
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: REMOVAL OF A SECTION OF TEMPORARY VEHICLE ACCESS TRACK AND REINSTATEMENT OF LAND, UPGRADING OF EXISTING ACCESS TRACK AND RE-FORMATION OF NEW ACCESS BELLMOUTH AT SHANVALL, GLENTRUIM

REFERENCE: 05/069/CP

APPLICANT: MR G ALDER

DATE CALLED-IN: 25 FEBRUARY 2005

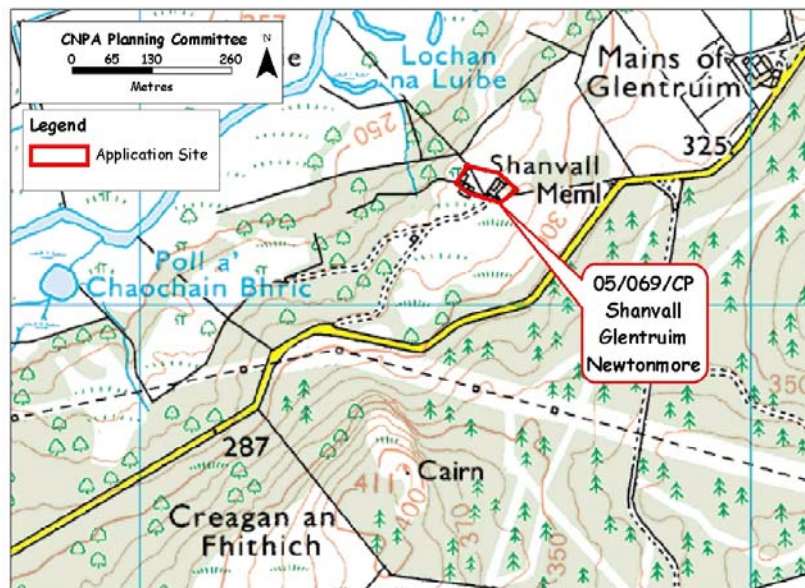


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL



Fig 2 View of unauthorised track from MacPherson Monument

1. The Planning Committee will recall that unauthorised works for a significant new track to the property known as Shanvall, west of the Mains of Glemtruim were carried out in 2003. Subsequently, a retrospective application was made to retain the works, which the Committee refused on the grounds of unacceptable landscape impact. The Committee also resolved to take enforcement action should it be required. Officers have negotiated the current reinstatement proposal.
2. This new scheme has been the subject of detailed negotiation between ourselves, Highland Council Planners and SNH. The new scheme involves the reinstatement of the whole of the new length of track apart from the first 50 metres or so from the Glemtruim Road, which is along the line of the original track. This section will be reduced in width from 3 to 2 metres. The remainder of the track will be removed and the ground contoured to existing levels by use of topsoil stored on either side of the track. Two areas along the line of the track will also be planted with birch trees and enclosed by temporary stock fencing.
3. The access to the house will revert to the earlier, original route through a wooded area along a track that is now largely formed by two vehicle tyre ruts, these will be strengthened and infilled with aggregate and in one wet

area an existing stone culvert will be retained and in another a timber culvert box will divert surface water.

4. A large bellmouth area was formed at the junction of the access track with the main road. This will be reduced in scale and the areas no longer used will be re-seeded.

DEVELOPMENT PLAN CONTEXT

5. **The Highland Structure Plan (March 2001) Policy G2 on Design for Sustainability** considers that the impacts of development should be assessed against landscape and scenery issues as well as a range of other factors. **Policy L4 on Landscape Character** of the same plan considers that the Council will have regard to the desirability of maintaining and enhancing present landscape characteristics.
6. **The Badenoch and Strathspey Local Plan (September 1997) Policy 2.5.4, on Woodlands and Trees**, states that the Council will protect existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. These include semi-natural woodland areas.
7. **The Cairngorms National Park Authority Draft Interim Planning Policy No. 3: Vehicle Hill-Tracks** notes that there is no current policy in the statutory Development Plan on the issue of hill-tracks, and therefore emerging policies and the Park's Aims should be considered as "other material considerations". The draft interim policy is as follows,

8. Policy VHT1: Vehicle Hill-Tracks

There will be a presumption against new vehicle hill-tracks, or upgrading/extensions to existing tracks, within the Park unless all of the following conditions are met, and section 7.3 above is conformed with:

- a) The proposal can be demonstrated as necessary for the efficient working of the estate/farm, and there are no existing tracks, which can be utilised.
- b) There are no significant adverse environmental impacts on flora, fauna, habitats, drainage and landscapes/landforms, which cannot be satisfactorily mitigated against.
- c) The track does not cross a designated site (SSSI's, Reserves, Natura sites, designated landscapes etc.)
- d) The track is constructed in line with section 7.3 above; a method statement is required for the works, landscaping and maintenance.
- e) It would not adversely affect the amenity of existing public access; new tracks should give consideration to public access in their design (e.g. via stiles, signage).
- f) Tracks which are no longer required are reinstated to an approved natural condition/reduced to footpath width.
- g) Cultural Heritage issues, e.g. relative to historic drove-roads or military roads, should be carefully considered and protected.

CONSULTATIONS

9. **Highland Council Planners** welcome the proposal and recommend approval of the application.
10. **SEPA** consider the proposal acceptable.
11. **SNH** comment that the site is located within 0.15 of a kilometre of the River Spey Site of Special Scientific Interest, which is a site now adopted as a Site of Community Importance (SCI). The proposal is not directly connected with the conservation management of the SCI and hence further consideration is required. However, SNH considers that it is unlikely that any qualifying feature would be adversely affected by the scheme. Therefore, SNH have no objection.
12. **SNH** would comment additionally that the proposal has been discussed with the applicant. SNH are content with the methodology proposed to reinstate the temporary vehicle track, using topsoil and turfs that were removed during construction to cover the track over again and allowing this to regenerate naturally. SNH support the planting of locally sourced birch trees, which in combination with the naturally regenerating trees will replace those removed during track construction.
13. **Highland Council Area Roads Manager** has no objection provided the works are carried out in accordance with the submitted details.

REPRESENTATIONS

14. No representations have been made in relation to this proposal, although legal representatives of one interested party have asked to be kept up to date on the application.

APPRAISAL

15. The key issue relating to this proposal is whether the reinstatement scheme is acceptable in terms of landscape impact.
16. Essentially this proposal is viewed as positive. The unauthorised works carried out at the site for the 3 metre wide track created a large scar on the local landscape that was considered particularly detrimental in visual terms from the MacPherson Monument on the Glentruim Road.
17. The proposal involves the removal of the track together with a much more low-key proposal to resurface and strengthen the original route along the line of vehicle ruts through a wooded area. This route is barely visible from the main road and is considered entirely acceptable. The scheme

essentially enhances landscape character and complies with **Policy L4 Landscape Character of the Highland Structure Plan**, which provides guidance on such matters.

18. The method of reinstatement of the 3 metre wide track has been agreed with SNH and it is noted that natural regeneration will be encouraged using existing topsoil and seeds.
19. Overall, the proposal has been the subject of detailed negotiation between officers and the applicant and is considered to be a solution that complies with all relevant policies including the **CNPA's own Vehicle Hill Tracks Draft Interim Policy**. Consultees generally welcome the proposal and I have no hesitation in recommending approval of the scheme. However, the key factor here is when to specify that the works be carried out. Given that we are beyond the current planting season I would recommend that one year from the date of the decision notice is recommended as a planning condition to ensure that the works are carried out in a timeous manner.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

20. The proposal to remove the track and carry out reinstatement works will have entirely positive effects upon the natural heritage in terms of repairing an area of damaged landscape. With regard to cultural heritage the proposal will also improve views from the nearby MacPherson monument.

Promote Sustainable Use of Natural Resources

21. The proposal involves using the existing materials at the site wherever possible with topsoil and seeds being sourced from materials that were removed to form the unauthorised track.

Promote Understanding and Enjoyment of the Area

22. The proposal is also positive in terms of this aim as it fosters the enjoyment of the area, particularly in the form of views from the MacPherson monument.

Promote Sustainable Economic and Social Development of the Area

23. The reinstatement work will provide employment for local contractors and provide a positive example of landscape reinstatement.

RECOMMENDATION

24. That Members of the Committee support a recommendation to: **GRANT Full Planning Permission** for the removal of a section of temporary vehicle access track, reinstatement of land and upgrading of existing track and re-formation of access bellmouth at Shanvall, Glentruim, subject to the following condition

1. The works hereby approved shall be carried out to the satisfaction of the Cairngorms National Park Authority acting as planning authority within 1 year of the date of this permission, unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority.

ADVICE NOTE

You are advised that prior to any work of excavation or surfacing starting within 2 metres of the public road edge a road opening permit shall have been obtained from the Roads Authority.

Andrew Tait

planning@cairngorms.co.uk

11 May 2005