

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Proposed core path section re-route at Pitmain Estate, Kingussie

REFERENCE: 2014/0282/DET

APPLICANT: Pitman Estate Ltd

DATE CALLED-IN: 8 September 2014

REASON FOR CALL-IN The proposal raises issues in relation to the enjoyment and understanding of the Park and the natural heritage. Consequently the proposal is of significance to the collective aims of the Cairngorms National Park.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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SITE DESCRIPTION AND PROPOSAL

1. 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.eplanningcpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBBYHOSI0BX00>

Title	Drawing Number	Date on Plan	Date Received
Managing potential conflicts with users of core path	e mail from Caroline Webster	19 Jan 15	19-Jan15
Loch Gynack Path Diversion Proposal Survey		Feb 15	
Pitmain Estate Proposed Core Path Section Re Route- Supporting Document	Smiths Gore		13 Aug14
Site layout plan	1047573/CP/01	01Aug 14	09 Sep14
Location plan	1047573/CP/02Rev.A	Aug 14	27 Mar15
Core-path rerouting plan	1047573/CP/03Rev.A	Aug 14	27 Mar15

2. Pitmain Estate is located to the north west of Kingussie and the Kingussie to Newtownmore Core Path (UBS34) runs through the estate, from the shores of Loch Gynack westwards to Newtonmore as shown in **Figure 2**. The application site is located to the south west of Loch Gynack running westwards towards a network of tracks through the Estate in a moorland, upland location. The remains of a former township lie to the south west of the site.

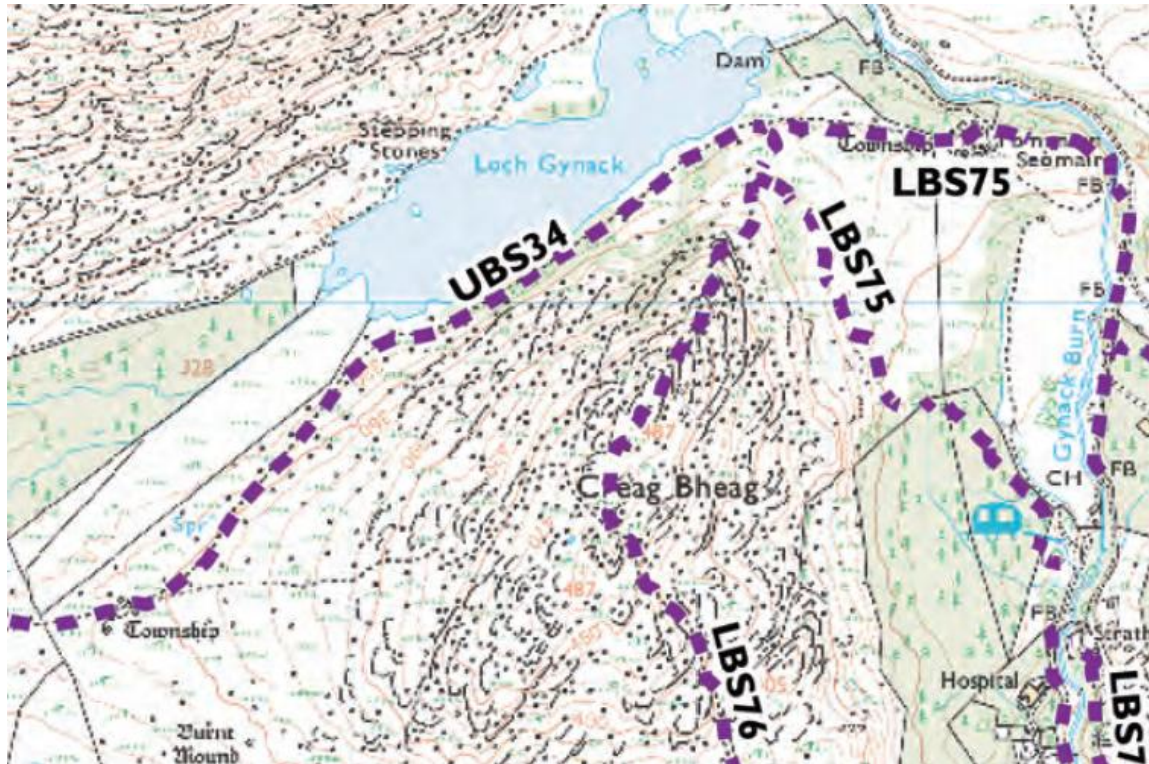


Figure 2 Core Path Network

3. The applicants' agents have outlined in a supporting statement that the Estate intend to plant woodland which would encroach onto a section of the core path. This application is therefore seeking full planning permission for the permanent re-routing of the core path to run to the north of the existing core path route on lower lying land over a distance of around 300 metres. There is already a temporary short term diversion for the existing path routing it outwith the area which has been fenced off. The proposed general arrangement is shown in **Figure 3**. The applicants agent has also indicated that appropriate signage would be erected and that the applicants would also be willing to assist with interpretive materials currently being planned by the local Kingussie Community Development Company in relation to explaining the history of the remains of the former township in this area.

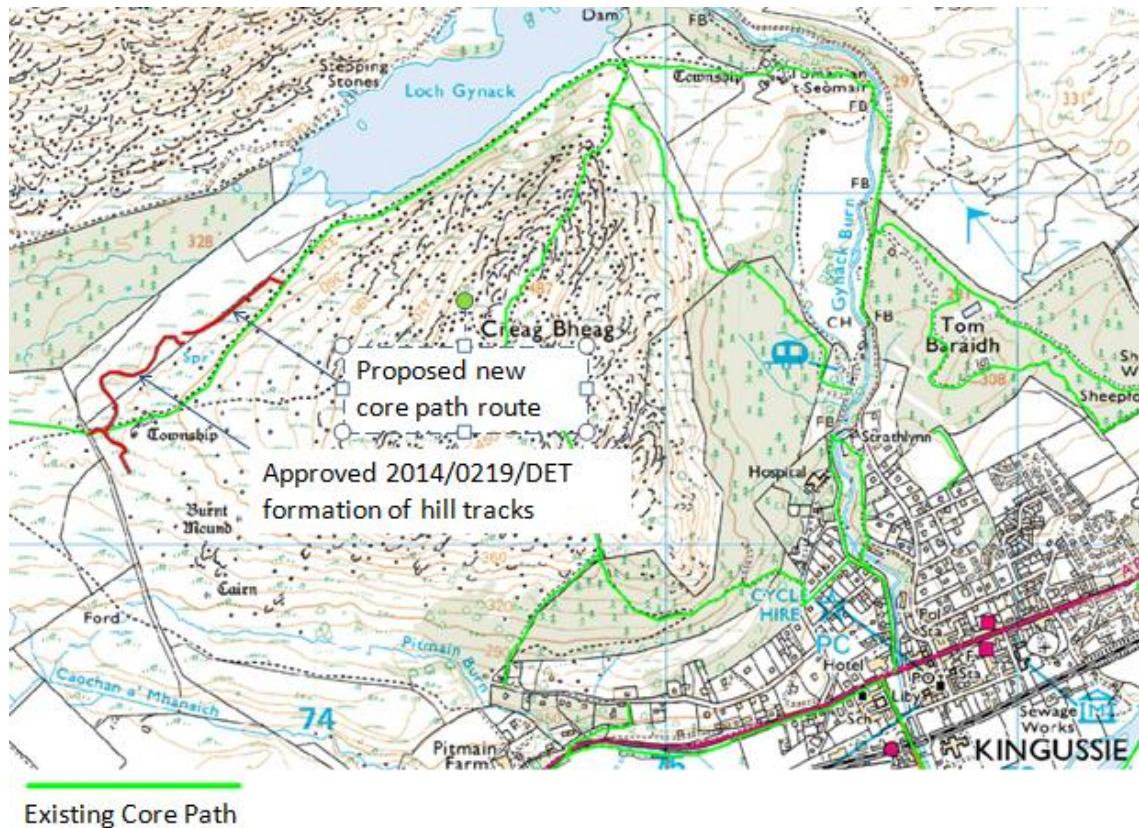


Figure 3 Proposed Path Route

4. The new path will be constructed in accordance with Scottish Natural Heritage's (SNH) good practice guide on "Constructed Tracks in the Scottish Uplands." It is also proposed that it ties in with the existing track network throughout the estate, including new and upgraded tracks which have been the subject of a recent planning application last year (2014/0219/DET), specifically a spur track leading north west towards Loch Gynack.
5. The path will be 0.9 to 1 metre wide of raised aggregate construction. Following ongoing discussions with the applicant's agents and an on-site meeting with representatives from the Kingussie Community Development Company to discuss the best route for the path, further survey details including details of drainage and construction were provided in February 2015. **Figure 4** illustrates the construction whilst **Figures 5 (a) and (b)** are indicative of the track route.

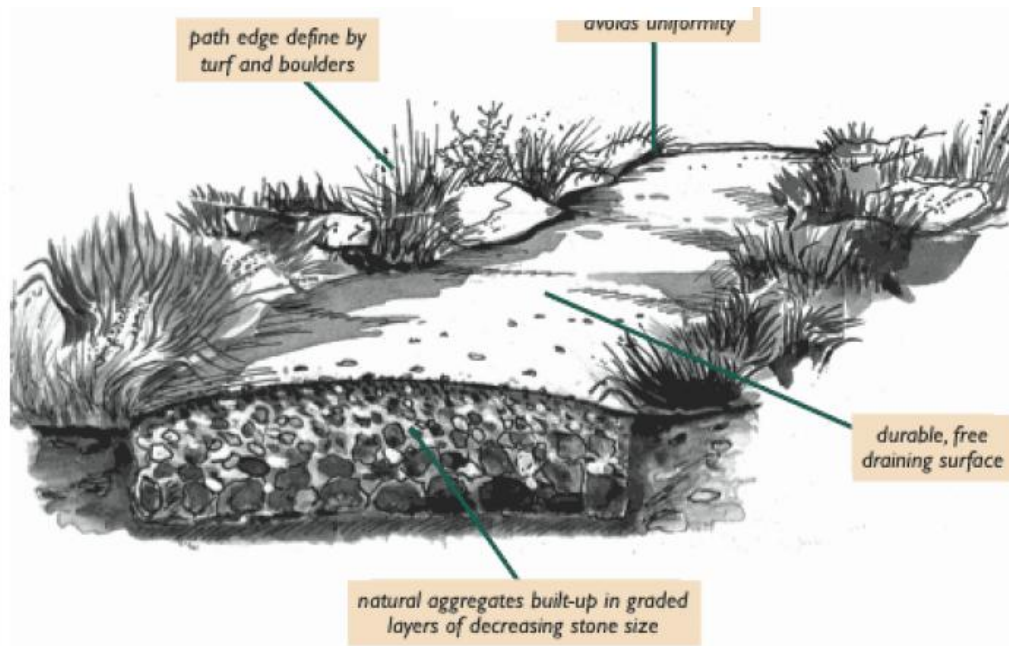


Figure 4 Example of Path Construction



Figure 5(a) Northern (Loch Gynack) end of Path showing junction with existing routes



Figure 5 (b) Southern end of path leading onto new access track loop

PLANNING HISTORY

6. The Pitmain estate has been the subject of numerous planning applications over the last 5 years for tracks, hydro schemes and new housing. However, the most relevant to this case is an application considered at the September 2014 Planning Meeting (reference 2014/0219/DET) for the formation of hill tracks to connect existing routes; The current proposals will tie in with these approved tracks as shown in **Figure 3**.

DEVELOPMENT PLAN CONTEXT

National Policy

7. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

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8. The SPP sits alongside four other Scottish Government planning policy documents:
- a) **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

STRATEGIC POLICIES

Cairngorms National Park Partnership Plan (2012-2017)

9. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with those:
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at:

<http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>.

This Plan also sets out the need to ensure management and appropriate improvement and maintenance of core paths, and the need to uphold access rights and encourage responsible behaviour.

10. The adopted **Cairngorms National Park Core Paths Plan 2015** is also relevant given that a core path runs through the site. This plan seeks to provide for a core paths network which is sufficient for the purpose of giving the public reasonable access throughout their area and provides details of core paths around Kingussie.

Local Development Plan Policy

Cairngorms National Park Local Development Plan (2015)

11. 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/park-authority/planning/local-development-plan>. Key policies relevant to the proposed development are summarised below:
12. *Natural Heritage Policies 4.5 and 4.6* seek to ensure that all development furthers the conservation of biodiversity through its maintenance and enhancement.
13. *Policy 5: Landscape* states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park including wildness, and in particular, the setting of the proposed development.
14. *Policy 3: Sustainable Design* sets out that all new development should promote sustainable transport method and be designed to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network. All development to be consistent with the Core Paths Plan. Development is also required to be sympathetic to the character of the area and to use materials and landscaping that will complement the setting of the development.
15. *Policy 2: Supporting Economic Growth Policies 2.2 and 2.3* support development which enhances informal recreation and tourism, including improved opportunities for responsible outdoor access and proposals which support or extend the economy, providing it is compatible with the area and meets other policy criteria.

CONSULTATIONS

16. **CNPA Outdoor Access Officer** advised at an early stage that the applicants should liaise with Kingussie and Community Development Company as a key local stakeholder involved in path network provision around Kingussie and also advised that as the proposal involves re-routing of a core path it is important that the new path be constructed to a suitable standard so that it is sound and safe to use by the public.
17. Following the submission of additional survey material, the Officer has confirmed that the design and specification appropriate for the required purpose, namely creating an accessible, robust, free-draining path both as a continuation to the existing similarly constructed section to the south and as a permanent alternative to the section now situated within the fenced-off area.
18. The Officer recommends that a condition be applied stating the path-line will be constructed as it is laid out in the survey material, with adherence to the given design and specification for an 'as dug' construction method. This should also refer to the junction of the new path and the track at the turning circle of the approved access tracks, to be constructed so as to be level (all as detailed in the survey). These requirements are necessary to ensure the new path is constructed to a standard commensurate with its function as core path.

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19. The Officer further requires that adequate infill material is applied to the junction of the existing path (UBS34) to the north and the new vehicle track so as to remove the risk of standing water forming. This matter will be covered in the context of the planning consent for that track.
20. Finally, the Officer has noted that the submission indicates there is sufficient material to form the path base via bench and cut throughout, whereby local borrow pits should not be required. This should be highlighted in any decision.
21. **CNPA Ecology Officer** advised that the overall area of habitat to be lost is small in comparison to the total area of similar habitat available in the local and wider area. This application is considered to have a negligible impact on ecology and as long as works are carried out with the breeding bird season (or a pre-construction check for signs of nesting birds is carried out before any work during the breeding season).
22. **CNPA Landscape Advisor** notes that potential impacts could arise from the routing of the proposed track and its construction. However the route of the proposed track relates to landform and links existing and proposed access tracks/footpaths. The general approach to construction is in line with best practice guidance. There will be some disturbance during construction, but the approach to restoration and reinstatement will mean negligible landscape impact beyond the construction period. Consequently the development does not raise any landscape issues.
23. **Kingussie and Vicinity Community Council** has been consulted and their comments are awaited at the time of writing. The Kingussie Community Development Company has been involved in the development of the path route.

REPRESENTATIONS

24. No formal representations have been received. Some queries were received regarding the application seeking further information but this has not resulted in any formal representation.
25. The applicants' agent has requested to be **heard** at Committee.

APPRAISAL

Principle of Development

26. It is understood that the re-routing of the path is required in relation to the management of the wider estate and planting programmes whereby this could, in principle, be considered to comply with Local Development Plan (LDP) Policy 2 on supporting economic growth. Whilst it is not wholly clear why the planting was required to extend over the existing path, the proposed development now offers an opportunity to consider the best route for the core path link and the detail of the submission requires to be considered in terms of compliance with Local Development Plan policies on landscape, environment and outdoor access. This is now considered below.

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Public Access

27. A key planning issue in this case is that of public access and compliance with Local Development Plan Policy 3 on Sustainable Design which sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network. In this context the proposed path will be routed on a lower level than the existing path, constructed to a better standard and specification with drainage installed to provide a good all weather surface for users.
28. Public access will not be inhibited in any way and in the long term may be improved if the path is constructed in accordance with the specifications supplied, given that the existing section of core path here is rather more of trodden surface than constructed. Consequently it is considered that, overall, the new path should secure an overall improvement for users and comply with Local Development Plan policies.
29. In addition the application offers an opportunity to help support community proposals for interpretative material at the former township close to the site which will be of wider benefit.

Landscape, Design and Environmental Issues

30. The proposed development does not raise any particular landscape or ecology issues as, due to its design, scale, method of construction and routing it will fit in well to the landscape here, following contours and avoiding excessive excavations. The site is not located within any designated areas, and as noted by our Ecology Officer will have little impact upon the ecology of the area subject to appropriate mitigation in terms of avoiding construction during the bird breeding season. It is therefore considered to comply with Local Development Plan Policies 4 and 5 on biodiversity and landscape.

CONCLUSION

31. Overall the application is considered to comply with Local Development Plan policies and will provide a good quality path for the public to use without any detriment to the environment and landscape. In addition appropriate enhancements by way of signage and interpretation can be secured. Approval is therefore recommended subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

32. The layout and design of the path is generally in keeping with the upland moorland location and will not have any detrimental visual or landscape impacts nor should it have any adverse impacts upon cultural heritage, offering the opportunity to provide interpretation for the adjoining ruined township. The proposal is therefore considered to support this aim.

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Promote Sustainable Use of Natural Resources

33. The path will be constructed in a simple manner, minimising excavations and using locally sourced material arising out of the cut and fill operations. The provision of adequate drainage for the path will avoid future erosion and the need for more resources to be used to carry out repairs. As such the proposal does not conflict with this aim.

Promote Understanding and Enjoyment of the Area

34. The proposed development supports this aim by providing a good quality footpath for users of the core path network around Kingussie whilst also providing for improved signage and interpretation in the vicinity.

Promote Sustainable Economic and Social Development of the Area

35. The development may be considered to support this aim by facilitating the working of an operational sporting estate which will be of benefit to the local economy. It is also understood that local contractors have been used for previous track works in the estate and this will continue to be the case with this proposal, which may help secure some local economic benefits too.

RECOMMENDATION

That members of the Committee support a recommendation to GRANT DETAILED PLANNING PERMISSION for the proposed core path section re-route at Pitmain Estate, Kingussie, subject to the following conditions:

1. No development shall commence on site until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority (CNPA) acting as Planning Authority:
 - a) details of proposed signage (size, position, construction)
 - b) details of an interpretive material to be erected at the adjacent former township

Unless otherwise agreed in writing with the CNPA acting as Planning Authority, the development shall not be brought into use until the approved details have been implemented.

Reason: To ensure that the development maximises opportunities for responsible outdoor access in accordance with Local Development Plan Policy 3.1 on Sustainable Design - Design Statements

2. The path shall be constructed in full accordance with the approved plans and survey report.

Reason: To ensure the path is suitably constructed to maximise outdoor access opportunities and enhance the landscape in accordance with Local Development Plan Policies 3.1: Sustainable Design - Design Statements and Policy 5 Landscape

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3. Management of shooting parties in the vicinity of the core path shall be carried out in accordance with the approved statement on “managing potential conflicts with users of core path” dated 19 January 2015.

Reason: To ensure that the development maximises opportunities for responsible outdoor access in accordance with Local Development Plan Policy 3.1 on Sustainable Design - Design Statements.

Informatives

1. In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. Please note that it is understood that material required for construction will be sourced by cut and fill operations and should any borrow pits be required the developer is advised to contact the Planning Authority to confirm any requirements for planning permission.
3. All construction work should be carried out outwith the bird breeding season (April to July in any year). If it is proposed to carry out work during the bird breeding season then a pre-construction survey for nesting birds should be carried out before any development commences on site.

Officer Names: Katherine Donnachie and Edward Swales

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2nd March 2015