
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR INFORMATION

**Title: UPDATE ON PROGRESS TOWARDS TRACK WORKS AT
DINNET ESTATE (2016/0067/DET)**

Prepared by: Matthew Taylor, Planning Officer

Purpose

To update the Planning Committee on progress following the issue of retrospective planning permission on 14 July 2016.

Recommendation

That the Planning Committee note progress and proposed measures to secure the delivery of the works.

Progress and Next Steps

1. CNPA granted retrospective and conditional planning permission for works to alter hill tracks within the Dinnet Estate on the 14th July 2016. The works are required to mitigate the environmental impacts arising from the unauthorised development that had been subject to CNPA investigation.
2. The terms of the planning permission granted on the 14th July require the submission of details either within a prescribed period or in advance of works. These are:
 - 1) Submission of Pollution Prevention Plans (PPP) to demonstrate that measures are in place to prevent pollution of the River Dee Special Area of Conservation(SAC);
 - 2) A schedule for the delivery of the works to secure completion of the required mitigation as soon as is reasonably practicable and to avoid any further deterioration or pollution;
 - 3) Identify and engage a suitably qualified and experienced Landscape Clerk of Works (LCoW) to oversee the project;
 - 4) Check and monitor for wildlife in advance of works;
 - 5) Ensure that public access is maintained during the works in accordance with an outdoor access statement.
3. In the absence of the additional information to be secured by these conditions attached to the permission, the applicant had not demonstrated that the works would have no impact upon the River Dee SAC, would be completed within a reasonable timescale to avoid further landscape impacts or pollution, and would be delivered on site to an

acceptable standard. Furthermore, a favourable Habitat Regulations Appraisal was arrived at on the basis of detailed Pollution Prevention Plans being available in advance of the works, and which must be accorded with during the course of the development.

4. The applicant was afforded 3 months to submit the information required under planning condition 1 and 2, meaning that the information must be received by the CNPA by 14th October 2016. Given the applicants assertion that they wish to proceed as quickly as possible and without unnecessary delay, a period of 3 months was considered a reasonable and generous provision to compile the necessary information.
5. The applicant submitted information pursuant to the discharge of planning conditions on 12th October 2016. The information was assessed and unfortunately found deficient as it did not address the requirements of the planning permission. A response confirming this position and further reiterating and detailing the precise requirements was forwarded to the applicant on 14th October.
6. Whilst the applicant has failed to satisfy the terms of the permission within the prescribed 3 months period, some progress has been made. Officers have been able to confirm the engagement of a suitable LCoW, and understand that a suitable contractor has also been commissioned who is looking at the site and approved Construction Method Statement (CMS).
7. The applicant has stated their intention to proceed with the drafting of a detailed Pollution Prevention Plan and schedule for delivery of the works following a site meeting with their LCoW and contractor on 3rd December. An update will be provided to members at the planning committee meeting.
8. Officers have also completed a review of proposed revisions to the approved CMS which were submitted by the applicant on the 14th October. The review identified material variations that would require to be subject to a further formal planning application and this has been communicated the applicant. The option still exists for the applicant to proceed on the basis of the approved documentation.
9. Members will recall at the planning committee meeting on 10th June 2016, that in the event that the applicant did not adhere to the terms of the permission, enforcement action was authorised.
10. Therefore, and in light of the failure of the applicant to adhere to the deadlines, should the requisite standard of information, which is suitable for acceptance and to forward statutory advisors, not be received by CNPA before 5pm on 16th November 2016, formal enforcement action will be taken by officers.
11. In the meantime, Officers will continue to seek an acceptable resolution and conclusion to this long standing matter.

Matthew Taylor
November 2016
matthewtaylor@cairngorms.co.uk