
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Upgrade of existing private way for forestry and agriculture use in retrospect (Track B - 2 of 2) at Upper Craggan, Glenbeg Road, Grantown-on-Spey, Highland, PH26 3NT

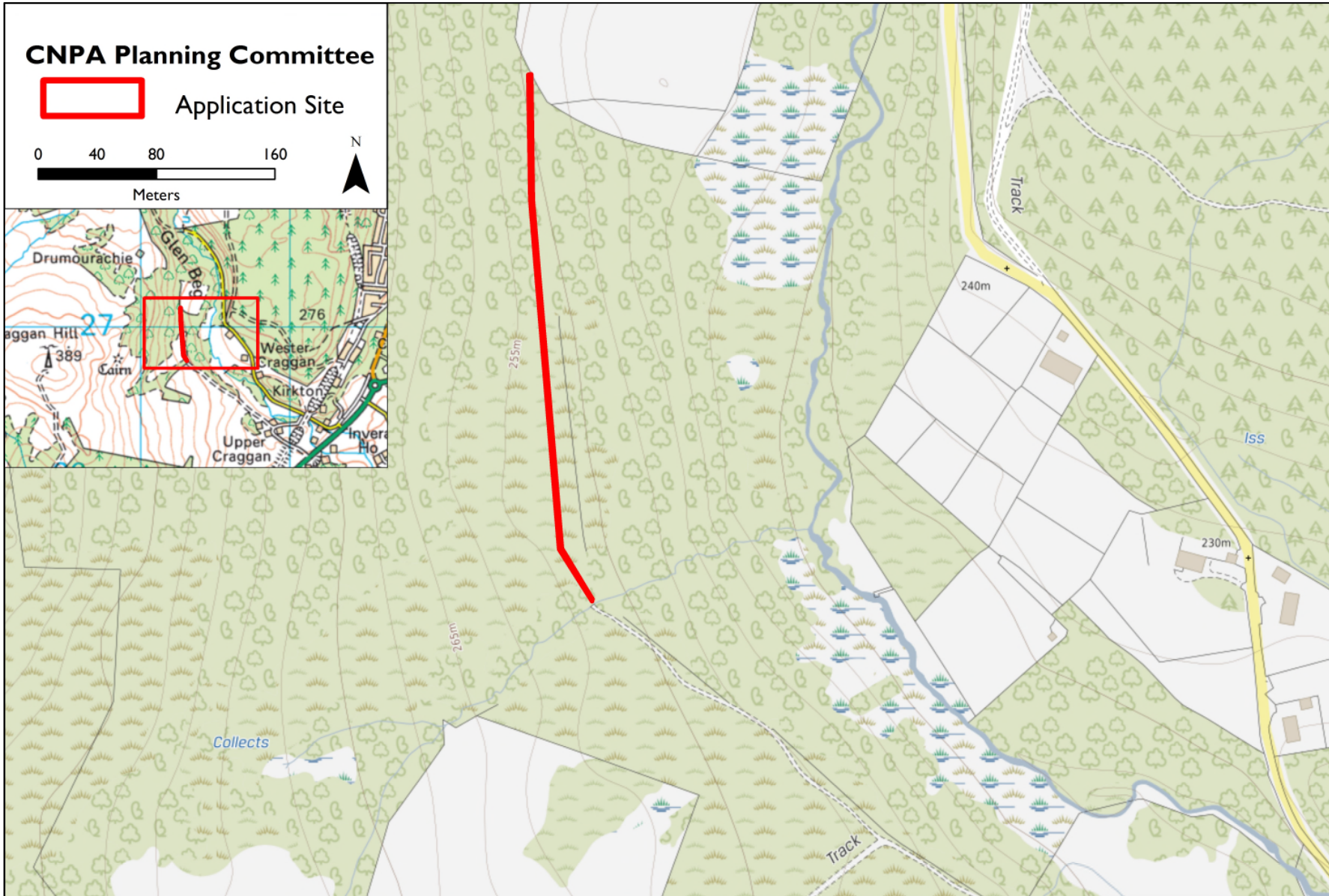
REFERENCE: 2019/0289/DET

APPLICANT: Mr Fergus Laing

DATE CALLED-IN: 17 September 2019

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. The site is accessed off the A95 one mile along the main estate road towards the Glenbeg Bunkhouse. Access to the track from there crosses the Glenbeg burn through an agricultural field and onto the woodland where the track lies.

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=PXO4CXSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Specifications – Supporting Statement			16/09/19
Specifications - Construction Details For Tracks			16/09/19
Specifications - Horizontal Vertical Profiles Of Track			16/09/19
Specifications - Road Culvert Crossing Details			16/09/19
Location Plan		21/03/19	16/09/19

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

3. The proposal for the resurfacing of the existing track is retrospective with the works being carried out in 2018. It is claimed the works were maintenance of the existing track however it was deemed that they were beyond what is considered maintenance and constituted an upgrade therefore an application was sought.

History

4. The site is within an area identified as Semi-natural Ancient Woodland however no trees were impacted by the recent works as they were on the existing driven line. The stated use is for agriculture and forestry however the presence of pheasant pens suggests a sporting element to the track as well.

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 (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	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

7. A summary of the main issues raised by consultees now follows:
8. **CNPA Landscape Officer** states that the track is clearly related to estate management and is located in an area that is appropriate. It does not appear incongruous or contrary to the local character of the glen other than as noted below. Its general design is not excessive though the method of construction has been poorly implemented and the won material is soft and so will be very prone to erosion.
9. The worst section is the newly surfaced section to the northwest end of the track. Here the new material has been placed in a raised manner that stands very proud of the existing surface. It is a light colour and seems very stark by contrast with the rest of the area.

10. The cross section show turf replacement of the track sides, drainage ditch and a turf strip along the centre. This has not been undertaken but is required to mitigate the appearance of the track which is wider than necessary. If this is done to a good standard then the appearance of the track will be sufficiently mitigated.
11. **CNPA Ecology Officer** states that the track has resulted in the permanent loss of 0.2 Hectares of habitat in total over the full length of the track and that the track is taking up a larger footprint than necessary. The design for the track submitted includes positive measures such as a central turve strip however these are currently not present.

REPRESENTATIONS

12. One representation has been received, focusing on the finishing of the track, wishing to see no wider than 3m, with a central vegetated strip and narrowed drainage channels. The representation offers concerns regarding the River Spey SAC and pollutants entering this during any additional works.

APPRAISAL

Principle

13. The submitted information with this application suggests the main use is for both agriculture and forestry however the presence of feeding stations for pheasants suggests a mixed use. This principle is acceptable, as the track is well screened within its woodland and enclosed moorland setting. In order to comply with the policies within the Cairngorms National Park Local Development Plan 2015 conditions will need to be applied to help mitigate the impact of the track.

Environmental issues

14. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 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 developments. The track is made up of a sandy loose material, partly through woodland and partly through moorland. The sections through the woodland are already rutted and showing signs of wear. The moorland section, while of better construction is more visible due to the stark nature of the material however the public viewpoints of the track and its accessibility are minimal. As recommended by the landscape advisor compliance with the submitted Supporting Statement will ensure the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.
15. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 states that development that would adversely affect the Cairngorms National Park will only be permitted where it will not adversely affect the integrity of the area. The information submitted with the application states that the central strip will be seeded and drainage improved along its length. This is required to ensure the tracks longevity and avoid the requirement for further applications. This will be secured

through a condition requiring the works detailed within the supporting statement to be undertaken within 12 months from any approval and as such will ensure the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.

16. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 requires that all development proposals should be designed to minimise the effect of the development on the landscape.
17. As the proposal has retrospective elements conditions will be added to ensure if the further works do not take place remediation along the track will be controlled and as such enable the development to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

18. The application to regularise retrospective works to the existing track and carry out further works subject to appropriate conditions will ensure the proposal complies with all relevant policies of the Cairngorms National Park Local Development Plan 2015.

RECOMMENDATION

That Members of the Committee support a recommendation to upgrade existing private way in retrospect at Upper Craggan, Glenbeg Road, Grantown-on-Spey, Highland, PH26 3NT, for the following reasons 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

- I. Within 12 months of this decision, all the measures detailed within the approved supporting statement shall have been implemented in full.

Reason: To minimise the landscape and visual impacts of the development and minimise damage to habitats adjacent to the development in accordance with Policies 3, 4 and 5 of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. 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.
2. 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.