
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE CONSTRUCTION OF A FOREST ACCESS TRACK ON LAND 1.5 KM NORTH OF ROTHIEMURCHUS LODGE, ROTHIEMURCHUS, AVIEMORE.

REFERENCE: 08/238/CP

APPLICANT: MALCOLM H.D. MCALPINE, C/O RTS LTD.,
WOODLAND MANAGERS AND CONSULTANTS, GILMERTON, CRIEFF.

DATE CALLED-IN: 27TH JUNE 2008

RECOMMENDATION : APPROVE WITH CONDITIONS



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought in this application for the construction of a forest access track. The proposed track is located within the Cairngorm Mountains National Scenic Area and is approximately 1.5 kilometres north of Rothiemurchus Lodge within a forested area close to the boundary between Rothiemurchus Estate and Glenmore Forest, and approximately 0.5 kilometres south west of Loch Morlich. The area is part of the Loch Morlich plantation which extends to 308 hectares, the majority of which has been planted since 1971. The proposed track would be approximately 0.92 kilometres in length and would connect to existing tracks at either end. It is proposed to construct the forest access track along the line of an existing 'ride / forwarding route' and its primary purpose is to facilitate extraction during the thinning out process which is due to soon commence in the south east of the plantation.
2. In terms of the construction process for the proposed new track, trees would initially be felled from the southern edge of the roadline in order to enable construction to take place by cut and fill on a drier line, avoiding the wetter ground. It is envisaged that a working width of 12 metres would be required, with the actual roadline being 4 metres wide, with a 1 to 2 metre verge and drainage ditch to either side. Supporting information has been provided by the applicants to justify the proposed 12 metre working width. The existing line does not provides sufficient clear width in which to construct the track, particularly on side slopes where gradients could cause difficulties for forest machinery accessing the area. Trees to be removed from the site have already been marked and identified. In total it is proposed to fell approximately 800 trees as part of the overall track construction process.¹ The timber would be extracted via the existing forest road to the west.

¹ The submission from the applicant does however point out that despite the necessary felling of 800 trees, approximately 750,000 trees would remain in the vicinity of the track.



Fig. 2 : Existing forest road close to the junction with the proposed forest access track.

3. Following the extraction of the felled trees from the area, it is proposed to cut a formation into the bottom of the slope, where drainage and culverts would be inserted. Supporting information submitted with this application indicates that the creation of the formation is likely to expose outcrops of material which would subsequently be excavated to provide sub-base for the final construction phase. The applicants indicate that the precise location and extent of any borrow pits would have to be agreed with the Forestry Commission. At present three likely locations have been identified for the extraction of material. Two of the locations identified are adjacent to the north of the proposed track, while a third possible borrow pit is identified approximately 200 metres to the south east of the end of the new track, adjacent to an existing track. A method statement has been provided with the application in which details are included of the proposed method of tree felling and extraction.



Fig.3 : Proposed track route which follows an existing break in the trees



Fig. 4 : Existing path adjacent to Loch Morlich.

4. A case has been advanced by the applicants regarding the necessity for the proposed new track. Various options were considered for the extraction of material, including repairing the existing forest road² which runs down from the east of the forest close to Loch Morlich. That route is also part of the path which circumnavigates Loch Morlich and is a popular walking route. The applicants have instead chosen to create a new forest access track on the basis that it is over a shorter distance, would avoid using the path which circumnavigates Loch Morlich, would minimise disturbance during construction and haulage close to

² The section of existing track on which upgrading would be required extends approximately 1,320 metres.

Loch Morlich SAC and would also have the benefit of establishing a clear fire trace through the forest at this point.

Squirrel Survey

5. In response to concerns initially raised by the CNPA's Heritage and Land Management Group in respect of the area potentially accommodating squirrel dreys, the applicants commissioned the carrying out of a red squirrel survey in early December 2008, along the line of the proposed access route. Initial opening comments in the survey report state that the Cairngorms is one of the last remaining strongholds for red squirrels in Britain, and that the species have been identified within the Cairngorms LBAP as a UK Priority, as well as a locally important species. In summary the survey found the following –
- No red squirrel dreys or signs of squirrel activity within the plantation area. There were some signs of red squirrels in the general locality, particularly along the existing access track to the northeast of the proposed forest track;
 - Poor crown development and evidence of windblow in the plantation;
 - Occasional mature pine trees were found within the plantation;
 - Very low cone production and seed set.

It was also stated in the survey that the plantation does not offer the resources necessary to sustain a viable red squirrel population, particularly in winter months when seed from cones can make up the bulk of their food resource. It is also suggested in the survey report that the improved habitat value of this plantation for red squirrels will only be realised after restructuring in future years. Cone and seed production are more likely to increase as crown development and restocking or regeneration is encouraged with improved light conditions. The survey report concludes that the current development proposal would not have a significant impact on the red squirrel population in the general area.

6. A number of recommendations have also been given in the squirrel survey report, including the suggestion that the proposed access track and any restructuring works be undertaken as soon as it is practical and that this should ideally be in the winter months. It is also recommended that all good practice described in the Forestry Commission Scotland Guidance Note 33 is followed by forestry contractors when undertaking the works. In addition reference is made to a wood ant nest which was identified in the course of carrying out the squirrel survey and it is recommended that construction of the access track is

carried out so that the route should avoid the nest, with provision being made to clearly mark the nest and establish a minimum of a 5 metre buffer strip around the nest in order to ensure its protection during the construction process.

History of the Loch Morlich plantation

7. The applicants, in supporting information, have provided a brief background to the history of the Loch Morlich plantation, describing it as extending to 308 hectares, most of which was largely planted in 1971. Over 80% of the forest was planted with Lodgepole pine³ and there are only occasional remnants of the natural forest remaining, mostly in the form of scattered single 'granny' pines and steeper banking with juniper groves. The applicants have estimated⁴ that the remnants of the natural forest extend to approximately 33 hectares. The applicants have also pointed out in a submission that the subject site is identified on the **SNH** inventory as a plantation on an Ancient Woodland site, but is not itself Ancient Woodland. The lodgepole pine in the plantation is described as having variable growth quality. The crops have now closed canopy and it is considered to be at a stage where immediate thinning would be beneficial. Following the thinning process some initial forest clearance is expected to commence around 2015, with the main felling period due to commence in 2025.
8. It is the applicants view that the initial thinning programme would be of benefit to the forest for several reasons including improving woodland diversity and providing the opportunity to remove aggressive Lodgepole pine from sensitive habitats such as wetland and juniper groves. It is contended that thinning will favour Scots pine, including surviving remnants. The applicants consider that this would provide the potential to consider naturally regenerating the forest from these trees as and when the current Lodgepole pine crop is removed.

DEVELOPMENT PLAN CONTEXT

9. **NPPG 14** deals with the subject of **Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, development within National Scenic Areas is discussed in paragraphs 26 – 27 of the document. It is noted that National Scenic Areas are important for their scenic quality and they are defined as areas

³ Lodgepole pine is a north American species.

⁴ Estimates have been made through studies of aerial photographs.

of "national scenic significance...of unsurpassed attractiveness which must be conserved as part of our national heritage." Planning authorities are required to ensure that new development in or adjacent to an NSA does not detract from the quality or character of the landscape. National Parks are discussed in paragraph 33 where it is stated that "while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities."

10. Under a section entitled Enjoyment and Understanding of Natural Heritage **NPPG 14** acknowledges that "the natural heritage is enjoyed both for its intrinsic value and as a setting for open air recreational and educational activities which depend on its qualities." The benefits of natural heritage linked to open air recreation are recognised, particularly the economic benefits to rural communities due to visitors being attracted to an area, as well as indirect benefits to the nation in terms of health and quality of life. Para. 22 of the Planning Guidance advises that Planning Authorities should seek to identify opportunities for promoting the enjoyment and understanding of the natural heritage which are compatible with its conservation.⁵
11. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns. Para. 50 stresses the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever appropriate, planning permissions make adequate provision for the preservation or planting of trees.
12. A specific section on 'Trees and Woodlands' is also contained in **NPPG14**. Trees and woodland are recognised as being of great importance, both as wildlife habitats and in terms of their contribution to landscape character and quality. Planting with

⁵ Guidance on this has been prepared by Scottish Natural Heritage - *Countryside Recreation and Access Strategies : Guidance for Local Authorities* (1997).

native species as well as the encouragement of natural regeneration can offer significant natural heritage benefits.

13. **Scottish Planning Policy 15 'Planning for Rural Development'** is intended to set out the general approach and objectives that underpin planning policies and decisions affecting rural areas. Under the general heading of 'Economic Development' planning authorities are encouraged to support a wide range of economic activity in rural areas and to seek environmental enhancement through development at every opportunity, although forestry activity is not amongst the economic development activities specifically mentioned in this section.

Highland Council Structure Plan 2001

14. The **Structure Plan** includes a detailed section on forestry, noting that it is a significant land use within the Highlands, and highlighting the fact that forests increasingly serve a variety of purposes besides commercial timber production (section 2.10.3). The economic benefits of forestry including income generation and employment are outlined.⁶ It is also noted that forests increasingly serve a variety of purposes besides commercial timber production. Well designed forests can offer landscape benefits and can also provide an important network of recreational facilities with the ability to accommodate much higher numbers of visitors than open areas.
15. Section 2.10.4 of the Structure Plan sets out the situation in relation to planning, clarifying that afforestation is subject to regulation by the Forestry Commission at present and does not come within the scope of statutory planning control. Despite this however, there is recognition that afforestation involves a significant, long term change of land use that can have a range of direct and indirect impacts, including socio-economic, visual and ecological. Felling, re-planting and regeneration schemes are also recognised as having similar impacts.
16. As noted earlier the proposed site is located within the Cairngorm Mountains National Scenic Area. The **Structure Plan** advises that National Scenic Areas have been designated for their landscape quality.

Badenoch and Strathspey Local Plan (1997)

⁶Highland Council's Structure Plan indicates in terms of income generation and employment that forestry is the most important sector of the rural economy after tourism and agriculture.

17. The **Local Plan** details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas resources and ensure an acceptable balance between economic growth and safeguarding the outstanding heritage. The conservation strategy advocated for the countryside includes provision being made for the restoration and expansion of the core Caledonian Forest, and the upgrading of facilities for recreation, tourism, interpretation and education / research in more robust locations. In particular, multiple use of forest areas is encouraged.

Cairngorms National Park Plan (2007)

18. The Cairngorms National Park Plan has a number of strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are set out under three broad headings – (i) conserving and enhancing the park; (ii) living and working in the park; and (iii) enjoying and understanding the park.
19. In terms of conserving and enhancing the park, the specific objectives are intended to ensure the management of the natural and cultural heritage of the Park whilst recognising the interdependence between the special qualities and the important links to the socio-economic viability of land management, businesses and communities. The Park Plan includes a strategic objective for Landscape, Built and Historic Environment, which has a number of aspects including maintaining and enhancing the distinctive landscapes across the park and ensuring that development complements and enhances the landscape character of the park. One of the strategic objectives for biodiversity which is of particular relevance to the current application is to “develop awareness and understanding of the interactions of land-uses, tourism, outdoor access and nature conservation amongst other interests.”
20. Continuing on the theme of conserving and enhancing the Park, the Plan includes strategic objectives for Forest and Woodland Management. Objectives include promoting multi-objective forest and woodland management that delivers environmental, economic and social benefits and also promoting the value of forests and woodlands as a major sustainable tourism asset, increasing the derived economic benefits to woodland owners and local communities.
21. Under the heading of ‘Enjoying and Understanding the Park’ the Park Plan refers to the fact that the Cairngorms National Park is

known for its outstanding environment and outdoor recreation opportunities and that this in turn requires “a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.” The Plan also emphasises that enjoyment of the area is not only relevant to those people travelling to the Park, but is also part of the everyday experience of those living in and around the area. There are a number of strategic objectives which are of relevance in relation to ‘Sustainable Tourism.’ Objectives include improving and maintaining the quality of the experience in the Park for all visitors, communities and those working within the tourism industry; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and also to encourage an optimum flow and spread of visitors across the Park and minimise social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

CONSULTATIONS

22. **Forestry Commission Scotland** was consulted on the proposal and has commented that the proposed track would assist with the management of this area of non-native plantation. It is also suggested that such a track would have been of great assistance a few years ago when a forest fire in the locality threatened the neighbouring native pinewood.
23. **Scottish Natural Heritage** was consulted and has no comment to make on the proposal.
24. The proposal has been examined by the **Archaeology Section** of Highland Council. The response indicates that there are no sensitive archaeological or cultural heritage issues affecting the application.
25. **Rothiemurchus and Glenmore Community Association** considered the proposal at their meeting in July and subsequently indicated that they saw no need to object to the proposal. The Community Association consider that that it would be a good project as “it will add to the off road recreational possibilities for walkers and cyclists.” It is also hoped that the proposed access track would be built to the highest environmental standard.

26. The CNPA's **Visitor Services and Recreation Group** has no objection to the proposal. **VSRG** support the proposal to create a forest track along the line of the old ride. **VSRG** also acknowledge that the proposal has arisen from recognition of the need to avoid extracting timber onto existing well used and promoted paths around Loch Morlich, and to reduce the potential for interactions between recreational users and forestry management operations. **VSRG** consider that the proposed access track would achieve this by facilitating timber extraction onto the existing Rothiemurchus Lodge road / track.
27. The proposal has also been assessed by the CNPA's **Heritage and Land Management Group**. From a landscape perspective there is no objection to the proposal, although a number of observations have been made. It is noted that the track is proposed on an alignment that is already substantially clear of trees. The landscape response from the Heritage and Land Management Group recommends that the track width is kept to the minimum necessary for the purpose of forestry extraction and that appropriate remedial edge treatment should be undertaken in order to allow the track to blend into its surrounding terrain.
28. From an ecological perspective, it is noted that the proposed access track is intended to facilitate the thinning of the plantation, which should make a positive ecological contribution to the National Park by opening up the ground to increased levels of light which would favour a pinewood ground flora. This in turn is considered to have the potential to provide better support for a range of specialised native species, such as capercallie. In addition to the general benefits likely to result indirectly from the creation of the proposed access track, the ecology officer has also commented specifically on three aspects directly associated with the proposal – culverts, red squirrels and wood ants. The culverting of a small burn crossing⁷ (Caochan Aitinn) in accordance with Forest and Water Guidelines, which involves burying the culvert 20cm into the bed of the burn, is considered acceptable and would not have a significant impact on fish. It is noted that the red squirrel survey concluded that there were no dreys or signs of red squirrels, along the route of the proposed track. The response from the ecology officer indicates that he accepts and is satisfied with the finding of the survey.

⁷ The burn is approximately 1 metre wide at the point of the crossing.

29. The final specific issue covered in the consultation response relates to wood ants and it is recommended that the wood ant nest identified is marked and protected. In conclusion, from an ecological point of view, the development is not considered to have an unduly negative impact and the track is considered to provide the opportunity to carry out thinning work in the densely planted area of lodgepole pine. Given that such activity could benefit a range of woodland biodiversity, improve cone production and thereby improve food resources for red squirrels and would also give greater scope for Scots pine regeneration, the creation of the access track to facilitate the thinning activity is considered in overall terms to contribute to the first aim of the National Park.



Fig. 5 : Existing burn and approximate position of culverts

REPRESENTATIONS

30. No representations have been received in respect of the proposed development.

APPRAISAL

31. On the basis of national, regional and local level planning policy as outlined in earlier sections of this report, the principle of this type of activity is generally acceptable. The background to the need for the proposed access track has been provided in supporting documentation. It has been clarified that the track is required to facilitate extraction during the thinning out process on the adjacent plantation, with the proposed new route designed to connect directly to an existing forest road to the

west. In utilising this route it would avoid the necessity to use the smaller forest track which runs to the east, close to Loch Morlich. The track close to Loch Morlich is popular with walkers and its use as a route of extraction would have the potential to result in conflicting interactions between users and could diminish the experience of recreational users of the area. The creation of the new access track would instead facilitate a beneficial segregation of the two distinct user groups for the duration of extraction operations in the vicinity, and would potentially offer the benefit in the longer term of also being available as an additional recreational opportunity.

32. Efforts have been made to design the route in a way which substantially follows the line of an existing break in the forest plantation. It is accepted however that there is a need for deviation beyond this in some areas. Details have been put forward to explain the constraints in attempting to develop the required track entirely within the line of the existing break. Difficulties exist in particular in terms of gradients and the inadequacy of space for the manoeuvring of machinery during the construction process. Once constructed the finished track width would be relatively narrow (4 metres wide for the most part) and within the context of the overall forest setting and myriad of existing tracks and paths in the vicinity, would have limited visual or landscape impact. Similarly, I do not consider that the development proposal would adversely affect the setting of the Cairngorm Mountains National Scenic Area within which it is located. In terms of the siting of the proposed access track, I am satisfied that the most appropriate route has been chosen.

33. Reference has been made in foregoing sections of this report to the benefits to the natural heritage of the area that could accrue as an indirect result of the proposed development. The track is accepted as being necessary to facilitate the extraction of trees felled during the thinning out process within the plantation, with the thinning process in turn offering many benefits including improving light conditions for ground flora; benefitting woodland biodiversity, in particular capercallie habitats; and providing improved opportunities for Scots pine regeneration. The red squirrel survey which was carried out demonstrates that the development of the proposed access track would not impact on the species and reference has been made to the fact that the thinning process could also improve cone production thereby improving food resources for red squirrels. In conclusion, I recognise the necessity for the proposed access track and its purpose of facilitating a continuing forestry

enterprise which is a key economic activity in the area. I have also had regard to the limited physical impact of the development, as well as the potential indirect benefits which it may offer in the longer term and on the basis of all of the foregoing I find the proposal to be acceptable.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. The proposal involves development within the Cairngorm Mountains National Scenic Area. Although the development of the forest access track would necessitate the felling of a significant number of trees, the identified route largely follows the existing forest ride. It is also necessary to recognise that it is within an area of predominant commercial forest. The nature, scale and location of the development would not directly conserve and enhance the natural heritage of the area. However in the short term the development would facilitate thinning activity which would have longer term benefits for woodland biodiversity and offer greater scope for Scots pine regeneration and could therefore be considered to be in accordance with the first aim of the National Park.

Promote Sustainable Use of Natural Resources

35. There are no significant negative impacts associated with the proposed development. The creation of forest access tracks is an inevitable consequence of commercial afforestation as part of the overall sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

36. Although the proposed forest access track is primarily required for the extraction of harvested timber, it would nonetheless provide an additional track in the area which could be utilised for recreational use and would provide further opportunity for enjoyment of this part of the National Park.

Promote Sustainable Economic and Social Development of the Area

37. The development is required in connection with the harvesting of timber from the commercial plantation. Afforestation activity is recognised as making an important contribution to economic development.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant Full Planning Permission for the construction of a forest access track on land 1.5 kilometres north of Rothiemurchus Lodge, Rothiemurchus, Aviemore, subject to the following conditions -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The existing wood ant nest located at NH 95304 08567 shall be protected during the construction process. The nest shall be clearly marked prior to the commencement of development and a minimum of a 5 metre buffer zone strip shall be established and maintained around the nest for the duration of construction activity.
3. Culverting of the burn shall be carried out in accordance with the Forest and Water Guidelines.
4. Prior to the commencement of development details of the extent of signage proposed (including warning signs etc.), together with identification of signage locations, shall be submitted for the agreement of the CNPA acting as Planning Authority.
5. Prior to the commencement of development details of the exact location and extent of the borrow pits shall be submitted for the written agreement of the CNPA acting as Planning Authority.

Mary Grier
19 December 2008

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