
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Remediation works and permanent retention of section of temporary track and associated bridges (resubmission – 2013/0330/DET (13/3013/FUL)) at Dalwhinnie, Highland

REFERENCE: 2014/0339/DET

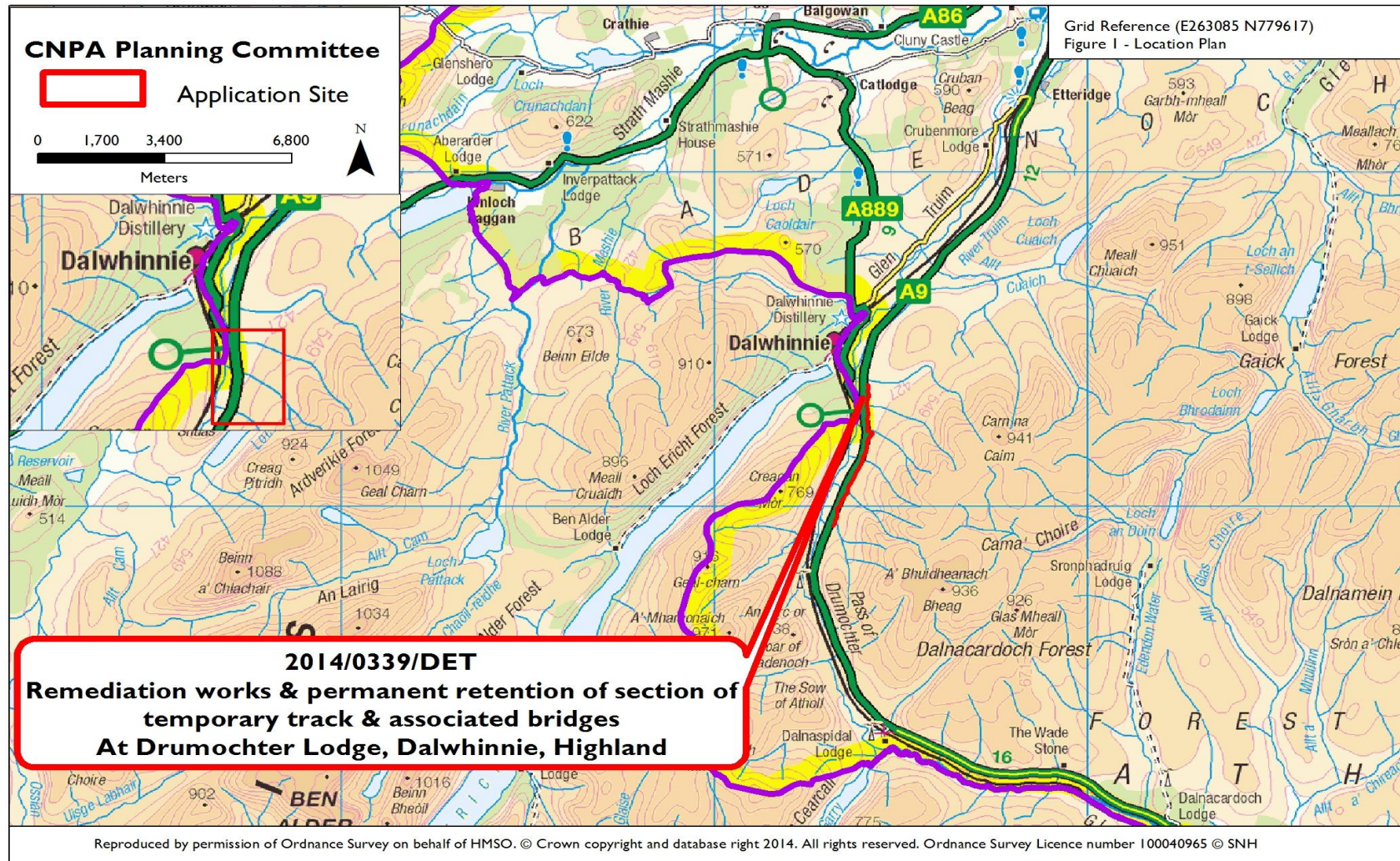
APPLICANT: DRUMOCHTER ESTATE

DATE CALLED-IN: 17TH November 2014

REASON FOR CALL-IN The retention of tracks associated with the Beauly-Denny power line is considered to have significance to the collective aims of the park in terms of landscape/visual impact, access and social/economic development considerations

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

Fig. 1 - Location Plan



SITE DESCRIPTION AND PROPOSALS

Plans and Documents

- I. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below and are available on the Cairngorms National Park Authority website at:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Date on Plan	Date Received
Drumochter Track – Location Plan	09/09/2014	17 Nov 2014
Drumochter Track – Site Plan, North	09/09/2014	17 Nov 2014
Drumochter Track – Site Plan, South	09/09/2014	17 Nov 2014
Drumochter Track – Zone of Visibility Study	28/10/2014	17 Nov 2014
Drumochter Track - Viewpoints	04/07/2014	17 Nov 2014
Drumochter Track – Zone of Visibility Study with A9	28/10/2014	17 Nov 2014
Drumochter Track – Zone of Visibility Study with A9 (includes wild land designation)	29/10/2014	17 Nov 2014
Description – Viewpoint 1 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 2 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 3 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 4 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 5 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 6 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 7 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 8 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 9 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 10 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Description – Viewpoint 11 – Line of Sight	29/10/2014	17 Nov

Study and Wireframe		2014
Description – Viewpoint 12 – Line of Sight Study and Wireframe	29/10/2014	17 Nov 2014
Drumochter Estate, Access Track, Planning Statement	October 2014	17 Nov 2014
Statement with regard to Landscape and Visual Effects resulting from the Proposed Retained Track at Drumochter Estate, Dalwhinnie	27 th October 2014	17 Nov 2014
Reinstatement Report for the Beauuly Denny Line Access Track 25 – Ralia Estate	July 2014	17 Nov 2014
Construction Section showing Cut and Fill on bank		19 Jan 2015
Construction section showing Floating Track and reinstated track with ditching		19 Jan 2015
Proposed Track at Drumochter – Example Images		21 Jan 2015

2. The application is accompanied by a Planning Statement that outlines the nature of the development proposal, the reasons for seeking retention of the track and the benefits it will bring to estate staff and visitors. The report also considers the impact of the proposed track on the environment of the area, in particular its impact on natural heritage and its landscape and visual impact.
3. A detailed landscape and visual impact assessment has been submitted considering the impact of the track on the travelling public on the A9, the visibility from surrounding slopes and summits, and the impact on areas identified as wild land. A Zone of Theoretical Visibility (ZTV) Study demonstrates that the visibility from the A9 would be very limited in theory but in reality the track would be low lying and mostly screened by the existing woodland.
4. The most likely routes to be used by walkers are identified. Overlaying a map showing the wild land areas by Scottish Natural Heritage (SNH) with a ZTV study of the proposed track, combined with a ZTV study of the A9 confirms that there will be very few points within the designated wild land where the proposed track will be visible but not the A9.
5. Assessments of visibility have been prepared from a number of viewpoints, including the summits of all the main peaks in the area. From each of the viewpoints a line of sight study and wireframe was created. The visual assessment in relation to the impact on hill routes has shown that the proposed track would not be visible from any of the significant peaks in the vicinity of the track.
6. The report observes that the area around the proposed track represents a transport/infrastructure corridor, and therefore any views towards this area

are dominated by the existing A9, railway and electricity pylons and that the impact of the proposed small-scale track in this context is therefore minimised.

7. The applicant proposes that the permanently retained track would be subject to works in order to minimise the visual impact of the track, such as reducing its width to around 3 metres, and reducing all mounding to as close to ground level as possible.
8. The agent has confirmed that if necessary as part of the retention of the track, the applicant would be willing to plant an additional woodland strip as suggested by the CNPA Landscape Adviser (see below, paragraph 53).

Site Description and Development Proposals

9. The application site comprises a long, thin strip of land lying to the east of the shelter belt alongside the A9 at Drumochter. The northern end of the track meets the boundary of Drumochter Estate approximately 0.75 km south-east of Dalwhinnie. The southern end of the track is approximately 200 metres south of north Drumochter Lodge. The track is roughly parallel with the A9 and extends for 4.7 km.
10. Most of the site falls within the Site of Special Scientific Interest (SSSI) but none is within the Drumochter Hills Special Area of Conservation (SAC) or Special Protection Area (SPA). Apart from a small section at the northern end the application site falls within the landscape character area 'Drumochter' [Cairngorms.co.uk/landscape-toolkit](http:// Cairngorms.co.uk/landscape-toolkit).
11. The track was originally constructed on a temporary basis as part of the Beaulay-Denny 400Kv overhead line works. Under the terms of the planning permission for the Beaulay-Denny overhead line, all temporary tracks are required to be reinstated following completion of the construction project (see below, paragraphs 18 -21). The temporary track has been formed by removing a swathe of vegetation, soil and in some cases rock and piling it alongside the route. The track is between 4 and 5 metres wide and finished with hardcore. This is located within a construction corridor of some 20 to 30 metres wide. The alignment pays little regard to local landform and in places over-steepened sides (both cut and fill) have been created.
12. The current planning application proposal is for the retention of approximately 4500 metres of track, narrowed down to form a 3m wide land rover track. The stretch of track for which permission is sought includes 2 steel and timber bridges with concrete abutments.

13. The access track will link Drumochter Lodge with the hill tracks to the south and centre of its length. Access to/from the A9 will principally be via the Lodge access. The access point at the hill track to the north has been upgraded permanently under Beauly-Denny planning permission and will be used by the estate less frequently. It also provides access to the hill track for the public. A third access between the two will be removed and reinstated as per the Beauly-Denny planning permission.
14. The current application, whilst superficially appearing similar to the previous one, referenced 2013/0330/DET (see paragraph 21), differs in the following ways:
 - a) It proposes the retention of a shorter length of track, specifically excluding the length of track that was located within the Drumochter Hills Special Area of Conservation and the retention of one of the accesses onto the A9.
 - b) The application is accompanied by a number of additional details including a Statement of Landscape and Visual Effects, a Reinstatement Report and a Zone of Theoretical Visibility Study, including a series of wire frames, and cross-sections of the track to illustrate the proposed changes.
 - c) The section of track south of Drumochter Lodge that has been omitted from this application was particularly prominent in views from the A9 and features significant cut and fill.
15. The retention is being sought because a track in this area is considered to be essential to the management requirements of the Estate. Drumochter Estate is a relatively narrow landholding either side of the A9. Without the access track, the A9 is effectively the primary means of access around the estate, with traffic turning right onto the A9 from Drumochter Lodge and then shortly afterwards making a right turn into one of the minor accesses, with serious road safety issues for both the estate traffic and the general traffic on the A9. The temporary use of the access track has meant that the estate does not require the A9 to access particular parts of the estate.
16. The applicant considers that the future dualling of the A9 would also significantly restrict access to the estate and require extensive detours, which would create major challenges for the estate. This would also cause problems for the tenant farmer.
17. The application includes a report identifying the issues and detailing the methods that will be used to remediate the current situation and

permanently retain the track, together with illustrative cross-sections, examples of which are used as illustrations below:



Figure 2: Photos of current cut and fill situation (Extract from Reinstatement Report for the Beauly Denny Line Access Track 25 – Ralia Estate)

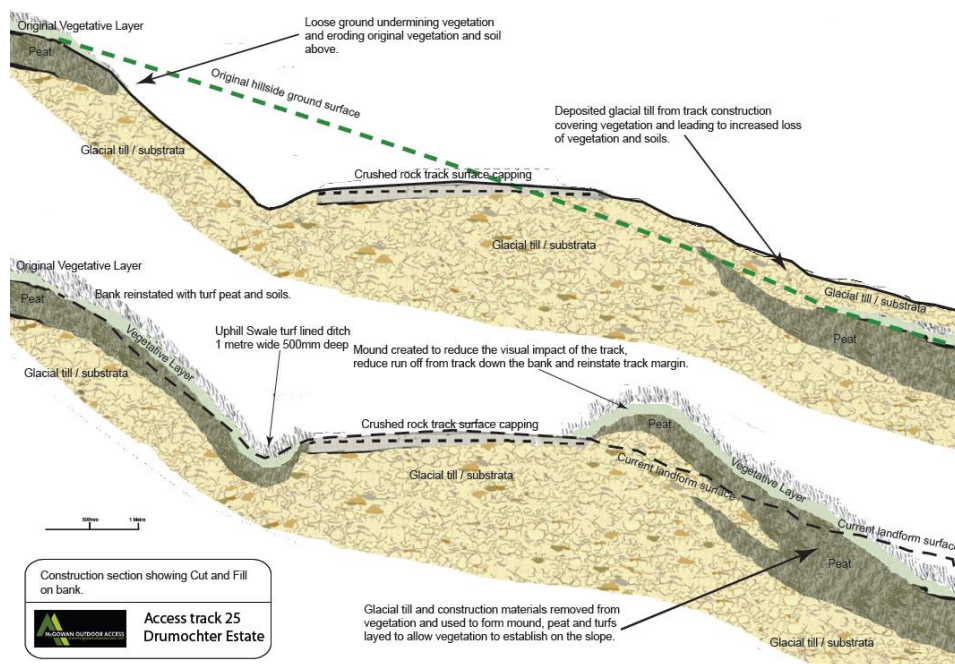
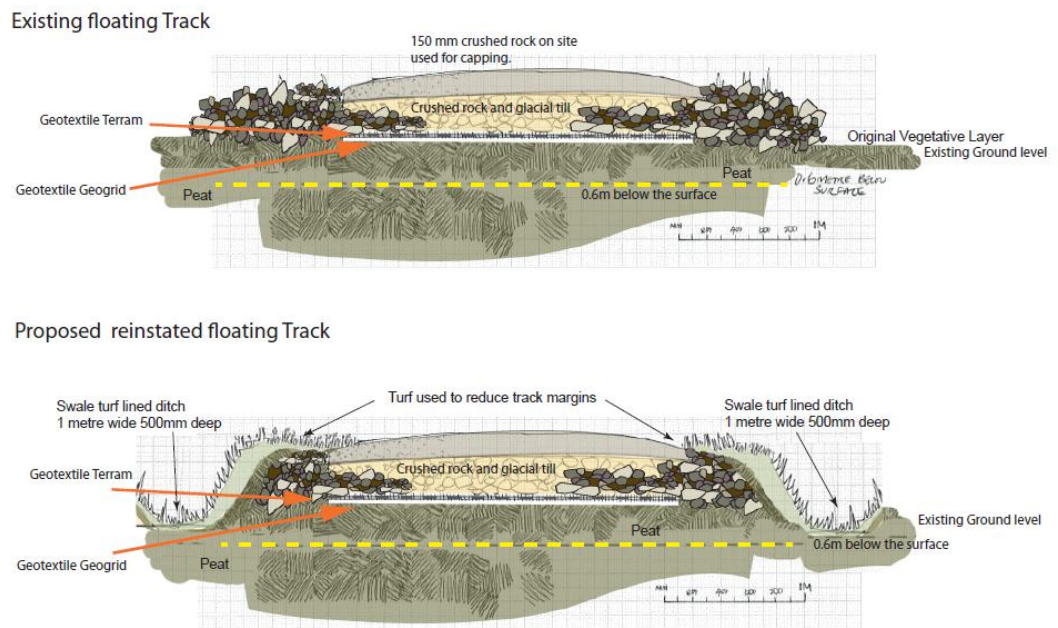


Figure 3: Construction Section Showing Cut and Fill on Bank – as existing and as proposed (Copy of Application Drawing for Information only)



Figure 4: Photos of current floated track (Extract from Reinstatement Report for the Beauly Denny Line Access Track 25 – Ralia Estate)




Construction section showing Floating Track and reinstated track with ditching.
 Access track 25
 Drumochter Estate

Figure 5: Construction Section Showing Floating Track and Reinstated Track with Ditching (Copy of Application Drawing for Information only)

SITE HISTORY

18. 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'.
19. In summary, in relation to this part of the proposals, the planning requirements were that:
 - a) 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.
 - b) Track widths would be kept to the minimum necessary for the operational use of the track.
 - c) 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.
 - d) Restoration of the area would be undertaken once the temporary track is removed, to ensure the landscape is returned to its pre-works condition.
20. In the decision letter, the Scottish Government said: "In respect of the Drumochter Hills Special Area of Conservation and the surrounding area of land.....(a) the applicant shall, in carrying out any activities associated with the construction of the overhead transmission line and the dismantling of the existing 132kV OHL, implement all construction methods, mitigation proposals and restoration measures detailed in that Final Report."
21. The Final Report states in section 3.2 that:
 - a) No permanent access tracks would be constructed in Natura sites (SACs or Special Protection Areas);
 - b) All temporary tracks used for construction of the new line would be fully restored.
22. A similar application, Application No 2013/0330/DET, for the permanent retention of the temporary access track from Dalwhinnie to Drumochter, was refused planning permission in February 2014. The reasons for refusal were:

- 1 The proposed development is contrary to Policy 1 (Natura 2000 Sites) of the Cairngorms National Park Local Plan (October 2010) insofar as it has not been possible to ascertain that the development will not adversely affect the integrity of the Drumochter SAC.
- 2 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 additional linear feature in the landscape which does not complement and enhance the landscape character of the Cairngorms National Park, or the setting of the proposed development.
- 3 The proposed development is contrary to the Cairngorms National Park Local Plan (October 2010) Supplementary Planning Guidance - Wildness - insofar as the proposed development does not enhance the natural qualities of the area, is not of an appropriate scale and has adverse visual impacts on the area.
- 4 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.

DEVELOPMENT PLAN CONTEXT

National policy

23. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
24. Under the heading 'A Connected Place', the SPP promotes sustainable transport and active travel. Paragraph 270 (Policy Principles) states that the planning system should support patterns of development which optimise the use of existing infrastructure and facilitate travel by public transport.

25. The SPP sits alongside four other Scottish Government planning policy documents:
- a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

26. 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.
27. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

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. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

28. 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>
29. 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.
30. 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.
31. Policy 2 – National Natural Heritage Designations – This policy protects nationally designated sites from development that would compromise their integrity or objectives, unless the development proposal would have social or economic benefits of national importance.
32. 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.
33. Policy 25 – Business development – Proposals which support economic development will be considered favourably where they support the vitality and viability of a farm, croft or other businesses in a rural location.

34. Policy 33 – Tourism-Related Development –Tourism-related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure will be supported provided that the development will not have an adverse impact on the landscape or the biodiversity or the culture and traditions of the National Park which would outweigh that beneficial impact.
35. Policy 34 – Outdoor Access – Development which improves opportunities for responsible outdoor access will be encouraged.

Supplementary Planning Guidance

36. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Of relevance to the proposals is SPG on Wildness
37. The 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.
38. 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.
39. 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.

Proposed Cairngorms National Park Local Development Plan

40. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed

LDP) on 21 November 2014. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in March 2015, subject to notification from Scottish Government.

41. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application - Policy 2 (Supporting Economic Growth), Policy 4 (Natural Heritage) and Policy 5 (Landscape) – as compared with the 2010 Local Plan policies noted above.

CONSULTATIONS

42. **Scottish Environmental Protection Agency (SEPA)** - No objections subject to conditions about the appropriate re-use of materials and that the drainage of the roads is constructed according to Forest and Water Guidelines.
43. **Scottish Natural Heritage (SNH) Highland** – Does not object to the planning application but has some comments to make. Approximately 3.5 km of the track lie within the Drumochter Hills SSSI. Retaining this track would result in the following impacts on the SSSI:
 - a) There would be a permanent loss of a very small proportion of the upland habitats which comprise part of the montane assemblage notified feature of this site
 - b) There would be some fragmentation of habitat below the road and increased edge effects
 - c) There would be effects arising from a change in hydrology on the habitats below the track
44. SNH consider that these impacts will not affect the integrity of the site. However, should the project be given planning permission, the work should be progressed in accordance with an agreed method statement. Issues would include topics such as the species and origin of seed, and proposed drainage techniques.
45. **Transport Scotland** - Advises that conditions are attached to any permission in relation to the closure of the existing access and a Method Statement for utilising the proposed new access track.
46. **The Highland Council Roads** – No response received. It may be noted that the response in relation to the previous application was that Highland

Council Roads were not affected by this application and therefore the Service had no objection to the proposal.

47. **Dalwhinnie Community Council** – No response received.
48. **CNPA Outdoor Access Officer** – Advises that the development would have an impact on outdoor access, but has the potential to be addressed by appropriate mitigation measures. If this proposal was to go ahead, an unlocked side gate for pedestrians on the access and egress points of the proposed track where it joins the public road should be provided. Therefore, to meet the access need there needs to be a clear statement on what will be installed at the main A9 access site.
49. **CNPA Landscape Adviser** - Observes that the landscape of this part of the National Park has been significantly affected by the permitted Beaulieu Denny line currently under construction. She advises that when considering the proposed development, its impact is not being assessed against a pristine landscape but against the planned and permitted development in its restored state.
50. In terms of visual character, in views from the A9 and the railway the site is screened by the roadside coniferous shelter planting and visibility is limited to the entry/exit points onto the A9 and is very fleeting. The site is very visible from the surrounding slopes and nearby summits including areas to both east and west that are in Wild Land Areas 15 and 14 as illustrated in the Zones of Theoretical Visibilities (ZTVs).
51. The Landscape Adviser considers that in the short-term (1 to 2 years) the proposed track will be 'raw' and will be a clearly visible linear feature in the landscape. However the magnitude of landscape and visual effect over that period when compared with the baseline would be low given the ongoing post-restoration effects of the Beaulieu-Denny track. This would lead to a moderate level of landscape and visual impact and a low level of additional cumulative effect in addition to the man-made features in this landscape.
52. In the medium to long term, the margins of the proposed narrowed track will be vegetated, including those that have been hydro-seeded and there is likely to be some surface vegetation. The width and prominence of the track and its impact as a linear feature in the landscape will have reduced in scale leading to a lower magnitude of landscape and visual effect, but this has to be assessed against the baseline of what would now be the fully restored Beaulieu-Denny track. The Landscape Adviser considers that in this landscape overlooked by sensitive recreational receptors, this would lead to a

persistent low level of landscape and visual impact and a persistent low level of additional cumulative effect in addition to the existing man-made features. She advises that it will take some time for this level of effect to be achieved but in the longer term neither landscape nor visual impact would be significant and the proposal will complement the landscape character of the immediate area.

53. In order to minimise the ongoing cumulative effects that lead to incremental and irreversible change in a landscape, secure the 'enhancement' component of Landscape Policy 6 and guarantee the screening effects of the plantations into the longer term, she advises that the applicant should plant native trees along the eastern side of the conifer belts. The Landscape Adviser considers that this enhancement measure would:

- a) Break up the rigid effect of the woodland and reduce the cumulative landscape impacts and the adverse effects on the visual amenity of those using the surrounding slopes and hills for recreation, including wild land areas;
- b) Compensate for residual landscape impacts resulting from the retention of the access track;
- c) Introduce structural and species diversity and strengthen the screening potential of the shelter belt into the longer term.

It is recommended that the proposals for this planting are secured through a condition.

54. The Landscape Adviser concludes that assuming the proposed condition can be fulfilled, the landscape and visual impact of this development both on its own and cumulatively would, after a period of years, not be significant.

55. The **CNPA Ecological Adviser** has observed that as the track is close to the boundary of the Drumochter SSSI, the habitat in this location has already been subject to a level of disturbance from plantation planting and creation of the access track to install the pylons. She concludes that the development would have a minor impact on ecology but has the potential to be addressed by appropriate mitigation measures. She advises that appropriate species should be used for hydroseeding and a compensatory planting scheme is required to enhance the existing woodland and complement upland mosaic habitats. She further advises that in the event of planning permission being granted, conditions are required to address potential impacts on the burns from erosion and siltation and also in relation to water dependent habitats.

REPRESENTATIONS

56. The North East Mountain Trust remains opposed to the retention of the tracks created to facilitate the construction of the Beaully-Denny power line but has decided not to object to the current application because they believe the issues presented by this section of track are unique both in relation to potential road safety and due to the future impact of the dualling of the A9.
57. The Trust also makes various points in respect of the application, seeking reassurance in respect of the restoration works and retention of the tree belt.
58. The representation is attached to this report as Appendix I. It should be noted that George Allan has requested to address the Committee.

APPRAISAL

Principle

59. 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. The Reporter found that the power line would not have a significant adverse impact on the integrity of the National Park and the development was granted permission as a development in the national interest. However, the requirement was that the temporary tracks were removed and the ground reinstated following completion of the powerline.
60. The current planning application has been lodged at a time when the Beaully Denny pylons and power line have been completed but the reinstatement works have yet to commence. The construction process has had an adverse landscape impact, which will continue in the long term but with a declining impact over a number of years. When considering the proposed retention of this stretch of track, 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.

61. 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.
62. The proposed development has the potential to support the vitality and viability of the estate by improving access for both sporting and agricultural purposes, by reducing the reliance on the A9. As such the principle is generally in accordance with general local and national planning policies to support economic development including Policy 25 (Business Development) and Policy 33 (Tourism-Related Development) in the adopted Local Plan.
63. However, this general support is subject to ensuring compliance with other Local Plan policies and material planning considerations including Landscape, Ecology, Outdoor Access and Road Safety.

Landscape

64. It has been demonstrated that the proposals for restoration and reinstatement will reduce the prominence of the track over time and that the proposed condition in respect of tree planting will provide some enhancement and help to reduce the cumulative impact and provide landscape benefits. It is therefore considered that the proposals meet with the requirements of Policy 6 (Landscape).

Ecology

65. In relation to Policy 2 (National Natural Heritage Designations), it has been demonstrated that the proposed development would not compromise the integrity or objectives of the Drumochter SSSI largely due to the level of disturbance as a result of the original works to create the track. Conditions are recommended to mitigate the minor impacts on ecology raised by the Ecology Adviser and SNH. Informatives are also suggested to provide further advice regarding the planting and re-use of materials and to recommend that a pre-construction survey be undertaken if the works are proposed during the bird breeding season.

Outdoor Access

66. In terms of Policy 34 (Outdoor Access), the retention of the A9 access via an unlocked gate for pedestrians only is preferred. This has been addressed by condition.

Road Safety

67. The applicant has included an argument for retention of the track based on road safety grounds. Whilst no statistics have been presented to support this view, an officer from Transport Scotland has confirmed that reducing the number of right turns from this stretch of the A9 would result in an improvement in road safety. This issue will be specifically addressed by the A9 Dualling Project. The conditions required by Transport Scotland to address this issue have been included in the recommendation.

CONCLUSION

68. The proposals have been considered on their merits and it has been demonstrated that the proposed development complies with the policies of the Cairngorms National Park Local Plan and that there are no material considerations which would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

69. The proposals for the restoration and reinstatement of the track will reduce its prominence over time and that the proposed tree planting will provide some enhancement and help provide landscape benefits, thereby conserving and enhancing the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

70. 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

71. 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

72. The proposed track reinstatement will help support the economic development of the estate.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION for the remediation works and permanent retention of section of temporary track and associated bridges at Dalwhinnie subject to the following conditions:

- 1 The development, with the exception of the tree planting required by Condition 3, shall be completed by 30 June 2016, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the development is undertaken at the same time as the reinstatement of the adjoining stretches of track under the Beauly-Denny planning permission.

- 2 No development shall commence until a revised Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Scottish Environmental Protection Agency (SEPA). The Statement shall include:

- a) Works undertaken must take heed of SEPA PPG 5 'Working near or in a watercourse' to prevent any pollution incident in the watercourse which borders the site, this must be detailed in the Construction Method Statement.
- b) Species used within the hydroseeding mixes must be detailed in the Construction Method Statement and agreed prior to use.

The development shall thereafter be implemented in full compliance with the approved Construction Method Statement.

Reason: To safeguard the environment generally from any adverse effects, including the use of appropriate species.

- 3 No development shall commence until proposals for a 5 metre wide native woodland planting belt extending along the eastern edge of the existing planting for the full length of the proposed track have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The proposals shall include details of species, sizes, planting methods and protection from grazing animals. The planting shall be implemented in the first growing season following the approval.

Reason: To mitigate for the impact of the proposed development on the landscape.

- 4 No development shall commence until proposals, with timescales, for the re-use of any material stored adjacent to the track, including peat and subsoils, have been submitted to and approved in writing by the Cairngorms National Park Authority in conjunction with the Scottish Environmental Protection Agency.

The development shall thereafter be implemented in full compliance with those approved proposals.

Reason: To secure the removal of these materials to a more appropriate location, thereby ensuring that there is no adverse environmental impact.

- 5 No development shall commence until the temporary access from the A9 some 300 metres north of the access to Drumochter Lodge for the Beaully-Denny overhead power line has been permanently closed off.

Reason: To ensure that the use of the temporary access is discontinued and the safety of traffic on the trunk road is improved and to maintain safety for both the trunk road traffic and the traffic moving to and from the development.

- 6 The drainage of the roads shall be constructed according to the Scottish Environmental Protection Agency's Forest and Water Guidelines or other best practice and shall not drain directly to any watercourse particularly given the proximity of the Spey Special Area of Conservation.

Reason: To safeguard the Spey Special Area of Conservation and the environment generally from the adverse effects of unsuitable drainage arrangements.

- 7 Prior to the use of the access track, a Method Statement for utilising the proposed track shall be submitted for the consideration and written approval of the Cairngorms National Park Authority acting as Planning Authority. This Method Statement will ensure that vehicle movements will be regulated to remove the possibility of queuing on the trunk road.

The development shall thereafter be implemented in full accordance with the approved Method Statement.

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development and to minimise interference with the safety and free flow of the traffic on the trunk road.

- 8 Upon completion of the works, a gate for pedestrians on both the access and egress points of the proposed track where it joins the access from the public road shall be provided and shall be kept unlocked at all times.

Reason: To ensure that responsible access can be taken by walkers, cyclists and horse riders, in accordance with the Land Reform (Scotland) Act) 2003.

Informatives

1. In respect of Condition 3, the tree planting shall be native broadleaved trees, including birch, rowan and native pine to a depth of 5 metres with variable spacing of 1.5 to 2 metres. Shrub planting shall include Dwarf Birch and Montane Willow species in limited areas and where ground conditions are suitable. Planting shall be in mixed species groups of variable size and density with areas of open ground located so as to give a feathered edge. Overall the planting shall be of the equivalent density of 1600 stems per hectare. Planting shall be protected from damage by deer and hares and maintained in a manner that is consistent with the estate's long term forest plan.
2. In respect of Condition 4, using the material for landscaping as part of the works would be acceptable but it would not be acceptable to use it to fill borrow pits etc.
3. If works are undertaken during the bird breeding season, April-July inclusive, then a pre-construction survey should be undertaken to prevent damage or destruction to ground nesting birds and eggs.

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Date: 29 January 2015

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