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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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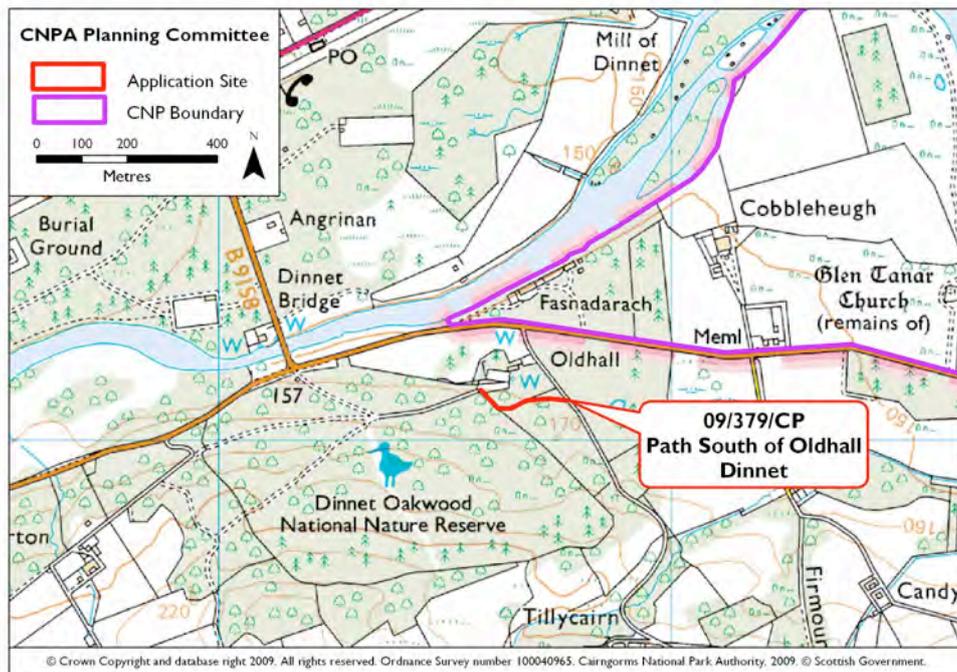
**DEVELOPMENT PROPOSED: CREATION OF A 260M LONG PATH TO LINK DINNET ROAD BRIDGE WITH EXISTING ACCESS TO GLEN TANAR VIA FIRMOUTH, ABOYNE**

**REFERENCE: 09/379/CP**

**APPLICANT: CAIRNGORMS OUTDOOR ACCESS TRUST**

**DATE CALLED-IN: 14 DECEMBER 2009**

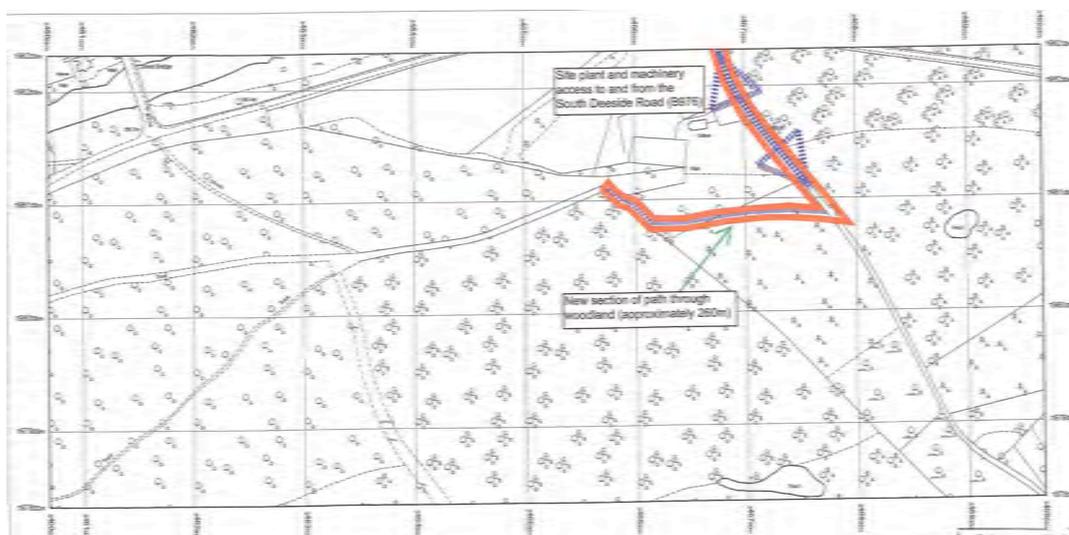
**RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The application site is a linear area partly located within the Dinnet Oakwood and an adjacent commercial plantation, immediately south of the River Dee at Dinnet Bridge. It comprises a section of rough track (formerly the old alignment of the B976 South Deeside Road) within mature Oak woodland – a designated Site of Special Scientific Interest – SSSI, Special Area of Conservation - SAC and a National Nature Reserve – NNR for its Western Acidic Oak Woodland and an area of commercial plantation immediately to the west; this is expected to be clear felled imminently (circa January/February 2010).
2. Planning permission is sought to create a section of raised aggregate path, to form a part of a larger link route from the Dinnet Road Bridge to Glen Tanar, via the Old Firmouth Road. The proposed path would be 260.0 metres long, 2.0 metres wide and be formed by laying a raised aggregate surface, suitably graded and rolled and carefully integrated into the surrounding area. The raised track would be laid mainly through the plantation with only a small stretch, 24.0 metres within the oak woodland. The remainder of the link route would use the existing rough track, which would be made good and thereafter maintained.



**Fig. 2 – Path Layout**

3. The aim of the project is to create a link path between Dinnet through to Glen Tanar utilising the old Firmouth Road. The pathway is identified within the Draft Cairngorms Core Paths Plan (April 2008) as a section of path UDE4 'Dinnet to Glen Tanar.' It is intended to be used for walkers, cyclists and horses. A supporting statement has been submitted to outline the construction methods to be utilised.

## DEVELOPMENT PLAN CONTEXT

4. Section 25 of the Planning etc (Scotland) Act 2006 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Aberdeen and Aberdeenshire Structure Plan 2001 (NEST) and the Aberdeenshire Local Plan 2006.

### National Planning Policy and Guidance

5. **Scottish Planning Policy 11 – Sport, Physical Recreation and Open Space** states that people residing in rural areas have a need for sport and recreation facilities. In addition, **SPP 11** highlights the fact that the provision of recreation facilities in rural areas has a significant purpose “in contributing to the retention of population and in promoting tourism, hence having an impact on the rural economy.”
6. **National Planning Policy Guidance 14 - Natural Heritage** advises that conservation and development can often be fully compatible, and with careful planning the potential for conflict can be minimised.

### Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (North East Scotland Together, NEST)

7. NEST includes a section on Sport and Recreation which notes that the plan seeks to increase accessibility to facilities for all. Paragraph 3.34 describes how Council’s are committed to promoting better access to open space and the countryside through a network of footpaths, bridleways and cycling routes.
8. **Policy 17 Countryside and Open Space Access** advises that local plans should encourage and protect responsible access to open space and countryside. However it also suggests that care must be taken to minimise detrimental impact on the environment.

### Aberdeenshire Local Plan (2006)

9. The proposed site lies within an Area of Landscape Significance (Marr area). Areas of Landscape Significance have been identified as being important not only for their physical landforms, but also for the flora and fauna which they support and the environmental assets which they represent.
10. **Policy Env\5B** states that development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or in whole. In instances where development is acceptable, the highest standards of design will be expected, in terms of location, scale, siting, aesthetics and landscaping.

11. **Policy Env\5B** specifically mentions that within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area of the Park.
12. **Policy Emp\10** of the Local Plan focuses on the subject of Sport, Leisure and Recreation. The policy indicates that new or improved facilities will be approved in principle if amongst other things they respect the character and amenity of the surrounding area, are located close to where people live and reduce the need to travel. In justifying the policy the importance of sport and recreational facilities to the quality of life, health and well being of both local communities and visitors is highlighted, as well as their being a recognition of the contribution of such facilities to the local economy of the area.
13. **Policy Env/22** addresses access issues. The policy is intended to ensure that existing public access is protected and that future development does not restrict future opportunities for the extension of the public access network. The policy also states that encouragement will be given to new access routes which promote 'green transport' while not adversely affecting the land concerned.

#### **Cairngorms National Park Plan (2007)**

14. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
15. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

#### **CONSULTATIONS**

16. **Scottish Natural Heritage (SNH)** consider that the proposal is unlikely to have a significant effect on the qualify interests of both the Dinnet Oakwood SAC, SSSI and River Dee SAC provided the construction method statement is adhered to. In addition they recommend conditions to minimise potential impact on badgers.
17. **Aberdeenshire Council Transportation** has no objections but recommends a condition for temporary works access signage and cutting back vegetation to maximise visibility.

18. The CNPA **Visitor Services and Recreation Group** (VSRG) are fully supportive of the proposals to upgrade this section of the route. Its development would improve access for local horse riders as well as provide a direct link between Dinnet and the promoted paths in Glen Taner.

## REPRESENTATIONS

19. The application was advertised in the Donside Piper and Herald on 4 December 2009. No representations have been received.

## APPRAISAL

20. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
21. The main issues to consider in this application relate to the principle of the development, the nature of the proposal including its construction and any associated implications, particularly on the various designations, other natural heritage and also consideration of its contribution towards the provision of access in the area.
22. In terms of the principle of development, there is general support in planning policy contained within the Development Plan. The policies which have been detailed in paragraphs 7 to 15 of this report all generally encourage increased recreational opportunities in rural areas, where they can be reconciled with the need to conserve the natural heritage of an area.
23. The site is partly located within sensitive Oak woodland with a number of natural heritage designations. **SNH** consider that the proposal is not likely to have a significant impact on the Oakwood SAC, or that of the nearby River Dee SAC. A number of conditions are proposed to reduce the risk of construction impacts, pollution or sedimentation and the protection of badgers. It is recognised that the applicant states that no trees are to be felled outside those scheduled to be clear felled within the commercial plantation. It is considered that proposed section of path would not have any implications for natural heritage with the mitigation as proposed.
24. The proposed aggregate path would follow gentle terrain, utilising a sympathetic and sensitive route mainly within the commercial plantation and only partially in the Oak woodland, making good the existing track mainly through strimming and other maintenance – a short 24.0 metre section of aggregate would require to be laid.
25. It is considered that the proposed path would not impact on the character and nature of the area or detract from its setting, which is within an Area of Landscape Significance (Marr area).

## **Draft Cairngorms Core Paths Plan**

26. The proposed path was identified during consultation for the Draft Cairngorms Core Paths Plan and would enhance linkages from Dinnet to Glen Tanar and the Old Firmouth Road.

## **Conclusion**

27. Overall, it is considered that the proposal is acceptable in terms of planning policy, design and impact on natural heritage.
28. The proposed footpath would bring forward a section of core path as outlined in the Draft Cairngorms Core Paths Plan, would provide enhanced recreational opportunities and greater interconnectivity between a number of walks in the area.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

29. The development is not considered to have adverse implications for this aim; the proposal has minimal landscape and natural heritage impact. In cultural heritage terms the proposal would allow for the wider use of other local walks.

### **Promote Sustainable Use of Natural Resources**

30. The aggregate material will be sourced from a local quarry.

### **Promote Understanding and Enjoyment of the Area**

31. The proposed path would form a new route for walkers, cyclists and horse riders affording greater access opportunities. It would bring forward a path identified within the Draft Cairngorms Core Paths Plan and would directly contribute to the promotion of understanding and enjoyment of the area.

### **Promote Sustainable Economic and Social Development of the Area**

32. The proposed footpath is a project undertaken by the Cairngorms Outdoor Access Trust. The improvement of local routes would result in improved facilities for locals and visitors and may attract more walkers into the area which could have economic and tourism spin-offs for shops and services.

## RECOMMENDATION

**That Members of the Committee GRANT Planning Permission subject to the following conditions:-**

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

**Reason:** To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. The path hereby approved shall be constructed in accordance with the construction details contained within the submitted method statement dated November 2009 and any subsequent mitigation measures possibly arising from any badger survey.

**Reason:** In accordance with the application detail and to ensure the proposed path does not cause any environmental pollution or damage.

3. Prior to the development hereby approved coming into use, details of the ongoing maintenance of the proposed footpath, shall be submitted to and agreed in writing with the CNPA, acting as Planning Authority. Thereafter, the agreed maintenance programme shall be implemented in accordance with the agreed details.

**Reason:** To ensure that the footpath is maintained to an acceptable standard.

4. Prior to the commencement of development, vegetation should be cut back behind the fenceline to the right of the access point of the B976 to maximise visibility at the road junction, in addition temporary 'Works Access' warning signage, diagram 730 from the 'Traffic Signs Regulations and General Directions 2002' shall be erected on the B976 to the east and west on the access point and shall remain in place for the duration of construction activities.

**Reason:** In the interests of ensuring that adequate warning is provided in advance of construction activities and in the interests of the general safety of users of the public highway.

5. Prior to the commencement of any development on site, a check/survey of the working corridor for any evidence of badgers shall be undertaken by a suitably qualified ecologist. The outcome of the survey shall be submitted to the CNPA acting as Planning Authority. In the event that evidence of badgers is found within the working corridor, a survey of a 30.0m corridor either side of the path shall be carried out by a suitably qualified ecologist. The survey results and where necessary any appropriate mitigation measures shall be submitted to and agreed in writing with the CNPA, acting as planning authority, prior to work commencing.

**Reason:** For the avoidance of doubt and in the interests of conserving the natural heritage of the area.

**Advice Notes:**

- (a) In the event that evidence that badgers use the area is found, then any works within 30 metres of a sett is likely to require a license. SNH is the licensing authority with respect to development. The applicant is reminded that badgers and their setts are protected in Britain by the Protection of Badgers Act 1992.
- (b) Care should be taken to avoid the spread of invasive, non-native plant species to the site either through planting, or because of construction activities, e.g. the importing to the site of soil contaminated with seeds of any of the above species. Should it be clear that any of the above species have arrived at the site because of the development, then effectively removing them as soon as possible and disposing of them responsibly should be made the responsibility of the applicant. Equally, if any of these species occurs on the site already, then the development should not allow the species to spread off-site.
- (c) The applicant is advised to contact Aberdeenshire Council's Roads Department to discuss/agree the position of any temporary signage required.

**Robert Grant**  
**7 January 2010**

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