
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: NOTICE OF PROPOSED DEVELOPMENT FOR FORMATION OF OFF-ROAD CYCLE ROUTE, LAND AT STRATHMASHIE, LAGGAN, NEWTONMORE

REFERENCE: 03/055/CP

APPLICANT: FORESTRY COMMISSION SCOTLAND,
TOWER ROAD, SMITHTON, INVERNESS

DATE CALLED-IN: 24 OCTOBER 2003

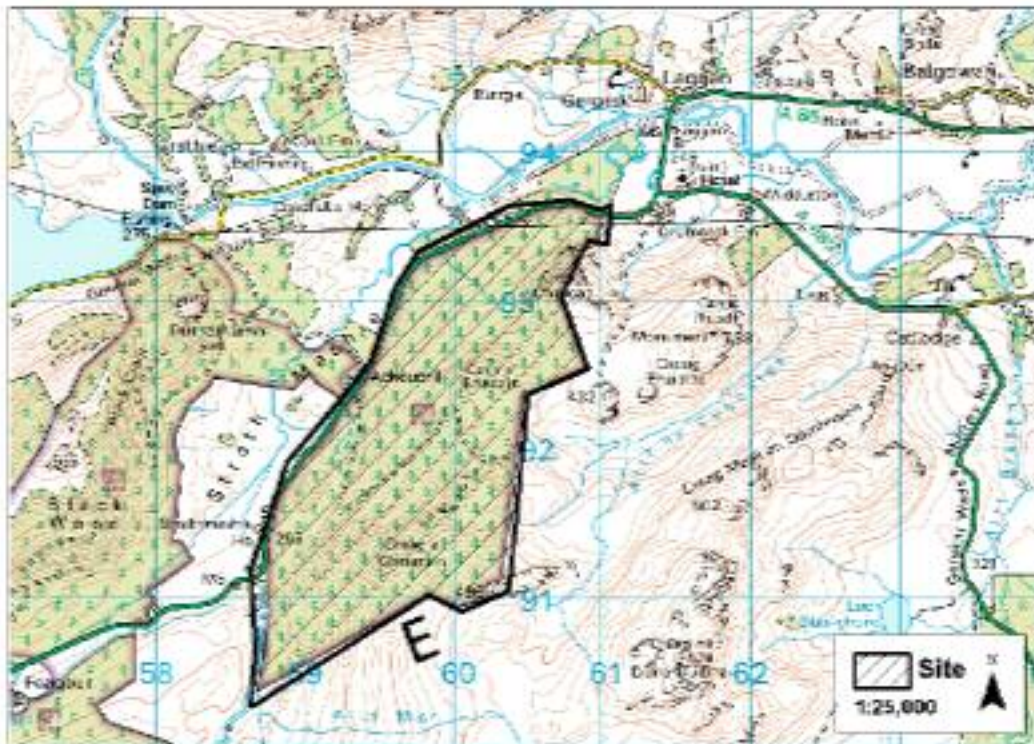


Fig. 1 -

Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Strathmashie Forest is located to the south and east sides of the A86 Trunk Road to the south of Laggan (see Fig.1). The forest landform rises up from the A86 in an easterly direction and extends to approximately 520 hectares. Access to the forest is achieved at three locations off the A86 with the main one being located at Auchduchil where there is a Forestry Commission Scotland car parking area. This car park is the centre for The Haflinger Pony Trekking business which uses an existing timber building at the car park as its office/tack room. This business uses existing routes within the forest for trekking purposes and the area is also popular for informal walking and cycling recreation using existing forest roads.
2. The proposal is Phase 1 of a two stage development and involves the formation of 14km of high quality single track contoured trails for challenging off-road cycling within the forest. Phase 2, which is not being considered at present, will involve the provision, at the Auchduchil car park, of basic catering facilities, a landscaped and enlarged car park, purpose built shower/changing facilities, cycle wash, maintenance/work station and information point etc. In addition there will be the relocation of the Haflinger tack room and the construction of a holding corral, along with pony trail works.
3. The cycle routes proposed as part of Phase 1, will involve the construction of three trails, each of varying levels of difficulty. These routes comprise an advanced, technically challenging, Black Route (6360 linear metres) with steep downhill sections, an intermediate Red Route (6230 linear metres) of fast flowing, single track contoured trail, and a simple fun park BMX style downhill track (1360 linear metres) in more open areas. The tracks are to be newly formed but the red route will follow small sections of existing forest tracks. In addition, the lead in and out to the black route will follow an existing forest road. The Auchduchil car park will serve as the base and starting point for the cycle routes. The routes will be constructed by a combination of digger and hand methods and there will be requirements for some tree removal to form the corridors. Path construction will vary depending on the site topography and ground conditions but will include some raised benches and cambers, the creation of berms and some small sections of slope cutting. Natural rock outcrops will be incorporated and the finishing materials will include hardcore infill and crushed quarry spoil. Over wetter areas, some boardways and boulder causeways will be formed and it is proposed to position some waymarkers along the routes. Also, there is an intention to provide a small shelter with information board at a viewing/catch-up area at the high point of "Creag a Ghrianam" which is located on the black route.
4. To provide a background and context for the proposal, the applicant has submitted some additional supporting information. A successful cross-country mountain bike race was held in the forest in the late 1990s using a temporary course which had been developed by the Strathspey Mountain Bike Club. Additional events have been held since then at Glenmore and Alvie Estate, and the world mountain bike championships have also been held on Rothiemurchus Estate. The applicants (Forestry Commission Scotland) recognise that there is a growing market for more challenging off road cycling, and that Strathspey has great potential in attracting these specialist cyclists

and the socio-economic benefits that they bring. Since 2000, the Strathspey Mountain Bike Club have been raising awareness of their own perceived need for such a permanent course where cycle hire businesses can refer cyclists looking for an off road challenge. Forestry Commission Scotland has a legal management agreement with the Laggan Forest Trust for the management of the Strathmashie woodlands. The desire for a challenging off road cycle route has been raised formally in the past by the Laggan Forest Trust but a recent change in conservation sensitivities at a site previously proposed at Sluggan, Glenmore, has meant that the development plans for the proposed site have been accelerated. A public meeting was held in Laggan in July 2003 at which 92% of attendees indicated that they were supportive of the concept and the proposed route at this location.

DEVELOPMENT PLAN CONTEXT

5. In the Highland Structure Plan 2001, General Policy G2 (Design for Sustainability) states that proposed developments will be assessed against certain criteria, including the extent to which they, contribute to the economic and social development of the community and impact on resources such as habitats, species, landscape, scenery, freshwater systems and cultural heritage. The Structure Plan's Indicative Forestry Strategy states that there will be encouragement given to the development of a diverse, multi-purpose forest resource which creates lasting employment opportunities, and, amongst other things, enhances public access and recreational opportunities. Policy F1 (Forestry Developments) also states that in the consideration of individual proposals, particular attention will be paid to any impact on the criteria specified in Policy G2 and on, amongst other interests, recreation (maintaining and enhancing public access). Policy T2 (Tourism Developments) states that support will be given to high quality tourism development proposals, particularly those which extend the tourist season, spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage.
6. In the Badenoch and Strathspey Local Plan, the forest is designated under Policies 2.5.3 (Forestry) and 2.5.4 (Woodlands and Trees). Policy 2.5.3 encourages the development of forestry schemes which should incorporate economic and environmental initiatives. In Strathspey, special attention should be made to main tourist routes and corridors and the expansion of recreation opportunities. Policy 2.5.4 states that protection will be given to existing trees and established woodland areas, including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features in the countryside. These should include significant areas of ancient and semi natural woodlands, incorporating important areas of remnant native forest as well as exotic specimens, notably associated with estate policies. Generally, development should not be sited within 20m of the trunks of large mature trees, and careful consideration will be given to the effect of related access and services on their stability. In addition, Policy 2.2.9 (Tourism and Recreation) states that tourist activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities is balanced with protecting the area's exceptional scenic and heritage resources. The Local Plan also states that the more accessible intermediate lowland areas have potential for a broad range of activities and that provision should be made in the more robust locations better able to absorb visitor pressure, for upgrading

facilities for recreation, tourism, interpretation and education/research. Multiple use of forest areas in particular is encouraged.

7. In addition to these regional and local planning policies, National Planning Policy Guideline 11 (Sport, Physical Recreation and Open Space) recognises that mountain biking or off-road cycling is growing in popularity. However, it also states that intensive use of a trail or path can lead to a deterioration of the surface and eventually to erosion. In the management of their countryside facilities, the NPPG supports authorities which encourage mountain biking by providing hire facilities and marked trails, which can help draw demand away from the more sensitive landscapes and areas.

CONSULTATIONS

8. The Highland Council Planning Officers, under delegated powers, have stated that both the Structure Plan and the Local Plan generally support the principle of establishing recreational facilities at such locations as does National Planning Policy. Based on the benefits to local tourism and the economy, the development of sports facilities in general, and the provision of challenging off road routes which could help reduce pressure on more fragile off road routes elsewhere, they therefore recommend approval. However, they suggest that some matters be addressed before any approval is given. These relate to a demonstration that adequate car parking is being provided and that the different users of the forest can all be safely accommodated without conflict. Also that the proposal meets with the terms of Local Plan Policy 2.5.4. in relation to protection of trees which are worthy of retention, and that approval is not given to the use of the facilities for any motorised form of cycle.
9. The Archaeology Unit of Highland Council has advised that no archaeological condition is required and the Area Roads and Community Works Manager have no comments to make on the proposal from an area roads perspective. In addition to this, Highland Council's Transportation Support Officer has stated that since this is an off road cycle route on Forestry Commission land the requirements in the Highland Council Road Guidelines for New Developments do not apply. He therefore has no comments to make other than the fact that the project will help towards a number of national and local policies, including the National Cycling Strategy, the Sport Strategy and the Highland Cycling Strategy.
10. The Laggan Community Association has stated that it is pleased to support the proposal and looks forward to being involved in all future associated plans.
11. Scottish Natural Heritage has no objection to the proposal. Although the site lies within the Cairngorms National Park, there are no other natural heritage designations. They consider that the proposal is unlikely to have any adverse impact on the natural heritage of the area. SNH supports the proposal to create an off road cycle route at this location because it will promote specialist recreation on a managed site and could be of considerable benefit to the local community, as well as meeting the demand for this type of facility in Badenoch and Strathspey. They also state that the proposal could help draw users away from other more sensitive sites which are not managed for this type of recreational use.

12. The Scottish Executive Trunk Road Network Management Division has no objection to the proposal subject to a condition requiring adequate visibility splays to be formed and maintained at the junction of the proposed access and the A86 trunk road.
13. SEPA initially raised some matters relating to the effect the proposal may have on existing watercourses and potential areas of habitats of interest such as bog lands. The applicants have clarified their proposals in relation to this and SEPA have forwarded confirmation that they now have no concerns.

REPRESENTATIONS

14. The proposal was advertised by Highland Council on 23 October 2003 under Section 34 of the Town and Country Planning (Scotland) Act 1997. No letters of representation have been received.

APPRAISAL

15. This proposal does not constitute a formal planning application. It is a Notice of Proposed Development by a government department, namely Forestry Commission Scotland. Although not a statutory planning application, the determining authority is required to treat the Notice in the same way. For its part, the determining authority is required to provide its views on the proposed development and in doing so it should make it clear whether they find the development acceptable and, if so, on what conditions (if any).
16. It is clear that planning policy at national, regional and local levels strongly support, in principle, proposals related to this type of sport and recreation development. In this instance, there are no constraints on the site and the forest is not the subject of any natural heritage designations. The background to the proposal and this choice of location is of relevance. There had been a proposal by the applicants, with the support of local interests, to develop an off road cycling facility in the Sluggan area of Glenmore Forest. However, it was discovered that capercaillie were using the area of the intended route and as such there was a degree of local concern about the sensitive nature of the site. This has meant that the emphasis has shifted to the proposed site at Strathmashie where it has been confirmed that there is no sensitivity in relation to nature conservation issues. The principle of the proposal here is therefore supportable.
17. In relation to the more detailed matters, SEPA initially wished clarification on how existing watercourses and habitats such as boglands may be affected. The applicant has confirmed that it is not the intention that any watercourse re-alignment take place on any of the proposed cycle routes. The blue route (fun park) will not at any time be closer than 5m of a watercourse. The red route (intermediate) will also not be constructed any closer than 5m from a watercourse, except in one location where it shall cross then re-cross a watercourse. However, the applicant has confirmed that these crossings will be done by a low level wooden bridge to mitigate any effect on watercourse ecology. As far as habitats are concerned, the applicant has confirmed

that the proposed routes have been designed to avoid any significant bog areas in the woodland. They state that much of the boglands have been altered by previous tree-planting and then tree removal. On the whole the routes use areas of damaged bog or they are restricted to the fringes of boggy areas. The construction design adopted has been specifically chosen to minimise the effect on adjoining habitat and any water-flow through the peat. It involves placing stone blocks in the peat to create dry causeways over which cyclists can travel. On the basis of this, SEPA are now content with the proposal in respect of these matters.

18. The forest is used for other informal recreational purposes such as pony trekking and walking. The introduction of additional formal cycle trails will bring an increase in the use of the forest and there is potential for conflict, particularly in terms of safety. The applicants have confirmed their position in this regard. The Strathmashie Forest Development Plan envisages that the recreation facilities will be developed to meet differing needs in the differing areas of the woodlands, thus taking a strategic approach to the management of potential conflicts. At the detailed level, the design of the cycle trails, has taken into account the existing short walking trail in the Auchduchil block to minimise conflicts. Adjustments are also being made to the horse-riding trails to minimise the potential conflicts the cycle trail may pose. Appropriate “in forest” signage will be used as a management tool to minimise such problems. The applicants also state that the development of cycling is likely to be dynamic and therefore they believe at this stage, active management of problems on the ground will be as effective as a written plan which will soon become dated. Forestry Commission Scotland have built up considerable experience in dealing with these matters over the years and are confident that the proposed lay-out will minimise any potential problems since the existing use of the site is at a relatively low level. In view of these statements, I am confident that the proposal will not cause any significant adverse effects on the quality of the existing recreational pursuits within the woodlands and that the overall safety of users will not be compromised. In addition, the applicant has confirmed that the routes shall not be used for any form of motorised cycling and that this is in fact contrary to Forestry Commission bylaws.
19. It is envisaged and, indeed, hoped that the facility will attract a considerable number of users. This may have an affect on traffic movements to and from the site. The proposal is to use the existing access and car park at Auchduchil. The Scottish Executive Trunk Roads Division require adequate visibility splays at the junction of the access with the A86 and the applicant has confirmed that the requirements for the splays are already met at the access and that they will be maintained. In relation to car parking, the applicants have agreed that the commencement of the use of the facility will not take place until the Phase 2 proposal to extend the car park has been approved and carried out and that the car park proposals will include scope for further enlargement if this becomes necessary. No objections, on these grounds are therefore raised.
20. Finally, in relation to Policy 2.5.4. (Woodlands and Trees) of the Local Plan, the applicants have stated that the woods at this location comprise plantations established following the second world war and some remnants of 19th century plantations. There are also some remnants of semi-natural woodland but the planned development does not enter these areas. Small areas of the Auchduchil block do have some characteristics found in native woodlands, but the applicants again have confirmed

that the trails will largely avoid these and will certainly not lead to the felling of any granny trees. In view of these assurances, I find that the proposal does not provide a conflict with Policy 2.5.4.

21. To conclude, the proposal meets the terms of planning policy as found in NPPG11, The Highland Structure Plan and the Badenoch and Strathspey Local Plan. There are no objections to the proposal from any source and indeed, support for the proposal is evident. The applicants submission includes correspondence from the local MP, The Laggan Forest Trust, the Newtonmore & Vicinity Community Council, a local business owner in Kingussie and a member of the public in the Roy Bridge area, all of which put forward support for the project. There is also a record of a public meeting held in Laggan which displays general support for the development. In addition, there is a letter from the Capercaillie Officer for the area, which states that to the best of his knowledge, there are no capercaillie on the site and that he has not received any reports from users of the woodlands which is usually a good indicator. The location of the site would also support this view. The forest is isolated with respect to other capercaillie populations and is therefore unlikely to receive dispersing capercaillie. The Institute of Terrestrial Ecology capercaillie distribution map also does not show any records for the species and this record dates back to the early 1980s. These letters of support were submitted to the applicant prior to the submission of the Notice.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

22. In relation to the first aim which is to conserve and enhance the natural and cultural heritage of the area, the proposal has no negative impacts on species, habitats or the landscape. It also does not affect any features of cultural or historic interest. Although, there is no direct on-site conservation benefit, the proposal does provide the opportunity to direct this type of development away from more environmentally sensitive areas of the National Park. In relation to the second aim, which is to promote sustainable use of natural resources of the area, there are no significant negative impacts. Although, there may be an increase in travel by car to and from the site, the creation of a facility using an existing woodland, which promotes a healthy outdoor pursuit must be seen as a positive sustainable use of the National Park's natural resources. In relation to the third aim, which is to promote understanding and enjoyment (including in the form of recreation), of the special qualities of the area, the proposal has a positive effect. It promotes additional recreational use of an area and provides opportunities for enjoyment of this part of the National Park. It also may provide opportunities for the display of information and interpretation features. Finally, in relation to the fourth aim, which is to promote sustainable economic and social development of the area's communities, the proposal, by its nature and location provides the opportunity to attract additional visitors to the Laggan area which would have significant benefits to the socio-economic development of the community and the wider area.

RECOMMENDATION

23. That Members of the Committee support a recommendation to advise the applicants (Forestry Commission Scotland) that the Cairngorms National Park Authority has no objections to the proposal, subject to the following conditions:

- i. The development to which this permission relates must be begun within five years from the date of this permission.
- ii. The use of the cycle routes, hereby permitted, shall not take place until such time as an appropriately designed and sized car park, to accommodate parking for all users of the site, and positioned at a suitable location, has been agreed and completed to the satisfaction of the Planning Authority.
- iii. Unless otherwise agreed in writing with the Planning Authority, use of the cycle routes, hereby permitted, shall be restricted to pedal cycles only and there shall be no use of the routes by any form of motorised cycle.
- iv. Unless otherwise agreed in writing with the Planning Authority, none of the cycle routes hereby permitted shall be constructed within 5m of any watercourse, except for the one location, on the intermediate route (red), as stated in the applicant's letter of 23 December 2003. The crossings of the watercourse at this location shall be by low level bridge only and details of these bridges shall be submitted for the further written approval of the Planning Authority prior to the commencement of development on site.
- v. Prior to the commencement of the use of the development hereby permitted, visibility splays shall be provided and maintained by the applicant on each side of the proposed access to the satisfaction of the Planning Authority, such that there shall be no obstruction to visibility from a driver's eye height of 1.05m-2.0m, positioned at the set back distance (X) on the proposed access, to an object height of 0.26m-1.05m within the triangular areas defined as follows:
 - a) The set back distance, or X distance, shall be a line 2.4m long measured along the centreline of the access road from the nearside edge of the trunk road carriageway.
 - b) The Y distance shall be a line 215m long in a north easterly direction and 170m long in a south westerly direction, measured along the nearside edge of the trunk road carriageway from the centreline of the proposed access road in both directions.
 - c) Two straight lines connecting the terminations of the above lines.
- vi. Unless otherwise agreed in writing with the Planning Authority, controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavations or other operations on site, shall be disposed of only at a licensed facility or re-used strictly in accordance with an activity exempt from waste management licensing controls, as specified within The Waste Management Licensing Regulations 1994, and pre-registered with SEPA.
- vii. Prior to the commencement of works on site, details of the shelter and information board proposed at the viewpoint at "Creag a Ghrianam" shall be submitted for the further written approval of the Planning Authority.

Neil Stewart
8 January 2004

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