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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Upgrade of the existing track (in retrospect) at Aultcharn Tomintoul Road Grantown  
On Spey Grantown-on-Spey Highland PH26 3NN

**REFERENCE:** 2018/0349/DET

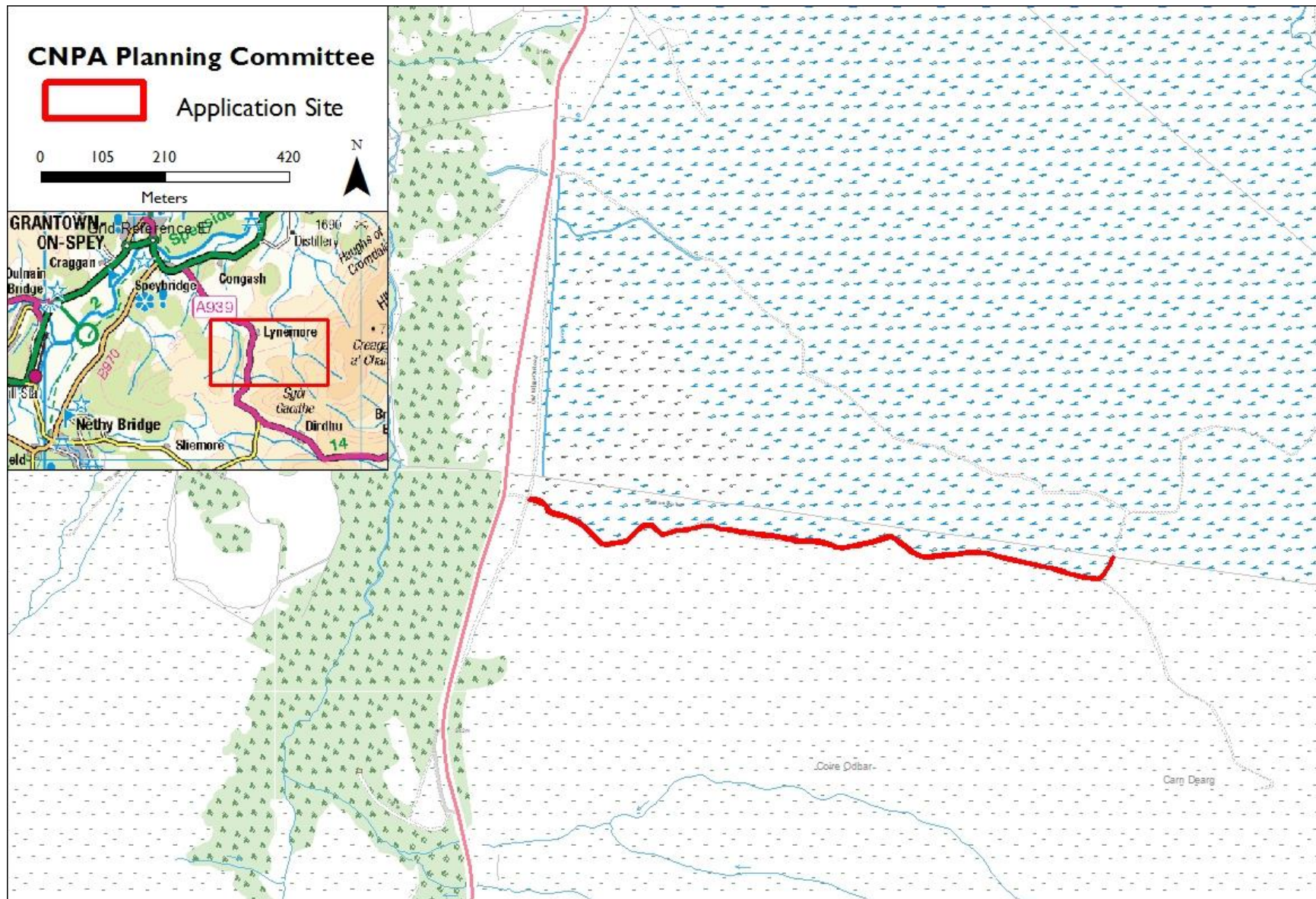
**APPLICANT:** Umena Management Ltd

**DATE CALLED-IN:** 6 September 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 on the Glenloch Estate, accessed from the A939 Tomintoul Road approximately 5km south of Grantown on Spey.

### 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=PEOMISSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
General - Supporting Statement			17/09/18
Location Plan			17/09/18
Sections - Typical Track Cross Section	CTCH-2586-004	15/08/18	17/09/18

\*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 track is an existing vehicle track as one of the access routes in the estate primarily used for land management purposes. The upgrades as detailed in this proposal were carried out in 2017 and as such the application is retrospective.

### History

4. The Glenloch estate carried out significant upgrades to an existing track in September 2017. The works were reported by a member of public and an application was requested by the CNPA through the use of a Section 33a Enforcement Notice. The estate believed the works were solely maintenance carried out under permitted development rather than improvements requiring a planning application. The Section 33a Notice was served by the CNPA in March 2018 and an application submitted in June 2018.

## 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 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	

POLICY 3	SUSTAINABLE DESIGN	
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	
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. **CNPA Ecology Officer** states that as the works have been carried out any ecological damage may have already occurred, although any further works to drainage channels must consider connections to water courses and Ground Water Dependent Terrestrial Ecosystems.
8. **CNPA Landscape Officer** states the track is a repair and improvement to its previous state judging by the track further up. It's steep but has a camber and vegetation lined ditches as well as several off-let ditches to take the water away. The main concern from a landscape point of view are the non-ditched sides where the track has been built up and will risk destabilisation, erosion and consequent visual impact. The

best course of action here is to stabilise the slopes using placed robbed curves to ensure longevity of the track and minimise the visual impact.

## REPRESENTATIONS

9. No representations have been received for this application.

## APPRAISAL

10. While the application is sought to regularise an unauthorised development the principle of the pre-existing track is established this application is dealing with the repairs and improvements to the track carried out in 2017 and as such is retrospective.

## Environmental Impacts

12. The landscape impact of the improved track will be lessened subject to a condition being attached to ensure bare sides of the track are vegetated. This will have the added benefit of protecting any water courses along the route and as such it complies with Policy 4: Ecology and Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

## CONCLUSION

13. The repairs to the long existing track are acceptable subject to the mitigation proposed and as such are considered to accord with the policies in the Cairngorm National Park Local Development Plan 2015.

## RECOMMENDATION

**That Members of the Committee support a recommendation to Approve the Upgrade of the existing track (in retrospect) at Aultcharn Tomintoul Road Grantown On Spey Grantown-on-Spey Highland PH26 3NN 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. Any non-vegetated or bare banks of the track shall be vegetated using locally robbed curves adjacent to the site before the end of 2019.

**Reason:** To ensure the mitigation works are carried out to a competent standard and in accordance with Policy 4: Natural Heritage and Policy 5: Landscape 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.