
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Prior Approval - Private forest way, series of tracks at Series of Hill Tracks
Near Altnacriche

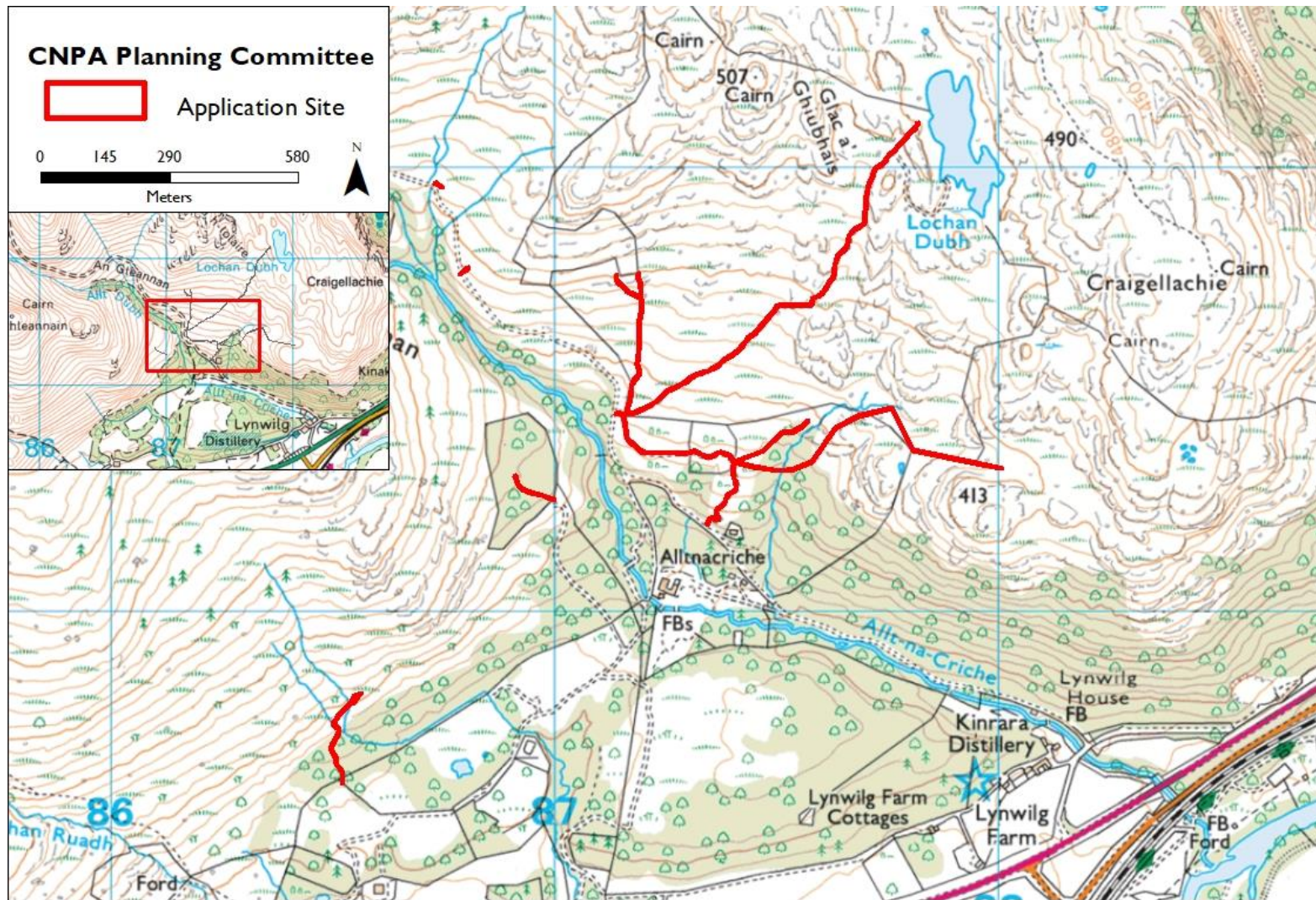
REFERENCE: 2022/0242/DET

APPLICANT: Lost Forest Ltd

DATE CALLED-IN: 25 July 2022

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Ed Swales, Monitoring and Enforcement Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site, Altnacriche, Kinrara is approximately 1 mile south west of Aviemore and accessed from the northern side of the A9. The site is accessed via an estate access track known locally as “the Burma Road.” The proposed tracks are on the south facing slopes to the west of Craigellachie National Nature Reserve.

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:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RF9TVWSI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
Pollution prevention and control schedule		27/07/22	31/08/22
Revised Pollution prevention and control schedule map 4			24/08/22
Revised Pollution prevention and control schedule map 3			24/08/22
Revised Pollution prevention and control schedule map 2			24/08/22
Revised Pollution prevention and control schedule map 1			24/08/22
Pre-Commencement Pollution Control Plan		23/08/22	31/08/22
Location Plan		16/06/22	20/07/22
Machine Ramp Illustrations			01/08/22
Baseline Ecology Report			01/08/22
Peat Depth Survey Map (01)		02/07/21	22/08/22
Peat Depth Survey Map (02)		02/07/21	22/08/22
Peat Depth Survey Map (03)		02/07/21	22/08/22
Peat Depth Survey Map (04)		02/07/21	22/08/22
Guide 6.02 Monitoring Water Quality		01/08/22	24/08/22
Guide 6.08 Forest Road Works		01/08/22	24/08/22
Guide 6.15 Pre-Operational Diffuse Pollution Planning		01/08/22	24/08/22

Guide 6.03 Silt Traps and Filter Zones		01/08/22	24/08/22
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*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

3. The proposal is for prior approval, rather than a full planning application and is for the creation of ATV tracks as well as improvements of ATV access on to the hillside in order that a woodland creation scheme can be undertaken. The woodland creation scheme (Scottish Forestry reference 21FGS62745) has been approved for Native Scot Pine on lower slopes and Native Upland Birch on upper slopes across a wider area than the prior approval application applies to.

4. The proposal is for the scraping and improving of drainage on existing ATV routes as well as the creation of two new machine ramps. The works to ATV routes are intended to be modest works on, regrading where existing surfaces are eroded, and ensuring water drains safely to controlled drainage. The ATV track maintenance will not import any new materials, the re-grading will utilise existing in situ materials and as dug native materials to improve camber and fill areas of erosion. Two existing ATV fords will be replaced with culverts, one of which requires SEPA approval which has already been granted. The new access ramps from existing vehicle tracks are the most significant new works, created ramps that allow large tracked vehicles to access the slopes for planting. Stripped turf will be restored to the ramps following tree planting and the ramps will not be designed for normal vehicle use.

History

5. There is no relevant planning history for the site.

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 (2021) 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	DESIGN & PLACEMAKING	
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	OPEN SPACE, 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:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.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 (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	
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 (2015)	

Habitats Regulations Appraisal (HRA)

8. A HRA has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Site, the River Spey SAC. A copy of the full appraisal can be viewed at **Appendix 2**.
9. Regarding the River Spey SAC, it is concluded that the proposal would have a likely significant effect due to potential for sediment release affecting water quality. However, the implementation of the measures in the pollution prevention and control schedule and accompanying pre-commencement pollution control plan submitted to CNPA on 31 August 2022 would minimise the risk of sediment reaching watercourses connected to the SAC. Provided a condition requiring the pollution prevention and control schedule is implemented in full, is applied, then the conservation objectives should be met.

CONSULTATIONS

Summary of the main issues raised by consultees

10. **Highland Council Archaeology Officer** states there does not appear to be any issues regarding potential impact on the known historic environment in relation to the above application. However, it is expected that the applicant will adhere to the UK Forestry Standard guidelines if previously unrecorded archaeological remains are encountered during track construction and upgrading as well as any forestry works.
11. **CNPA Ecology Officer** suggests there will be limited effects on the River Spey SAC due to compliance with pollution prevention and control schedule and accompanying

pre-commencement pollution control plan as well as following UK Forestry Standards and CAR licence requirements.

12. **Kincraig and Vicinity Community Council** were consulted but have not provided any comments.

REPRESENTATIONS

13. There have been no representations received for this application for prior approval.

APPRAISAL

Principle

14. This is an application for Prior Approval to confirm the details required in order for permitted development rights for forestry related development of private ways to apply. The principle that the proposed tracks are forestry-related is not in question as they are part of and are identified within, the woodland creation plan approved by Scottish Forestry under case reference 21FGS62745.

Environmental Impacts

15. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species, or biodiversity.
16. A Habitats Regulations Appraisal has been undertaken and identifies that the proposal would have a likely significant effect due to potential for sediment release affecting water quality. However, subject to the applicant following the approved pollution prevention and control schedule which will be secured through the inclusion of a planning condition, as well as following UK forestry standards for afforestation, the HRA concludes that there would not be an adverse effect on site integrity.
17. Subject to the inclusion of the recommended planning condition, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Landscape Impacts, Layout and Design

18. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
19. The works proposed are to allow vehicle access during the planting and early monitoring phases as well as ongoing management if necessary. The lower ATV routes are partly screened by existing woodland and will works will become screened by new native woodland over time. Although there will be some limited landscape and visual impacts in the short term, the overall impact is considered limited in extent and not to have significant adverse effects on the special landscape qualities of the National Park.

The proposal is therefore considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

20. Subject to the recommended conditions the proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Prior Approval - Private forest way, series of tracks at Altnacriche subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

- I. The development hereby approved shall be carried out in complete accordance with the document titled "Pollution prevention and control schedule" and the accompanying pre-commencement pollution control plan, both submitted to CNPA on 31 August 2022.

Reason: To ensure pollution does not enter the River Spey SAC and so avoid an adverse effect on site integrity in compliance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Informatives

- I. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.

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.