
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Resurfacing and widening of the existing track (retrospective) at Land 1115M NW
Of Moss Cottage, Glen Road, Newtonmore

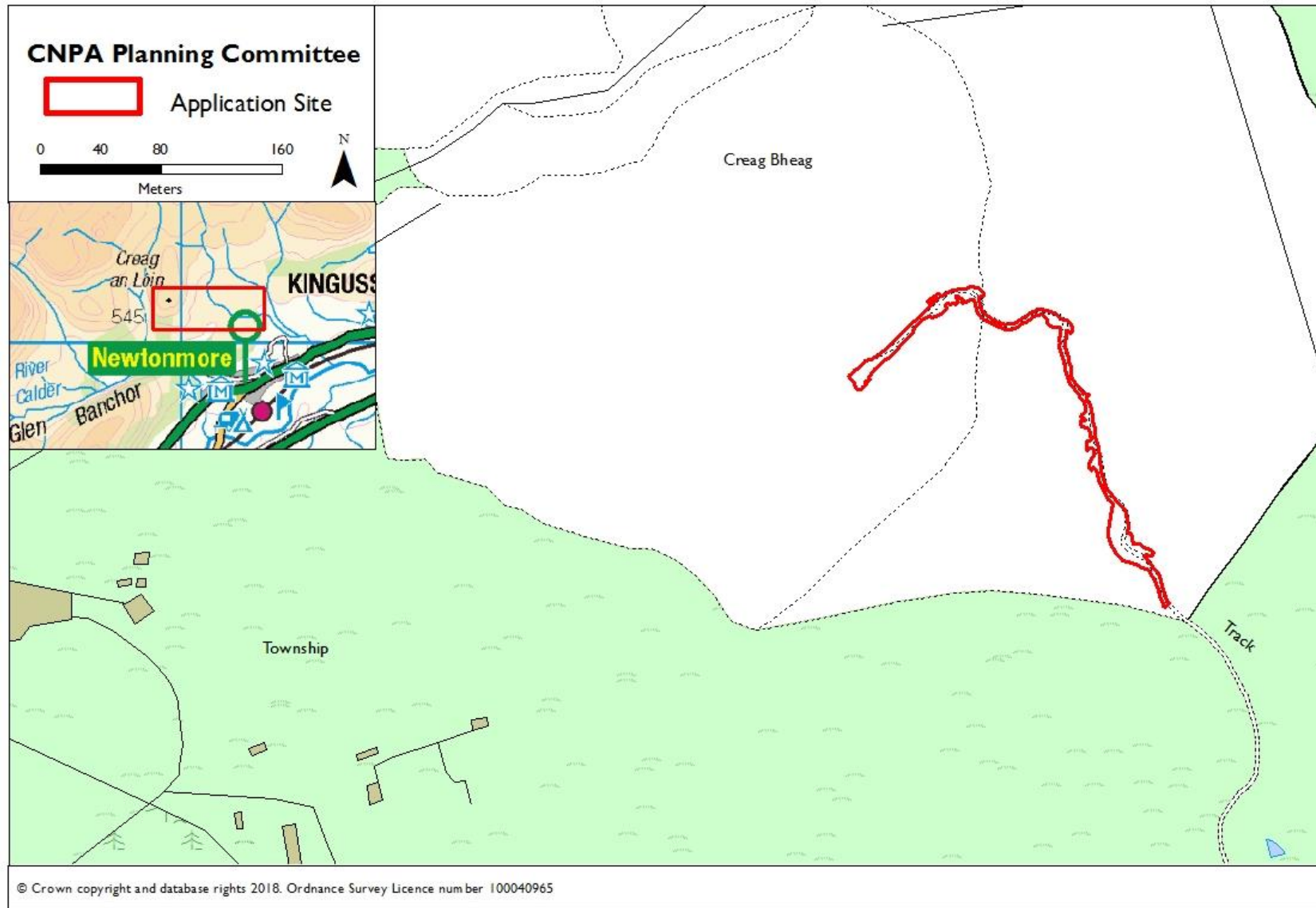
REFERENCE: 2018/0209/DET

APPLICANT: Glenbanchor Estate

DATE CALLED-IN: 5 June 2018

RECOMMENDATION: Approve Subject To Conditions

CASE OFFICER: Colin Bradley Graduate Planner



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site forms part of Glenbanchor estate and is located approximately 1.5 km from the centre of the settlement of Newtonmore. It is accessed from a minor public road known as Glen Road. The track leads from an existing vehicle track onto the hillside of Creag Beag, above Newtonmore.

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: All plans are available in **Appendix I**.

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9W68RSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Site Location	416488/01 REV A	21.05.18	11 June 2018
Site Photographs	416488/02	01 May 18	11 June 2018
Site Photographs	416488/03	01 May 18	11 June 2018
Site Details	416488/04	01 May 18	11 June 2018
Resurfaced Track Route	416488/05	01 May 18	11 June 2018
Resurfaced Track Route	416488/06	01 May 18	11 June 2018
Supporting Statement			11 June 2018

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

3. This application seeks retrospective, full permission for the resurfacing and widening of an existing track. A lower section of vehicle track linking has been used to access the site but has not been significantly upgraded. The track is intended to provide access to the hillside for both agricultural and sporting purposes.
4. The previous track surface was accessible by off-road vehicles but was rough, narrow and had significantly disguised by vegetation at the sides and centre. This retrospective application seeks permission for the resurfacing of 384m of track.

History

5. There is no recent planning history associated with the site. The resurfacing of the track was reported to the Cairngorms National Park Authority by a member of the public along with a newly constructed section of track and disturbance to the lower section of track caused by construction traffic using it. The CNPA served a Section 33A notice requiring an application for planning permission for this section of track.

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	

8. Further advice on tracks is contained within the Cairngorms Planning Advice Note; Planning Permission and Permitted Development Rights for Agricultural and Forestry Tracks.

CONSULTATIONS

Summary of the Main Issues raised by Consultees

9. **CNPA Ecology Officer** noted that there may have been damage to the ecological features of the area through the works and that in order to minimise any ongoing impacts, a suitable drainage scheme should be sought to ensure long term stability of the track and prevent damage from run-off to the surrounding habitats.
10. **CNPA Landscape Officer** considers that the track is highly visible within the landscape however there are factors that could be used as mitigation against the adverse landscape impact of the track in the medium term. Those measures include the provision of adequate drainage with vegetation lined track side ditches, cross drains/bars, bermed surfaces and soakaways. Further mitigation can be achieved by assisting the revegetation of the track surface, sides and side-slopes by robbing turves from nearby locations.
11. **Newtonmore and Vicinity Community Council** have been consulted but no response has been received to date.

REPRESENTATIONS

12. There have been two letters of representation made with regards to this development, both of which object to the proposal. These letters of objections are available in **Appendix 2**.
13. The first letter of representation objects to the planning application on the grounds that there is an unacceptable and long lasting adverse effect on the landscape. This representation also queries the application boundary along with the source of material used.
14. The second letter of objection is based upon concern that habitats adjacent to the track are likely to become damaged due to run-off along with the landscape impacts associated to the development.
15. Both of these letters of objection raise the issue that only the upper section of the track (384m) is subject to the Section 33A application.

APPRAISAL

16. The principle of a vehicle track in this location is established by the fact that there has been a small track, used by vehicles as well as walkers over a long period of time. The upgrading work undertaken has significantly re-engineered the construction of the previous rough and narrow track to a wide vehicle track.

Landscape and Visual Impacts

17. Policy 5: Landscape of the Cairngorm National Park Local Development Plan 2015 seeks to conserve and enhance landscape character and special qualities of the Cairngorm National Park. Policy 3: Sustainable Design seeks generally high standards of design in development to minimise impacts.
18. The landscape character of this area is described in the Lower Glen Banchor Landscape Character Area section of the Cairngorms National Park Landscape Character Assessment. The dominant features of the landscape in this area include the surrounding hills, extensive moorland, extensive tracts of natural vegetation and wildness. Whilst there are a number of estate access tracks in this landscape character area they are not recorded as a key characteristic because they are mainly low-key features in the landscape following valleys or slack slopes across moorland and are established vegetated Landover tracks.
19. The proposed development that does not complement and enhance the landscape character of the National Park in its current form. The new surfacing of the track appears incongruous in the landscape due to the contrast in colour of the track surfacing and the natural colours of the landscape. The width of exposed surfaces extends this effect over a greater area. The poor drainage risks the track being washed out and extending the visual impact.
20. It is considered that these issues are capable of being addressed through measures to mitigate the visual impact of the track in the medium term and improving drainage using best practice design measures that can be imposed through planning condition. Those measures include:
 - a) Stabilising the track by providing adequate drainage provision to include vegetation lined track-side ditches, culverts, cross drains/bars, berms and soakaways; and
 - b) Assisting the revegetation of the track surfaces, sides and side-slopes by robbing turf (grass or heath) from nearby locations and placing these in a patch work to speed up the revegetation process.
21. Overall, it is considered that with appropriate conditions, the proposed development will comply with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

Other Environmental Impacts

22. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to protect designated sites and protected species and conserve biodiversity. The upgrade to the track does not affect designated sites or protected species and its footprint is relatively small so has little direct impact on the heath and grassland habitats it crosses. However, the construction of the track has potential to damage habitats to the side of the track that could be avoided with the improved drainage and landscape mitigation already identified. It is considered that with appropriate conditions, the proposed development will comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.

Other Issues Raised in Consultations and Representations

23. The fact that only the upper section of the track has been subject to the Section 33A Notice has been queried by both letters of representation.
24. The CNPA served a Section 33A notice requiring a planning application for the upper section of this track where significant upgrade and construction had re-engineered the previous small vehicle track, most suitable for ATV traffic rather than normal four-wheel drive vehicles. The lower section of track travels along a natural ridge of sand and gravels and was suitable for use by normal four-wheel drive vehicles. The lower section of track has been used more frequently by estate and construction traffic so has lost vegetation and in some places, had repairs and maintenance undertaken to its surface. However, these works are limited and are legitimate maintenance of a long-established track. The works to the upper section of track are significantly more extensive and require authorisation. The planning application has responded to the Section 33A notice.

CONCLUSION

25. The development undertaken is acceptable in principle as it is an upgrade to an existing track but has not been undertaken in a way that uses best practice or complies with policies in the Local Development Plan. In order to minimise the impact of the track on the landscape and natural heritage it is necessary to impose conditions on an approval to make the development acceptable. The alternative would be to require the reinstatement of the previous track, which in this case would be likely to have further significant adverse landscape impacts.

RECOMMENDATION

That Members of the Committee support a recommendation to the Resurfacing and widening of the existing track (retrospective) at Land 1115M NW Of Moss Cottage Glen Road Newtonmore subject to the following conditions:

Conditions

- I. Prior to the period of 3 months passing from the date of this decision notice, a Landscape and Drainage Scheme shall be designed and submitted to the Cairngorms National Park Authority, acting as Planning Authority, for written approval/consent. The landscape and drainage plan must include measures:
 - a) to re-profile track surfaces to allow run-off;
 - b) re-turf the centre and sides of the track to achieve an running width of no more than 2m and a centre strip of vegetation no less than 75cm wide; and
 - c) vegetated track-side ditches, cross drains/bars and any culverts, berms, soakaways or silt traps;

Thereafter, the Landscape and Drainage Scheme shall be implemented in accordance with the approved details full and works completed within 12 months of the date of this decision.

Reason: To minimise the landscape and visual impacts of the development, to manage surface water run-off associated with 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.