
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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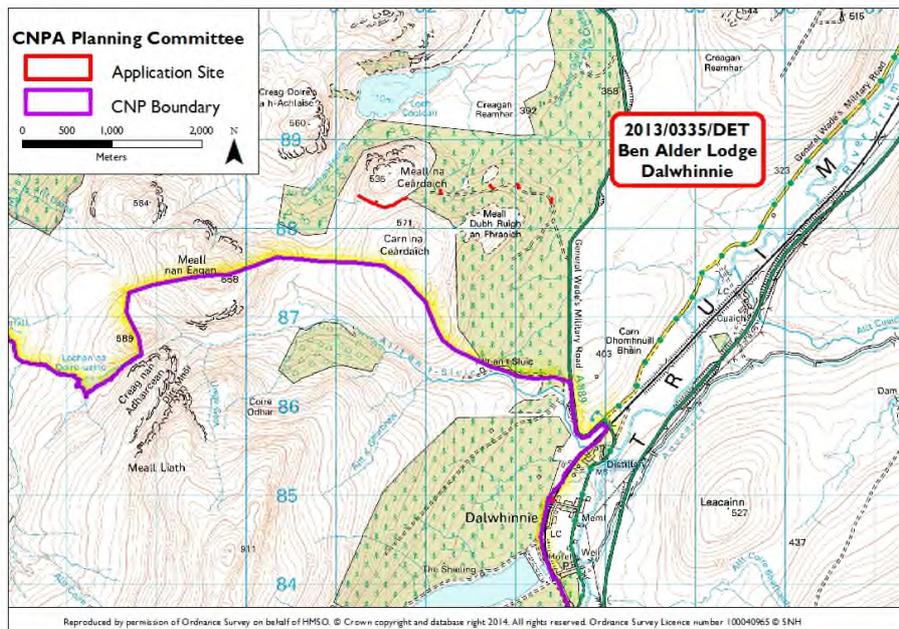
DEVELOPMENT PROPOSED: PERMANENT RETENTION OF SECTION OF TEMPORARY ACCESS TRACK CONSTRUCTED AS PART OF BEAULY-DENNY POWER LINE AT BEN ALDER LODGE, DALWHINNIE, PH19 1AE

REFERENCE: 2013/0335/DET

APPLICANT: BEN ALDER/DALWHINNIE ESTATE

DATE CALLED-IN: 14th OCTOBER 2013

RECOMMENDATION: REFUSAL



Grid reference: 261 569 E / 788248 N

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. As part of the Beaully-Denny 400Kv overhead line works, a short extension to the existing track has been provided at Ben Alder Estate. The section of existing track from the A889 has been permanently upgraded and does not form the subject of this application. The proposal is to retain approximately 700 metres of track extending from this permanent track across hill land to the south of Meall na Ceardaich. In addition, permission is sought to retain the short spurs constructed on the permanently upgraded track running through the woodlands.
2. Under the terms of the consent for the Beaully-Denny overhead line, all temporary tracks must be reinstated following completion of the construction project.
3. The application site falls within the upland landscape character area Ardverikie Hills - an area of small but rugged hills of craggy, exposed rock, relatively small scale landscape and an area that is secluded and rarely visited, tucked away behind surrounding woodland. Access tracks are a feature of the managed woodland but not the open moorland in this area.
4. This area exhibits a number of the special landscape qualities for which the Cairngorms National Park is renowned and valued.
 - Dominance of natural landforms
 - Extensive tracts of natural vegetation
 - Light and airy birchwoods
 - Layers of receding ridgelines
 - Wildness. The 700m stretch of track is in an area of medium wildness and within a Core Area of Wildland, though this will be affected by the pylon line.
5. In terms of visual character, the site is enclosed within land form and the track would have a relatively small extent of visibility. The area is accessible to the public but is currently little visited.



Development Proposal

6. The proposal involves the creation of 700m of 3m wide land rover track, formed from a narrowed-down 4m to 5m wide hardcore road set within a construction corridor of some 20m to 30m in width. Five 50m long spurs off the main track and of the same dimensions are also proposed to be retained, four of which are within the conifer woodland.
7. The Planning Statement accompanying the application states that surplus material currently banded either side of the track would be reduced in height to uneven banking, or level ground where possible, with the aim of minimising the visual impact of the track on the moorland. Where possible, existing turves will be replaced, where these are no longer present the soil will be allowed to naturally return to grass. Stone head walls and outfalls will be formed at all culverts, and all existing ditches will be maintained, with the aim of reducing future erosion.
8. The Planning Statement refers to various benefits to the Estate and the public of retaining the section of track and spurs including:-
 - The track will allow improved access to the Couldair plantation for the Estate;
 - There will be improved access for deer management including providing food in the winter;
 - Reduction in damage to moorland habitat as vehicles would use track rather than open hillside;
 - Improved health and safety for estate workers in the event of an accident or emergency;
 - Improved access will also allow better management of moorland fires;
 - The retention of the spurs would allow better access off the existing track into the woodland, which will help with management activities;
 - Improved access towards Loch Couldair for the public.

9. There are no drawings with the planning application to illustrate the works along the track, nor is there a schedule of the nature of the proposed works.



Site History

10. The planning permission for the Beauly-Denny power line was granted by Scottish Ministers on the 6 January 2010 subject to various conditions. The description of the development included 'The formation of temporary access tracks to facilitate the construction and maintenance of the new line and substations and the dismantling of the existing 132 kV line'.
11. In summary, in relation to this part of the proposals, the planning requirements were that:-
- Temporary tracks would be designed to follow the grain of the landscape, wherever possible, for both the horizontal and vertical profiles and avoiding disturbance of natural features such as rivers and streams.
 - Track widths would be kept to the minimum necessary for the operational use of the track.
 - Reinstatement works to any disturbed areas on the edges of tracks would be undertaken to ensure that all tracks 'fit' well into the surrounding landscape.
 - Restoration of the area would be undertaken once the temporary track is removed, to ensure the landscape is returned to its pre-works condition.

DEVELOPMENT PLAN CONTEXT

National policy

- 12 **Scottish Planning Policy (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.
- 13 **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.” 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.”
- 14 As a replacement for a variety of previous planning policy documents the **Scottish Planning Policy** includes ‘subject policies’, of which some are directly applicable to the proposed development. Topics include:-
- *Landscape and natural heritage:* The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
 - *Rural development:* **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

- 15 The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park. Three long term outcomes for the Park are set out as follows:
- A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.
- 16 These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. Specific policies of the Plan seek to promote and enhance the special qualities of the Park.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

- 17 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>
- 18 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 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.
- 19 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 other policies, 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 current development proposal.

- 20 Policy 6 - Landscape - This policy states that there will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park, and in particular the setting of the proposed development, layout, scale, design and construction to the satisfaction of the planning authority.
- 21 Policy 34 – Outdoor Access – Development which improves opportunities for responsible outdoor access will be encouraged.

Supplementary Planning Guidance

Wildness

- 22 This supplementary planning guidance on wildness sets out to provide detailed information to assist applicants to ensure they comply with Policies 2: National Natural Heritage Designations and 6: Landscape in the Cairngorms National Park Local Plan.
- 23 The experience of wildness is a core special quality of the Cairngorms National Park. This quality should be protected and enhanced throughout. Its strength varies across the Park. It is expected that all developments within the National Park will pay due regard to the protection and enhancement of wildness both directly and indirectly.
- 24 The information on wildness characteristics has been aggregated into three bands of relative wildness from least to most wild. For each band, specific sensitivities and opportunities for mitigation, compensation and enhancement have been identified, and all development proposals will be assessed against these.

CONSULTATIONS

- 25 **CNPA Landscape Adviser** – Observes that the landscape of this part of the National Park was, prior to the pylon line, categorised as being secluded and having a medium (high in small pockets) level of wildness. This landscape is being affected by the permitted Beaully Denny line currently under construction and the sense of wildness will be significantly impacted upon. Even after a protracted period of time the removal and restoration of the access track would leave a situation where not all of the policy tests are met.
- 26 There are additional impacts associated with the retention of the track; that of the track on its own, and its contribution to the cumulative impact of infrastructural development on landscape character and special landscape qualities. Though affecting a fairly localised area, these impacts are permanent and significant and no mitigation or compensation measures have been proposed as part of this application to offset that effect.

- 27 In terms of Landscape and Visual Impacts, the alignment of the track fits reasonably well with the landform with minor cut and fill, beyond the removal of surface soils and vegetation. Other than the woodland edge, there are no linear features such as dykes or roads in this landscape.
- 28 A retained, restored and reinstated track on this alignment would:-
- Be a pronounced linear feature in this open landscape emphasising the line of the pylons by adding a new ground level feature and the areas of disturbed and reinstated ground around the pylon bases.
 - Result in a dilution in the perceived dominance of the natural landscape
 - Have a cumulative effect on the sense of wildness along the pylon line
 - Be visible to the public using the track and possibly to hill walkers on distant ridges and summits
 - In the short term (1 to 2 years) prior to vegetation becoming established, the proposed track would have the appearance of a linear construction corridor
- 29 The landscape impact of the retained track would be high sensitivity, medium magnitude, leading to a significant level of localised impact. The visual impact of the retained track would be medium sensitivity, medium magnitude of effect, leading to a moderate level of visual impact. The cumulative impact, assessed in conjunction with the pylon line, would be of moderate significance and localised.
- 30 **CNPA Outdoor Access Officer** – Advises that whilst there is no issue with this track from an access point of view, Loch Couldair is generally accessed by the existing track to the north which goes to the boat house.

REPRESENTATIONS

- 31 A local resident objects on various environmental and landscape grounds including:-
- If left the access road would be a permanent scar across open hillside of wild land character damaging the environment and scenery. It involves a large scale access road running over a bealach at 485mtrs (1,591ft) visible from several neighbouring Munros.
 - It is a Scottish Government condition for the construction of the Beaully-Denny line that the temporary access roads be removed because of their anticipated environmental and scenic impact. If the CNPA were to set aside the government condition to remove the roads this would be a significant breach of public trust following such a highly contested major public enquiry.
 - No amount of softening around the edges will diminish their impact.
 - The extension of the track will lead out from the edge of the plantation to an area of non commercial native woodland over the bealach which will require very minimal management.
 - Prevention of fires can be achieved by the proper management of muirburn, not by building a track across the hill.

- 32 The objection is attached to this report as Appendix A.

APPRAISAL

- 33 The application stands to be determined against the Development Plan policies unless there are material considerations which would indicate otherwise.

Development Plan Policies

- 34 It has been demonstrated above that the proposed development would conflict with Policy 6 (Landscape), as it fails to complement and enhance the landscape and character of the National Park.
- 35 In terms of Policy 34 (Outdoor Access), the impact is limited.

Material Considerations

- 36 In the case of this application, a significant material consideration is the background to the provision of the temporary track in conjunction with the installation of the Beaully Denny power line, and the conditions that were attached to the planning permission. CNPA's position at the Public Local Inquiry was that the proposed Beaully Denny power line would have a significant adverse impact on the landscape of parts of the National Park (NP). The reporter found that it would not have a significant adverse impact on the integrity of the NP and the development was granted permission as a development in the national interest.
- 37 The current application has been lodged part way through the Beaully Denny construction process at a time when there is a huge amount of construction disturbance that is having an adverse landscape impact, and which will continue to have a long term but declining impact over a number of years. When considering the proposed retention of this stretch of track and the access spurs, the impacts are not being assessed against a pristine landscape but against the planned and permitted development in its restored state. Whilst there are difficulties associated with the restoration and reinstatement of the temporary access track, the accepted position is that in the longer term (20 to 30 years) there should be little if any evidence of these tracks in the landscape. The pylons of course will remain.

- 38 It should be noted that whilst the terms of the Beaully Denny permission in relation to access tracks are a material consideration, insofar as a level of temporary disturbance has been permitted and reinstatement is required, the current application requires to be considered on its own individual merits.

Conclusion

- 39 The development of the Beaully-Denny power line was permitted by the Scottish Government, subject to a specific requirement that the temporary access tracks were reinstated following its completion. It has been demonstrated in particular that the proposed retention of the access track at Ben Alder Estate does not respect the special landscape character of this part of the National Park. It is therefore considered that the proposed retention of the track will not contribute towards conserving and enhancing the special qualities of the National Park.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

- 40 The retention of the temporary access track will neither conserve nor enhance the natural and cultural heritage of the area. The access track represents a significant scar in the landscape and is proposed for retention as a matter of expediency rather than the route having been designed to best address the landscape constraints, which in itself may not have been appropriate.

Promote Sustainable Use of Natural Resources

- 41 The impact on natural resources is minimal, since the materials to be used are already on site. Intervening prior to the re-instatement might be argued to minimise the use of resources rather than complying with the planning requirements and then seeking to introduce a new track thereafter.

Promote Understanding and Enjoyment of the Area

- 42 Whilst it may be argued that the proposals will contribute towards this aim, the benefits will be minimal.

Promote Sustainable Economic and Social Development of the Area

- 43 The applicant has argued that the proposals will help the estate manage both forestry and deer.

RECOMMENDATION

That Members of the Committee support a recommendation to refuse planning permission for the following reasons:-

- 1 The proposed development is contrary to Policy 6 (Landscape) of the Cairngorms National Park Local Plan (October 2010) insofar as it would be a pronounced linear feature in this open landscape which does not complement and enhance the landscape character of the Cairngorms National Park, or the setting of the proposed development.
- 2 The proposal is contrary to the Supplementary Planning Guidance – Wildness – insofar as the development does not enhance the natural qualities of the area, is not of an appropriate scale and has adverse visual impacts on the area.
- 3 The application does not include the necessary plans as existing and proposed, together with an associated construction methods statement, to enable the proposal to be considered in detail.

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Date: 27 January 2014

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.