

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Formation of track at Land 810M SW Of The Schoolhouse, Insh, Kingussie

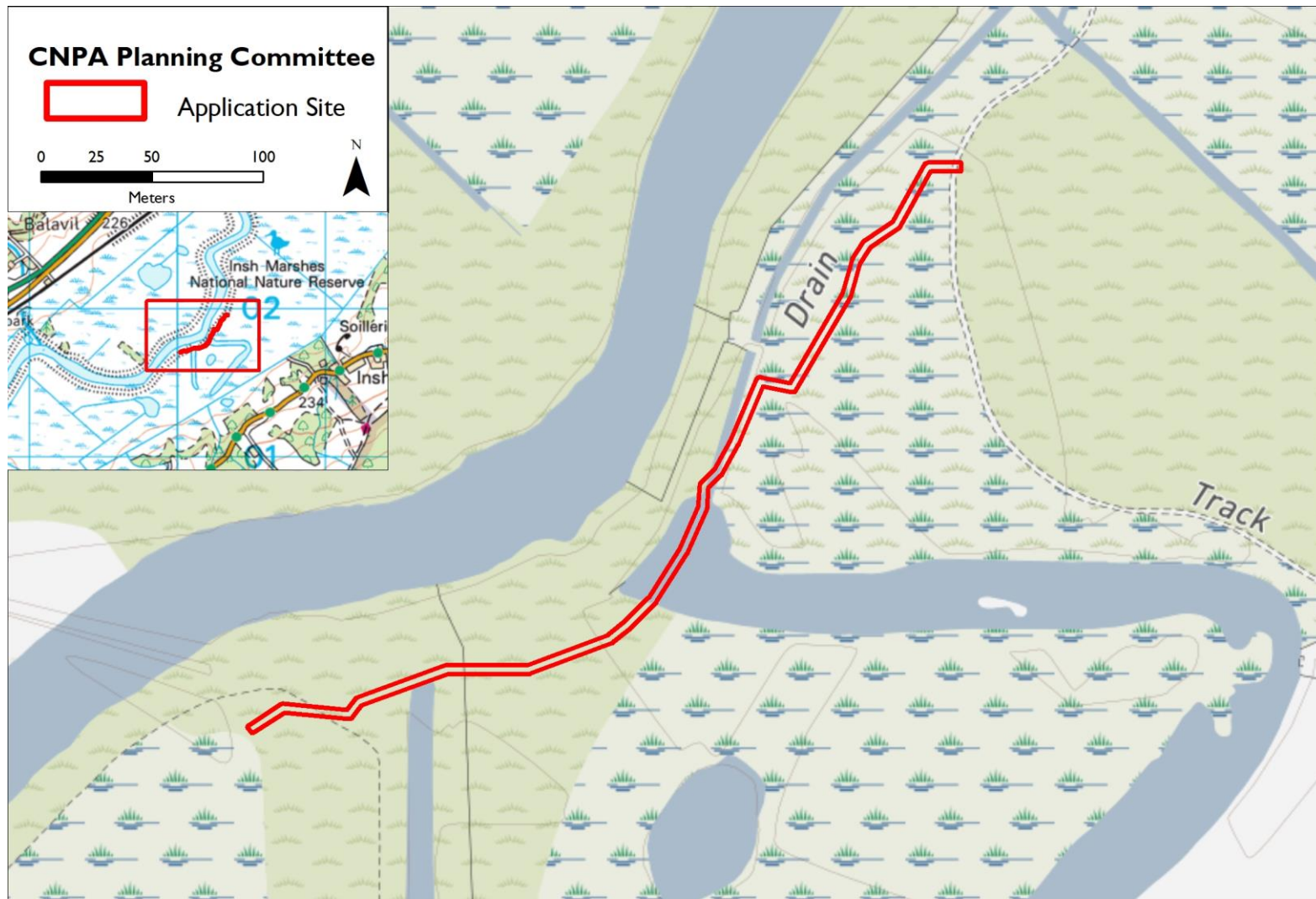
REFERENCE: 2021/0064/DET

APPLICANT: Mr Peter Moore

DATE CALLED-IN: 1 March 2021

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. Insh Marshes covers 10 square kilometres of floodplain between Kincaig and Kingussie. The track is accessed by an existing vehicle track from the west end of the village of Insh and is within land the south west of the marshes that is farmed.
2. The site has a number of designations, and is within the Insh Marshes National Nature Reserve (NNR), is a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI), a Ramsar Site and also lies within the River Spey Special Protection Area (SPA).

Proposal

3. 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=QPIG9HSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Specifications - Track Creation Rationale			01/03/21
Location Plan - Location Plan		18/02/21	01/03/21
Site Plan - Site Plan		18/02/21	01/03/21
Specifications - Track Specification			01/03/21
Specifications - Construction Method Statement			22/04/21

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

4. The proposal is to upgrade a 470m section of existing grassed track to a constructed vehicle track. The ground will be scraped out, matting put down and hard-core stone material placed on top. The material to be used will be obtained from local quarries and brought onto the site using existing vehicle access. A Construction Method Statement has been submitted which has confirmed how the upgrading works will be undertaken.

History

5. There is no related planning history for this application.

Habitats Regulations Appraisal (HRA)

6. A Habitats Regulations Appraisal has been undertaken to consider the effects of the proposal upon the conservation objectives of the Natura Sites as listed within the document - attached at **Appendix 2**.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) 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	DESIGN AND PLACEMAKING	
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	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

7. 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:

<https://cairngorms.co.uk/wp-content/uploads/2020/11/CNPA-LDP-2020-as-Modified-for-web.pdf>

Planning Guidance

8. 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 (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	

Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	

CONSULTATIONS

A summary of the main issues raised by consultees

9. **Nature Scot** gave advice the RSPB prior to a planning application being made, undertook a draft HRA and concluded that the proposals would not affect the integrity of the European designated sites.
10. **CNPA Ecology Advisor** supports the construction of the track on the basis that there is a pre-construction survey confirming no otter holts are in the vicinity of the track. A contractor with experience of construction of tracks within a floodplain should be employed to undertake the work.
11. They are satisfied with the submission of the updated Construction Method Statement.
12. **CNPA Landscape Officer** states the flat and level topography of the site and surrounding landscape already has a number of tracks for land management purposes. This addition will not change the character of the area and there will be no significant visual effects.
13. **CNPA Access Officer** states that a contractor with the relevant expertise should be employed. They are concerned that the plans show no drainage ditching, that Geogrid could be used where the formation layer may require it. Also that the track should be elevated above existing surface levels in places.
14. **Kincraig Community Council** offer no comment on the application.

REPRESENTATIONS

15. There have been no representations submitted for this application.

APPRAISAL

16. The main planning considerations are considered to be the principle of development, the impact upon landscape and the environmental impacts.

Principle of Development

17. The proposed track is to provide improved access to Insh Fen which is used for seasonal grazing by the tenant farmer. Whilst not directly related to the management of the Nature Reserve, it will be regularly used by RSPB staff and contractors for checking livestock, habitat management and monitoring and survey work. The track will therefore provide improved access and allow better management of the reserve. As such it is considered that the proposed upgrading works to the track will bring benefit and help reduce detrimental

impacts to this important wetland and as such complies with Policy 10: Resources of the Cairngorms National Park Development Plan 2021.

18. The principle of the proposed upgrading works is considered to be acceptable subject to compliance with other relevant local plan policies within the Cairngorms National Park Local Development Plan 2021.

Landscaping and Environmental issues

19. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development. The track will be constructed from stone from local quarries and will be low lying. It is considered that it will have minimal landscape impact and contextually, in addition to existing tracks in the area, will also not cause a significant cumulative impact.
20. **Policy 4:** Natural Heritage of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided. The applicant has included mitigation measures in their Construction Method Statement (received 27th April 2021) to address the likely significant effects on otter and bird qualifying species. These include timing of works outwith the bird breeding season, no works between one hour before sunset and one hour after sunrise, and no working during wet weather to reduce the risk of sediment run-off reaching the oxbow lake.
21. Subject to a suitably worded condition to ensure the proper construction of the track, the proposed development is considered to comply with **Policy 4:** Natural Heritage and **Policy 5:** Landscape of the Cairngorms National Park Local Development 2021.

CONCLUSION

22. The impact of the upgraded track will be not be significant and it will provide improved access to the benefit of the wider wetland site. Subject to a condition requiring the methods and mitigation measures set out in the Construction Method Statement are strictly followed, the proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the Formation of track at Land 810M SW Of The Schoolhouse, Insh, Kingussie, 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 development shall commence until a pre-construction check for otter holts has been undertaken to confirm that no otter holts are present or would be disturbed, and the results submitted to and confirmed in writing by the Cairngorms National Park Authority acting as planning authority;**

Reason: To ensure there are no risks to otter due to the construction of the track in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

2. The development shall be carried out in strict accordance with the approved Construction Method Statement in its entirety.

Reason: To ensure there are no adverse impacts to the National Nature Reserve in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

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.

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Committee Item 6 14/05/2021

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