conclusions.



Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	X
Policy 6	Forestry, woodland and trees	X
Policy 7	Historic assets and places	X
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	X
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	X
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	X
Policy 21	Play, recreation and sport	X
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	X
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	



Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	X
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X
Policy 6	The siting and design of digital communications equipment	
Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	X
Policy 9	Cultural heritage	X
Policy 10	Resources	X
Policy 11	Developer obligations	

18. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). The full wording of policies can be found at:
<https://www.gov.scot/publications/national-planning-framework-4/documents/>
 and at:
<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>



Planning guidance

19. Supplementary guidance also supports the Local Development Plan (LDP) and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	X
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	X
Policy 9	Cultural heritage non-statutory guidance	X
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	

Consultations

20. A summary of the main issues raised by consultees now follows:
21. **Emma Roddick MSP** highlights the importance of the development to constituents and the need to avoid unnecessary delays. The MSP notes the development will deliver immediate benefits in terms of quality of life, safety and access to the Park.
22. **Transport Scotland** has no objections, subject to a suspensive condition being attached to any planning permission to require details of the extent of adoption for maintenance by each party to be submitted for future approval.
23. **Network Rail** has no objections. However, given the development's proximity to an operational railway, they recommend specific matters are taken into account and appropriate informative notes included if permission is granted. These matters include:
- a) the NMU route's creation of a new public footpath through an existing underbridge which is owned and maintained by Network Rail. This would necessitate additional servitude rights of access / bridge agreements from Network Rail;



- b) undertaking all construction works in a safe manner which does not disturb the operation of the neighbouring railway;
- c) consideration of any embankments and supporting structures in proximity of the proposed development;
- d) providing details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the railway line to Network Rail's Asset Protection Engineer for approval prior to works commencing on site; and
- e) booking a 'possession' via Network Rail's Asset Protection Engineer where works cannot be carried out in a 'fail safe' manner and require the railway to be closed to rail traffic.

24. **SEPA** has no objections subject to a condition being included regarding the provision of culverts as part of the development. They require any new culverts to be at least the same capacity as the existing culverts or, where they do not currently exist, they must have at least the same capacity as that of the corresponding A9 culvert. This condition does not apply to the culvert proposed to be used as a throttle near Avielochan, which is intended to create an offline storage area. SEPA also offer advice in relation to flood risk associated with the proposed offline storage area. In terms of general flood risk, given this is essential infrastructure, all five bullet points in the third paragraph of NPF4 Policy 22 a) must be met. SEPA note they are satisfied with the findings of the Flood Risk Assessment, however recommend landraising is kept to a minimum and existing ground levels are used where possible. They state that horizontal water pressure for stored water should be taken into account and that flooding at the storage area may be greater during flood events which will also have to be planned for. They reference the advice on their website for further planning matters.
25. **Scottish and Southern Electricity Networks (SEN)** note that they have no concerns regarding the proposed NMU route crossing underneath the 132kV Tomatin to Boat of Garten overhead transmission line. However, they request that an informative relating to tree removal activities close to the line be attached to any consent granted.
26. **NatureScot** agree with the conclusions of the HRA.
27. **Scottish Water** was consulted but has not submitted any comments.
28. **Highland Council Archaeologist** has no objections however recommends a condition requiring the submission and approval of a Written Scheme of Investigation (WSI). The WSI should include details of how the recording and recovery of archaeological resources, if found, are undertaken and the



implementation of a programme of works. Should archaeological works require further analysis, a Post Excavation Research Design (PERD) should be submitted to and approved by the planning authority.

29. **Highland Council Transport Planning Team** is supportive of the proposed development and has no objections subject to conditions being attached if planning permission is granted. These conditions include requirements for the finalised maintenance responsibilities and adoption boundaries between Transport Scotland and the Highland Council being formally agreed, and a detailed Construction Environmental Management Plan being submitted and approved prior to the commencement of works on site.
30. **Highland Council Contaminated Land Officer** notes that although several activities of a potentially contaminative nature are present in the vicinity of the route, few of these activities lie directly within the red line boundary of the planning application or present significant risk to the proposed NMU route. The Officer flagged a small number of areas requiring further consideration, including the sections of the new path which cross through or over railway land at Laggantygown (NGR:290996 817590) and run alongside the railway north of Avingormack. Further information on potential risk from railway land made ground materials in these areas was requested.
31. Following the Applicant's provision of further information, the Officer confirmed that the potential for contamination could be satisfactorily addressed by the imposition of a condition requiring further ground investigations to be undertaken in these locations, with the results presented in a Phase 2 Site Investigation Report. In addition, it was noted that should any other suspected contamination be encountered during development, all works should halt until further actions are agreed.
32. **Highland Council Environmental Health Team** has no objections subject to the imposition of conditions requiring the submission and approval of a Construction Noise Mitigation Scheme and its implementation, and details of measures to prevent contamination or physical disruption to any private water supply. This should include details of monitoring prior to, during and following construction and contingency measures in the event of an incident.
33. **Highland Council Flood Team** has no objections subject to conditions being attached to require finalised proposals for mitigating the flood risk issues identified in the Flood Risk Assessment, and a finalised schedule of culverts identifying which would be new and which would be extended. No culverts should be sized smaller



than existing equivalent culverts or those proposed on the dualled A9 unless part of a mitigation scheme.

34. **Highland Council Forestry Officer** provided an initial response objecting to the proposed development on the grounds that it did not accord with NPF4 Policy 6: Forestry Woodland and Trees or with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan (LDP). The Officer noted that the development would not accord with Policy 6 a) as it does not adequately confirm it will enhance or expand woodland and tree cover. Moreover, it will not accord with parts b) i or b) ii as it would result in a loss of ancient woodland and veteran trees and would have adverse impacts on native woodlands of high biodiversity value. It also does not accord with part c) as it is not demonstrated how the Applicant will achieve significant and clearly defined additional public benefits in accordance with the Scottish Government's Control of Woodland Removal policy and they do not confirm adequate compensatory planting is to be delivered. Similarly, in terms of LDP Policy 4, the proposal does not comply with Section 4.3 Woodlands as it does not comply with the policy on the Control of Woodland Removal. Further detailed information, including an Arboricultural Method Statement, Compensatory Planting Plan and Woodland Thinning Plan, was therefore requested.
35. Following a review of the points raised by the Forestry Officer, the Applicant submitted supplementary information to support the application. The supplementary information set out the Applicant's justification for the removal of woodland, detailed the compensatory planting proposed and suggested where specific matters raised by the Forestry Officer could be dealt with by condition where information was not available at this stage. The Forestry Officer has been consulted on the supplementary information provided by the Applicant but has not submitted an additional response to date.
36. **Cairngorms National Park Authority Ecological Advice Officer** notes the mitigation measures identified in the EIA will reduce impacts of the development on the qualifying interests within the Loch Vaa, Kinveachy and River Spey Sites of Scientific Interest (SSSI) to negligible. Moreover, the biodiversity enhancement opportunities proposed as part of the application, including developing a species rich grassland and the woodland management area, are welcomed. These measures will provide important habitat and connectivity between existing habitats for pollinator species and enhance woodland for priority invertebrate species such as Pine Hoverfly and Kentish Glory. Mitigation measures have been proposed within the EIA to reduce the impact of the development upon habitats (e.g. heathland and peatland), invertebrates (wood ants and Northern Damselfly), the water environment and identified protected species (badger, bat, great crested newt, otter, pine marten, red squirrel and water vole). The Officer welcomes these



measures but requests that changes are made to the wording of mitigation ACNMU-E38 to ensure a greater exclusion zone for female capercaillie and construction activities close to any capercaillie leks. Conditions have also been requested by the Officer to secure mitigation including the provision of an Ecological Management Plan and Species Protection Plan.

37. The Officer notes the permanent loss of 5.14 hectares of non-ancient woodland and 4.22 hectares of ancient woodland associated with the development which will have a significant effect. Under the Scottish Government's policy on the Control of Woodland Removal, compensatory planting which exceeds the area to be removed will be required. The Officer requested that details of on-site and off-site compensatory planting (location, area, species mix, details of ground flora and management regimes) should be provided by the Applicant alongside a strong justification for the removal of ancient woodland and veteran trees.
38. Following the Applicant's submission of a range of further information, an updated consultation response was issued by the Ecological Advice Officer. The Officer notes that the additional information confirms that a number of veteran and high-quality trees that were originally proposed for removal can now be saved through additional protection measures. The Officer also notes that the Applicant's updated compensatory planting proposal complies with Scottish Government's policy on the Control of Woodland Removal. They state that the overall removal of 9.36 hectares of woodland alongside the 13.07 hectares of compensatory planting proposed would equate to an overall compensatory planting ratio of 1:1.4 (removed : planted). Furthermore, when considering the categories of woodland to be felled, the proposals equate to a compensatory planting ratio of 1:1 (removed : planted) for non-ancient woodland and a 1:1.88 (removed : planted) for ancient woodland. The Officer concludes that this is compliant with Scottish Government's policy on the Control of Woodland Removal.
39. **Cairngorms National Park Authority Landscape Adviser** notes that the proposed NMU route is sensitive due to its location within areas of ancient woodland within the Cairngorms National Park. It has the potential to affect the distinct landscape character and Special Landscape Qualities (SLQ) of the National Park, affecting residents and visitors.
40. The proposed siting and design of the route broadly respects landscape character and the SLQs although it would adversely affect SLQ: 'Dark and venerable pine forest'; 'Light and airy birch woods'; and 'Extensive tracts of natural vegetation' with permanent loss of ancient woodland including three veteran trees. However, it was noted that the landscape and ecology mitigation and enhancement measures would mitigate or compensate a number of adverse effects. In addition, the



provision of the recreational route would benefit SLQ 'A landscape of opportunities'.

41. The Landscape Advisor requested additional information to fully determine the effects of the proposal, including more information on the visual character changes to section ch.7950-8700; justification for the removal of veteran trees; a Landscape Plan; landscape management and maintenance proposals; a Construction Method Statement; and details including materials, signage, ground levels, drainage and SUDs information.
42. Following the submission of further information from the Applicant, an updated response was issued by the Landscape Advisor, who noted where re-routing could help to preserve veteran trees and outlined specific points which should be conditioned such as the provision of Landscape Management Plans and a Construction Environmental Management Plan. The Advisor reiterated specific veteran trees that should be protected and sought clarification on this from the Applicant.
43. Following the Applicant's provision of the *ACNMU – Planning Consultee Response – Environment document* (dated 05/06/26), the Landscape Advisor noted that the response does not significantly lessen those adverse effects and the loss of specific veteran trees would result in irreversible localised effects on Landscape Character Area (LCA) Strathspey: Pityoulish to Boat of Garten and LCA Strathspey: Dulnain Strath; remnant Ancient Woodland and the Special Landscape Quality 'Woodland'.
44. **Cairngorms National Park Authority Recreation and Outdoor Access Team** consider the proposed NMU route to be a positive addition to the National Park's path infrastructure which will enable people to travel more actively and provide additional safe opportunities for outdoor recreation. The Team requested additional information concerning the mechanisms by which the path will be managed and maintained once constructed which would normally take the form of a Maintenance Plan. They also requested that consideration be given to the integration of the NMU route within the existing path network, suitable pedestrian diversions during construction, measures to facilitate users leaving the NMU route safely adjacent to Loch Vaa and crossing to the caravan park outside of Aviemore.
45. The Applicant provided the *ACNMU – Planning Consultee Response – Recreation and Outdoor Access* (dated 05/06/26) which responded to the points flagged by the Recreation and Outdoor Access Team, outlining where issues would be addressed at the finalised design stage. The document also set out the Applicant's justification for why a crossing would not be provided to facilitate users leaving the NMU route at Kinveachy. The Recreation and Outdoor Access Team were



reconsulted on the additional information provided and accept the Applicant's justification that a crossing over the A95 to Loch Vaa would raise safety concerns for users and increase potential human disturbance of this environmentally sensitive area.

46. **Cairngorms National Park Authority Sustainable Transport Team** support the application and provide recommendations to ensure accessibility of the proposed route.
47. **Aviemore & Vicinity Community Council** support the application however request additional detail regarding specific junctions, intersections and crossings along the route. In addition, the community council request that the works are undertaken as soon as possible without waiting for the A9 dualling work. Detail of the Community Council's response is set out in **Appendix 3**.
48. The Applicant confirmed in their *ACNMU – Planning Response – Aviemore and Vicinity Community Council* (dated 03/06/26) that the specific design points raised by the Community Council would be considered at the finalised design stage, following any grant of consent for the project. The Applicant also confirmed that, subject to obtaining planning consent and completing land acquisition, the works will be included in the Dalraddy to Slochd section of the A9 dualling as per the Delivery Plan.
49. Aviemore & Vicinity Community Council has been consulted on the additional information provided by the Applicant but has not responded to the re-consultation request to date.
50. **Boat of Garten Community Council** has not responded.
51. **Carrbridge Community Council** support the application given the increase in pedestrian and cyclist safety associated with the segregated NMU route. The Community Council request that the NMU route section which runs alongside the B9153 from Carrbridge to Kinveachy junction be given priority and disentangled from the arrangements being made for the dualling of the A9. As noted in the *ACNMU – Planning Response – Aviemore and Vicinity Community Council* (dated 03/06/26), subject to obtaining planning consent and completing land acquisition, the works will be included in the Dalraddy to Slochd section of the A9 dualling as per the Delivery Plan. Detail of the Community Council's response is set out in **Appendix 3**.



Representations

52. Six letters of representation have been received consisting of five letters of support and one general response, as contained within **Appendix 4a** and **Appendix 4b**. RSPB also explained that they would not have time to review the application in full but wished to highlight the potential presence of Slavonian grebe, a schedule 1 species, in proximity to the development site.
53. The five letters of support highlight the sustainable transport credentials and health and safety benefits of the proposed development in providing an alternative to journeys by car for both locals and visitors to the Park, and potential secondary economic benefits for local communities. They also highlight the desire for the scheme to be consented and constructed as quickly as possible.
54. The general representation, provided by the British Horse Society, sets out a series of recommendations and general guidance notes which they consider would ensure the route is designed to a standard that is accessible for those on horseback.

Appraisal

55. Section 25 of the Town and Country Planning (Scotland) Act 1997 Act (as amended) requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.
56. The main planning considerations in this case are: the principle of development; ecological and biodiversity impacts; forestry and woodland impacts; landscape, design and placemaking; flooding and surface water; cultural heritage; and amenity. These matters are considered in detail below.

Principle of development

57. **NPF4 Policy 1: Tackling the climate and nature crises** seeks to ensure that significant weight will be given to the global climate and nature crises when considering all development proposals. **NPF4 Policy 2: Climate mitigation and adaptation** also seeks to encourage development that adapts to the current and future impacts of climate change.
58. **NPF4 Policy 13: Sustainable transport** seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. **NPF4 Policy 21: Play,**



recreation and sport similarly seeks to encourage, promote and facilitate opportunities for play, recreation and sport. The policy requires development proposals which include new streets and public realm to be inclusive and enable children and young people to play and move around safely and independently.

59. **LDP Policy 2: Supporting economic growth** supports development which enhances formal and informal recreation and leisure facilities, improves opportunities for responsible outdoor access and makes a positive contribution to the experience of visitors. **LDP Policy 3: Design and placemaking** also outlines that all developments must be designed to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Plan. **LDP Policy 8: Open space, sport and recreation** similarly supports developments which maintain and maximise all opportunities to link into the existing path network.
60. This application readily complies with these policy requirements. The proposal seeks to deliver significant public benefits by improving access and connectivity between Aviemore and Carrbridge, extending the local active travel network and encouraging safe and sustainable modes of transport through the formation of a segregated NMU route. The development would help to encourage a modal shift away from private car use by providing a safe, accessible and segregated route for walking, wheeling and cycling. This would, in turn, contribute to a reduction in greenhouse gas emissions and support healthier, low-carbon lifestyles.
61. By providing NMU infrastructure which improves accessibility and facilitates enhanced opportunities for recreation, leisure and responsible outdoor access, the proposal would make a positive contribution to the visitor experience and support the continued economic growth of the National Park.
62. Overall, the principle of development is therefore entirely in accordance with relevant policies of the Development Plan. It would also contribute to wider priorities outlined in the Scottish Government's National Transport Strategy 2 and align with Cairngorms National Park Partnership Plan objectives by encouraging active travel, reducing inequalities between those with and without access to motorised vehicles, and providing opportunities to realise health and wellbeing benefits.

Ecological and biodiversity impacts

63. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate



measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. For major developments, it must be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This includes a comprehensive understanding of existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats. Moreover, significant biodiversity enhancements should be provided, including nature networks which link to and strengthen habitat connectivity within and beyond the development.

64. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported. Similarly, **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.
65. **NPF4 Policy 5: Soils** seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Development on peatland or carbon-rich soils require baseline depths, habitat conditions, quality and stability of the soils to be identified.
66. Whilst the proposed development has the potential to impact upon a variety of protected species, designated sites and habitats, the Applicant has submitted a Mitigation Schedule which incorporates measures to address these potential effects. The Ecological Advice Officer is satisfied that the measures incorporated will help protect, conserve and enhance biodiversity in line with policy. The Mitigation Schedule is therefore considered appropriate and acceptable as an approach to manage potential ecological impacts.
67. In addition to the Mitigation Schedule, conditions recommended by the Ecological Advice Officer would be imposed to minimise potential adverse impacts upon protected species. Conditions would include ensuring pre-construction protected species surveys are undertaken, which consider habitats and include wood ant nests along the proposed NMU route, and inform the conditioned Ecological Management Plan, Habitat Management Plan and Species Protection Plan. Together these measures would ensure the development does not have adverse impacts on protected species.
68. Peat depth surveys will also need to be undertaken to assess peat deposits within proximity of the mire habitats which would be lost during the construction phase. Depending on the results of the surveys, details of compensatory peatland



restoration work may be required. The requirement for peat depth surveys and subsequent compensatory peatland restoration shall be conditioned to ensure peatland habitats within the site boundary are not disturbed or adversely impacted.

69. In addition to the mitigation measures proposed as part of the application, the proposal includes measures to enhance biodiversity, such as introducing pond habitat compensation and developing a species rich grassland mix. The implementation of this grassland mix will be informed by best practice guidance and will enhance floral species diversity along the proposed route, creating a pollinator corridor. This corridor would provide important habitat for pollinator species and improve connectivity between existing habitats, representing a demonstrable ecological benefit of the proposal.
70. By safeguarding the character of the natural environment and avoiding unnecessary disturbance to soils, the proposal seeks to secure an overall positive effect for biodiversity and ensure any residual adverse effects are limited in scale and significance. The Ecological Advice Officer is satisfied that the implementation of a Mitigation Schedule and biodiversity conditions will ensure the ecological context is demonstrably better following the implementation of the proposal.
71. Subject to the implementation of the Mitigation Schedule and specific conditions, the proposal is deemed compliant with biodiversity enhancement and natural places policies of the Development Plan.

Forestry

72. **NPF4 Policy 6: Forestry, woodland and trees** seeks to protect and expand forests, woodland and trees. This policy states that development proposals will not be supported where they result in:
 - a) Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition.
 - b) Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.
 - c) Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.
 - d) Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
73. **NPF4 Policy 6** also states that *'Development proposals involving woodland removal will only be supported where they will achieve significant and clearly*



defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.'

74. **LDP Policy 4: Natural heritage** states that woodland removal for development will only be permitted where it complies with the Scottish Government's policy on the Control of Woodland Removal. The detailed policy criteria, together with the Control of Woodland Removal publication set out a strong presumption against the removal of ancient semi-natural woodland, stating that only in exceptional circumstances would the loss of ancient woodland be permitted. This would require clear demonstration that the need and justification for the development outweighs the local, national or international contribution of the woodland and provides public benefit. Where removal of ancient semi-natural woodland is deemed acceptable, compensation for such loss (involving the planting of native species) will be mandatory.
75. The Applicant engaged with the Park Authority throughout the optioneering process to explore opportunities to reduce the area of woodland removal required as far as reasonably practicable. Despite efficiencies made, the application as proposed would require the removal of 4.22ha of ancient woodland and 5.14ha of non-ancient woodland.
76. To mitigate against this loss, both on-site and off-site compensatory planting are proposed. The compensatory planting will comprise native species and will be carried out at an overall ratio of 1:1.4 (removed : planted). This overall ratio is marginally greater than the 1:1 compensatory planting ratio that has been secured through the consenting process for the Dalraddy to Slochd section of the A9 dualling scheme (which also involves the loss of woodland including ancient woodland). Moreover, when broken down according to the category of woodland to be felled, the proposals represent a compensatory planting ratio of 1:1 for non-ancient woodland, and 1:1.88 for ancient woodland.
77. Whilst the loss of woodland, and in particular ancient semi-natural woodland, is not supported by policy, a level of unavoidable woodland loss is considered acceptable as an exception in this case given the significant public benefits of the proposed NMU route, providing that appropriate compensatory planting is secured. The overall level of compensatory planting proposed in this case is considered compliant with the Scottish Government's policy on the Control of Woodland Removal: Implementation Guidance, which requires that in cases involving removal of ancient semi-natural woodland, the compensatory planting area must exceed the area of woodland removed to compensate for the loss of environmental value.



The proposed compensatory planting can be secured through condition if planning permission is granted.

78. Consultee requests for higher levels of compensatory planting were communicated to the Applicant, alongside requests to reroute sections of the path away from veteran trees and forested areas to retain a greater extent of ancient woodland and veteran trees.
79. Whilst the Applicant has confirmed that it is not feasible to accommodate the rerouting requests, they have proposed special protection measures, which align with BS 5837:2012 Trees in relation to Design, Demolition and Construction, to protect a greater proportion of veteran trees. This mitigation is welcomed as a greater number of trees can be protected as a result and the impact of tree removal will be minimised. A condition will therefore be attached to the consent, if granted, to ensure the special protection measures noted in the Applicant's *ACNMU – Planning Consultee Response – Environment* (dated 05/06/26) are implemented and tree loss is limited as far as practicable.
80. A detailed Ancient Woodland and Veteran Tree Compensation Strategy, which includes future maintenance, will also be conditioned to ensure the protection of additional trees where possible. Moreover, as part of the proposed Landscape Management Plan condition, the potential to protect additional veteran trees will be explored during the finalised design stage. This condition, alongside a consideration of where opportunities exist to microsite the route to avoid additional veteran trees, demonstrates the Applicant's willingness to enhance the scheme and further minimise the impact of tree removal.
81. In addition to these conditions, the provision of a Woodland Thinning Plan, Tree Planting Plans, Planting Supervision Schedule and Arboricultural Method Statement (AMS) will also be conditioned. These conditions aim to prioritise the protection and retention of forestry, ancient woodland and veteran trees as far as reasonably practicable, aligning with NPF4 and LDP policies.
82. In summary, notwithstanding that there will be a loss of woodland including ancient semi-natural woodland, which is not supported by **NPF4 Policy 6** or **LDP Policy 4**, the overall public benefit of the proposed development is considered sufficient to justify the woodland loss anticipated. The proposed compensatory planting is also considered sufficient to ensure broader compliance with the Scottish Government's policy on the Control of Woodland Removal.



Landscape, design and placemaking

83. **NPF4 Policy 14: Design, quality and place** supports the delivery of proposals where they are consistent with the six qualities of successful places, namely: healthy; pleasant; connected; distinctive; sustainable; and adaptable.
84. **NPF4 Policy 15: Local living and 20 minute neighbourhoods** encourages the creation of connected neighbourhoods where people can meet their needs by walking, wheeling or cycling. The policy seeks high-quality neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
85. **NPF4 Policy 20: Blue and green infrastructure** seeks to protect and enhance blue and green networks ensuring these networks are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management.
86. **LDP Policy 3: Design and placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places. A minor discrepancy between NPF4's definition of the six qualities and that of the LDP exists, although their overall effect is consistent.
87. **LDP Policy 5: Landscape** seeks to conserve and/or enhance the landscape character and special landscape qualities of the National Park. The policy states that proposals that do not complement or enhance the landscape character will only be permitted where any significant adverse effects on special landscape qualities are clearly outweighed by social or economic benefits of national importance. All adverse effects on the setting of the proposal should also have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
88. The proposed NMU route has been designed to be safe, pleasant, distinctive and easy to move around, thus aligning with the qualities of successful places. The path connects into surrounding facilities and green infrastructure which demonstrates the proposal's place-based design and prioritisation of high-quality walking, wheeling and cycling environments.
89. The proposed siting and design of the route broadly respects landscape character and the Special Landscape Qualities (SLQs) of the National Park. However, the development is expected to adversely affect SLQs 'Dark and venerable pine forest', 'Light and airy birch woods' and 'Extensive tracts of natural vegetation', with the permanent loss of areas of ancient woodland and four mature/veteran trees of note. Landscape and ecology mitigation measures have been proposed to address



a number of these adverse effects. In addition, the provision of a safe, welcoming and accessible route between Aviemore and Carrbridge would benefit SLQ 'A landscape of opportunities'.

90. As previously noted, concerns over the extent of ancient woodland and veteran tree removal have been identified. From a landscape perspective, this loss of woodland would result in irreversible localised effects on LCA Strathspey: Pityoulish to Boat of Garten and LCA Strathspey: Dulnain Strath; remnant Ancient Woodland and the SLQ 'Woodland'. Whilst losing swathes of trees would change the character of the route, it would be possible to minimise, and in certain instances mitigate, the significance of these impacts through the implementation of conditions. Conditions including the provision of a Landscape Management Plan, Construction Method Statement, Construction Environmental Management Plan, and specific details on the cut and fill approach to be adopted shall be implemented. A full detailed landscape specification outlining the maintenance and management responsibilities, as well as details on the planting mix and visual character changes on the approach to Carrbridge shall also be included as conditions to the consent. Together these measures will ensure best practice is adopted during construction and the wider landscape impacts of the proposed scheme are minimised.
91. On balance, the implementation of mitigation measures as proposed within the application, and conditions as outlined above, are expected to reduce the significance of effects upon the LCAs identified. With the exception of the ancient woodland and veteran tree removal, it is considered that the NMU route would not have a significant impact upon the SLQs, subject to the implementation of the recommended conditions. The proposed NMU route has been carefully designed to facilitate active travel between Aviemore and Carrbridge whilst also contributing to general placemaking objectives. The proposal is therefore considered to accord with the relevant Development Plan policies.

Flooding and surface water

92. **NPF4 Policy 22: Flood risk and water management** seeks to ensure that developments are resilient to current and future flood risk. It sets out a presumption against developments at risk of flooding or in flood risk areas unless they would comprise one of four specific exceptions. One of the four exceptions includes essential infrastructure where the location is required for operational reasons.
93. **LDP Policy 10: Resources** requires that all development should be free from flood risk and not increase the risk of flooding elsewhere. This policy also seeks to ensure that development does not result in the deterioration of water resources and



avoids unacceptable detrimental impacts on the water environment, seeking to improve it where possible.

94. The vast majority of the proposed NMU route lies outside identified flood risk areas, although there are a number of localised parts of the route which are identified as being at risk of flooding on SEPA's future flood maps. The Applicant has submitted a Flood Risk Assessment and the proposal has been designed to protect the water environment, mitigate identified areas of flood risk, and avoid increasing flood risk elsewhere. As part of the development, an area approximately 370m south of Kinveachy Junction, opposite Meikle Cottage, is proposed for flood compensation which demonstrates the current and future flood risk resilience built into the development.
95. The consultation response from the Highland Council's Flood Risk Management Team confirms that the development is considered 'Essential Infrastructure' and is therefore in accordance with the requirement of **NPF4 Policy 22 a)** *'Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i) essential infrastructure where the location is required for operational reasons'*. However, they have requested that a number of conditions should be attached to any consent, including to secure the submission of finalised proposals for mitigating the flood risk issues identified in the FRA and a finalised Drainage Impact Assessment (DIA). The provision of this information will ensure the proposed development is considered in the context of current and future flood risk and constructed to be resilient to both. In addition, it will ensure that an approach which avoids increasing potential flood risk elsewhere and ensures that surface water drainage is satisfactorily managed in the interest of road safety, will be defined and adopted.
96. A condition requested by SEPA would also be attached to the consent, if approved, to ensure that the finalised schedule of culverts is submitted for approval prior to the commencement of works. This condition would help to ensure flooding impacts are avoided, the water environment is protected, and that there are no adverse effects on the natural heritage and landscape of the National Park.
97. Together, the above conditions would ensure compliance with the relevant policies of the Development Plan.

Cultural heritage

98. **NPF4 Policy 7: Historic assets and places** notes that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site at an early stage. **LDP Policy 9: Cultural**



heritage sets out similar requirements which align with the national planning policy.

99. In their consultee response, the Highland Council Archaeology Team note that they have no objections in respect of local archaeological interest. They have advised that a Written Scheme of Investigation (WSI) be submitted to the planning authority for approval prior to the commencement of works. A condition will be attached to any consent granted to address this point.
100. The WSI will ensure the archaeological content and potential of the site area is established during the pre-construction stage and that the approach to recording and recovering of any archaeological resources found is understood prior to construction works. The stand-down procedures for construction works upon the discovery of archaeological content shall also be included within the WSI. Together these steps will ensure the historic environment is valued and protected.
101. On this basis, the development is considered to comply with **NPF4 Policy 7** and **LDP Policy 9**.

Amenity

102. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise unacceptable noise issues, will not be supported.
103. **LDP Policy 10: Resources** considers development affecting contaminated land favourably where assessments are undertaken to establish actual and potential impacts, and effective remedial action is taken to ensure the site is made suitable for the development proposed.
104. There are not considered to be any significant amenity issues related to the proposed development. With the exception of seven residential properties at Kinveachy and a property in the vicinity of Avielochan, the NMU route would be located at considerable distance from neighbouring properties. Limited adverse amenity impacts upon residents during construction and operation are therefore expected. Moreover, construction works are expected to be short-term and temporary, therefore limiting any potential noise disturbance or adverse impacts to health or air quality.
105. The Highland Council Environmental Health Team have no objections to the proposal subject to two conditions being attached to the consent. The consultee recommends a condition to secure a Construction Noise Mitigation Scheme as well



as implementation of measures to prevent the contamination or physical disruption of any private water supply. The implementation of these conditions would help to minimise potential impacts upon nearby receptors and avoid disturbance during construction.

106. A Construction Environmental Management Plan (CEMP) will also be conditioned. Conditioning the CEMP will ensure health and safety standards are upheld throughout the construction period, and construction activities are carried out in accordance with current best practice, thus minimising potential amenity impacts.
107. Concerns relating to potential contamination at sections of the NMU route which cross through or over railway land, specifically at Laggantygown (NGR:290996 817590) and running alongside the railway north of Avingormack, were raised by the Highland Council Contaminated Land Officer. The Applicant has confirmed that additional ground investigations will be undertaken to address this point, subject to permission being granted, and the Contaminated Land Officer has agreed that these further works can be secured by condition. A condition is therefore recommended to ensure the necessary investigations are undertaken and appropriate mitigation implemented as required.
108. A condition will also be attached to the consent necessitating the provision of a contaminated land scheme which details how any contamination encountered on site during construction will be managed, including the stand-down approach, remedial action, monitoring and timeline for reporting any contamination discovered to the Highland Council Contaminated Land Officer. Adopting this approach will limit the risk associated with construction works on sections of the NMU route which cross through or over railway land.
109. On this basis, the application is considered to comply with **NPF4 Policy 23** and **LDP Policy 10**.

Other issues raised in consultations / representations and general matters

110. The majority of issues raised by consultees and contributors have been addressed throughout this report. Specific design issues and route infrastructure, such as signage, road markings, benches and crossings, were flagged by consultees, including the Aviemore and Vicinity Community Council, British Horse Society, Cairngorms National Park Authority Sustainable Transport Officer, and Cairngorms National Park Authority Recreation and Outdoor Access Team. Information to address these detailed points will be secured through conditions and handled during the Applicant's finalised design stage.



111. Under section 58(1)(b) of the Town and Country Planning (Scotland) Act 1997 as amended, the Applicant requested a period of five years for the development to commence. Given the scale and nature of the development, this period of time is considered to be reasonable. A condition will be attached to the consent to reflect this timescale if planning permission is granted.

Conclusion

112. The proposed development of a 9km long segregated NMU route at land between Aviemore and Carrbridge is acceptable in principle given the health and wellbeing, safety and wider sustainability benefits associated with the introduction of a direct route between the communities. The segregated NMU route would improve access, extend the existing active travel network and encourage sustainable modes of transport.
113. Whilst the proposal will result in the removal of woodland including ancient semi-natural woodland, which is not supported by NPF4 Policy 6 or LDP Policy 4, the Applicant has sought to minimise the extent of woodland loss and the proposal will deliver clearly defined public benefits. These benefits are considered sufficient to justify the woodland loss anticipated. As set out above, mitigation measures have been proposed, including on and off-site compensatory planting, and the level of proposed compensatory planting is considered sufficient to ensure broader compliance with the Scottish Government's policy on the Control of Woodland Removal Implementation Guidance. Residual adverse ecological impacts are considered minimal in scale and significance, and biodiversity enhancements are proposed which will improve connectivity between existing habitats and represent a demonstrable ecological benefit of the proposal.
114. On balance, it is considered that the proposed development complies with the Development Plan and there are no other material considerations which outweigh this conclusion.

Recommendation

115. That members of the committee support a recommendation to **APPROVE** the construction of a 9km long segregated non-motorised user route at land between Aviemore and Carrbridge subject to the following conditions:



Conditions

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

General

1. The development to which this permission relates must be begun not later than the expiration of five years, beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58(1)(b) of the Town and Country Planning (Scotland) Act 1997 as amended.

2. **No development shall commence on site until a Phasing Plan for the development, detailing the extent, scope and order of works, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.**

Thereafter, the development shall be constructed in accordance with the approved Phasing Plan and timescale, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure that elements of the development can continue to progress within the constraints of particular suspensive conditions.

3. **No development shall commence on site until a site-specific Construction Traffic Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Transport Planning Team. These details must include, but not be limited to, the following requirements:**
 - a) construction traffic routing;
 - b) temporary traffic management at accesses;
 - c) procedures for monitoring road conditions and implementing remedial works during construction;
 - d) measures to keep public roads free from mud and debris;
 - e) a communications and complaints protocol;
 - f) details of traffic management for any vegetation clearance required for visibility splays; and



- g) **clear plan on how all vulnerable road users, including equestrians, will be accommodated and their safety prioritised alongside construction traffic.**

Thereafter, the development shall be implemented in accordance with the approved details during construction.

Reason: To minimise construction phase impacts and maintain the safe operation of the roads network and to protect active travel users and deliver a safe, inclusive route which encourages walking, wheeling and cycling for everyday travel, reducing the need to travel unsustainably, in accordance with Policy 13: Sustainable transport of NPF4 and Policy 3: Design and placemaking of the Cairngorms Local Development Plan 2021.

4. **No development shall commence on site until finalised plans showing the detailed design of accesses, junctions, underpasses and crossings, including geometry, gradient, surfacing and road markings, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Transport Planning Team.**

Reason: To ensure safe and appropriately scaled accesses along the length of the development in accordance with Policy 13: Sustainable transport of NPF4 and Policy 3: Design and placemaking of the Cairngorms Local Development Plan 2021.

5. **No development shall commence on site until the finalised maintenance responsibilities and adoption boundaries between Transport Scotland and the Highland Council have been submitted to and agreed in writing with the Cairngorms National Park Authority acting as the planning authority in consultation with Transport Scotland and the Highland Council's Transport Planning Team. The Maintenance Plan should include:**

- a) **details of the mechanism by which the path will be managed and maintained once constructed;**
- b) **details of ongoing maintenance responsibilities and monitoring required including woodland thinning;**
- c) **details of the extent of adoption for maintenance by each party;**
- d) **details of landscape maintenance and management proposals; and**
- e) **details of a maintenance schedule which, in addition to standard maintenance, includes preventing and removing verge creep, which can lead to loss of useable path width, as well as regular use of a road sweeper to remove gravel and debris especially during dry weather.**



Thereafter, the works shall be undertaken, implemented and maintained in accordance with the approved details and timetable set out in the Maintenance Plan.

Reason: To ensure the development conserves and enhances the landscape and biodiversity in accordance with Policy 4: Natural places and Policy 13: Sustainable transport of NPF4 and Policy 3: Design and placemaking and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

Environmental Health

6. No development shall commence on site until a Construction Noise Mitigation Scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Environmental Health Team. The scheme shall demonstrate how the developer/contractor will ensure the best practicable measures are implemented to reduce the impact of construction noise.

Thereafter, the development shall progress in accordance with the approved Construction Noise Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Cairngorms National Park Authority acting as planning authority.

Reason: To protect the amenity of nearby residents and other sensitive receptors from excessive construction noise and to ensure the works are undertaken in line with best practice and appropriate mitigation measures are implemented throughout the construction period, in accordance with Policy 23: Health and safety of NPF4 and Policy 3: Design and placemaking of the Cairngorms Local Development Plan 2021.

7. No development shall commence on site until details of the measures proposed to prevent contamination or physical disruption to any private water supply have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Environmental Health Team. This should include details of any monitoring prior to, during and following construction and should also include proposals for contingency measures in the event of an incident.

Thereafter, the development shall progress in accordance with the approved details, and all mitigation measures shall be in place prior to construction commencing.



Reason: To prevent significant adverse impacts upon private water supplies within the development site in accordance with Policy 10: Resources of the Cairngorms Local Development Plan 2021.

Contaminated Land

- 8. No development shall commence until the scope of a programme of intrusive ground investigation works to identify potential contaminated land has been agreed with the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Environmental Health Contaminated Land Team.**

Reason: To ensure an appropriate programme of ground investigations is undertaken to assess the potential for contaminated land in accordance with Policy 9: Brownfield, vacant and derelict land and empty buildings of NPF4 and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

- 9. No development shall commence on any relevant phase, as identified in the approved Phasing Plan as required under Condition 2 of this consent, until a scheme to deal with potential contamination on any part of the site has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as planning authority, in consultation with the Highland Council's Environmental Health Contaminated Land Team.**

The scheme shall include, but not be limited to, the following requirements:

- a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as planning authority, in consultation with the Highland Council's Environmental Health Contaminated Land Team, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2026 Investigation of Potentially Contaminated Sites - Code of Practice;
- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination discovered during construction works including stand-down approach and timeline for reporting potential contamination to the Highland Council's Environmental Health Contaminated Land Team;



- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Cairngorms National Park Authority acting as planning authority, in consultation with the Highland Council's Environmental Health Contaminated Land Team; and
- f) a watching brief for contamination during the works must be included as part of the construction contract for the scheme. The Applicant must ensure any contractors conform with the requirements of the controlling authorities, which will include SEPA and the Highland Council's Environmental Health Contaminated Land Team for the remediation of the site.

Thereafter, the scheme shall be implemented, completed and, if required, monitoring measurements put in place, to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure that any contaminated land and/or contamination encountered during construction is managed appropriately in order to protect human health and the environment and to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site in accordance with Policy 9: Brownfield, vacant and derelict land and empty buildings of NPF4 and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

Access

10. No development shall commence on site until an Access Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority. Details within the Access Management Plan shall include, but not be limited to, the following:
- a) any proposed pedestrian diversions including along core paths and Public Rights of Way where continuing public access is not possible during construction;
 - b) how public access will be maintained along the core paths / Rights of Way (or a suitable agreed diversion put in place) throughout the duration of the construction works;
 - c) the signage to be installed linking the NMU route to the existing path network including Core Path LBS113 – path/cycle route (NCN 7) at Kinveachy junction;



- d) how the NMU route will be appropriately integrated with existing paths of different types of surfacing materials to prevent water run-off onto existing paths and trip hazards from being created;
- e) how the NMU route will be designed to be suitable for horse riders and those on mobility scooters to use including, where identified as necessary as part of any site specific road restraint risk assessment, details of a barrier to reduce the risk to road users on the A95 as well as horses and their riders north of the existing underpass, where the route runs along a narrow strip of land between the Highland Main Line railway and the A95;
- f) how the NMU route will be designed to facilitate users leaving the NMU route safely to cross to the Oakwood Caravan Park, and maintain user safety at the junction between the NMU route and Aviemore Orbital around the point where the Orbital crosses the B9152; and
- g) how the design and road markings at the entrance to the Granish Business Park, including Aviemore Recycling Centre and business units, will maintain public safety.

Thereafter, the development shall be constructed in accordance with the approved Access Management Plan to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure the proposed access arrangements are appropriate, maintain public safety and are in accordance with Policy 13: Sustainable transport and Policy 23: Health and safety of NPF4 and Policy 3: Design and placemaking of the Cairngorms Local Development Plan 2021.

11. No development shall commence on site until details of the proposed signage, Non-Motorised User arrangements, plus any fencing, gates and crossing arrangements, associated with the proposed route, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority, in consultation with Transport Scotland.

Thereafter, and prior to commissioning of any part of the development hereby permitted, the proposed development shall be constructed to the approved details to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: In the interests of motorised, non-motorised and pedestrian safety to ensure there is appropriate safe access and egress and to ensure there are no adverse impacts on the road network in relation to road safety in accordance with NPF4 Policy 13: Sustainable transport and Policy 3: Design and placemaking of the Cairngorms Local Development Plan 2021.



Landscape

12. No development shall commence on site until a finalised Landscape Management Plan and full detailed landscape specification has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The Landscape Management Plan shall reflect the principles of the Aviemore to Carrbridge Non-Motorised User (NMU) Route Outline Landscape Management Plan proposals (dated March 2025).

The approved Landscape Management Plan shall include, but not be limited to, the following:

- a) detailed protection measures for specific veteran trees e.g. T81 – 13m cherry (ch.4980);
- b) detailed measures for managing areas of cut and fill in order to reduce the severity of the cut or fill shape;
- c) the approach to re-establishing woodland, in order to retain the area's forested character;
- d) detailed measures to be implemented which ensure existing trees are accurately identified and mapped, and the Landscape Management Plan aligns with the existing context of the surrounding areas;
- e) a detailed indicative landscape specification, applicable to all maintenance and management works including programme, notices, reporting, plant establishment and replacement, control of noxious weeds and health and safety requirements;
- f) details on materials, signs, ground levels and drainage including SUDs information; and tree, scrub and grasses planting, locations, species, number, size and planting mix;
- g) details of the finalised woodland mixes proposed, noting that new planting should comprise native species of suitable origin and be managed to enhance biodiversity and reflect the species typical of the localised landscape;
- h) detailed information on the biodiversity enhancement measures to be implemented;
- i) detailed information on the measures to be implemented which will ensure the protection of existing trees to be retained; and
- j) information regarding levels and construction for the following areas:
 - 1.1 Ch1000-1250, Junction B9152 with A9;
 - 1.2 Ch2350-2600, Avielochan area;
 - 1.3 Ch4250-4450, Area of significant tree loss to create cutting. Ensure this area receives the proposed birch tree planting and ensure successful establishment despite slope; and



1.4 Ch4600 and Ch4700, Important detailed design including new retaining wall.

Thereafter, the development shall be constructed in accordance with the approved Landscape Management Plan to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure that landscaping and long-term management are implemented to an approved standard in the interest of visual amenity, landscape quality and the successful establishment of compensatory planting in accordance with Policy: 4: Natural places and Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

- 13. No development shall commence on site until a Construction Environmental Management Plan (CEMP), informed by the Schedule of Commitments in the Environmental Impact Assessment Report (EIAR) (May 2025) and including elements relating to landscape works, soil excavation and storage, and tree protection, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The CEMP shall include, but not be limited to, the following:**

- a) measures to be implemented to reduce construction noise and vibration;**
- b) details of how private water supplies within the development site will be protected during construction and operation of the proposed development; and**
- c) details of fencing to be implemented during construction to establish the tree protection zones.**

The CEMP shall require the contractor to employ established industry standard best practice in relation to earthworks, including excavation and storage.

Thereafter, the development shall be constructed in accordance with the approved CEMP to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure best practice measures are adopted throughout the construction phase and construction of the proposed development strictly follows habitat protection in accordance with Policy 3: Biodiversity, Policy 4: Natural places and Policy 5: Soils of NPF4 and Policy 4: Natural heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.



Approach to Carrbridge

14. No development shall commence on site until additional detail regarding the visual character changes to section ch.7950-8700 and including the village entrance south of Carrbridge, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.

These details shall incorporate:

- a) measures to ensure any tree felling is minimal and the retention of any stable tree specimens;
- b) the removal of brash and stumps;
- c) planting of trees respectful of their existing context; and
- d) preservation of the existing Carrbridge entrance signs (any repositioning would require consultation with the Cairngorms National Park Authority).

These details shall accord with section 6.5.3 Aviemore to Carrbridge Non-Motorised User (NMU) Route Outline Landscape Management Plan (dated March 2025).

Reason: To maintain an appropriate visual character along the NMU route and ensure that woodland felling, restoration and replanting are carried out in a visually sensitive manner in accordance with the approved Landscape Management Plan, Policy 4: Natural places and Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

Construction Method Statement

15. No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The Construction Method Statement must include, but not be limited to, information on the method of groundworks, soil excavation and storage, root and canopy protection of existing trees and ground and vegetation restoration.

Thereafter, the development shall be constructed in accordance with the approved Construction Method Statement to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure the proposed works are undertaken in compliance with industry best practice, and all construction matters are handled appropriately for the given



locations in accordance with Policy 4: Natural places and Policy 5: Soils of NPF4 and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

Ecology

- 16. No development shall commence on site until a site-specific Ecological Management Plan (EMP), containing a Habitat Management Plan and Species Protection Plans, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with NatureScot.**

The EMP shall include, but not be limited to, the following requirements:

- a) details of an appointed Ecological Clerk of Works (ECoW), their remit, scope of work, and reporting and monitoring schedule;**
- b) finalised details of the special protection measures to be implemented for specific trees within the development site;**
- c) details of the root and canopy protection measures of existing trees;**
- d) details of the ground and vegetation restoration proposed including seeding of verges;**
- e) details of the results from the pre-construction surveys undertaken for all protected species, including the translocation of wood ant nests at risk to nearby areas of suitable habitat, and potential impacts upon Slavonian grebe, taking into account appropriate disturbance buffers and identifying any potential mitigation;**
- f) details of protected and priority species such as wood ants and Northern Damselfly and mitigation proposed to protect these species;**
- g) details of the protection measures to be implemented to protect capercaillie, including an exclusion zone of 150m if a nesting site is discovered during construction activities and implementation of a 150m exclusion zone for when a brood is accidentally disturbed by human activity; and**
- h) details of the locations of stock fencing to be implemented, in particular where the NMU route passes close to sensitive capercaillie woodland/SPA designations. There should be no stock fencing proposed at Kinveachy at the point where users would leave the NMU route to reach Loch Vaa.**

Thereafter, the development shall be implemented strictly in accordance with the approved details of the mitigation measures (ACNMU- E1-E42) as detailed in the Environmental Impact Assessment Report Chapter 13: Mitigation Schedule and updated in response to the Cairngorms National Park Authority Ecological Advice Officer's approved Habitats Regulations Assessment (including ACNMU-E38).



Reason: To ensure that there are no adverse effects on protected species, water environments and woodland areas, that the construction of the development is satisfactorily implemented and supervised and to secure pre-construction compensatory planting (including ground flora) in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

17. **No development shall commence on site until a Habitat Management Plan (HMP), prepared as part of the Ecological Management Plan, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority to reflect the requirement for the following information:**
- a) detailed plans for the biodiversity enhancement opportunities and woodland management areas proposed;
 - b) details of the future management of these habitats to ensure they continue to provide lasting benefits for local biodiversity;
 - c) finalised details of the location of on-site and off-site compensatory planting;
 - d) detail of the finalised woodland mixes proposed; and
 - e) measures to be implemented which protect remaining woodland by restricting the working footprint to the minimum necessary and establish root protection areas.

Thereafter, all works must be delivered in full accordance with the mitigation measures specified, including those measures proposed as part of the Habitats Regulations Appraisal.

Reason: To minimise negative impacts upon local habitat and environments and to ensure the development enhances biodiversity in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

18. **No development (including ground preparations works) shall take place on any particular phase of the development during the breeding bird season (March to August inclusive) unless under the supervision of a suitably qualified ecologist who will conduct pre-construction surveys to identify all active nests and provide a species protection plan (SPP) for nesting species. The survey results together with any associated SPP (breeding birds) shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as**



planning authority prior to the commencement of development of any particular phase.

Thereafter, all mitigation measures shall be implemented in accordance with the approved SPP (breeding birds) and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To minimise impacts on breeding birds and comply with environmental legislation in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

Peat

19. No development shall commence on any relevant phase, as identified in the approved Phasing Plan as required under Condition 2 of this consent, until Peat Depth Surveys have been undertaken for the relevant development phase and mitigation including peatland restoration proposed where peatland habitats are to be lost as part of the development. These details shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. This area of restoration must be at least 10 times the area of the peatland habitats lost.

Thereafter, no works shall commence on any relevant development phase where peat has been identified until detail of the compensatory peatland habitat proposed to mitigate any permanent habitat loss has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. Compensatory peatland habitat shall be provided on a like for like (or better) basis and temporarily lost habitats shall be reinstated on the same basis.

Reason: To avoid adverse impacts upon sensitive peatland habitats, carbon-rich soils and nature networks in proximity to the proposed works and to minimise negative impacts on habitats and to mitigate for any damage to priority peatland habitats in accordance with Policy 3: Biodiversity and Policy 5: Soils of NPF4 and Policy 4: Natural heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

Forestry

20. No works shall commence on site until a detailed Woodland Thinning Plan has been submitted to and approved in writing by the Cairngorms National Park



Authority acting as planning authority in consultation with the Highland Council's Forestry Officer.

Thereafter, the development shall be constructed in accordance with the approved Woodland Thinning Plan to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To demonstrate the proposed woodland management (selective thinning) of conifer crops adjacent to the NMU route will minimise the likelihood of windblow as well as providing ecological benefits in accordance with Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

- 21. No works shall commence on site until updated Tree Protection Plans and a detailed Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Forestry Officer. The plans and statement shall be prepared by a suitably qualified arboricultural consultant (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time) and include, but not be limited to, the following requirements:**

- a) details for robust arboricultural supervision;**
- b) details of how specific trees on site will be protected;**
- c) details of how the approved Tree Protection Plans and AMS will be implemented to the agreed standard;**
- d) a supervision schedule detailing key stages requiring supervision; and**
- e) confirmation that certificates of compliance for each stage shall be submitted for approval to the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Forestry Officer.**

Thereafter, the development shall be constructed in accordance with the approved Tree Protection Plans and AMS to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure construction is undertaken in line with best practice and to ensure the protection of retained trees throughout the construction period, in accordance with Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.



22. No works shall commence on site until on-site Tree Planting Plans have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Forestry Officer. The Tree Planting Plans shall be prepared by a suitably qualified landscape consultant employed to ensure that the approved plans are implemented to the agreed standard. The Tree Planting Plans shall also include a planting supervision schedule which sets out the stages requiring supervision. Certificates of compliance for each stage shall be submitted to the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Forestry Officer for approval.

Thereafter, on-site Tree Planting Plans shall be implemented for each relevant phase of the development, as identified in the approved Phasing Plan as required under Condition 2 of this consent, during the first planting season following the completion of that phase of development or as otherwise agreed in writing by the Cairngorms National Park Authority.

Reason: To demonstrate the proposed woodland management (selective thinning) of conifer crops adjacent to the route will minimise the likelihood of windblow as well as providing ecological benefits in accordance with Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

23. No development, site excavation or groundwork shall commence on site until all retained trees have been protected against construction damage using special protection measures as per the approved Tree Protection Plans and detailed Arboricultural Method Statement (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time). These measures shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Forestry Officer.

Reason: To ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter, in accordance with Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

Compensatory Planting

24. No development, including tree felling, shall commence on site until a detailed Ancient Woodland and Veteran Tree Compensation Strategy (including future



maintenance) has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with the Highland Council's Forestry Officer, Scottish Forestry and any other relevant stakeholders. The detailed Ancient Woodland and Veteran Tree Compensation Strategy shall include, but not be limited to, the following requirements:

- a) be prepared by and implemented under the supervision of a suitably qualified forestry consultant;
- b) follow the same process as required for preparing a woodland creation proposal, as set out in the Scottish Forestry publication: Woodland Creation Application Guidance;
- c) include a detailed schedule of supervision with compliance monitoring reports to be issued at agreed stages;
- d) detail the planting area to be delivered within the Cairngorms National Park which comprises no less than 13.07 hectares, of which 7.93 hectares shall be new native woodland to compensate for the loss of 4.22 hectares of ancient woodland at a ratio of 1:1.88 (removed : planted), and 5.14 hectares of other new woodland to compensate for the loss of 5.14 hectares of non-ancient woodland at a ratio of 1:1 (removed : planted);
- e) confirm the areas identified for compensatory planting align with The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017;
- f) include a GIS shapefile clearly identifying the approved area(s) of woodland removal and the associated area(s) of compensatory planting; and
- g) include evidence that the necessary land rights required by Transport Scotland to carry out and maintain the compensatory planting on the identified area(s) are in place.

Approval by the Cairngorms National Park Authority of the proposed Ancient Woodland and Veteran Tree Compensation Strategy may be subject to Transport Scotland and other relevant parties with ownership or other interests in the land on which compensatory planting is to take place entering into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 which requires implementation of the approved Ancient Woodland and Veteran Tree Compensation Strategy.

The approved detailed Ancient Woodland and Veteran Tree Compensation Strategy shall commence in accordance with the approved programme and, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority, all compensatory planting shall be undertaken prior to or during the first planting season following completion of construction or first commissioning of the development whichever occurs first. The



compensatory planting shall thereafter be maintained in accordance with the approved scheme until established to the full satisfaction of the Cairngorms National Park Authority, acting as planning authority in consultation with the Highland Council's Forestry Officer and shall remain as woodland in perpetuity.

To comply with the Felling Permission exemptions, woodland removal must not begin until it can be demonstrated that construction work is imminent. In the event that development fails to commence within 3 years of the initial felling, then the land use shall revert back to woodland and the area must be replanted within 12 months, to a specification approved by the Cairngorms National Park Authority, acting as planning authority in consultation with the Highland Council's Forestry Officer.

Reason: To protect Scotland's woodland resource and ensure adequate compensation for the loss of ancient woodland and veteran trees in accordance with the Scottish Government's policy on the Control of Woodland Removal and Policy 6: Forestry, woodland and trees of NPF4 and Policy 4: Natural heritage of the Cairngorms Local Development Plan 2021.

Flood risk

25. No development shall commence on site until a finalised schedule of culverts, identifying new culverts and those to be extended, is submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with SEPA and the Highland Council's Flood Risk Management Team. Any new culverts must have at least the same capacity as the existing culverts, or where they do not currently exist, they must have at least the same capacity as that of the corresponding A9 culvert. These culverts shall be highlighted as part of the finalised schedule. No culverts shall be sized smaller than existing equivalent culverts or those proposed on the dualled A9 unless part of a mitigation scheme.

It should be noted that this condition does not apply to the culvert proposed to be used as a throttle near Avielochan, which is intended to create an offline storage area.

Thereafter, the development shall be constructed in accordance with the approved finalised schedule of culverts to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To avoid any flooding impacts, protect the water environment, and ensure that there are no adverse effects on the natural heritage and landscape of the National Park in accordance with Policy 3: Biodiversity, Policy 4: Natural places,



Policy 5: Soils and Policy 22: Flood risk and water management of NPF4 and Policy 4: Natural heritage, Policy 5: Landscape, Policy 3: Design and placemaking and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

26. **No development shall commence on site until a finalised Drainage Impact Assessment and proposals for mitigating the flood risk issues identified in the Flood Risk Assessment (including Granish; Allt Cnapach; Avielochan and Feith Mhor) is submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority and in consultation with the Highland Council's Flood Risk Management Team.**

Thereafter, the development shall be constructed in accordance with the approved Drainage Impact Assessment and proposals for mitigating the flood risk issues, to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure the development is constructed in line with proposed mitigation measures and avoids increasing potential flood risk and to ensure the surface water drainage is satisfactorily managed in the interest of road safety in accordance with Policy 22: Flood risk and water management of NPF4 and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

Archaeology

27. **No development shall commence on site until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with the Highland Council's Historic Environment Team and a programme of archaeological works has been carried out in accordance with the approved WSI.**

The development area shall be the subject of an evaluation in the first instance to establish the archaeological content and potential. Dependent on the results of this work, further study may be required in advance of, and during, construction works to record any identified remains. The evaluation shall be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The services of a professional archaeological contractor shall be engaged throughout.

The WSI shall include, but not be limited to, the following:

- a) results from the pre-construction evaluation survey of archaeological content and potential on the development site;



- b) details of how the recording and recovery of archaeological resources found within the application site shall be undertaken;
- c) how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works; and
- d) the approach to be adopted upon discovery of archaeological content, including stand-down procedures for construction works, mitigation measures and timeframes for reporting content to the Highland Council's Historic Environment Team.

Should the archaeological works reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Cairngorms National Park Authority. The PERD shall be carried out in complete accordance with the approved details.

Thereafter, the development shall be constructed in accordance with the approved WSI to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To protect and safeguard any archaeological and historic interests on site in accordance with Policy 7: Historic assets and places of NPF4 and Policy 9: Cultural heritage and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.



Informatives

General

1. The permission as granted relates to a national or major development (under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009) or is a development of a class specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Under Section 27C of the 1997 Act as amended, the developer must, for these types of development and for the duration of the development (until works are completed), display a sign or signs containing certain information, which should be provided and displayed in several prominent locations along the extent of the NMU route, be readily visible to the public and be printed on durable material. This will provide the general public with information regarding the proposal and where further information can be obtained- notice attached.
2. The person undertaking the development is required to give the planning authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the planning authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.



Roads/transport planning

4. Separate consent will be required under the Roads (Scotland) Act 1984 for any works affecting the public road network, including new accesses, crossings, and drainage connections. This consent is separate from planning permission.

Network Rail

5. The proposed NMU route/path will create a new public footpath through Underbridge 290/225 located at OS Ref: E 290994.05602, N 817590.55167. Additional servitude rights of access/bridge agreements will have to be secured from Network Rail for the creation of this footpath prior to construction.
6. All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The developer must contact Network Rail's Asset Protection Engineers regarding the above matters, either by submitting an enquiry on the Network Rail website or by writing to: Network Rail Asset Protection Engineer // 151 St. Vincent Street, GLASGOW, G2 5NW // E-mail: AssetProtectionScotland@networkrail.co.uk

Landscape

7. The Contractor will be bound by the construction contract to industry standard landscape management and maintenance proposals.

Flood risk

8. It is recommended that landraising be kept to a minimum and that existing ground levels be used wherever possible.
9. It is recognised there is a small risk of the route collapsing in the area where offline storage is proposed near Avielochan. To avoid structural collapse, the horizontal water pressure caused by the stored water should be taken into consideration as part of the structural design of the NMU route and associated earthworks (not just the vertical pressure). This should reduce the risk of structural collapse.



10. The landowner/manager should be informed that a larger area may flood during large flood events at the offline storage area after the development is completed, so that they can take this into account when planning how to use the land. The relevant landowners should be aware of the implication of the proposals and of the additional effects of the latest climate change allowances, which would likely result in larger areas of ponding than is presently suggested.

Ecology

11. A protected species licence from NatureScot should be sought for any activity within 30m of a badger sett that could cause disturbance or result in damage to a sett. This increases to 100m if the activity will involve piling activity.

Access

12. The developer should note the comments of the Cairngorms National Park Authority Recreation and Outdoor Access Team and the Cairngorms National Park Authority Sustainable Transport Officer who provided advice on detailed matters for consideration in the finalised arrangements of the route's design to address Conditions 4, 10 and 11.

Use of herbicide

13. The largescale use of herbicide shall be discouraged to minimise danger to operators, other plants and wildlife. Herbicide shall be applied a maximum of three times per year with actual quantities applied decreasing as canopy closure increases. Alternatives including mulching and hand removal shall be prioritised.

SSEN

14. The applicant/developer is advised to contact SSEN Transmission at least 60 days prior to commencement of any tree removal activities within close proximity of the 132kV Tomatin-Boat of Garten overhead transmission line to ensure they obtain a GS6 safe working practices guidance. Please email:
Transmission.Asset.Management@sse.com