
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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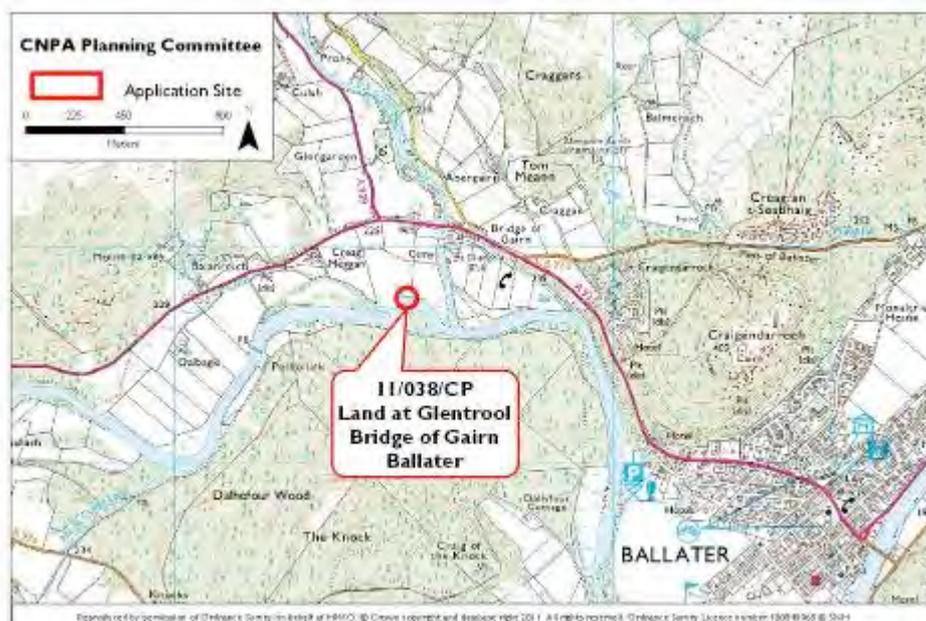
DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE ERECTION OF A GLENTROOL TYPE FOOTBRIDGE ON LAND AT BRIDGE OF GAIRN, BALLATER

REFERENCE: 11/038/CP

APPLICANT: CAIRNGORMS OUTDOOR ACCESS TRUST (COAT), C/O W.A. FAIRHURST AND PARTNERS, ABERDEEN

DATE CALLED-IN: 18 FEBRUARY 2011

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 335077 796762 (easting northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the erection of a 'Glentrool' type footbridge on land which is approximately 346 metres to the south of the A93 trunk road, near the Bridge of Gairn, to the north west of Ballater. The identified site boundaries encompass the proposed footbridge and also two small sections of ramped path at either side of the bridge approach.¹ The planning application has been submitted by the Cairngorms Outdoor Access Trust (COAT) and is one of two current applications before the CNPA for consideration, with the other being CNPA planning ref. no. 11/039/CP, which is for the erection of a footbridge across the River Gairn at a location approximately 285 metres to the north of this current application. The bridges proposed in the two applications are intended to serve as part of a proposed grass path extension to the existing 7 Bridges Footpath around Ballater.
2. The bridge proposed in this application is required to span a small drainage channel which runs into the adjacent River Dee. The majority of the identified site area is within the River Dee Special Area of Conservation. The proposed bridge is described as being a 'Glentrool' design.² The footbridge would be 2 metres wide and have a span of 7.3 metres. It would be predominantly constructed of timber, including timber deck boards, handrails and posts. 3 timber beams would be set on mass concrete abutments. All timber is intended to be either Larch or pressure treated Scots Pine.

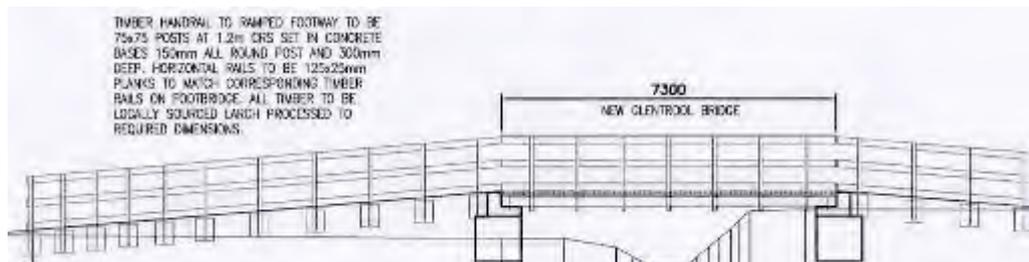


Fig. 2 : Proposed elevations – 'Glentrool' type footbridge

Construction Method Statement

3. A Construction Method Statement has been submitted in support of the proposal. It highlights that the proposed bridge design avoids excavating in the water and also avoids the need to put temporary supports or scaffolding into the actual drainage channel. The design also ensures that "no construction work intrudes on the banks of the River Dee or compromises the bank integrity." No heavy equipment would be required in the area during the bridge construction, as it would be delivered in kit form and manhandled in sections from the trackside to the correct location.

¹ 10 metre section of path on the south western side and 4 metre section of path on the northern side.

² Forestry Commission Scotland specification.

4. Details are also provided of the proposed maintenance regime. COAT will assume responsibility for maintaining the bridge to a safe and satisfactory standard until 2019.³ The maintenance programme would consist of regular 6 monthly inspections, with minor maintenance works being undertaken immediately upon inspection as necessary.⁴ The platform would also be inspected by a Structural Engineer every three years in order to ensure that it is safe. It is anticipated that all construction work would be carried out during 2012.

DEVELOPMENT PLAN CONTEXT

National policy

5. **Scottish Planning Policy⁵ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."

³ In the event that no further agreement is put in place for the maintenance of the bridge beyond 2019, the bridge would be removed at that time.

⁴ Minor works include basic cleaning and servicing, tightening of bolts, removal of vegetation and watercourse debris, and any repairs necessary due to vandalism.

⁵ February 2010

8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. Rural Development : **SPP** stresses the significant role that the planning system has to play in supporting sustainable economic growth in rural areas. "By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish" (para. 28). Development which provides employment and community benefits should be encouraged.
10. Although encouraging rural development, **SPP** is clear that the aim is not to see small settlements lose their identity or to suburbanise the Scottish countryside. The motivation is to maintain and improve the viability of communities and to support rural businesses. All new development would be expected to respond to the specific local character of the location, to fit into the landscape, and to seek to achieve high design and environmental standards, particularly in relation to energy efficiency.
11. Landscape and Natural Heritage : Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities are required to support opportunities for enjoyment and understanding of the natural heritage. Para. 127 notes that "landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character." **SPP** recognises that different landscapes have different capacities to accommodate new development, and the siting and design should be informed by local landscape character.
12. Para.129 refers to the duties on all public bodies, including planning authorities, to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004. The importance of biodiversity is highlighted, and recognised as an important element of sustainable development which makes an essential contribution to Scotland's economy and cultural heritage. Para. 130 refers to the benefits for people and nature that can be delivered through linking greenspaces in and around settlements through green networks.
13. There is an acceptance that landscape and natural heritage are sensitive to inappropriate development, but it is also acknowledged that careful planning and design can minimise the potential for conflict with natural heritage interests. Where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain, planning authorities are advised to apply the precautionary principle. It is however also stated that the precautionary principle should not be used to impede development unnecessarily, and modifications to a proposal which would eliminate the risk of irreversible damage should be considered.

14. *Open space and physical activity* : **SPP** promotes access to good quality open spaces and recognises that sport and recreation make important contributions to a healthier Scotland. It places a degree of responsibility on the planning system to assist in creating an environment where physical well being is improved and activity made easier. **SPP** recognises that networks of linked, good quality open spaces are important in settlements and contribute to amenity, nature conservation, recreation and physical activity.
15. Para. 50 of **Scottish Planning Policy** refers to the statutory access rights which apply to most land in Scotland and underpin opportunities for recreation. Planning authorities are advised to consider access issues and protect core and other important routes.
16. *Flooding and drainage* : **SPP** advocates managing flooding to reduce its social and economic consequences. In determining planning applications, planning authorities are required to take into account the probability of flooding and the risks involved. Prospective developers are also required to take flood risk into account before committing to a site or project.
17. National Parks are also discussed under the heading of national designations, and the four aims of the Park are outlined. Para. 138 advises “in circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence.”
18. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.⁶ Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

Strategic Policies

Cairngorms National Park Plan (2007)

19. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring

⁶ Para. 256.

that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

20. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.3 of the Plan concerns 'enjoying and understanding the park' noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to "go further and develop a world class destination which plays a significant part in the regional and national tourism economy."

Structure Plan policy

North East Scotland together – Aberdeen and Aberdeenshire Structure Plan 2001-2016

21. The Structure Plan seeks to promote, protect and enhance the rich and varied environment of the North East, by giving special protection to international, national and locally designated sites of environmental importance and also fostering the natural and built heritage as a whole. The Structure Plan also recognises that the health and well-being of communities, both now and in the future, depends to a large extent on the quality of the surrounding environment.
22. **Policy 19** of the Structure Plan deal with 'Wildlife, Landscape and Land Resources' advising where development is allowed which would affect designated sites⁷ appropriate measures should be taken to conserve and enhance the site's ecological, geological and geomorphological interests. In all areas outwith designated sites development is expected to be sited and designed to avoid adverse impacts on the biodiversity of the site. All new development should take consideration of the character of the landscape in terms of scale, siting, form and design.

Local Plan

Cairngorms National Park Local Plan (2010)

23. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
24. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key

⁷ International, national or regional / local designations.

themes of the Park Plan to provide a detailed policy framework for planning decisions:

- Chapter 3 - Conserving and Enhancing the Park;
- Chapter 4 - Living and Working in the Park;
- Chapter 5 - Enjoying and Understanding the Park.

25. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with the policies in the Local Plan, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the development proposal.

26. **Policy 1 Natural 2000 Sites** : development likely to have a significant effect on a Natura 2000 site is required to be the subject of an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where :

- (a) There are no alternative solutions; and
- (b) There are imperative reasons of overriding public interest, including those of a social or economic nature.

27. **Policy 4 Protected Species** : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

28. **Policy 6 Landscape** refers to a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular, the setting of the proposed development. Development which does not accord with this will only be permitted where the adverse landscape effects are outweighed by social and economic benefits of national importance and where the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

29. **Policy 34 – Outdoor Access** encourages development which improves opportunities for responsible outdoor access. Such development is required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.

CONSULTATIONS

30. The development proposal was considered by **SEPA** from the perspective of flood risk and there is no objection. The response notes that the identified site lies entirely within the 1 in 200 year flood envelope of the Indicative River and Coastal Flood Map and may therefore be at medium to high risk of flooding. Reference is made to **Scottish Planning Policy (SPP)** which generally advocates avoidance of development within the functional floodplain, but also recognises that exceptions may exist for some recreation, sport, amenity and nature conservation uses. **SEPA** consider, given the size, location and proposed use of the bridge that the exception in SPP applies in this instance.
31. Comment is also provided in the response from **SEPA** on the impact of the development on the River Dee SAC. **SEPA** is satisfied with the pollution prevention measures proposed, provided that all works are carried out in compliance with the construction method statement submitted with the application.
32. **Scottish Natural Heritage** note in the consultation response that the drainage channel which the footbridge is proposed to cross forms part of the River Dee Special Area of Conservation (SAC), which is designated for its population of otter, fresh water pearl mussels and Atlantic salmon.
33. The advice in the consultation response indicates that if the works are undertaken strictly in accordance with a construction method statement designed to prevent silt or other pollutants related to the development from entering the watercourse, significant effect on Atlantic salmon and freshwater pearl mussels can be avoided. **SNH** advise that the CNPA as the competent authority should decide if the construction method statement provided is sufficient to address this issue. In the event that it is sufficient, the CNPA would not be required to undertake an appropriate assessment.
34. The planning application has also been considered by the **Flood Prevention Unit** of Aberdeenshire Council and it has been advised that there is no known flooding history at this site and it is considered unlikely that there will be an increased risk to assets as a result of the proposed new footbridge.
35. **Ballater and Crathie Community Council** was consulted on the proposal and there is “no formal objection.” Notwithstanding this position, the consultation response refers to the Community Council’s concerns about the effect the bridge may have “in encouraging many more walkers and the associated impact of such to the flora and fauna in the area, as the current footpath does not traverse the land.” Reference is made to nesting birds, alpine flowers and otters being seen in the area and the Community Council request that the CNPA carry out an assessment of the environment of the area.

36. The CNPA's **Outdoor Access Team** assessed the proposal. There is no objection and support is expressed for the proposal.
37. The landscape impact of the development has been considered by the CNPA's **Landscape Officer**. The proposed construction is considered appropriate in character to the rural nature of this location and there no further landscape comment to make.
38. The CNPA's **Ecology Officer** considered the proposal and required a water vole survey, as the ditch that the footbridge would cross is considered a suitable habitat for the species. The survey recorded no evidence of water vole activity. The consultation response from the **Ecology Officer** also refers to **SNH's** advice regarding the need for the CNPA to consider whether or not an appropriate assessment is required. The **Ecology Officer** advises that the detail provided in the construction method statement is adequate to prevent any adverse impact occurring to the River Dee Special Area of Conservation.

REPRESENTATIONS

39. The proposed development was advertised in the Deeside Piper on 11th February 2011. One letter of representation has been received. Mr. Martin Ashdown of Crathie, Ballater objects to the proposed footbridge on a number of grounds, including
 - Use of the footbridge would potentially lead to human access to currently un-accessible sections of the Rivers Gairn and Dee, with potential disturbance to flora and fauna in those sections;
 - A suggestion that the path which requires the new footbridge is not needed, due to there being a well established path linking the Old Line Road and Pollhollick Bridge; and
 - A rejection of the argument that the existing path is "unacceptably potentially hazardous owing to having to carry out a number of road crossings."

APPRAISAL

40. Issues to consider in relation to the current proposal include an assessment of compliance with planning policy, natural heritage implications and the background to the development of the bridge, as well as consideration of the proposal in the context of the aims of the National Park.
41. Planning policy has been detailed in paragraphs 5 to 29 of the report. At national level, Scottish Planning Policy is supportive of rural development, and expects that development fits with the location character of the location and fits into the landscape. The proposed footbridge is limited in scale and is of a design and material choice which is appropriate to the character of the rural nature of the location.
42. In terms of Local Plan policy, Policy I (Natura 2000 Sites) is of particular relevance as the proposed footbridge would cross the River Gairn, which is part of the River Dee Special Area of Conservation. The impact of the

development on this Natura 2000 site has been considered by **Scottish Natural Heritage**, and also by the CNPA in following **SNH** advice and determining whether or not an appropriate assessment was required. As advised by the CNPA **Ecology Officer**, the details contained in the construction method statement which was submitted in support of the planning application, are sufficient to demonstrate that work would be undertaken in a manner that would prevent silt or any other pollutants related to or resulting from the development from entering the watercourse. The undertaking of works in accordance with the measures specified in the construction method statement would not give rise to significant effects on the qualifying interests of the SAC, and an appropriate assessment was not therefore required. The collective considerations and advice of **Scottish Natural Heritage** and the CNPA's **Ecology Officer** are all an indication that the proposal accords with Policy 1 (Natura 2000 sites) of the Cairngorms National Park Local Plan.

43. Policy 6 (Landscape) of the Local Plan follows similar themes to those referred to in relation to national level policies. For the same reasons as outlined in paragraph 41, including reference to the design, character and materials of the proposed bridge, the development accords with Policy 6.
44. Concern has been expressed in the one letter of representation received regarding the provision of a footbridge giving rise to increased human access into the area, and potentially disturbing flora and fauna. The objector also suggested that there was no need for the footbridge and associated path extension and did not consider the current path arrangement, which involves crossing the A93 road, to be problematic. In response to this, it is acknowledged that the provision of new / extended access opportunities would attract additional users to the location (although no information has been provided to quantify this). However, there has been no suggestion in the professional assessment of either **Scottish Natural Heritage** or the CNPA's **Ecology Officer** that this is a factor of concern, or one which would lead to unacceptable disturbance of the flora and fauna in the area.
45. The 7 Bridges Walk is a waymarked circular walk which is generally described in walking literature as being an easier walk, with no special difficulties. As such it appeals to a wide range of users, including families with young children and also the less active. The introduction of the proposed new footbridge across the drainage channel, together with the larger footbridge across the River Gairn which is proposed in CNPA planning ref. no. 11/039/CP, would eliminate the need for users to cross the A93 road to navigate the path which is on more hilly terrain on the northern side of the road.
46. The provision of footbridges would facilitate users with the choice of remaining on the southern side of the A93, and following a traffic free route, along by the riverbank from Pollhollick Bridge, crossing this footbridge and then using the proposed new bridge across the River Gairn in order to connect with an existing track leading towards the Old Line Road on the outskirts of Ballater. This has the benefit of being a safer route for users, as well as affording the opportunity to experience the tranquillity of the riverside setting and the

special qualities of the National Park, across relatively level, easy walking terrain.



Fig. 4 : Example of walking route on northern side of A93

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

47. The proposed development is a relatively small project. The proposed footbridge is suited to the rural character of the area and will not have any detrimental visual impact. Work is proposed to be carried out in accordance with the details contained in the construction method statement which has been submitted in support of the proposal. The proposals contained in the construction method statement are sufficient to satisfy concerns that the development would not adversely affect natural heritage designations in the area.

Promote Sustainable Use of Natural Resources

48. The drawings submitted in this application indicate that locally sourced timber would be used. This aspect promotes the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

49. The development of the footbridge would provide enhanced access and recreation opportunities in the area. It would enable users of the 7 Bridges Walk around the Ballater area to complete the walk, without the need to cross the A93 road to utilise a section of existing path on the northern side of the road. The development would therefore assist in users of the network of paths in the area to further enjoy the special qualities of the area.

Promote Sustainable Economic and Social Development of the Area

50. The development of the proposed new footbridge would be undertaken by the Cairngorms Outdoor Access Trust (COAT). The organisation has a tradition employing local people when undertaking projects. Such work helps to raise the profile of the organisation which in a small way contributes to this aim. The improvement to the route may result in more walkers in the area which could have spin-offs for local shops and services.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the erection of a footbridge on land near Bridge of Gairn, Ballater, subject to the following conditions : -

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

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

2. The development shall be undertaken in accordance with the construction method statement submitted in conjunction with the planning application.

Reason: to ensure that the development does not have any significant effect on the qualifying interests of the River Dee Special Area of Conservation and in the interests of conserving and enhancing the natural heritage of the area.

3. The footbridge shall be maintained in accordance with the maintenance regime set out in the construction method statement.

Reason: in order to ensure that the structure does not deteriorate, in the interests of the visual amenity of the area and in the interests of the general safety of all users.

Mary Grier

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17 May 2011

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.