

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

**DEVELOPMENT PROPOSED:**

Upgrade of private way - Track A (retrospective) at Land At Glenbeg Estate

**REFERENCE:** 2019/0293/DET

**APPLICANT:** Mr Fergus Laing

**DATE CALLED-IN:** 17 September 2019

**RECOMMENDATION:** Approve subject to conditions

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

---



## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The site is accessed through the road towards Dreggie beyond the Grantown caravan site. Access to the site is taken along an estate track past West Gorton and along the Glenbeg Burn which the track crosses twice. The Glenbeg Burn is part of the River Spey SAC.

### **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=PXPR76SI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date On Plan*</b>	<b>Date Received</b>
Specifications - Supporting Statement			16/09/19
Specifications - vertical and horizontal profiles			16/09/19
Specifications - construction layout			16/09/19
Specifications - road culvert crossings			16/09/19
Location Plan			16/09/19

*\*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 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 that and considered an upgrade therefore an application was required.

### **History**

4. The estate has submitted two retrospective applications for track works, however other than wider large scale planning applications there are no other applications relevant to this one.

## **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	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

### Summary of the main issues raised by Consultees

7. **SNH** state that it is unlikely that the proposal will not have a significant effect on any qualifying interests either directly or indirectly. SNH have identified a preference of bridges rather than fords for the burn crossings.
8. **CNPA Ecology Advisor** recommends any further development follows the design guides within the supporting statement.

9. **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.
10. As identified in the ecological response there is a need for drainage to protect the surface of the track and prevent material being washed into the Glenbeg burn. SNH's recommendation for bridges is generally supported on landscape grounds however if the ford entrance ramps are properly reconstructed using stone facing to the excavated area this would be an adequate finish, although bridges would enhance access.
11. The cross sections 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.

## REPRESENTATIONS

12. One objection has been lodged regarding the width of the track, drainage ditches and centre strip as well as silt controls into the burn which is a tributary for the River Spey SAC.

## APPRAISAL

### Principle

13. The submitted information with this application suggests the main use is for both agriculture and forestry, this principle is acceptable as the track is well screened within its woodland setting. However in order to comply with the 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, which is showing signs of wear, however it is within a woodland setting and not visible to the public, or easily accessible, therefore its impact is negligible.
15. SNH and CNPA Landscape advisor both indicated a preference for bridges rather than using existing fords. This is not part of the application and is therefore not going to be pursued, however a condition requiring the enhancement of the fords, using stone facing, will be sought. Compliance with the submitted Supporting Statement will ensure the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

16. **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. A condition is sought to ensure the drainage and run off is upgraded to improve the longevity of the development and to ensure it is served by adequate drainage arrangements.
17. **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. 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 track is well screened within its woodland setting on the basis that a condition is applied to ensure the longevity of the track through greening the centre strip, improving the drainage and run off of water from the track as well as adding stone facing to the existing ford points, this 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 Glenbeg Estate 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

- 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.

2. Within 6 months on the date of this decision a detailed plan of the stone facing for the burn crossings will be submitted to and approved in writing by the CNPA acting as planning authority. Thereafter and within 12 months of the date of this decision, the works will be undertaken and completed in their entirety in accordance with the approved plans. Any works occurring within the Glen Beg Burn to take into account the possible requirement for a CAR Licence from SEPA.

**Reason:** To ensure the mitigation works are carried out to a competent standard and in accordance with Policy 5: Landscape 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.
3. It should be confirmed by the applicant with the local SEPA team whether the site falls under the requirements for a CAR Licence. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details.
4. Below the thresholds the applicant will still need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

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.