

Agenda Item	5.7
Report No	PLS-33-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 18 June 2024

Report Title: 24/02059/PAN: Transport Scotland
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 13 May 2024. 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 A previous PAN for this development was submitted in June 2022. However, the statutory period for lodging the planning application subsequently expired, necessitating submission of a new PAN.
- 1.4 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
- 1.5 The applicant will hold the first public event on 05 June 2024 at Aviemore Community Centre, with the second event due to take place on 20 June 2024.
- 1.6 The applicant has intimated that the Proposal of Application Notice has been served on the following community councils – Aviemore & Vicinity; Boat of Garten; Carrbridge; Dulnain Bridge; Grantown-on-Spey; Kinraig & Vicinity; Nethy Bridge; and Newtonmore, as well as local Elected Members, MPs and MSPs.
- 1.7 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.
- 1.8 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.
- 1.9 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>

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.
- 2.3 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.
- 2.4 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.
- 2.5 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 The following policies are relevant to the assessment of the application.

National Planning Framework 4 (2023)

- 1 – Tackling Climate Change
- 2 – Climate Mitigation and Adaptation
- 3 – Biodiversity
- 4 – Natural places
- 6 – Forestry, woodland and trees
- 13 – Sustainable transport
- 14 – Design, quality and place
- 18 – Infrastructure first
- 21 – Play, recreation and sport
- 22 – Flood risk and water management
- 29 – Rural development
- 30 - Tourism

4.2 Cairngorms National Park Local Development Plan (2015)

- 2 - Support Economic Growth
- 3 - Sustainable Design
- 4 - Natural Heritage
- 5 - Landscape
- 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 Policy Considerations

National Park Partnership Plan

4.5 Scottish Government Policy and Other Guidance

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.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: John Kelly

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

Relevant Plans: Plan 1: Proposal of Application Notice (PAN) Form
Plan 2: Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019

Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021

The Council will respond within 21 days of validation 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.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Transport Scotland	Agent	AMJV (WSP Glasgow Office)
Address	Major Projects George House 2nd Floor 36 North Hanover Street Glasgow G1 2AD	Address	Floor 7 110 Queen Street Glasgow G1 3BX
Phone	0141 272 7100	Phone	07557172747
Email	info@transport.gov.scot	Email	ACNMU@wsp.com

Address or Location of Proposed Development

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice.

Please refer to Appendix A showing the location of the route.

Location Description (South-to-North):

- The Aviemore to Carrbridge Non-Motorised User (ACNMU) route starts to the North of 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 is remote from carriageway route running to the East of the B9152.

- The Existing T-Junction between the B9152, A95 and A9 will be replaced by a proposed roundabout as part of the P11 Dalraddy to Slochd Project. The route will remain on the Eastern side of this newly constructed roundabout. A crossing will take users from the East to the West of the A95, approximately 60 metres North of the 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 Main Line Railway (HMR), at the top of the existing A95 road cutting. Between Highland Mainline Railway 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 crossing of an 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 ACNMU runs on the West side of the B9153.

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

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m² of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

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

The development will create a wholly segregated NMU route/path between Aviemore and Carrbridge, with an approximate length of 10km. The formation of this route will involve both the construction of new bituminous surface pathways and the upgrading and/or widening of existing infrastructure to 3 metres wide.

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

No

Community Consultation	
State which other parties have received a copy of this Proposal of Application Notice.	
Community Council/s	Date Notice Served
<ul style="list-style-type: none"> • <i>Aviemore & Vicinity;</i> • <i>Boat of Garten;</i> • <i>Carrbridge;</i> • <i>Dalnain Bridge;</i> • <i>Grantown-on-Spey;</i> • <i>Kincraig & Vicinity;</i> • <i>Nethy Bridge; and,</i> • <i>Newtonmore.</i> 	May 2024
Local Elected Members	Date Notice Served
Cllr John Bruce Cllr Muriel Cockburn Cllr Russell Jones Cllr Bill Lobban	May 2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Local Representatives: Kate Forbes MSP Drew Hendry MP Regional MSPs: Donald Cameron MSP John Finnie MSP Rhoda Grant MSP Jamie Halcro Johnston MSP Edward Mountain MSP David Stewart MSP Maree Todd MSP	May 2024
Names / details of other parties	Date Notice Served
Highland Council CNPA Sustrans HITRANS	May 2024

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Aviemore Public Exhibition	Aviemore Community Centre Muirton Aviemore PH221SF	5 June 2024 15:00 – 20:00
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
Carrbridge Public Exhibition	Carrbridge Village Hall Main Road Carrbridge PH233BB	20 June 2024 14:00 – 18:00

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Details of the Proposed Public Events 1 and 2 (listed above)	Inverness Courier (Incl. Highland News)	May + June 2024 (minimum 7 days prior to each event)
Details of the Proposed Public Events 1 and 2 (listed above)	Strathspey and Badenoch Herald	May + June 2024 (minimum 7 days prior to each event)
Details of the Proposed Public Events 1 and 2 (listed above)	The Press and Journal	May + June 2024 (minimum 7 days prior to each event)

Details of any other consultation methods (date, time and with whom)
<p>Pre-Application Consultation (PAC) Activities:</p> <p>There have been three completed programmes of public consultation to date:</p> <ul style="list-style-type: none"> • Baseline Assessment stage; • Options Appraisal Stage; and • Original Proposal of Application Notice stage (May/June 2022). <p>This Proposal of Application Notice details a further round of public consultation to be undertaken prior to the formal submission of the planning application. The new Pre-Application Consultation (PAC) activities will provide an update to stakeholders about the Proposed Development and will provide them with a further opportunity to engage with Transport Scotland on the proposal.</p>

The purpose of the Proposed Public Events detailed above is to:

- Provide an update on the progression of the project to date / since the previous Proposal of Application Notice;
- 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; and
- Provide attendees with an opportunity to submit any views they may have on the ongoing design to be submitted for planning consent.

The materials being exhibited at the Proposed Public Events will include:

- Overview plans
- A graphic of where the project development process
- Details of the NMU route
- Key areas of the preferred route

Details of any other consultation methods:


The Public Event and Virtual Exhibition materials will also be made available on the Transport Scotland website at: www.transport.gov.scot/ACNMU from the serving of this notice, until the date of the planning application being submitted.

All 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).

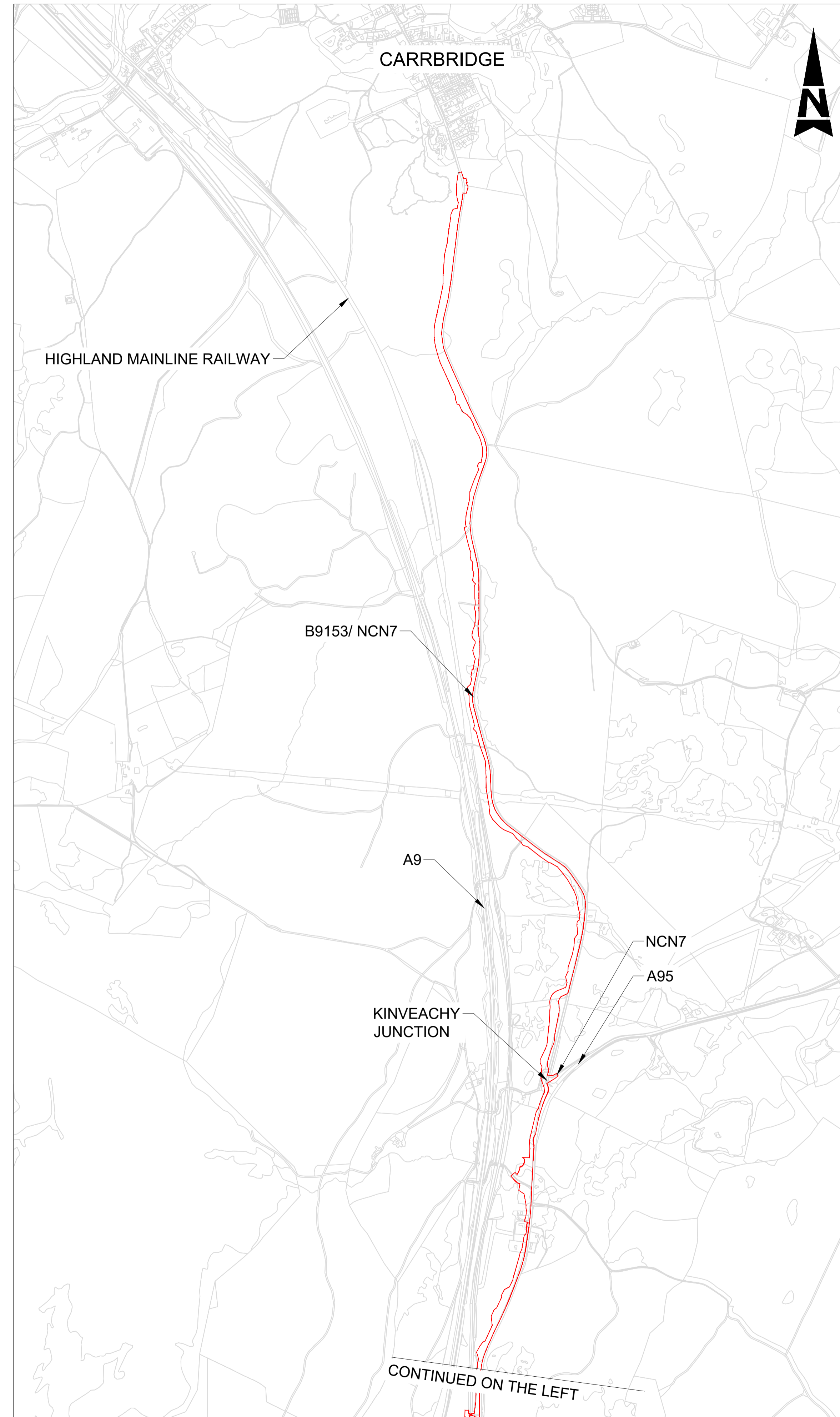
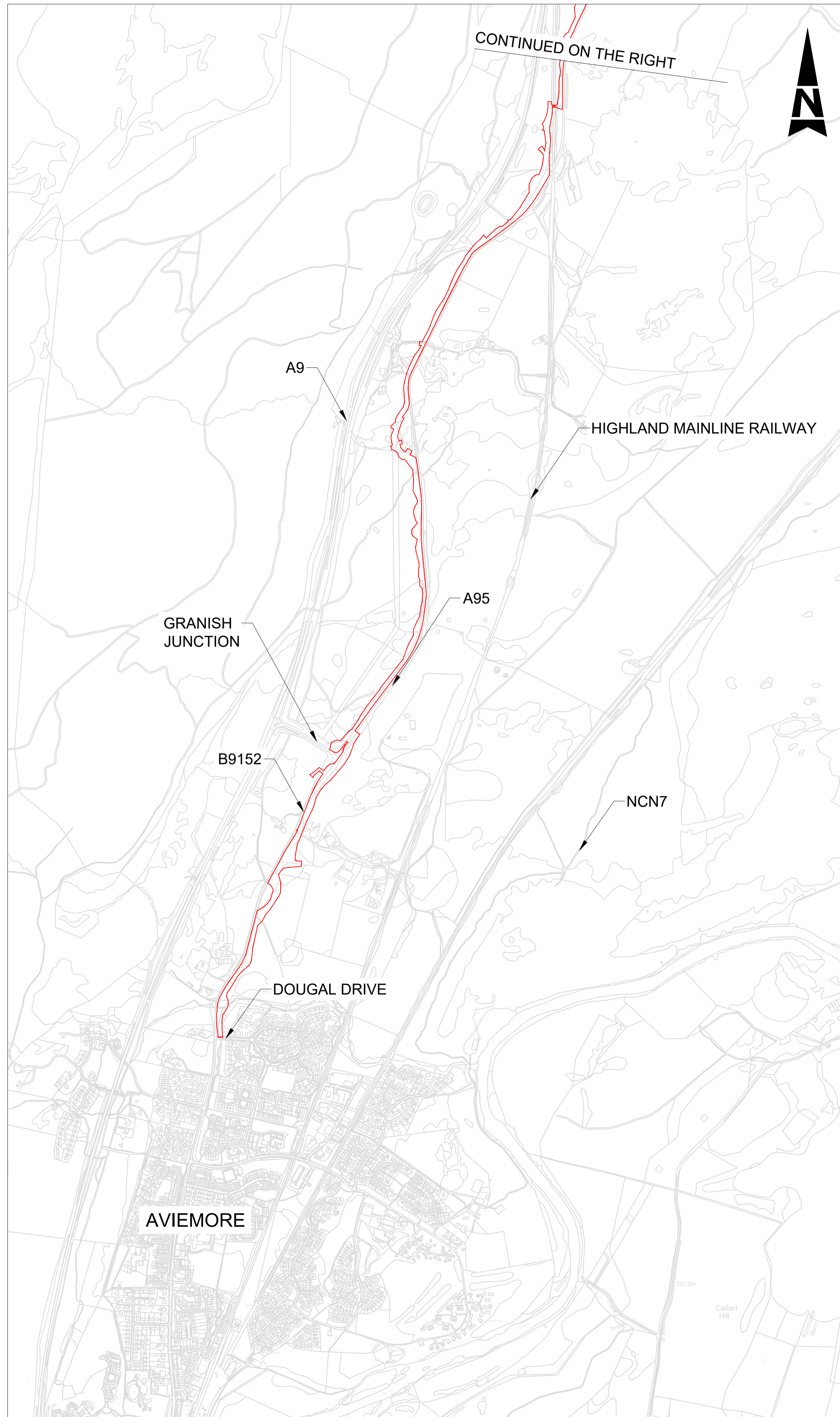
There has been ongoing correspondence with stakeholders throughout the development of the project. Formal meetings have taken place as follows:

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	BEAR / TS Roads Meeting – (Advance of Technical Meeting)	BEAR
28/03/2022	Multi Agency Technical Meeting	Highland Council, Cairngorm NPA, BEAR
31/03/2022	Accessibility Group Meeting	CNPA, Disability Beyond Borders, Badenoch and Strathspey Access Panel
06/04/2022	Statutory Processes Meeting	Highland Council (Planning Team), Cairngorm NPA (Planning Team),
19/04/2022	Maintenance Discussion	Highland Council
19/04/2022	Maintenance Discussion	Cairngorm NPA
20/04/2022	Maintenance Discussion	Sustrans
20/04/2022	Maintenance Discussion	BEAR
22/04/2022	Maintenance Discussion	Highland Council
25/05/2022	Aviemore Public Exhibition	Public
26/05/2022	Carrbridge Public Exhibition	Public

Signed	 Stewart Robson – Consultant Town Planner (WSP)	Date	13/05/2024
--------	--	------	-------------------

100
Millimetres
0 10
DO NOT SCALE



NOTES

- 1. FOR LOCATION PLANS AT A SCALE OF 1:2500, REFER TO DRAWINGS ACNMU-AMJ-HGN-A_ZZZZZ_ZZ-DR-RD-0001 ACNMU-AMJ-HGN-A_ZZZZZ_ZZ-DR-RD-0002 ACNMU-AMJ-HGN-A_ZZZZZ_ZZ-DR-RD-0003.

KEY

— PLANNING BOUNDARY

P01	CC	RO	RS	29/11/21
FIRST ISSUE				
P02	CC	RO	RS	22/04/22
FIRST ISSUE				
P03	MG	CC	RS	30/09/22
FIRST CLIENT ISSUE				
P04	MG	CC	RS	19/01/23
SECOND CLIENT ISSUE				

Rev	Drawn / Des	Checked	Approved	Date
Description				Suitability
WORK IN PROGRESS				S0



AVIEMORE TO CARRBRIDGE
NON-MOTORISED USER (ACNMU)
ROUTE



Drawing Title
ACNMU
LOCATION PLAN

Scale	Designed / Drawn	Checked	Approved	Authorised
AS SHOWN	MG	CC	RS	GK
Original Size	Date	Date	Date	Date
A1	19/01/23	19/01/23	19/01/23	19/01/23
Drawing Number	Project	Originator	Volume	Revision
	ACNMU - AMJ - HGN - X_ZZZZZ_ZZ - DR - RD - 0002			P04
Location	Type	Role	Number	

Plotted: Jan 19, 2023 - 3:46pm by: GRAY8228

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2015. All rights reserved. Ordnance Survey Licence number 100046668.

PLAN
SCALE 10,000