
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Alterations to hill track (in retrospect) at Meall Tionail Access Track Blair Atholl

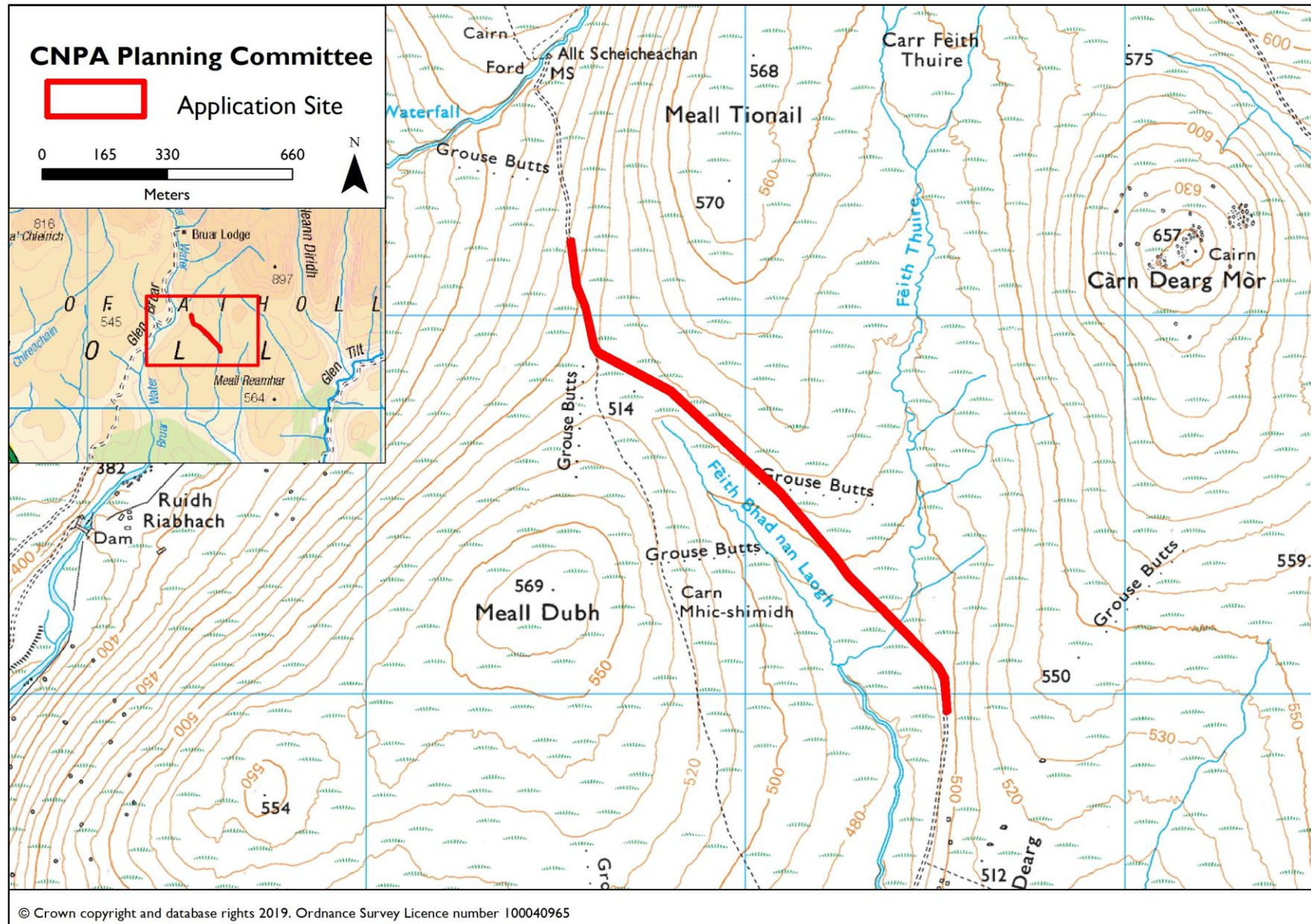
REFERENCE: 2019/0113/DET

APPLICANT: Mr Julien Clarke (Athol Estates)

DATE CALLED-IN: 10 April 2019

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Edward Swales Monitoring and Enforcement Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site is accessed from the estate office in Blair Atholl along around 7km of existing estate track running between Carn Dearg Beag, Meall Dubh, Carn Dearg Mor and Meall Tionail towards the Allt Sheicheachan Bothy.

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=PPSN42SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan/Site Plan - SITE PLAN		05/04/19	15/04/19
Location Plan/Site Plan - Location Plan			15/04/19
Other - Photo of Borrow Pit 1 as existing			15/04/19
Other - Photo of Borrow Pit 2 as existing			15/04/19
Other - Photo of Borrow Pit 3 as existing			15/04/19
Other - Resurfaced track as existing			15/04/19

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

3. The works have been undertaken and included resurfacing and upgrade an existing track from a rutted land rover track to form a smoother surface. The track itself has not been widened from its original form.

History

4. The estate installed a hydro between 2014 and 2016 with remediation works taking place since. There is no relevant track application history, although the application was requested by the Cairngorms National Park Authority in 2018 and submitted this year by the estate without the need for formal enforcement measures.

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	

5. 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

6. 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	

CONSULTATIONS

7. A summary of the main issues raised by consultees now follows:
8. **CNPA Landscape Advisor** states that the submitted information lacks details regarding borrow pit restoration, centre strip revegetation and the final culvert details.
9. **CNPA Ecological Advisor** states that care should be taken when the restoration of the borrow pits is carried out to ensure no reptiles are disturbed as a result of any works undertaken.
10. **Community Council** no comments received at the time of writing.

REPRESENTATIONS

11. There have been 2 representations on the application, both commenting on the use and restoration of borrow pits along the route as well as concerns regarding the centre grass strip.

APPRAISAL

12. The works have been undertaken and as such the application is retrospective. The works did include the removal of material from 3 no. borrow pits along the route and the surface of the track scraped and the new material placed on top and rolled into place. The surface height of the track has been increased in order to create a camber to ensure water run-off and prolong the life of the track. Along the route culverts have been improved where they previously existed and any drainage ditches cleared.

Environmental Impacts

13. Policy 4: Ecology of the Cairngorms National Park Local Development Plan 2015 states that development that would have an adverse effect on any European Protected Species will only be permitted if the development is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. With appropriate precautions, there will be no harm to habitats or species from this development so the development complies with Policy 4: Ecology of the Cairngorms National Park Local Development Plan 2015.
14. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 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 developments. The Cairngorms National Park Authority Landscape Advisor has commented that there is no provision currently for a green strip down the middle of the track nor details of borrow-pit restoration or finishing details of culverts, all of which can be secured through planning condition, so the development is considered to comply with

Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

15. The repair and upgrade to the existing track are acceptable subject to the proposed conditions and as such are considered to accord with the policies in the Cairngorm National Park Local Development Plan 2015.

RECOMMENDATION

That Members of the Committee support a recommendation to Approve the Alterations to hill track (in retrospect) at Meall Tionail Access Track Blair Atholl 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

1. Notwithstanding the information submitted, before the end of 2019 the middle line of the track shall be seeded with locally won seed. The centre of the track shall measure not less than 75cm where the track itself is 2m in width.

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.

2. Prior to the period of 6 months passing from the date of this decision notice a borrow pit restoration plan shall be submitted, approved and implemented in its entirety. This plan shall include any further remodelling works, consideration of any reptiles present as well as a plan showing how the borrow pits along the route of the track will be seeded.

Reason: To ensure the mitigation works are carried out to a competent standard and in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. Prior to the period of 6 months passing from the date of this decision notice a plan showing the finishing details of the culverts along the route shall be submitted, approved and implemented in its entirety. This plan shall include ensuring any culvert pipes are cut as well as any further seeding along the route.

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

- I. 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.