
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Works to Corrie Cuaich track (retrospective) at Phones Lodge, Newtonmore, Highland, PH20 1BE

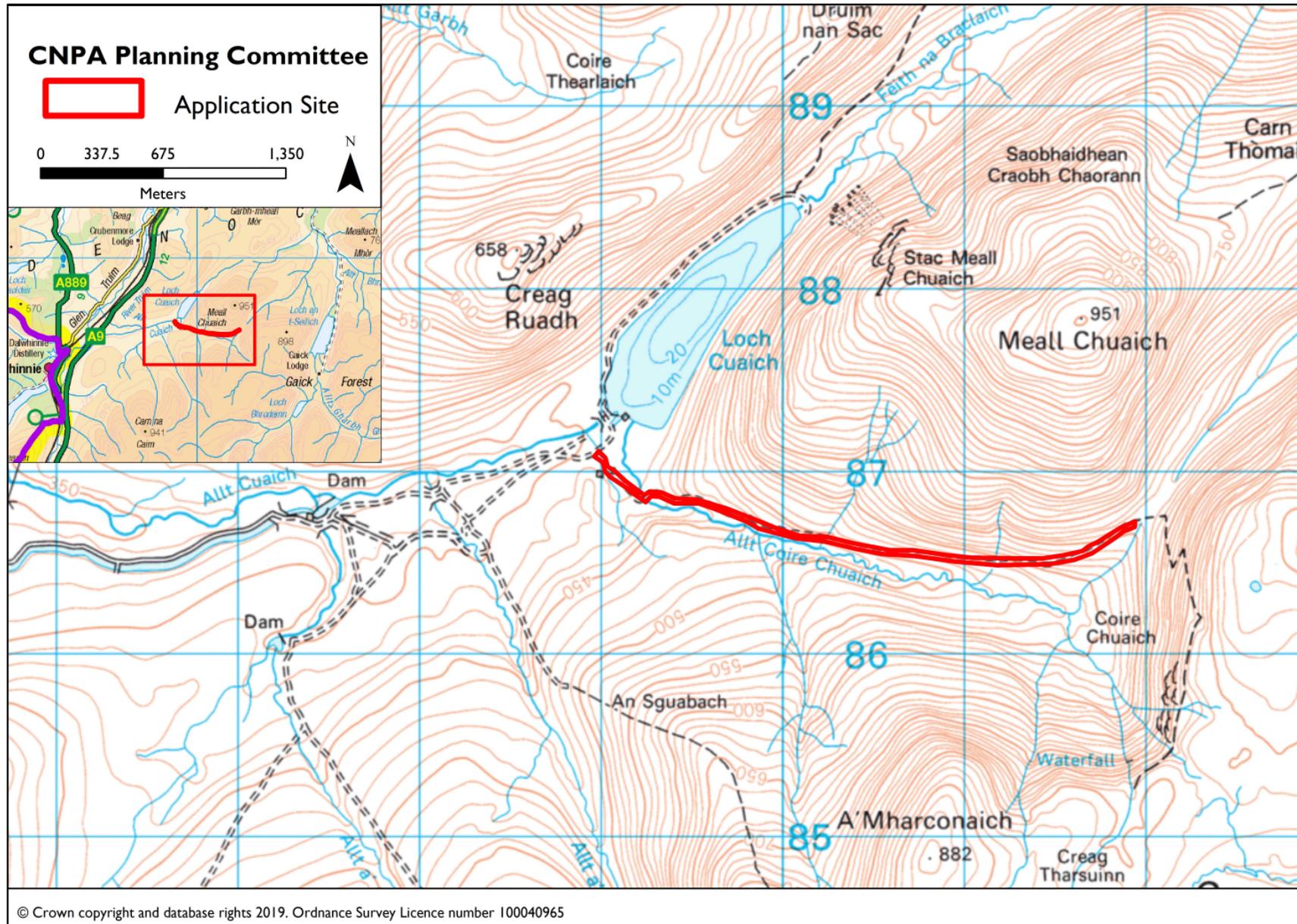
REFERENCE: 2019/0286/DET

APPLICANT: Phones Estate

DATE CALLED-IN: 17 September 2019

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site is accessed opposite the Cuaich cottages on the A9, 2 miles north of Dalwhinnie. From there an estate tracks heads east towards Loch Cuaich at the foot of the munro Meall Chuaich.
2. The resurfaced track starts at the loch heading east below Meall Chuaich for around a mile and a half.

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=PXKG4WSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Specifications - Supporting Statement		01/05/19	16/09/19
Location Plan			16/09/19
Location Plan			16/09/19
Location Plan			16/09/19
Sections - Culvert Cross Section		14/08/19	16/09/19
Sections - Cross Section		31/07/19	16/09/19
Location Plan - Showing Water Crossings		31/07/19	16/09/19

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

4. The track has been widened from a 2 metre wide land rover track to a track around 3.5 metre to 4 metres in width with improved drainage along its entirety as such the application is retrospective. The track is used for multiple estate purposes.

History

5. The upgrade of the track was spotted through routine monitoring of track development on estates across the park.

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	

6. 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

7. 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

8. **CNPA Conservation Officer** states the track is extending into a relatively wild area away from the majority of other estate infrastructure. However the presence of the estates own hydro scheme as well as the SSE system of building, dams and concrete water run is significant further down the glen.
9. The track has been constructed unsympathetically especially in the higher part of the track and where there is a significant cross gradient. Here material has been allowed to cascade down slope as well as excavated slope sections being steep. Overall the track is wider than is necessary for typical estate management. There are areas where

grass is beginning to regenerate on the edges however at this altitude it will be slow to recover. Cut areas have frequently been left bare and faces are too steep to recover. The drainage ditch is left bare in places with no turf replacement. The overall effect is of a rough track poorly designed and implemented. However mitigation is recommended through the use of conditions.

10. **Community Council** has made no comment in regard to this application.

REPRESENTATIONS

11. One representation has been received stating that the unsightly nature of the track would be significantly reduced if conditions were required to be complied with should the application be approved. Those conditions should focus on a vegetation strip along the centre of the track, and the track being narrowed to no more than 3m in width.

APPRAISAL

12. The track has been upgraded from a formal land rover track, previously around 2m in width to the current width of between 3.5m and 4m, along its route with drainage installed throughout as well. While the works were undertaken without any form of permission, the principle of this upgrade is acceptable subject to compliance with the suggested planning condition and as such will ensure the proposal complies with the relevant policies within the Cairngorms Local Development Plan 2015.

Environmental issues

13. **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. While no mitigation has been proposed through the information submitted with the application, it is recommended that seeding occurs along the entirety of the track, including the edges and centre line. Any bare sections of drainage and cut faces along the route should be turfed using a turf-robbing technique. This is supported by the landscape advisors comments and as such will ensure the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.
14. **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 method statement covering ground preparation and seed sowing also detailing the turf robbing and placement is required to ensure the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.
15. **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 is retrospective a condition requiring the submission of a method statement accompanied by a plan

showing the locations of the suggested mitigation above is required to ensure the development complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

16. The track is of reasonable construction with sections already greening over however the bare faces along the edges and drainage mean a condition requiring mitigation is necessary to 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 Approve the works to the Corrie Cuaich track (retrospective) at Phones Lodge Newtonmore Highland PH20 IBE 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. Within 6 months on the date of this decision a detailed mitigation method statement shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. This statement shall include details of all the seeding, how the turf robbing will be undertaken as well as a plan showing where this mitigation will take place.

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.

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.