

Agenda Item	5.4
Report No	PLS/59/22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 18 August 2022

Report Title: 22/02796/PAN: The Highland Council
Land 100M SW Of Carsaig, Kinchurdy Road, Boat Of Garten

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Formation of Aviemore to Carrbridge Non-Motorised User Route/Path

Ward: 20 – Badenoch and Strathspey

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 10 June 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
- 1.4 Due to the relaxation in COVID-19 restrictions the developer undertook a combination of in person face to face, and, virtual events:
- Event 1: Wednesday 25 May 2022, 3 – 8pm, Aviemore Community Centre: and
 - Event 2: Thursday 26 May 2022, 2 – 6pm, Carrbridge Village Hall
- The developer also undertook a virtual event that ran from Monday 25th May 2022 – Monday 15th June 2022. This virtual event provided access to the wider public. This virtual event provided an opportunity for the public to view an online presentation where they could provide feedback on the proposed development. The virtual event was run in line with Covid-19 public health advice and temporary modifications made to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the developer proposes to undertake online public consultation.
- 1.5 The developer has set up a dedicated webpage with information on the proposal and contact details - <https://www.transport.gov.scot/progress-update/public-and-virtual-exhibition-may-2022-aviemore-to-carrbridge-nmu/>
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts placed in the Inverness Courier, Highland News, Strathspey and Badenoch Herald and The Press and Journal at least 7 days in advance of events. Details of all notified parties are contained and appended to the PAN form, this states that a copy of the PAN was sent to the following community councils on 11 May 2022: Aviemore; Boat of Garten; Dulnail Bridge; Grantown-on-Spey; Kincaig; Nethy Bridge; and Newtonmore.
- 1.7 The forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The PAN provides notice of the developer's intention to submit a planning application classified as a Major Development. The proposed development is for the formation of Aviemore to Carrbridge Non-Motorised User (NMU) Route/Path.
- 2.2 The development will create a Non-Motorised User route/path for a distance of approximately 10km, linking Aviemore and Carrbridge. It follows the existing road corridors of the B9152, A95 and B9153 to provide a direct link between the two settlements. The development will create a wholly segregated NMU route/path between Aviemore and Carrbridge. Some of the works will include the upgrading of existing infrastructure as well as widening paths to meet the required 3m standard for an NMU route/path. However, most of the work will require the construction of a new route/path.
- 2.2 The proposed scheme has sought to closely follow existing road corridors in order to reduce environmental impacts including incursion into adjacent woodland habitats and potential disturbance to protect any priority species as well as minimise landscape and visual impacts.
- 2.3 The proposed scheme is aligned with the Scottish Government's commitment to achieve net-zero greenhouse gas (GHG) emissions by 2045 through the provision of a sustainable alternative to the use of Internal Combustion Engine (ICE) powered travel modes on the existing road network between Aviemore and Carrbridge.
- 2.4 It will contribute to all four of the priorities of the Scottish Government's National Transport Strategy 2 (2020). Through the provision of a dedicated off-line route for NMUs, it will reduce inequalities between those with access to motorised vehicles and those without. Through encouraging active travel and, in particular, displacing private car journeys it will reduce GHG emissions, delivering climate action. It offers the opportunity to both communities and visitors to realise health and wellbeing benefits by choosing active travel modes to journey between the two locations. It is also complementary to inclusive economic growth goals, providing opportunities for visitor spend to permeate more widely through enhanced accessibility to more rural locations.

3.0 SITE DESCRIPTION

- 3.1 The development site is located between Aviemore and Carrbridge within the Cairngorm National Park Authority boundary. The NMU route/path will be a minimum of 1.5m from the trunk road and the railway line that both run to the western boundary of the proposed route. Along the route there are sections of core paths, areas of forestry (including ancient woodland), aspen stands, species rich heath, and protected species.
- 3.2 The closest designated site to the proposed route is the Loch Vaa Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA), designated for its breeding Slavonian grebe, Goldeneye and beetle assemblage. The site also hosts capercaillie as such the proposed development may result in disturbance and the loss of habitat. It is also highly likely that the proposed route hosts colonies of wood

ant which may also be affected by the proposed development. Protected mammals found in the area include badger, red squirrel, otter, water vole and pine marten.

- 3.4 The site contains a number of watercourses and ponds as such there are areas that are susceptible to both fluvial and pluvial flooding.

4.0 DEVELOPMENT PLAN

- 4.1 Any application of this type and scale of development will be called in by the Cairngorm National Park Authority (CNPA) for determination as it constitutes a Type 1 development -

<http://cairngorms.co.uk/wp-content/uploads/2016/02/151218PANApplyingForPlanningPermissionV22.pdf>

- 4.2 Any planning application is required to be assessed against the **Cairngorms National Park Local Development Plan (2015)**

- Policy 2 - Support Economic Growth
- Policy 3 - Sustainable Design
- Policy 4 - Natural Heritage
- Policy 5 - Landscape
- Policy 8 - Sports and Recreation

4.3 Cairngorm National Park Supplementary Guidance

- Support and Economic Growth
- Sustainable Design
- Natural Heritage
- Landscape
- Sports and Recreation

4.4 Other Material Considerations

National Park Partnership Plan

4.5 Scottish Government Policy and Other Guidance

- Scottish Planning Policy (June 2014)
- National Planning Framework 3, NPF3 (Jun 2014) and the emerging content of NPF4
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 1/2011 – Planning and Noise

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy;
- b) Design and layout;

- c) Landscape and visual impact;
- d) Amenity impacts (including construction and operational noise);
- e) Impact upon the road network, access and parking;
- f) Natural heritage;
- g) Water supply, flood risk and drainage; and
- h) Any other material considerations raised within representations.

6.0 CONCLUSION

6.1 The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

7.1 Not applicable.

8.0 RECOMMENDATION

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – South

Author: Claire Farmer

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1: Planning Application Notification (PAN) Application
Plan 2: Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

<p>Applicant - Transport Scotland Address. Major Projects Buchanan House 58 Port Dundas Road Glasgow G4 0HF</p> <p>Phone – 0141 272 7100 E-mail – info@transport.gov.scot</p>	<p>Agent – AMJV (WSP Glasgow Office) Address. Floor 7 110 Queen Street Glasgow G1 3BX</p> <p>Phone - 07557172747 E-mail – ACNMU@wsp.com</p>
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Address or Location of Proposed Development

Please refer to strip plans appended to this submission, which outlines the location of the route.

Description (South-to-North):

- *The ACNMU route starts at Dougal Drive. A priority crossing will be provided to connect with the existing Speyside Way (Core Path LBS116) to the South of Dougal Drive. The route continues north to Granish Junction and over this section, the route lies remote from the carriageway running to the east of the B9152.*
- *Existing T-Junction between the B9152, A95 and A9 will be replaced by a proposed roundabout as part of the P11 Dalraddy to Slochd A9 Dualling Project. The route will remain on the eastern side of this proposed new roundabout. A crossing will take users from the east to the west side of the A95, approximately 60 metres north of the proposed new roundabout*
- *Between Granish Junction and Avielochan the route remains adjacent the west of the A95 carriageway*
- *Due to the close proximity of an existing pond adjacent to the A95 at Avielochan, the route is remote from carriageway at this location*
- *The route runs to the west of the Highland Mainline Railway (HMR), and is remote from the A95 carriageway and on the approaches to the HMR underpass, is shared with a proposed A9 Dualling Dalraddy to Slochd project agricultural access track over a length of 80 metres. Between the HMR Underpass and Kinveachy Junction, the route is adjacent to the west of the A95 carriageway*
- *At Kinveachy Junction the development will continue from the west side of the A95 to the west side of the B9513 via a crossing of a private access road. The route is remote from the B9153 to retain the line of mature trees which are adjacent to the west of the carriageway. An uncontrolled crossing of the B9153 will be provided to connect with the existing off*

carriageway NCN7 leading to Boat of Garten. Between Kinveachy Junction and Carrbridge, the ACNMMU runs on the west side of the B9153.

- The ACNMMU route terminates at the southern extents of Carrbridge. For cyclists travelling North from the ACNMMU into Carrbridge, a transition has been provided to allow cyclists to continue on the B9153 carriageway.

Description of Development

Formation of the Aviemore to Carrbridge Non-Motorised User Route/Path, of approximately 10km in length and formed via both existing and new paths

The development will create a wholly segregated NMU Route/Path between Aviemore and Carrbridge with an approximate length of 10km. Some of this will include upgrading of existing infrastructure by resurfacing with a bound bituminous surface as well as widening to meet the required 3m standard for an NMU route, but the majority of the route will be a newly constructed bituminous surface.

The development of the ACNMMU is classified as a major development within The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 given that the development exceeds 8km in length (schedule, paragraph 6). This also means that the development will be subject to an Environmental Impact Assessment as has been confirmed by the screening opinion received from the Highland Council on 22/02/2022

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

If yes, please provide a copy of this Opinion.

Yes, please find attached within the submission

Community Consultation

There have been two completed programmes of public consultation (At Baseline Assessment stage and Options Appraisal Stage).

There is a further consultation event (Outline Design Stage) currently in progress with a closing date of 15 June 2022 which is a hybrid event of both in-person and virtual/online (please see following section).

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s

- Aviemore & Vicinity;
- Boat of Garten;
- Carrbridge;

- *Dalnain Bridge;*
- *Grantown-on-Spey;*
- *Kincraig & Vicinity;*
- *Nethy Bridge; and,*
- *Newtonmore.*

Names/details of any other parties

- *Highland Council*
- *CNPA*
- *Sustrans*
- *HITRANS*

Please give details of consultation currently in progress:

Outline Design Exhibition (May/June 2022)

This event differs from the previous 2 events in that the preferred route has now been selected, with that in mind the stated purpose of the exhibition is to:

- *Provide an overview of the Preferred route design proposals*
- *Present details of the ongoing design development of the preferred route and outline the next steps for the project*
- *Provide attendees with an opportunity to submit any views they may have on the design for review in advance of the application for planning consent being submitted.*

Some of the exhibition materials include:

- *Overview plans*
- *A graphic of the project development process*
- *Details of previous commentary on the NMU route*
- *Key areas of the preferred route*
- *The same materials are available at both the 'In person' and virtual events.*

Venues:

Event 1: Aviemore Community Centre, Muirton, Aviemore, PH221SF

Event 2: Carrbridge Village Hall, Main Road, Carrbridge, PH233BB

Date and time

Event 1: Aviemore, Wednesday 25 May 2022, 3–8pm

Event 2: Carrbridge Thursday 26 May 2022, 2–6pm

A parallel VIRTUAL EVENT has been posted on the Transport Scotland website at transport.gov.scot/ACNMU over the 3 week period from Monday 23 May to Monday 15 June where the public will also be able to provide feedback on the designs

Advertising

In advance of the exhibition, letters of invitation and an accompanying flyer were sent via email to local Community Councils and NMU groups who were asked to distribute the information to members and the wider community. Similarly, invitations were issued via email to CNPA, THC, HITRANS and Sustrans, who were asked to distribute them to interested parties. Further

invites were issued via email to Historic Environment Scotland, SEPA, NatureScot and The Spey Fishery Board in their capacity as Statutory Consultees. The invites were issued via email to the following Community Councils:

- Aviemore & Vicinity;
- Boat of Garten;
- Carrbridge;
- Dulnain Bridge;
- Grantown-on-Spey;
- Kincaig & Vicinity;
- Nethy Bridge; and,
- Newtonmore.

The invitations were issued to local stakeholder and NMU groups, and offered an opportunity for representatives from the groups to view the virtual room and attend the in-person event.

Press advertisements were published in the following newspapers:

- Inverness Courier
- Highland News
- Strathspey and Badenoch Herald; and
- The Press and Journal

A poster / leaflet drop for businesses and groups to advertise the event at their premises/venues was carried out.

Details of any other consultation methods (date, time and with whom)

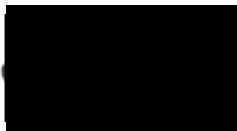
Affected parties (landowners and those with a land interest within the study boundary) have been identified through a formal search process and have been engaged with throughout the project development (2019 – Present)

Ongoing correspondence with stakeholders and landowners throughout the development of the project. Formal meetings have taken place as follows:

Meeting Date	Meeting Name	Attendees
21/01/2019	Multi Agency Meeting 1	Highland Council, Cairngorm NPA, Sustrans, HITRANS
22/08/2019	Multi Agency Meeting 2	Highland Council, Cairngorm NPA, Sustrans, HITRANS
03/06/2020	Multi Agency Meeting 3	Highland Council, Cairngorm NPA, Sustrans, HITRANS
09/07/2020	Statutory Consents including Planning Meeting	Highland Council (Planning Team), Cairngorm NPA (Planning Team), Sustrans, HITRANS
10/01/2021	Badenoch & Strathspey Business Ward Meeting	Highland Council, Badenoch and Strathspey Ward Councillors
05/07/2021	Consultation with BEAR/Transport Scotland Roads	BEAR, Transport Scotland Roads Department (NE and NW Units)
16/02/2022	Multi Agency Meeting 4	Highland Council, Cairngorm NPA, Sustrans, HITRANS
02/03/2022	Statutory Processes Summary and Clarifications	Highland Council (Planning Team), Cairngorm NPA (Planning Team),

21/03/2022	<i>BEAR / TS Roads Meeting – (Advance of Technical Meeting)</i>	<i>BEAR</i>
28/03/2022	<i>Multi Agency Technical Meeting</i>	<i>Highland Council, Cairngorm NPA, BEAR</i>
31/03/2022	<i>Accessibility Group Meeting</i>	<i>CNPA, Disability Beyond Borders, Badenoch and Strathspey Access Panel</i>
06/04/2022	<i>Statutory Processes Meeting</i>	<i>Highland Council (Planning Team), Cairngorm NPA (Planning Team),</i>
19/04/2022	<i>Maintenance Discussion</i>	<i>Highland Council</i>
19/04/2022	<i>Maintenance Discussion</i>	<i>Cairngorm NPA</i>
20/04/2022	<i>Maintenance Discussion</i>	<i>Sustrans</i>
20/04/2022	<i>Maintenance Discussion</i>	<i>BEAR</i>
22/04/2022	<i>Maintenance Discussion</i>	<i>Highland Council</i>

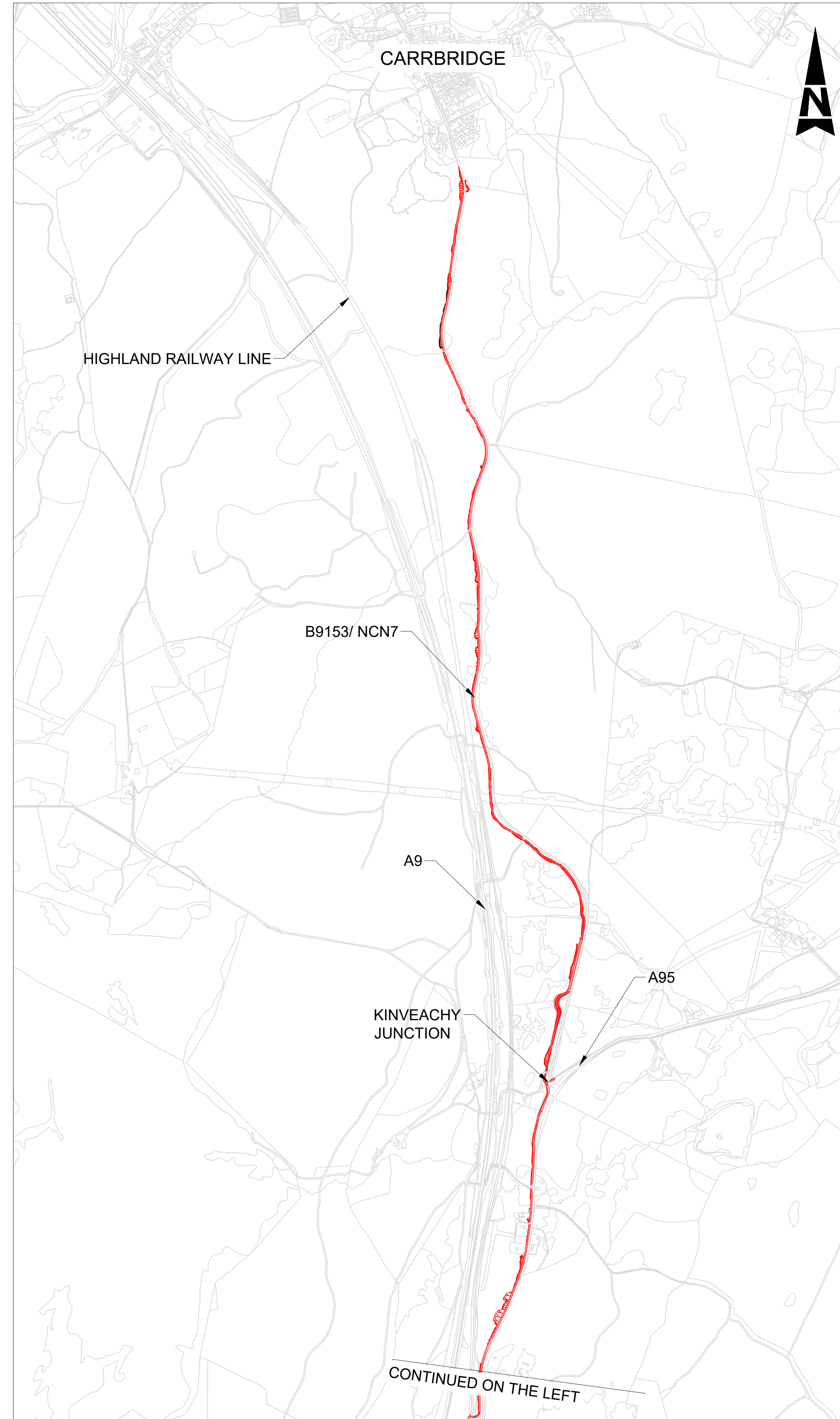
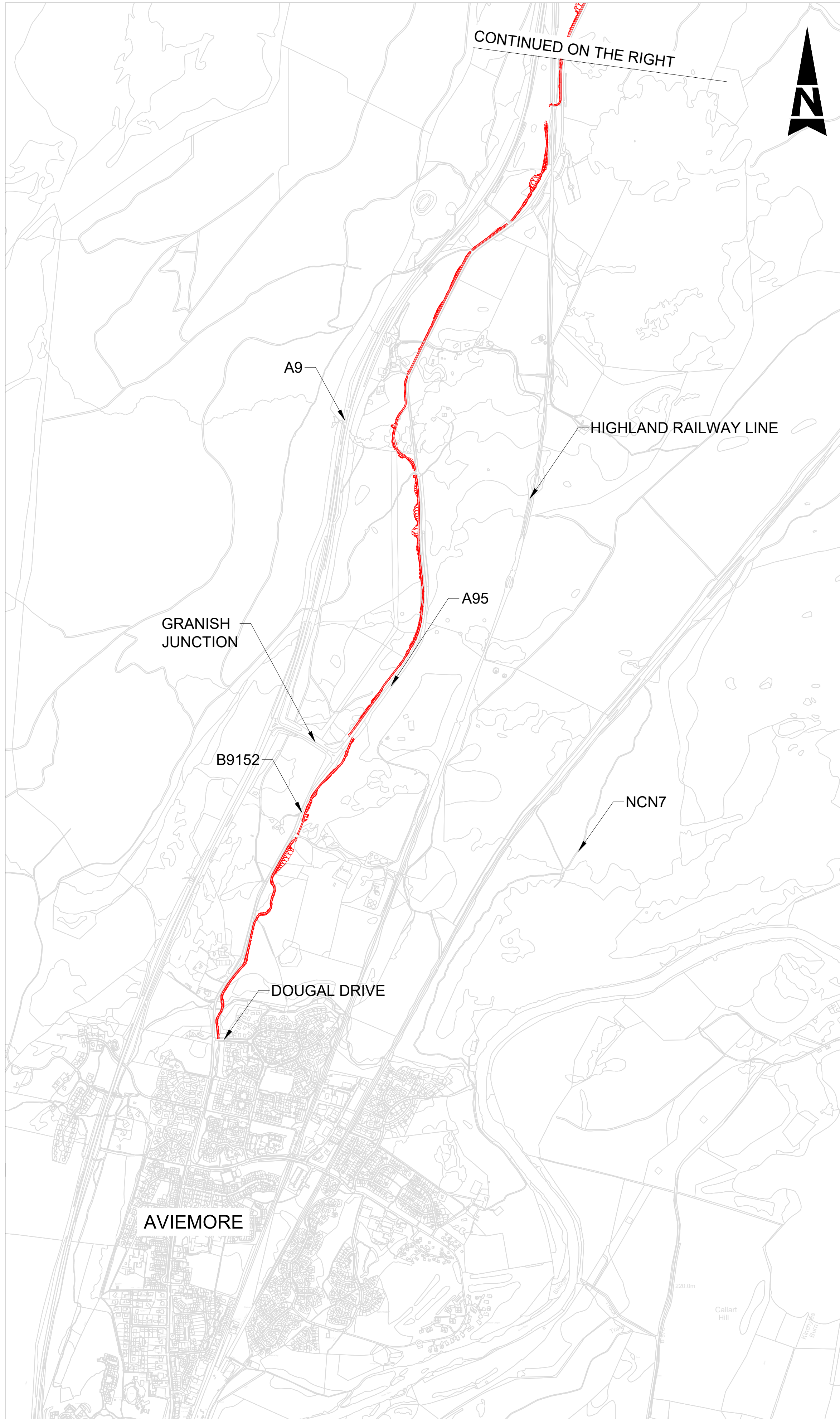
Signed



(John Kennedy, AMJV)

Date: 09/06/2022

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NOTES

- DO NOT SCALE FROM THIS DRAWING.

KEY

— ACNMMU PREFERRED ROUTE

P01	CC	RO	RS	29/11/21
FIRST ISSUE				
P02	CC	RO	RS	22/04/22
FIRST ISSUE				
Rev	Drawn / Des	Checked	Approved	Date
Description				Suitability
FOR INFORMATION				S2



**AVIEMORE TO CARRBRIDGE
NMU STUDY**



Drawing Title				
ACNMMU LOCATION PLAN				
Scale	Designed / Drawn	Checked	Approved	Authorised
AS SHOWN	CC	RO	RS	RS
Original Size	Date	Date	Date	Date
A1	18/04/22	22/04/22	22/04/22	22/04/22
Drawing Number	Project	Originator	Volume	Revision
	ACNMMU - AMJ - HGN -			P02
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Location	Type	Role	Number	

Plotted: Apr 22, 2022 - 11:12am by: SCOT16356

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