

# **AGENDA ITEM 8**

## **APPENDIX 2**

**2021/0262/DET**

**SUPPORTING  
INFORMATION**



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Ref: 21/0001  
Date: 20<sup>th</sup> April 2021

Mr W Wylie  
Angus House  
Planning Service  
Orchardbank Business Park  
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Sent by email: [REDACTED]

Dear Mr Wright,

**THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED (THE "ACT")  
RETROSPECTIVE PLANNING APPLICATION FOR RETENTION OF EXISTING TRACK AND UPGRADE  
AT THE SADDLE, CLOVA ESTATE, ANGUS (THE "DEVELOPMENT")**

Please find enclosed, on behalf of our client Mr H Niven (the "Applicant"), the above Planning Application.

The Planning Application is accompanied by the following:

- Location & Site Ownership Plan (Scale 1:1250);
- Supplementary Location Plan (Scale 1:5000);
- Site Plan (Scale 1:1000);
- Site Plan (Scale 1:500);
- The Saddle – Track Remediation Proposals (1:1500);
- The Saddle – Track Remedial Works (1:1500);
- The Saddle – Remediation Proposals (1:1500);
- Culvert Installation – Plan;
- Culvert Installation – Section;
- Drainage Repairs (before remediation) – Section;
- Drainage Repairs (after remediation) – Section;
- Trackside Drainage and Reprofilng (before remediation) – Section;
- Trackside Drainage and Reprofilng (after remediation) – Section;

- The Saddle Track Remediation Supporting Information;
- The Saddle Wood Photographs.

As you are aware, Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant Development Plan context is provided by the TAYplan Strategic Development Plan (TSDP) and the Angus Local Development Plan (ALDP), 2016. The Cairngorms National Park Local Development Plan (CNPLDP), 2021 will also be relevant to the consideration of the proposal in the event of the Cairngorms National Park Authority (CNPA) calling-in the Application for their determination.

The following assessment identifies compliance with the Development Plan and other material considerations and we would be grateful for approval of the Application having regard to the following context.

## The Application

Figure 1: Site Location illustrates that the track runs to the south of the B955 and to the west of Caddam Wood. The track runs for a length of approximately 409 metres on land forming part of the Glen Clova Estate, which lies approximately 15 miles north of Kirriemuir. The River South Esk is approximately 300m to the north and the site is located with the Cairngorms National Park boundary. The River South Esk is a designated Special Area of Conservation (SAC) and the site falls within the Cairngorms Massif Special Protection Area (SPA).

**Figure 1: Site Location**



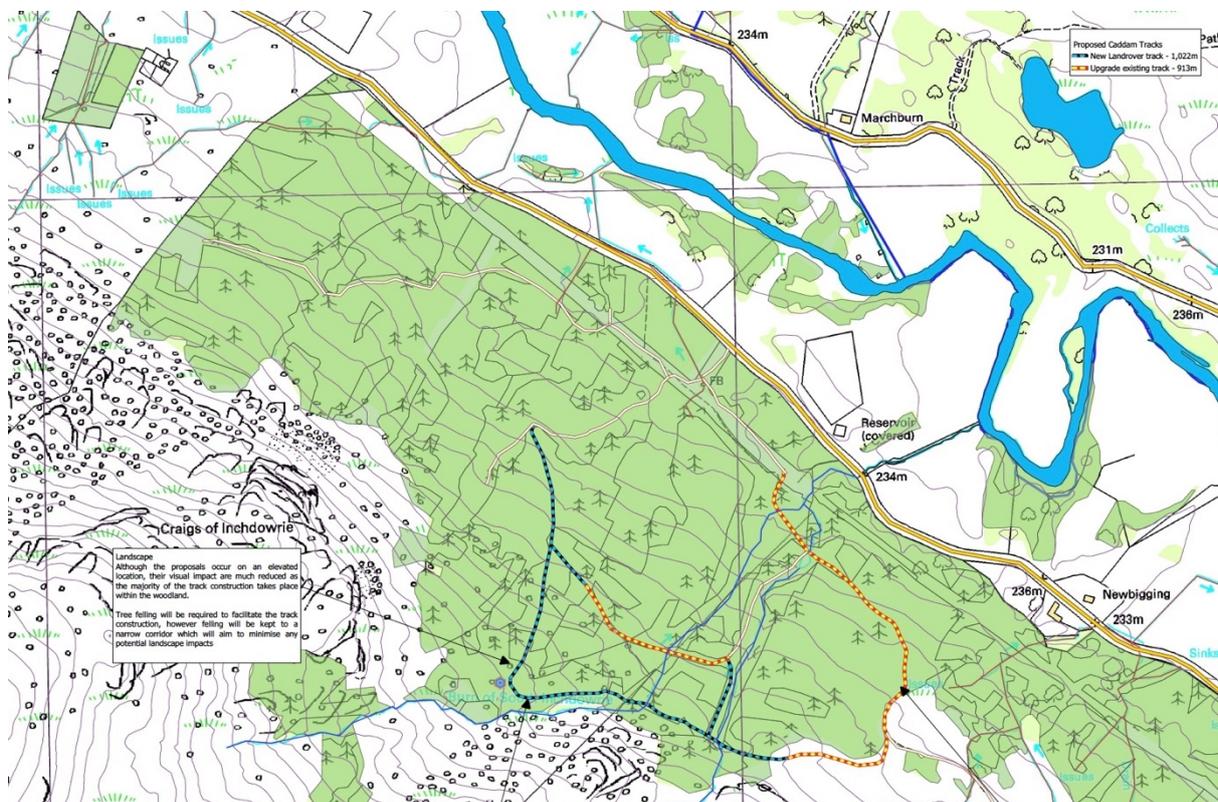
The track was created in 2017, and as the Applicant was not aware that Prior Approval may have been required, has now submitted this retrospective Application. Photographs are provided with the Application illustrating the extent of revegetation of the track, over the last 4 years.

The Application also includes positive proposals to improve the track, which are detailed in the Supporting Information document on "Track Remediation Proposals" and include the fitting of new culverts, remedial works to the trackside drainage and the removal/reprofiling of spoil. In addition, it is proposed to further vegetate the soils using locally robbed turves or seeded using an upland species grass seed mix identical or similar to Scotia Seeds Highland Grassland Mix at the manufacturers recommended specification.

## History

On 26<sup>th</sup> May 2020 the CNPA granted Prior Approval for forestry related building works (non-residential) – maintenance and upgrading of existing access tracks and formation of new tracks, turning areas, a borrow pit and water crossings at Caddam Plantation (Planning Application Ref: 2020/0037/NOT). These tracks are located to the southeast of The Saddle. An additional Application has also been submitted for a further existing track at Caddam at the same time as making this Application. Figure 2: Approved Caddam Wood Tracks illustrates the network of paths which have already been approved.

Figure 2: Approved Caddam Wood Tracks



TAYplan, approved June 2017

Table 1: TAYplan, 2017: Key Policies identifies the key relevant policies relating to the proposal.

Table 1: TAYplan, 2017: Key Policies

Policy	Compliance
Policy 2: Shaping Better Quality Places	The development improves accessibility and makes the best use of existing infrastructure. The development is considered to comply.
Policy 3: A First Choice for Investment	The development supports the role of countryside management and potentially contributes to tourism and recreation. The development is considered to comply.

Angus Local Development Plan (ALDP), adopted 2016

The proposals map identifies that the site falls within the Cairngorms National Park Authority. Table 2: ALDP, 2016 – Key Policies identifies the key relevant policies relating to the proposal.

Table 2: ALDP, 2016: Key Policies

Policy	Compliance
Policy DS1 Development Boundaries and Priorities	The development is of a scale and nature appropriate to its location relating only to the retention and upgrade of a hillside track, ensuring a better use of the land and supporting accessibility. The development is considered to comply.
Policy DS2 Accessible Development	The development provides and enhances a safe and pleasant path for walking suitable for use by all. The development is considered to comply.
Policy DS4 Amenity	The development does not have an unacceptable adverse impact on the surrounding area or the environment or amenity. The development is considered to comply.
Policy TC16 Tourism Development	The development will provide access to the countryside. There is a justifiable locational requirement for retaining/upgrading the track, which forms part of a wider network of tracks which have already been approved by the CNPA. Figure 1 illustrates that the development is of a scale and nature which is in keeping with the character of the local landscape. There is no known impact on the

	natural environment or surrounding amenity and the development positively contributes to accessibility. The development is considered to comply.
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**Cairngorm National Park Local Development Plan (CNPLDP), adopted 2021**

The Spatial Strategy of the CNPLDP identifies that “Most of the land outside the Park’s main settlements is farmland, moorland, forestry, woodland and mountain that is valued for nature, recreation and land management activities.” The development actively supports these management and land use objectives and there is no known impact on nature conservation interests.

Table 3: CNPLDP, 2021: Key Policies identifies the key relevant policies relating to the proposal.

**Table 3: CNPLDP, 2015 – Key Policies**

Policy	Compliance
<p><b>Policy 2 – Supporting Economic Growth</b></p> <p><b>2.3 Other tourism and leisure developments</b></p> <p>Development which enhances formal and informal recreation and leisure facilities; tourism and leisure-based business activities and attractions; and improved opportunities for responsible outdoor access will be supported where:</p> <p>a) It has no adverse environmental or amenity impacts on the site or neighbouring areas; and</p> <p>b) It makes a positive contribution to the experience of visitors; and</p> <p>c) It supports or contributes to a year-round economy.</p>	<p>The woodland track is already established and forms a characteristic element of both farming and forestry operations in this area. The construction of the track is sympathetic to its countryside location and the Application incorporates improvements to the track, both in terms of drainage and revegetation.</p> <p>The development forms part of a wider network of paths and positively contributes to the requirements and objectives of Policy 2.3, not only allowing hillside management, but also complying with the stated criteria for improved opportunities for responsible outdoor access. The development is considered to comply.</p>
<p><b>Policy 3 – Design and Placemaking</b></p> <p><b>3.1 Placemaking</b></p> <p>All developments must meet the six qualities of successful places, i.e. be distinctive, safe and pleasant, welcoming,</p>	<p>Woodland/hillside tracks are established and traditional features of the hillside and is a characteristic element of both farming and forestry operations in this area. The construction of the track is sympathetic to its countryside location. In addition, the Application further proposes to improve the</p>

<p>adaptable, resource efficient; and easy to move around and beyond.</p> <p><b>3.3 Sustainable Design</b></p> <p>All development proposals must also be designed to:</p> <ul style="list-style-type: none"> <li>a) Minimise the effects of the development on climate change in terms of siting and construction...</li> <li>b) Be sympathetic to the traditional pattern and character of the surrounding area...</li> <li>c) Use materials and landscaping that will complement the setting of development;</li> <li>d) Make sustainable use of resources, including the minimisation of energy, waste and water usage...</li> <li>h) maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.</li> </ul>	<p>access through new drainage measures and further planting/vegetation.</p> <p>The materials used are appropriate for the track's construction, and local materials have been used. The development also contributes to the objective to "Maintain and maximise all opportunities for responsible outdoor access..." contributing to placemaking objectives, in addition to its use for hillside management. The development is considered to comply.</p>
<p><b>Policy 4 - Natural Heritage</b></p> <p><b>4.4 Protected species</b></p> <p>Development that would have a significant adverse effect on any European Protected Species will not be permitted.</p> <p><b>4.5 Other biodiversity</b></p> <p>Development that would have a significant adverse effect on species listed in Schedules 2 and 4 of The Conservation (Natural Habitats &amp;c.) Regulations 1994 (as amended in Scotland) will not be permitted...</p> <p><b>4.6 All development</b></p> <p>Where there is evidence to indicate that a protected or priority habitat or species</p>	<p>There are no International designations, National designations or Woodlands covering the site.</p> <p>The development does not impact on European Protected Species or species listed in Schedules 2 and 4 of The Conservation (Natural Habitats &amp;c.) Regulations 1994.</p> <p>The development would not effect on habitats or species identified in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan, Birds of Conservation Concerns or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative.</p> <p>The Applicant is content, through planning condition, to undertake a species survey if considered appropriate.</p>

<p>may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a focused survey of the area's natural environment to assess the effect of the development on it and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects.</p>	<p>The development is considered to comply.</p>
<p><b>Policy 5 – Landscape</b></p> <p><b>5.1 Special Landscape Qualities</b></p> <p>There will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park including wildness and the setting of the proposed development.</p> <p>Development that does not complement or enhance the landscape character of the National Park and the setting of the proposed development will be permitted only where:</p> <ul style="list-style-type: none"> <li>a) Any significant adverse effects on the special landscape qualities of the National Park are clearly outweighed by social or economic benefits of national importance; and</li> <li>b) All the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.</li> </ul> <p><b>5.2 Private roads and ways</b></p> <p>There will be a presumption against new private roads and ways in open moorland areas. Open Moorlands are defined here as “the land outside enclosed farmland, semi-improved grassland and forests, and includes</p>	<p>The development does not undermine the requirement to conserve and enhance the landscape character and special qualities of the Cairngorms National Park.</p> <p>Part (b) of the Policy requires that “All the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.” The Application proposes remedial works to improve drainage and also proposes further planting/vegetation to ensure that any potential adverse effects have been mitigated.</p> <p>The path is located close to the valley floor and is not considered to fall with an ‘open moorland area’ as defined in the CNPLDP.</p> <p>The development is considered to comply.</p>

<p>heather moorland and montane habitats found on high ground across the National Park”.</p>	
<p><b>Policy 10 – Resources</b></p> <p><b>10.1 Water resources</b></p> <p>All development should:</p> <ul style="list-style-type: none"> <li>a) Minimise the use of treated and abstracted water; and</li> <li>b) Treat surface water and foul water discharge separately. Development is required to treat surface water in accordance with the current CIRIA SuDS Manual; and</li> <li>c) Have no significant adverse impact on existing or private water supplies or wastewater treatment services; and...</li> <li>d) Not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status; and</li> <li>e) Not result in the deterioration of water resources used for amenity or recreation; and</li> <li>f) Avoid unacceptable detrimental impacts on the water environment and seek to improve the water environment where possible. Development should demonstrate that any impacts (including cumulative) can be adequately mitigated. Existing and potential impacts up and downstream of the development, particularly in respect of potential flooding, should be addressed; and</li> <li>g) Avoid unacceptable detrimental impacts on groundwater dependent terrestrial ecosystems.</li> </ul> <p>There is a presumption against the</p>	<p>The Saddle Remediation Proposals Supporting Information provided with this Application identifies proposals to retro-fit new culverts to relieve water entering the track side drain system. The report also confirms that work will be undertaken to repair damage to the trackside drain caused by erosion, reprofiling of the drainage channel will be undertaken using excess soil from the downhill side of the track. The drain line formed will also be back-filled and the surface revegetated.</p> <p>Policy 10.1 seeks to protect the quality of the water environment and its ecological interest. It includes a presumption against culverting of water courses and unnecessary engineering works in the water environment.</p> <p>Although there is a presumption against culverting, the CNPA, in their appraisal of Planning Application Ref: 2020/0037/NOT, for the wider network of paths through Caddam Wood, acknowledge that culverts are a standard technique in track construction and are also controlled by SEPA licencing.</p> <p>The Report of Handling concluded that <i>“While the use of culverts is cost effective, they can also avoid more intrusive engineering works required to bridge water courses. With the site specific construction method statement to ensure no impacts on water quality the proposal will comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.”</i> Policy 10 of the CNPLDP, 2021 reflects the 2015 policy.</p>

<p>culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will be required to be retained around all water features and designed and managed to contribute positively towards sustainable placemaking.</p> <p><b>10.2 Flooding</b></p> <p>All development should:</p> <ul style="list-style-type: none"> <li>a) Be free from Medium to High risk of flooding from all sources taking into account predicted impacts of climate change; and</li> <li>b) Not increase the risk of flooding elsewhere; and</li> <li>c) Not add to the area of land that requires flood prevention measures; and</li> <li>d) Not affect the ability of the functional floodplain to store or move flood waters...</li> </ul>	<p>SEPA's Flood Map identifies that the proposed site is not in an identified flood risk area, and therefore there are no flood risk issues associated with the proposal.</p> <p>The development is considered to comply.</p>
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It is considered that the proposal accords with the provisions of the Development Plan and that there are material considerations, including the Supplementary Guidance relevant to the above policies, in support of the proposal.

Having regard to the above, the Applicant would be grateful if Planning Permission is accordingly granted.

If you have any queries on this application or would wish to discuss any aspects further please do not hesitate to contact me.

Yours sincerely,



Emelda Maclean MRTPI  
About Planning Ltd

# Glen Clova Estate

## The Saddle – Track Remediation Proposals Supporting Information



## February 2021

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Prepared by:  
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## Summary

This document provides information relating to the remediation of track and drainage work carried out at the above location

This note will detail:

- a) How eroded track side drains will be addressed
- b) How spoil on the lower side of the track will be reduced and made less prominent within the surround landscape
- c) How profiled spoil position next to a drainage channel will be addressed to reduce its visual prominence and the site vegetated using locally robbed turves or seeded using an upland species grass seed mix identical or similar to Scotia Seeds Highland Grassland Mix at the manufacturers recommended specification:
- d) How culverts will be placed to reduce speed and energy of water in the trackside drain.

This working document will detail the operations set out as follows.

- 1. Retro-fitting new culverts
- 2. Remedial works to the trackside drainage channel
- 3. Restoration of drainage channel

## 1. Retro-fitting new culverts

The track length is approximately 409m in length, approximately 130m of the track is in excess of 7% slope. At the time of installation, the track was constructed with as dug material, a top side drain was cut and overburden and spoil arranged on the downhill side of the track. No culverts were installed during construction.

The absence of culverts has allowed both track surface and upslope water to enter the track side drain system. This has been allowed to pick up speed and energy which has caused erosion.

### Installation of culverts

The spacing of ditch relief culverts will be provided at all the low points along the track sections, and at sufficient frequency to relieve the trackside ditch of excessive water. Relief culvert spacing has been estimated as 1 culvert for every 100m of track. However the proposed frequency of culverts has been increased to 1 every 50m due to the terrain and the surrounding soil moisture.

The base of the culvert will be excavated approximately 100mm beneath the culvert level. The culvert will be placed on to a firmed bed with material no more than 100mm in diameter. Approximately 300mm will be left between the pipe and trench edge to allow for backfilling and firming in 150mm layers. A thick layer of good stone approximately 250-300mm will be used to cap the culvert in order to spread the weight.

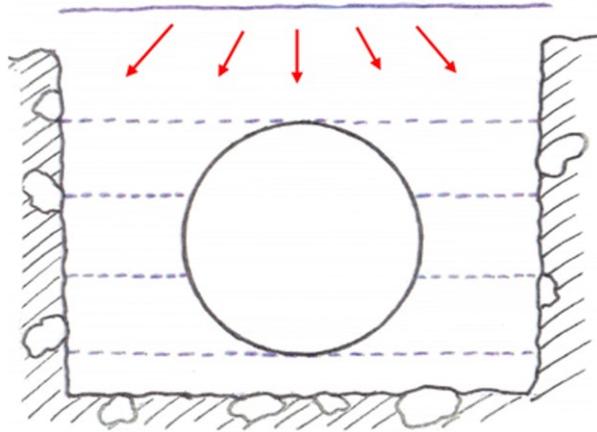
Stone revetments will be constructed to guide water into the pipe on the upstream side of the culvert using locally won stone, from the lower slope spoil. Headwalls will be constructed upstream and downstream of the culvert to provide support for the culvert and new track using suitable stone also won locally.

Relief Culvert Installation



A thick layer of good stone is needed above the pipe to spread the load. Consult manufacturers guidance for installation

Fill trench with good stone. Fill in 150mm layers, firming down between each layer to ensure that it is well packed.

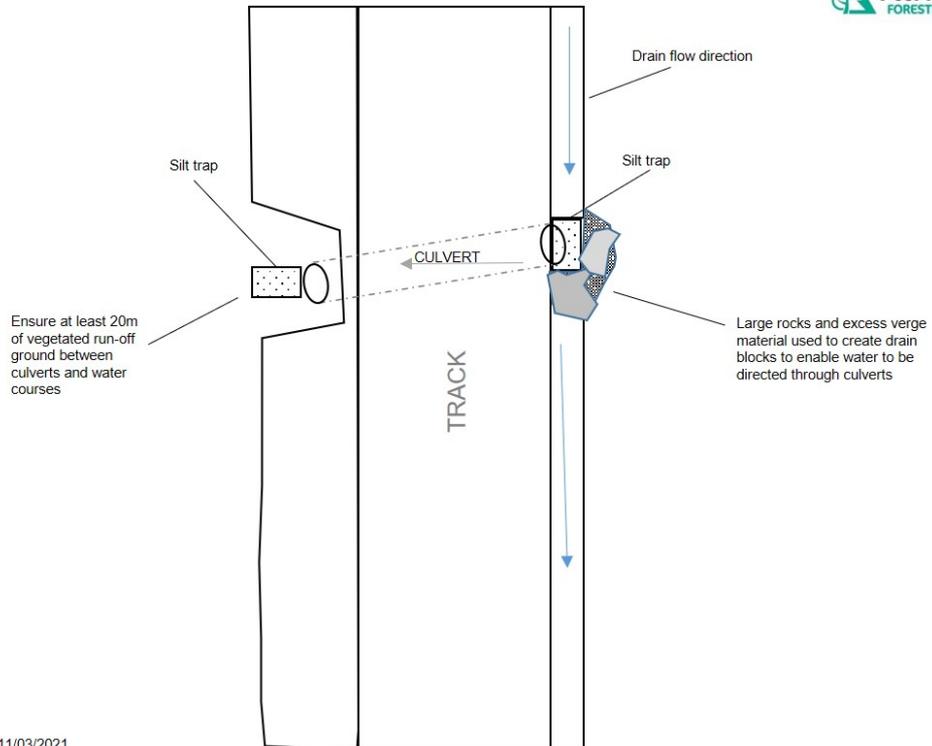


Trench is wide enough to backfill pipe. Cut trench to allow at least 30cm between pipe and side of trench to give enough space to compress stone.

The pipe need to lie on a 100mm firmed bed of good quality material

Site – Glen Clova Estate – The Saddle  
Retro-fitting Culverts

Culvert Installation – Plan

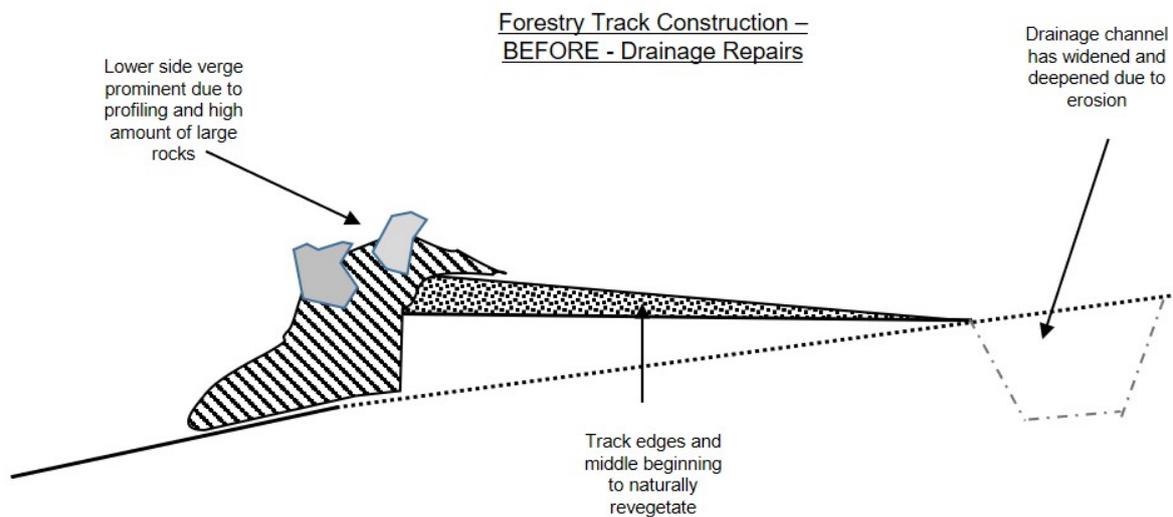


Date - 11/03/2021

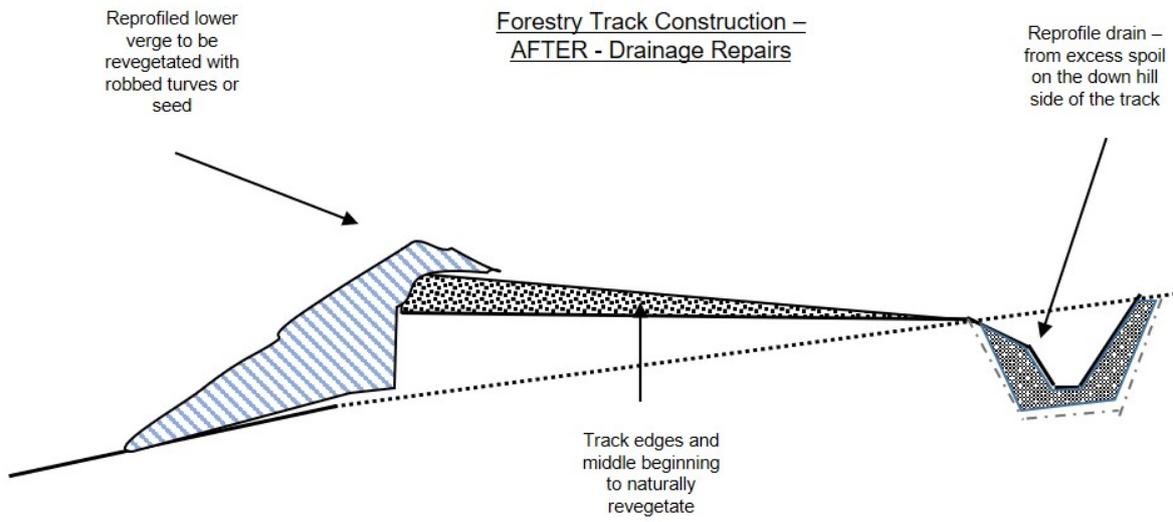
## 2. Remedial works to track side drainage

Work will be undertaken to repair damage to the trackside drain caused by erosion, reprofiling of the drainage channel will be undertaken using excess spoil from the downhill side of the track and angles of the upper batter reprofiled. Large rock material will be utilised to direct water in to culverts and arm head walls.

Site – Glen Clova Estate – The Saddle  
Drain Repair



Date – 11/03/2021



Date – 11/03/2021

### 3 Restoration of drainage channel

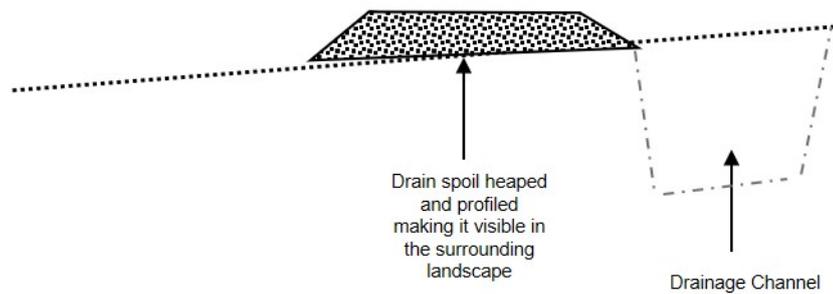
This drain line is visible within the wider landscape due to the drain spoil being formed in a hard linear line.

In order to remediate this issue it is proposed the drain will simply be back-filled and the surface revegetated. If appropriate a land drainage pipe could be installed during the back-filling process.

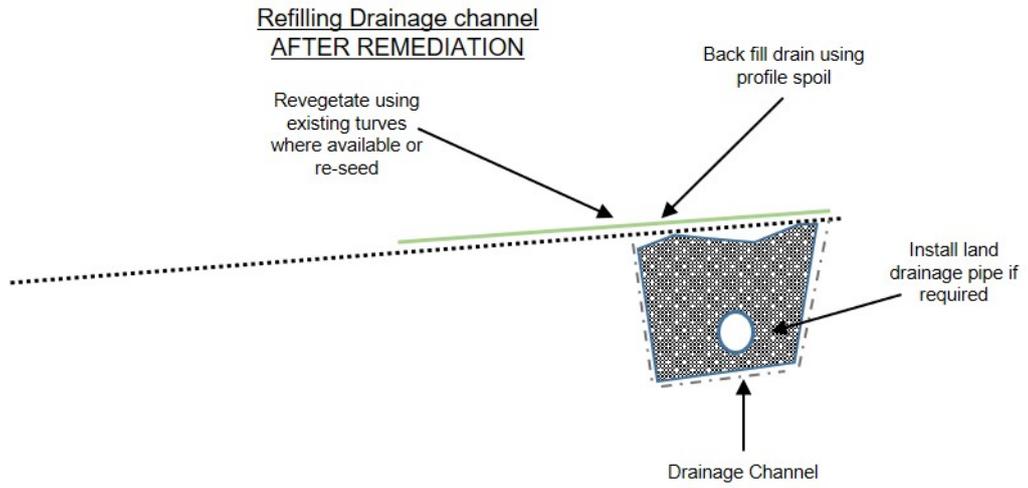
Site – Glen Clova Estate – The Saddle  
Drain Backfilling



#### Refilling Drainage channel BEFORE REMEDIATION



Date – 11/03/2021



Date – 11/03/2021