

# **AGENDA ITEM 10**

## **APPENDIX 2**

**PRE/2022/0011**

**GLEN CLOVA RESPONSE**

## **CAIRNGORMS NATIONAL PARK AUTHORITY PRE-APPLICATION RESPONSE FORM**

For completion and return to the relevant Local Planning Authority for incorporation in detailed response to applicant. Any relevant CNPA Planning Advice Notes should be enclosed or attached to this response.

All applicants should be advised that CNPA encourages the completion of Processing Agreements with all planning applications. These will be provided by the planning case officer following Call in by CNPA. It will set out timescales for the processing of the application and target committee date.

All comments are based on the information submitted and are made without prejudice to any decision CNPA may make in the future. Additional issues may arise as a result of detailed analysis of any submitted application and associated plans and documentation.

<b>CASE DETAILS</b>	
Reference number LPA	22/00150/PAN
Reference number CNPA	PRE/2022/0011
Site Address/Location	Glen Clova, Angus
Details of Proposal	Construction of forestry tracks
Date of Site visit (if applicable)	The advice is given on the basis of a desk top study due to the current Covid 19 restrictions and as such may be adjusted in the future following a site assessment Although the area has been visited in the past following previous applications.

<b>SITE DESIGNATIONS &amp; CONSTRAINTS</b>	
Cairngorm National Park	
<b>RELEVANT PLANNING POLICIES AND GUIDANCE</b>	
LP policies from the adopted Cairngorms National Park Local Development Plan 2021	<b>Policy 4 - Natural Heritage</b> <b>Policy 5 - Landscape</b>
Supplementary Guidance	<b>Natural Heritage Non-Statutory Guidance</b>  <b>Landscape Non-Statutory Guidance</b> <b>Resources Non-Statutory Guidance</b>
<b>LIKELY CONSULTEES (CNPA &amp; EXTERNAL)</b>	
<u>CNPA</u> Natural Heritage - Landscape Natural Heritage - Ecology Outdoor Access Team  <u>Other</u> NatureScot	

SEPA  
Scottish Forestry

## SUMMARY OF LIKELY ISSUES

### Call In

The CNPA are likely to call in this application for determination as the proposed development is defined as a Type I Private ways, which require Environmental Impact Assessments (EIA) and those which could have a potential impact upon important natural and cultural heritage interests and/or sites of particular landscape sensitivities;

Call in criteria available on this link: <https://cairngorms.co.uk/wp-content/uploads/2019/10/021019PANApplyForPPandCallInCategoriesV2.pdf>

### Principle of development

The principle of development must be considered against the relevant policies and guidance as contained within the relevant Cairngorms National Park Local Development Plan. The current adopted Plan is the Cairngorms National Park Local Development Plan 2021. Other relevant material considerations that may apply include the National Park Partnership Plan and Scottish Planning Policy.

The CNPA would require strong justification as to why the tracks are required based on these proposals. The proposal is that these tracks are necessary for the planting of the area with a diverse woodland.

The main policy this application would be judged against is Policy 5: Landscape which states Open moorlands and hills are one of the Cairngorms National Park's most visible and important landscape components.

Policy 5.2: Private Roads and ways states there will be a presumption against new private roads and ways in open moorland areas unless:

- a) it can be demonstrated that they are essential for land management purposes; and
  - b) they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness;
- or, where appropriate
- c) they form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park including wildness.

### Natural Heritage Impacts

**Policy 4: Natural Heritage** of the Local Development Plan 2021 states that development shall only be permitted where the integrity of the area or the qualities for which it has been designated will not be adversely affected, unless any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance.

Much of the large volume of material submitted with the scoping request and subsequent PAN for the proposed tracks appears to be related to assessment of effects of the associated but separate woodland creation proposal.

The combination of a lack of a defined supporting statement and submission of material associated with a separate proposal makes it difficult to work out whether the applicant

has adequately assessed the potential effects caused by the proposed tracks alone, or adequately assessed a cumulative assessment of the proposed tracks in combination with the separate woodland creation application.

### **Internationally important areas for nature conservation**

In accordance with the NatureScot/National Parks casework agreement (available via <https://www.nature.scot/doc/agreement-roles-advisory-casework-between-naturescot-and-scottish-national-park-authorities>), NatureScot will provide Angus Council with advice on the scope of the Environmental Impact Assessment in relation to effects on European sites, Sites of Special Scientific Interest (SSSIs) and Protected Species.

While the tracks on their own may not have a significant effect on all these habitats and species, the in-combination effects with the proposed woodland creation are likely to result in significant direct and indirect effects.

### **Carbon rich soils and peatland habitats**

Some of the proposed tracks pass through areas identified as peatland habitats or containing deep peat, with some borrow pits also in close proximity. Peatland habitats and carbon rich soils such as peat are important carbon sinks and should be avoided when routing the proposed tracks or siting borrow pits. Where this is not possible, the rationale behind the borrow pit siting/routing of the proposed track through peatland habitat/carbon rich soils and any alternatives considered should be provided in the Environmental Report, along with details of appropriate mitigation measures to minimise effects. Where peat would require to be removed to enable track creation, details on excavation methods, storage of excavated materials and restoration should also be provided.

### **Water environment**

A number of watercourse crossings will be required to create the proposed tracks. There is a risk of pollution from sediment release during construction and operation, changes to hydrology and habitat fragmentation. The number of watercourse crossings should be minimised, with the rationale for the track routes and any alternatives considered should be provided in the Environmental Report, along with details of appropriate mitigation measures to minimise effects.

### **Ground Water Dependent Terrestrial Ecosystems (GWDTE)**

Some of the proposed tracks pass through areas of ground water dependent terrestrial ecosystems (GWDTE). This would destroy the habitat under the proposed track and has the potential to negatively affect the remaining habitat through changes to hydrology. Some of the borrow pits also appear to be in close proximity to GWDTE. GWDTE should be avoided when routing tracks or siting borrow pits. Where this is not possible, the rationale behind the routing of the proposed track through a GWDTE and any alternatives considered should be provided in the Environmental Report, along with details of appropriate mitigation measures to minimise effects.

## **Policy 5: Landscape**

The main policy this application would be judged against is Policy 5: Landscape which states Open moorlands and hills are one of the Cairngorms National Park's most visible and important landscape components.

Policy 5.2: Private Roads and ways states there will be a presumption against new private roads and ways in open moorland areas unless:

a) it can be demonstrated that they are essential for land management purposes; and  
b) they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness;

or, where appropriate

c) they form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park including wildness.

Based on the information currently submitted, it is predicted that the proposed access tracks are likely to result in significant adverse landscape and visual effects and, collectively, would change the landscape character and SLQs of Glen Clova. It is also predicted that some of the proposed tracks are likely to diminish the wildness attributes of the Lochnagar – Mount Keen WLA.

The proposed access tracks would vary in their landscape and visual affects within Glen Clova, depending on their siting, design and cumulative effects. Those on lower slopes (typically below ~270-300m) within the glen are more likely to relate to the settled landscape character and fit within the existing landscape pattern. Conversely, the proposed tracks on upper slopes (typically over ~270-300m AOD) are likely to be very prominent and contrast to the landscape character and SLQs, including the simplicity of the hill backcloth to the glen and the distinctiveness of crag features. The tracks would be likely to appear in some areas as horizontal and parallel lines one above the other upon the glen side slopes, seeming to dominate these slopes and diminish their perceived elevation, as well as breaching the perceived steep edges of the glen.

The proposed tracks are associated with an application for a large woodland creation scheme. Consequently, if the proposed woodland is established successfully, the landscape and visual effects of the proposed access tracks could be reduced by a significant degree over time. Nonetheless, it is estimated that this will not be the case for a long period of about 15 – 20 years or closed canopy (whichever sooner) and, in the meantime, the new access tracks would be seen on predominantly open hill slopes.

Given the large extent and complexity of the proposed development in combination with the high sensitivity of the site within a National Park, it is advised that the EIA includes a Landscape and Visual Impact Assessment (LVIA) which should be produced by a Chartered Landscape Architect following the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and IEMA, 2013). As the proposed development is within a National Park, the LVIA should include (or have appended) an assessment of effects on the National Park SLQs in addition to an assessment of effects on the WLA. The LVIA should include assessment of the predicted changes of effects over time and be informed by visualisations. We would be happy to provide further advice on the scope of this assessment if requested.

The Cairngorm National Park **SLQs** are summarised [here](#) and described in detail in a report available on the NatureScot website [here](#). Key SLQs likely to be affected by the proposed development include: 'A landscape of layers, from inhabited strath to remote, uninhabited upland'; 'strong juxtaposition of contrasting landscapes'; 'Steep glens and high passes'; 'beautiful lochs'; 'dominance of natural landforms'; 'broad farmed straths'; 'wildness'; and 'a landscape of opportunities' for recreation.

At the time of writing, there is no approved forestry scheme for Glen Clova, they are in the process of an EIA Scoping with Scottish Forestry. Notwithstanding the information required as a result of this PAN without the approved forestry scheme it is highly unlikely any application would be supported.

Even with the necessary information required in this response it still may not be supported as the tracks are not necessary until timber is extracted several decades down the line, and it would be very costly to maintain all the tracks for the duration in-between. The main problem with their unconventional approach is that the proposed tracks are likely to result in significant adverse L&V effects for a long period prior to any significant mitigation being offered by the associated woodland scheme.

The 'EIA screening – supporting information' document (Sept 2021) refers to 'a full landscape appraisal for the woodland creation project' but it is highlighted that, although this appraisal mentions the proposed access tracks and shows some lines representing these on some of the maps and visualisations, it focuses on the proposed woodland planting and doesn't provide any methodical assessment of the proposed tracks.

#### **POTENTIAL PLANNING OBLIGATIONS OR LEGAL AGREEMENTS**

N/A

#### **PLANS AND DOCUMENTATION REQUIRED WITH PLANNING APPLICATION SUBMISSION**

##### **PLANS**

##### **DOCUMENTATION**

##### **Assessment/ information requirements**

It is advised that the application and LVIA should address or include the following:

- Assessment of **different options** for the extent, siting and design of tracks, including omission of tracks upon upper slopes which contrast to the landscape character and qualities of wildness (likely threshold about 270-300m AOD depending on site specific variations).
- An assessment of the **separate and collective effects** of all the proposed tracks (individually referenced) on the existing baseline conditions of landscape character, visual amenity and NP SLQs and how these are experienced.
- Following standard professional guidance on LVIA, the proposed development should be **assessed against the baseline conditions** which comprise the existing site conditions. Nonetheless, it is necessary to also assess **changes of effects over time**. For this, different time ranges should be selected in relation to likely differences of significant effects, eg post construction, post trackside vegetation

establishment, after proposed woodland establishment (eg 5 years) and after proposed woodland canopy establishment (eg 20 years).

- **Computer generated visualisations** (or hand-drawn illustrations informed by computer models) of different aspects of the proposed development from a range of representative viewpoints within the surrounding landscape. CNPA would be happy to advise on the selection of locations for these viewpoints if this would be useful. At this stage, it is advised that additional viewpoints would be required to those included in the 'Glen Clova Woodland Creation Landscape Analysis and Visual Concept' document (including from other sections of the minor road between Clova and Glen Doll and from lower on the Loch Brandy footpath). Landscape Institute guidance on producing visualisations is available [here](#).
- Information on **landscape maintenance and management proposals** for the tracks, indicating whether this will include a 'dormant' period in-between the associated woodland planting and timber extraction.
- Information on **vehicle usage of the tracks** (affecting noise and activity within the landscape), influencing different types and frequency of vehicle activity and noise. This should distinguish between the different phases of the proposed woodland creation such as during the period of woodland planting, the period of timber extraction, and the long period in-between.
- A **tree survey and tree protection plan** to BS5837 should be provided if the proposals would be in the vicinity of existing mature trees. It is highlighted that the tree survey needs to reflect the landscape/ historical value of trees as well as their ecological or arboriculture value.
- A **Construction Method Statement**, including information on the approach to site preparation, soils management, restoration and reinstatement. A **programme of works** is also required, including information on phasing if relevant.
- **Reference to CNP Local Development Plan Policy 5** which states: *'There will be a presumption against new private roads and ways in open moorland areas unless: a) it can be demonstrated that they are essential for land management purposes; and b) they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness...'*

It is highlighted that the 'Glen Clova Woodland Creation Landscape Analysis and Visual Concept' document (September 2021) submitted does not provide the information described above. Specifically, it does not include assessment in relation to the CNP landscape character areas referenced above (nor the latest NatureScot Landscape Character Types), SLQs or WLA. Furthermore, some of the figures are unclear and the text unreadable (even when magnified), including the 'Landscape View point Map' and the 'Constraints and Opportunities' and 'Design Concept' figures.