



## SITE DESCRIPTION AND PROPOSAL

1. The site to which this application relates is an existing evolved track that crosses the northern shoulder of Craig Leek, Invercauld Estate and links formal constructed tracks on the east and west sides of the hill (see fig. 1). The evolved track links an old track associated with pre-war forestry on the east side of the hill to a another historic estate track on the west side of the hill. It runs for slightly more than 1 kilometre and clips the northern tip of the Craig Leek SSSI where this extends to the bealach between Craig Leek and Meall Gorm to the north. The application is within the Deeside and Lochnager National Scenic Area (NSA). The line of the evolved track has developed over many years, and may have been sporadically maintained. However, over the years, vehicles have cut deep wheel channels along the original line, and alternative routes have been taken to avoid the deeply rutted sections (see figures 2 & 3).
2. The applicant (the Upper Deeside Access Trust or UDAT) want to create a route that is suitable for pedestrians and cyclists to link the existing tracks. The creation of the pathway link would allow a number of circular routes to be promoted in the area and is seen as a strategically important part of the path network by UDAT. Discussions between UDAT and Invercauld Estate established that the route was used regularly by estate vehicles and that the creation of the path could provide an opportunity to reduce the impacts of the estate vehicles on the landscape. This led to the proposals for the “tramline” reinstatement.



**Figures 2 & 3 showing examples of the braided track lines.**

3. The applicant proposes to reinstate and improve the two tyre lines that formed the original route, and to restore the additional evolved track lines with locally obtained turf in order to minimise their visual impact and encourage regeneration of the ground flora. The proposals will create two narrow tramlines (less than 0.5m wide) that will be suitable for walkers and cyclists, with a heather or grassland strip in between. The tramlines will also be suitable for use by estate vehicles in management tasks, to avoid further erosion and braiding of the route. The proposals include the provision of drainage features where required including: piped culverts, open box water bars (constructed of Larch from Invercauld Estate) and turf lined ditching.

## DEVELOPMENT PLAN CONTEXT

### Aberdeen and Aberdeenshire Structure Plan 2001-2016(NEST)

4. Policy 19 (Wildlife, Landscape and Land Resources) states that development that would have an adverse impact on an SSSI, NNR, NSA, Prime Quality Agricultural Land or habitat or species identified as priorities in the UK BAP will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance. Where development is allowed which could affect any designated sites, including beyond their boundaries, appropriate measures shall be taken to conserve and enhance the site's ecological, geological or geomorphological interest.
5. Policy 19 also states that in all areas development will be sited and designed to avoid adverse impacts on the biodiversity of a site, including its environmental quality ecological status and viability. All new development should take into consideration the character of the landscape in terms of scale, siting, form and design. Developers are encouraged to seek sites which would not entail the permanent loss of agricultural land.

### The Finalised Aberdeenshire Local Plan 2002 (as modified)

6. Policy Env\2 (National Nature Conservation Sites) states that development that would have an adverse effect on a SSSI or NNR will be refused unless the developer proves: a) any significant adverse effects on the quality for which the area has been designated are clearly out-weighed by social and economic benefits of national importance; b) objectives of the designation and overall integrity of the area will not be compromised; AND c) there is no alternative site for the development. Where development is allowed which could affect any of these designated sites, including beyond their boundary, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites ecological, geological and geomorphological interest.
7. Policy Env\4 (Biodiversity) states that development that would have an adverse effect on habitats or species protected under British or European Law, or identified as a priority in UK or Local Biodiversity Action Plans, or on other valuable habitats, will be refused unless the developer demonstrates: a) that the public benefits at a local level clearly outweigh the value of the habitat for biodiversity conservation; b) that the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; AND c) that there will be no further fragmentation or isolation of habitats as a result of the development. Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer may be required at his own expense to undertake a survey of the site's natural environment. Where possible, developers should incorporate existing habitats and identify

suitable opportunities for creating and restoring habitats, wildlife corridors and enhancement schemes, using best practice.

8. Policy Env\5 (NSAs and Areas of Landscape Significance) states that development within or adjacent to a National Scenic Area or Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or as a whole. Where acceptable, in principle, development must conform to [Appendix 1](#) and [Appendix 5](#). In all cases the highest standards of design, in terms of location, scale, siting, aesthetics and landscaping, will be required within National Scenic Areas and Areas of Landscape Significance.
9. Policy Env\22 (Public Access) states that Development that would have an adverse effect on any existing or potential public access for walking, cycling or horse riding, will be refused unless: a) it retains existing or potential public access while maintaining or enhancing its amenity value; OR b) it makes alternative access provision that must be no less attractive and is safe and convenient for public use. Encouragement will also be given to new access routes, which promote "green transport" while not adversely affecting the land concerned.
10. Policy Env\23 (Vehicle Hill Tracks) states that Vehicle hill tracks, and extensions to them, will be refused unless they can be integrated satisfactorily into the landscape and minimise detrimental impact, such as soil erosion, on the environment including habitats and watercourses.
11. Policy Gen\1 (General Sustainability Principles) states that development will be assessed against sustainability indicators that relate to the local environment, community and economy, demonstrated by whether the proposal: a) is concerned with the long term sustainable use and management of land; d) does not damage valuable natural resources, habitats, species or the environment; e) does not damage built or cultural heritage resources; f) does not impact negatively on the character, environment or amenity of the surrounding area; h) does not prejudice future development opportunities nor create a precedent for inappropriate future development patterns; j) does not give rise to hazards, pollutants, flooding or nuisances in the surrounding area; k) does not compromise public health or safety. Where there is substantial doubt in assessing proposals, the precautionary principle will apply.
12. Policy Gen\2 (The Layout, Siting and Design of New Development) states that new development will be approved, in principle, if: a) it can be laid out to fit successfully into the site itself and respect the character and amenity of the surrounding area; b) its scale, massing, height and density are appropriate, whilst displaying a high standard of design, materials, textures and colours that are sensitive to the surrounding area; c) it respects existing natural and built features on or about the site which are worthy of retention; d) it respects the special characteristics of the landscape in which it will be situated; f) it respects important public views; AND h) 'lifetime standards' are adopted by the developer. In larger developments the Council will encourage developers to

incorporate art or craftwork projects into new development to provide added amenity or character to an area.

### **CNPA INTERIM DRAFT PLANNING POLICY 3 VEHICLE HILL TRACKS**

13. The CNPA Consultation draft Interim Planning Policy No. 3 on Vehicle Hill Tracks states: There will be a presumption against new vehicle hill-tracks, or upgrading/extensions to existing tracks, within the Park unless the following conditions are met:
  - a) The proposal can be justified as necessary for the efficient working of the estate/farm, and there are no existing tracks which can be utilised.
  - b) There are no significant adverse environmental impacts on flora, fauna, habitats and drainage which cannot be satisfactorily mitigated.
  - c) The track does not cross a designated site (SSSI's etc.)
  - d) The track is constructed in line with section 7.3 (design criteria) above; a method statement is required for the works, landscaping and maintenance.
  - e) It would not adversely affect the amenity of existing public access; new tracks should give consideration to public access in their design (e.g. via stiles, signage).
  - f) Tracks which are no longer required are reinstated to an approved natural condition/reduced to footpath width.
  - g) Cultural Heritage issues, e.g. relative to historic drove-roads or military roads, should be carefully considered and protected.

### **CONSULTATIONS**

14. As the local authority for the area, Aberdeenshire Council's Natural Heritage Service has been formally consulted. They have intimated that they have no objections to the proposal as long as it follows the Scottish Natural Heritage's guidelines and best practice.
15. Scottish Natural Heritage have been formally consulted and have responded with a set of conditions without which SNH would object to the application. SNH register general concern over the creation of tracks through off-road vehicle use and subsequent upgrading, but recognise that this application is primarily for recreational use. They also consider that the proposals should reduce the visual impact of the existing tracks. They advise that any consent should be subject to conditions to ensure that repair works do not result in an increase in track width or visibility, and that damage to specific habitats is avoided. Also, a restriction of activities to within the application boundary or outwith the SSSI is required..

16. The Scottish Environmental Protection Agency (SEPA) responded to Aberdeenshire Council and recommended that the planning authority be satisfied that receiving water courses for surface waters have adequate capacity to accept surface water discharges and that no flooding would occur from the proposal. It is not considered that the proposals will create large volumes of additional runoff, and the drainage features of the proposals are designed to slow the movement of water to avoid erosion.

## REPRESENTATIONS

17. No representations have been received.

## APPRAISAL

18. This application raises a number of issues for the CNPA. Firstly, the main purpose of the application is for the provision of a multi-use path for recreational use as part of UDAT's developing path network in upper Deeside. UDAT are working in partnership with Invercauld Estate to promote a number of circular routes suitable for walkers and cyclists, with potential for additional use by horse riders. Secondly, the route is an evolved vehicle track in an upland area, a development or process that is contentious in that such routes often cause erosion and damage to habitats, and may lead to applications (depending on the relationship with Permitted Development Rights) or works to upgrade the route in an upland area to a constructed and engineered track. Thirdly, the application proposes to reduce the negative visual impact of past vehicle use by reinstating the vegetation on track lines that have evolved from by-passing difficult route sections.
19. The proposals will not have any significant adverse impacts on the Craig Leek SSSI or the Deeside and Lochnagar NSA and therefore conform with Policy 19 of the Aberdeen and Aberdeenshire Structure Plan 2001-20016 (NEST) and Policies Env\2 and Env\5 of the Finalised Aberdeenshire Local Plan 2002. The proposals may have a small positive impact on the NSA through improving and reducing the visual impacts of the track. The reinstatement of dry heath (a UK Biodiversity Action Plan Priority Habitat and Cairngorms Local Biodiversity Action Plan Habitat) along obsolete track sections, and the prevention of further erosion, constitute a positive impact on the area and so conforms with Policies Env\2 and Env\4 of the Finalised Aberdeenshire Local Plan. The application clearly promotes public access and recreation and so conforms with Policy Env\22 of the Local Plan.
20. The application can also be seen to conform with the Local Plan Policy Env\23 on vehicle hill tracks. The proposals are designed to minimise future impacts from recreational users and estate vehicles as well as removing evidence of erosion from the past. Similarly, Policies Gen\1 and Gen\2 of the Local Plan are conformed with through adopting a sustainable approach to integrating land management and recreational needs for the future, using materials from the site for construction, and creating a route which has as small a visual footprint as possible.

21. Point 'h' of policy Gen\1 raises a valid concern that the proposals (in terms of improving vehicle access) could create a precedent for inappropriate future development patterns. However, this application is for a truly mixed use route, and is being made by a group whose purpose is to secure access for recreation. The formation of a route that permits vehicles is being done in the interests of sustainability in order to prevent further erosion and damage to the landscape and habitats. The proposals may also be seen as a welcome precedent in reducing the impacts of vehicles in the uplands, and attempting to reconcile recreational and land management interests in a coordinated and positive manner.
22. The application throws up some issues when assessed against our draft Interim Policy on Vehicle Hill Tracks. The draft policy presumes against upgrading and extensions to existing tracks unless certain conditions are met. The first condition is that the proposal is "justified as necessary for the efficient working of the estate/farm and that there are no existing tracks which can be utilised". In this application, the proposal is for works designed to enhance access for walkers and cyclists (to create what are effectively two narrow parallel paths) and to minimise the impacts of what the estate consider to be necessary vehicle use. The third point of the policy is that "the track must not cross a designated site". This application crosses a short section of the Craig Leek SSSI and sits entirely within the Deeside and Lochnagar NSA. However, SNH are satisfied that subject to the conditions they have requested, the proposals will not have any significant adverse impacts on the SSSI.
23. Although this application may be seen as contentious in nature due to its connection with vehicle access in an upland area, it is also a positive proposal to improve the visual appearance of this part of the National Park. The application is also to provide a genuinely multi-use route for recreational users, and to facilitate land management operations. In this instance, there are clear recreational and visual benefits to the proposal that should further the aims of the Cairngorms National Park. The granting of planning permission, with conditions to ensure the integrity of the Craig Leek SSSI is unaffected, should send a positive message to land managers and those with an interest in the natural heritage and recreational potential of the Park.

## **IMPLICATIONS FOR THE AIMS OF THE PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

24. The proposal should enhance the natural heritage of the area through restoring habitats and minimising visual impacts of the route.

### **Promote Sustainable Use of Natural Resources**

25. It can be argued that the construction work associated with the application will promote sustainable use of natural resources through the use of material from the site and techniques such as turf lined ditching to minimise erosion.

**Promote Understanding and Enjoyment of the Area**

26. The proposal clearly supports this aim by encouraging recreational use of the area. The integration of land management and recreational interests should make a positive contribution to the understanding of the area.

**Promote Sustainable Economic and Social Development of the Area's Communities**

27. The application integrates recreational and long-established land management access in a low impact scheme that should make a positive contribution to the recreational resource and hence help to attract recreational visitors and associated economic benefits. The proposal therefore makes a positive contribution to the sustainable economic development of the area.

**RECOMMENDATION**

28. That Members of the Committee support a recommendation to:-

**Grant Full Planning Permission for the repair and restoration of an access track at Craig Leek, Invercauld Estate, Braemar subject to the following conditions:-**

- i. The development to which this permission relates must be begun within 5 years from the date of this permission.
- ii. Unless otherwise agreed in writing with the planning authority, the repair of the track to create two parallel running surfaces shall not exceed the current width of the track and that each parallel surface shall not exceed 500mm in width. The ground between the running surfaces shall be retained or resurfaced with turf of the same character as that to the sides of the track;
- iii. That within the Craig Leek SSSI, no vehicles or machinery shall be taken, at any time, outwith the approved site boundary, unless otherwise agreed in writing with the planning authority;
- iv. That within the Craig Leek SSSI, no operations or works shall be undertaken, at any time, outside the approved site boundary, unless otherwise agreed in writing with the planning authority;
- v. That no borrow pits are located within the Craig Leek SSSI, either within or outwith the approved site boundary;
- vi. That no limestone boulders with moss cushions located within the Craig Leek SSSI, shall be moved or otherwise disturbed during any approved development works;

- vii. That the track shall be maintained in its approved state in perpetuity, and that there shall be no increase in width of either the full track or the two “tramline” running surfaces as a result of any ongoing maintenance.

**Gavin Miles**

**2 April 2004**

planning@cairngorms.co.uk