

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

To construct as part of the Speyside Way Extension a 1.8km long, 2m width section of new path. The path proposal runs from Ardgeal near Kincaig to Insh linking up with existing forest tracks and roads within Inshriach Forest at New Path From Ardgeal Near Kincaig To Insh.

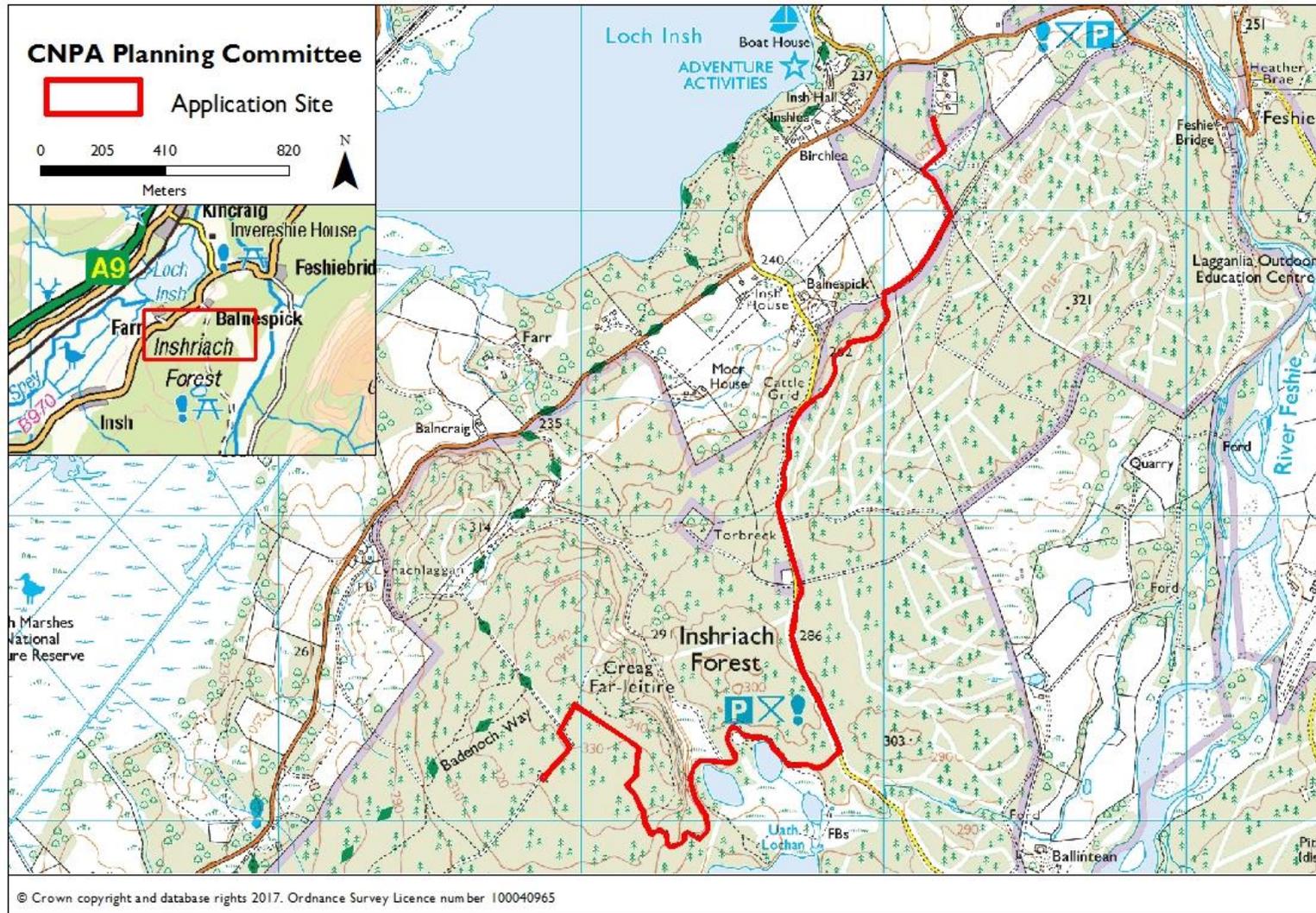
REFERENCE: 2017/0036/DET

APPLICANT: Mr David Clyne, CNPA

DATE CALLED-IN: 17 January 2017

RECOMMENDATION: Approve subject to Conditions

CASE OFFICER: Gavin Miles, Head of Planning and Communities



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The line of the application site runs from Insh in the West, through woodland and forest plantation to Ardgeal in the East.

Proposal

2. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OJX82OSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan		undated	23/01/2017
Site Map 1		undated	23/01/2017
Site Map 2		undated	23/01/2017
Site Map 3		undated	23/01/2017
Site Map 4		undated	23/01/2017
Compound Plan no 1		09/09/2016	23/01/2017
Compound Plan no 2		09/09/2016	23/01/2017
Compound Plan no 3		09/09/2016	23/01/2017
Compound Plan no 4		09/09/2016	23/01/2017
Works Map no 1		undated	23/01/2017
Works Map no 2		undated	23/01/2017
Works Map no 3		undated	23/01/2017
Works Map no 4		undated	23/01/2017
Profile – as dug path construction, bench cut on 100 slope	1 (section 1)	22/12/2016	23/01/2017
Profile – as dug path construction, bench cut on 17 slop	2 (section 2)	22/12/2016	23/01/2017
Profile – as dug path construction, 12m ramp on 100 slope	3	22/12/2016	23/01/2017
Profile – 19m causeway with culvert pipe	4	22/12/2016	23/01/2017
Raised aggregate track construction (3m clear track width)	5	22/12/2016	23/01/2017
Raised as dug/aggregate path construction (2m clear path width)	6	22/12/2016	23/01/2017
Raised aggregate path construction (2m clear path width)	7	22/12/2016	23/01/2017
Raised aggregate path construction over tree roots (2m path width)	8	22/12/2016	23/01/2017

Culvert pipe	9	22/12/2016	23/01/2017
Kerbs layout	I20731-1002	24/07/2017	24/07/2017
Revised roads layout	I20731-1001-A	24/07/2017	10/08/2017
Revised construction detail	I20731-1010-A	24/07/2017	10/08/2017

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

- The proposal is to extend the Speyside Way long distance footpath. The proposed route includes sections of existing footpath and forest track as well as short sections of new footpath to link existing paths.

History

- The current application is the most recent in series of applications for the Speyside Way extension. The Speyside Way was most recently extended to Ardgeal, with works completing in 2016.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	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	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

- All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

6. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

7. A summary of the main issues raised by consultees now follows:
8. **SEPA** initially objected to the application on the grounds of lack of information on potential borrow pits. On further discussion with the applicant it was agreed that borrow pits would not be used in relation to this application and as such this objection has been withdrawn.
9. SEPA also advise that they have no objection to the application in terms of engineering works in the water environment and that authorisation is not required for the installation of the proposed culverts. Further regulatory advice has been provided in respect of management of surplus peat or soils and proposed crushing and screening of path construction materials.
10. **SNH** advised that the whilst the proposal was considered to have a likely significant effect on the capercaillie qualifying interests for the nearby Cairngorms SPA, their assessment under the Habitats Regulations, which considered disturbance impacts from increased levels of local recreation concludes that the proposal will not adversely affect the integrity of the site.
11. **Highland Council Flood Risk Management Team** initially advised that they had no objection to the application subject to the inclusion of a planning condition to control culvert specifications. Following further discussion with the applicant, it has been demonstrated to the satisfaction of the Flood Risk Management Team that the use of culverts is limited to areas of wet ground and side ditches which are to be created during construction, therefore, as no recognised watercourse is to be engineered, there is no requirement to ensure that culvert size is controlled beyond the developers operational need.

12. **Highland Council Forestry Officer** has no objection to the application, advising that whilst some works are within an area of Ancient Woodland Inventory, the impact of the proposal are regarded to be minimal and acceptable.
13. **Highland Council Transport Planning** support the application subject to an appropriate condition that secures maintenance of measures required in the public road boundary before development commences.
14. **CNPA Ecology Adviser** is satisfied that the proposal will have minimal impact subject to the appropriate protection measures for Red Squirrel through a Species Protection Plan and Wood Ants through the Construction Method Statement.
15. **CNPA Landscape Adviser** states that after the initial disturbance and a period allowing for the path to settle and surrounding vegetation to recover, the path will have a good fit in the landscape. They advise that adherence to the Construction Method Statement will allow the proposal to be carried out without any adverse effects to the landscape.
16. **CNPA Outdoor Access Officer** advises that the proposal will enhance a number of identified core paths, and that it is in keeping with the strategic priorities of Active Cairngorms.
17. **Inclusive Cairngorms** support of the proposal and suggested that whilst the path may not be all abilities due to gradient, that rest places for people who could access the route with a stick be considered.
18. **Kincraig Community Council** state that they are in support of the application.

REPRESENTATIONS

19. One representation objecting to the application was received. It is included as Appendix 4 of this report and can be summarised as follows:
 - a) Objection to formalisation and upgrading of existing footpaths and creation of new sections of path;
 - b) Suggests that alternative existing routes could be promoted for cyclists and horse riders through provision of signage;
 - c) Questions part of the project justification stating there is no longer a shop in Kincraig;
20. No further representations in support of or neutral to the application were received.

APPRAISAL

Principle

21. The proposal seeks to extend the Speyside Way long distance footpath towards Kingussie and Newtonmore using a combination of existing forest tracks and footpaths as well as short sections of new footpath. It will increase the formal footpath network and provide opportunities for informal recreation as well as increase opportunities for functional off road travel. It is acceptable in principle.

Sustainable Design, Natural Heritage and Landscape, Resources

22. The proposed route has been selected to make good use of existing tracks and footpaths and to avoid the areas of woodland most likely to be sensitive to disturbance from recreation. SNH undertook an appropriate assessment of the proposed development and concluded that it would not have a significant effect on the site integrity of any European designated sites. The design of new sections of footpath has taken account of the habitats in the area and minimises impacts on natural heritage and on water courses and wet areas of ground.

Other Issues Raised in Consultations and Representations

23. Inclusive Cairngorms asked that opportunities for rest places be considered as part of the route. In response, the applicant points out that this is not an all abilities footpath but that it will have the normal informal opportunities to rest that paths or tracks through woodland have, using natural features on or beside the route.
24. Two of the points raised in objection around the formalising, upgrading and creation of new routes as well as alternative routes were dealt with in the long pre-planning of the route of the Speyside Way, including a Hearing by a Scottish Government appointed Reporter on arguments for and against the chosen route. The objector's point about Kincaig no longer having a shop is correct, but Kincaig remains an important community focal point that includes the community hall and primary school.

CONCLUSION

25. The principle of good footpath provision for use of residents and visitors to the National Park is acceptable and accords with policies in the Cairngorms Local Development Plan 2015. The material submitted to support the application demonstrates that the design and mitigation incorporated with the proposals will avoid or mitigate any significant impacts on natural heritage.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the proposal “To construct as part of the Speyside Way Extension a 1.8km long, 2m width section of new path. The path proposal runs from Ardgeal near Kincaig to Insh linking up with existing forest tracks and roads within Insriach Forest at New Path From Ardgeal Near Kincaig to Insh” subject to the following conditions:

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

- 1. No development shall commence on site until a maintenance schedule or agreement for the markings, signage and footpath crossing infrastructure within the public road boundary has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with The Highland Council Transport Planning Team.**

Reason: To ensure public safety at the public road crossing points.

- 2. No development shall commence on site until a revised Construction Method Statement that incorporates protection measures for wood ant nests in the vicinity of the development has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. Thereafter, the development shall be implemented in accordance with the approved construction method statement.**

Reason: to protect wood ant nests near the development in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 3. No development shall commence until a Red Squirrel Species Protection Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. Thereafter, the development shall be implemented in accordance with the approved Red Squirrel Species Protection Plan.**

Reason: to protect Red Squirrel near the development in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

4. The development hereby approved shall be constructed in accordance with the approved plans and documents.

Reason: To ensure that the development conserves and enhances the landscape character, is sympathetic to the character of the area in accordance with Policy

3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape and of the Cairngorms National Park Local Development Plan 2015

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on 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 the 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.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents and recreational users in the area.
5. You are required to apply for and receive a Road Opening Permit from the Highland Council before any work commences on or adjacent to the public road.
6. You are advised that if any work is proposed to start during the bird breeding season (April to August) then pre construction checks for breeding birds must be undertaken.

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