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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Formation of Private Way at Site West Quoich Track Mar Lodge Estate Braemar  
UIm CIm At Linn Of Dee Via Mar Lodge To Linn Of Quoich Braemar  
Aberdeenshire

**REFERENCE:** 2018/0301/DET

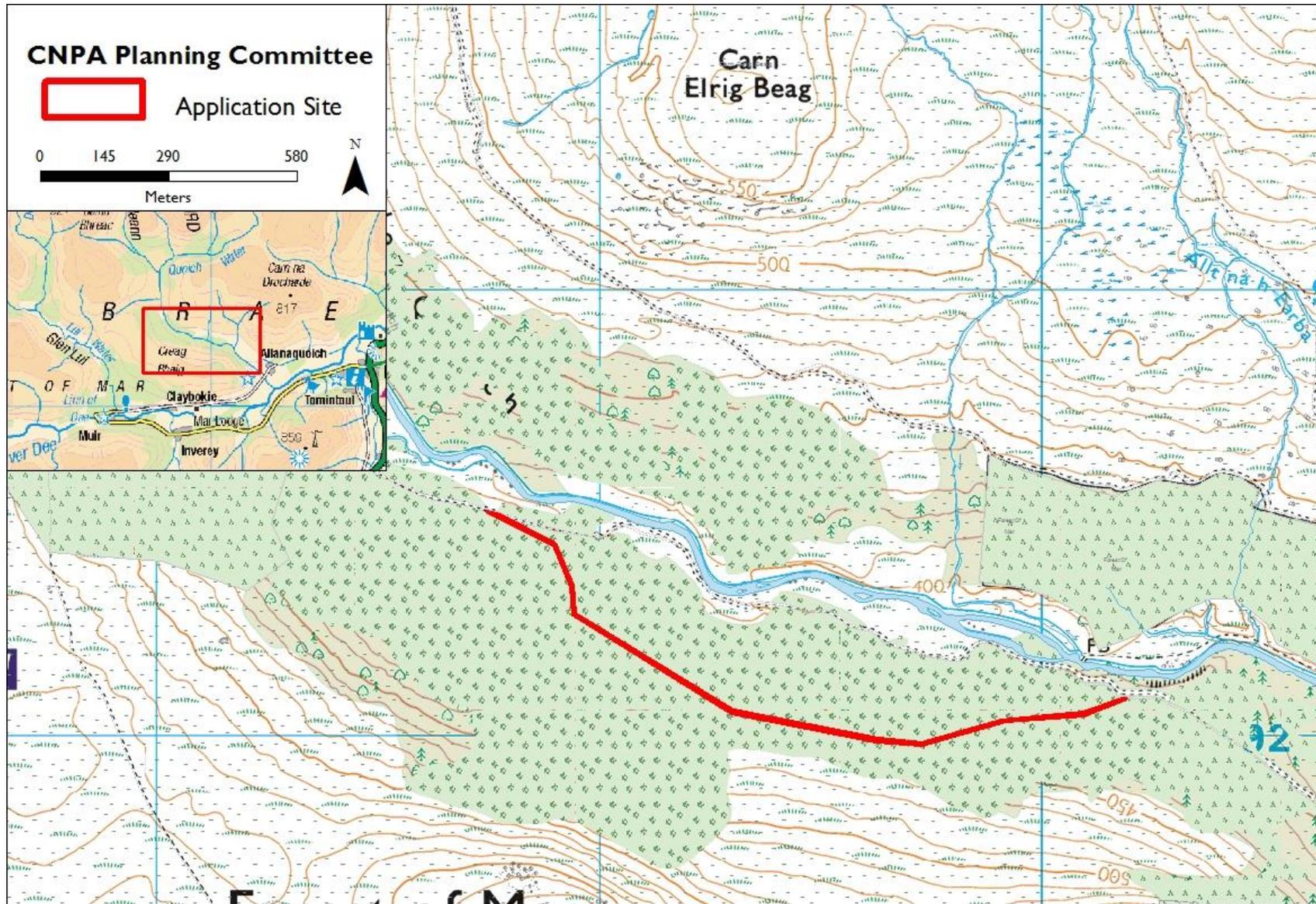
**APPLICANT:** National Trust For Scotland

**DATE CALLED-IN:** 7 August 2018

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Edward Swales Monitoring and Enforcement Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site is within Glen Quoich on Mar Lodge Estate, approximately 5km west of Braemar. The track runs through part of the Cairngorms Special Protection Area and Special Area of Conservation, as well as the Eastern Cairngorms Site of Special Scientific Interest and pine woodland identified as Ancient semi-natural woodland.

### Proposal

2. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise: <http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PD34BQSI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan		02/07/18	14/08/18
Construction Method Statement			14/08/18
Track Construction			16/08/18
Track Survey			16/08/18

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

3. The proposed new track is a new 1 mile, 3m wide, track that will replace a section that has been washed out by the river Quoich. The route of the track has been chosen to remove it from risk of flooding and to avoid any significant harm to woodland or other ground habitats.

### History

4. The existing general purpose estate track was washed out by the floods in August 2014 and again by Storm Frank in 2015/16. The track is a long standing estate track used for a range of estate operations and by the public for short and longer walks or cycles in the Cairngorms. The applicant sought pre-application advice from Aberdeenshire Council, CNPA and SNH before making the planning application.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross
POLICY I	NEW HOUSING DEVELOPMENT

POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

5. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### Planning Guidance

6. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

### CONSULTATIONS

**A summary of the main issues raised by consultees now follows:**

7. **SEPA** gave no comments as the track is below the threshold for advice given by them.
8. **SNH** have stated that there are natural heritage interests of international importance on the site but will not be adversely affected by the proposal providing proposed mitigation is implemented prior to construction.
9. **Aberdeenshire Council Archaeology** has responded to state that no archaeological mitigation is required.
10. **CNPA Landscape advisor** states that the development will affect the character of the landscape during and immediately post-construction, however the proposed route,

scale, construction methods and mitigation for the new track and restoration of the replaced section of track are appropriate and acceptable.

11. While an Ecological Clerk of Works has been suggested by the applicant, the CNPA considers that the scope of supervision should be extended to include wider environmental and engineering supervision to ensure construction accords with the plans submitted. This will be controlled through condition.
12. **CNPA Ecology advisor** has offered comments regarding the species potentially affected by the development. Disturbance to Otter, Pine Martin, Wildcat and Bats have all been mitigated against through proposals within the Construction Method Statement. Should any development occur during the breeding bird season then nesting surveys for Scottish Crossbill amongst others will be required, which the agent has already agreed to undertake if required.
13. The Construction Method Statement and other supporting information provided with the planning application addresses potential disturbance to Ground Water Dependent Terrestrial Ecosystems, Caledonian Pinewood and Wood Ants that could be affected by the proposal.
14. Disturbance to Reptiles during the proposed winter period of construction, requires to be considered further. Two approaches are suggested, mapping potential sites of hibernation along the route, to be carried out by any appointed ECoW, avoiding any hibernacula during the hibernation period, or delaying any disturbance works during this period. If works are delayed until the active reptile period then works can continue with mitigation measures to avoid active reptiles and replacing any hibernation features.
15. In order to proceed with development a Species Protection Plan shall be submitted providing instructions to the contractor. The plan should include mitigation measures for reptiles and breeding birds, this will be controlled through condition.
16. **CNPA Outdoor Access officer** notes that the track existing track is popular for access as the main route to Beinn a’Bhuird, to the footpath through the Clais Fhearnaig to Glen Lui and links to a core path (a circular walk around the Linn of Quoich) and that improved access opportunities in the area are encouraged.
17. **Braemar Community Council** have not responded to the consultation.

## REPRESENTATIONS

18. There have been no representations received for this application

## APPRAISAL

### Principle

19. The existing Glen Quoich track is a long standing track with multiple management purposes as well as frequent use by the public on foot, bicycle or horse. The re-route of a section of track to avoid the flood plain, as well as the reinstatement of the

damaged track that is within the active flood plain, is a sensible proposal as long as it does not create significant other landscape or ecological impacts. The proposal is acceptable in principle.

## Environmental Impacts

20. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park.
21. The track is replacing an existing, washed out track so does not add significantly to the number or length of tracks within the landscape. In addition, the new track section is located in a more wooded area that will help disguise the track over time. While there will be disturbance to the landscape during construction, and for a short time after, the construction methods proposed should mean that the track blends into the landscape as quickly as possible and will not detract from the enjoyment of the area. The proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan.
22. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact on protected sites, species or biodiversity.
23. The mitigation proposed within the Working Method Statement will ensure that there will be no significant impacts on protected species excluding reptiles during construction. The submission of and compliance with a Species Protection Plan will ensure that any risk to hibernating reptiles or breeding birds will be avoided and minimised. The careful route choice and construction methods will minimise disturbance to habitats along the new track and reinstate habitats along the previous track. These measures ensure that the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.
24. **Policy 3:** Sustainable Design seeks to minimise the impacts of new development through appropriate design of projects, taking account of environmental constraints and opportunities. In this case, the careful route choice to minimise impacts on habitats and species, as well as an appropriate Construction Method Statement clarifies how each section of track will be constructed. A 10 week construction period, including the reinstatement of the old track is proposed. The proposal complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan.

## CONCLUSION

25. The detailed information submitted with the planning application demonstrates that landscape impacts from the development can be satisfactorily mitigated and that with the inclusion of species protection plans for reptiles and breeding birds, potential ecological impacts can also be mitigated. The application is considered to comply with Local Development Plan policies and is recommended for approval subject to appropriate conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to Approve the Formation of Private Way at West Quoich Track Mar Lodge Estate Braemar Aberdeenshire subject to the following conditions:**

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

- 1. No work shall commence on site until an Environmental Clerk of Works is appointed and a schedule of reporting has been submitted to and approved in writing by the CNPA acting as Planning Authority. This will include, but shall not be limited to, details on the scope, frequency and method of reporting. Thereafter the development shall be monitored and managed by the Environmental Clerk of Works in accordance with the approved schedule of reporting.**

**Reason:** To ensure that there are no adverse environmental impacts in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 2. No development shall commence until a Species Protection Plan for hibernating reptiles and breeding birds has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter no development shall commence until a pre-construction check for hibernating reptiles or breeding birds has been undertaken.**

**Reason:** In the interests of protection of habitat and species on site in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

### Informatives

- 1 The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
- 2 The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.

- 3 Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

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.