

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Formation of hill tracks to connect with existing routes at Pitmain Estate Kingussie

REFERENCE: 2014/0219/DET

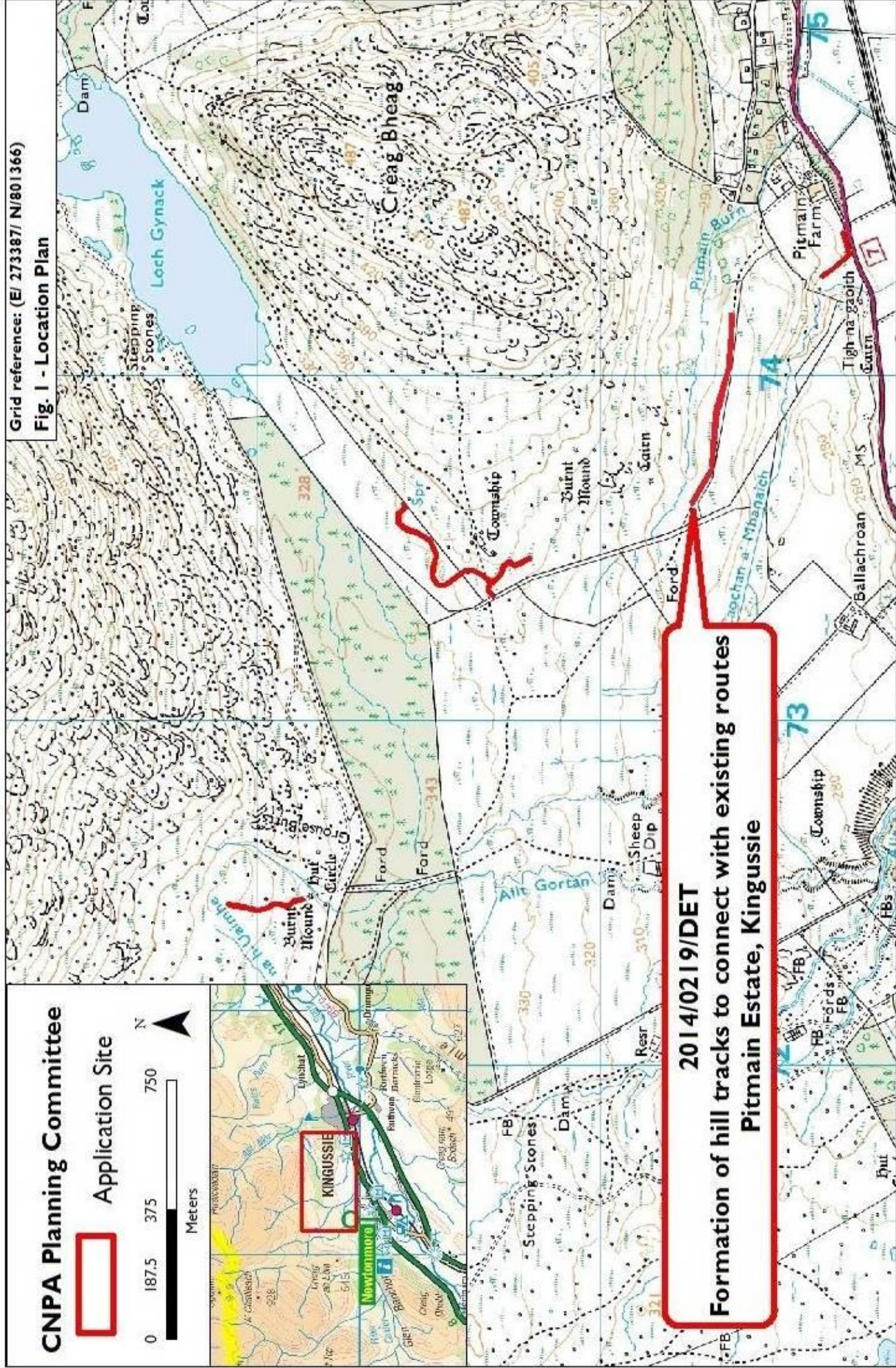
APPLICANT: Pitmain Estate Ltd

DATE CALLED-IN: 21 July 2014

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

Grid reference: (E/ 273387/ N/801366)

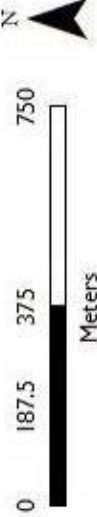
Fig. 1 - Location Plan



CNPA Planning Committee



Application Site



2014/0219/DET
Formation of hill tracks to connect with existing routes
Pitmain Estate, Kingussie

SITE DESCRIPTION AND PROPOSAL

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below.

Title	Drawing Number	Date on Plan	Date Received
Pitmain Estate - Proposed New Track Sections	1047573/02		11 August 2014
Formation of Hill Track Sections to connect to existing track network	1047573/04	July 2014	11 August 2014
Formation of Hill Track Sections to connect to existing track network	1047573/03A	21 August 2014	28 August 2014
Pitmain Estate - Proposed New Track Sections	1047573/01		28 August 2014
Supporting Document (including Appendices)		11 August 2014	11 August 2014

2. This application seeks full planning permission for the upgrading of sections of existing trodden paths/tracks and the formation of new sections of track on the Pitmain estate by Kingussie. The tracks will be used for agricultural and sporting purposes and will be 2.5 metres wide with seeded strip in the raised middle once regeneration takes place. Drainage ditches will be provided to the side of the tracks. Details of construction have been provided with the submission, together with supporting information explaining the need for the tracks, photographs to illustrate the existing situation on site and notes of pre-application meetings. The construction details explain that material to construct the tracks will be sourced on site.
3. The proposed overall layout is shown in **Figure 2** with the proposed new/upgraded sections of track shown in red connecting into the existing network as shown in blue. Sections of existing track are being re-surfaced as permitted development works.

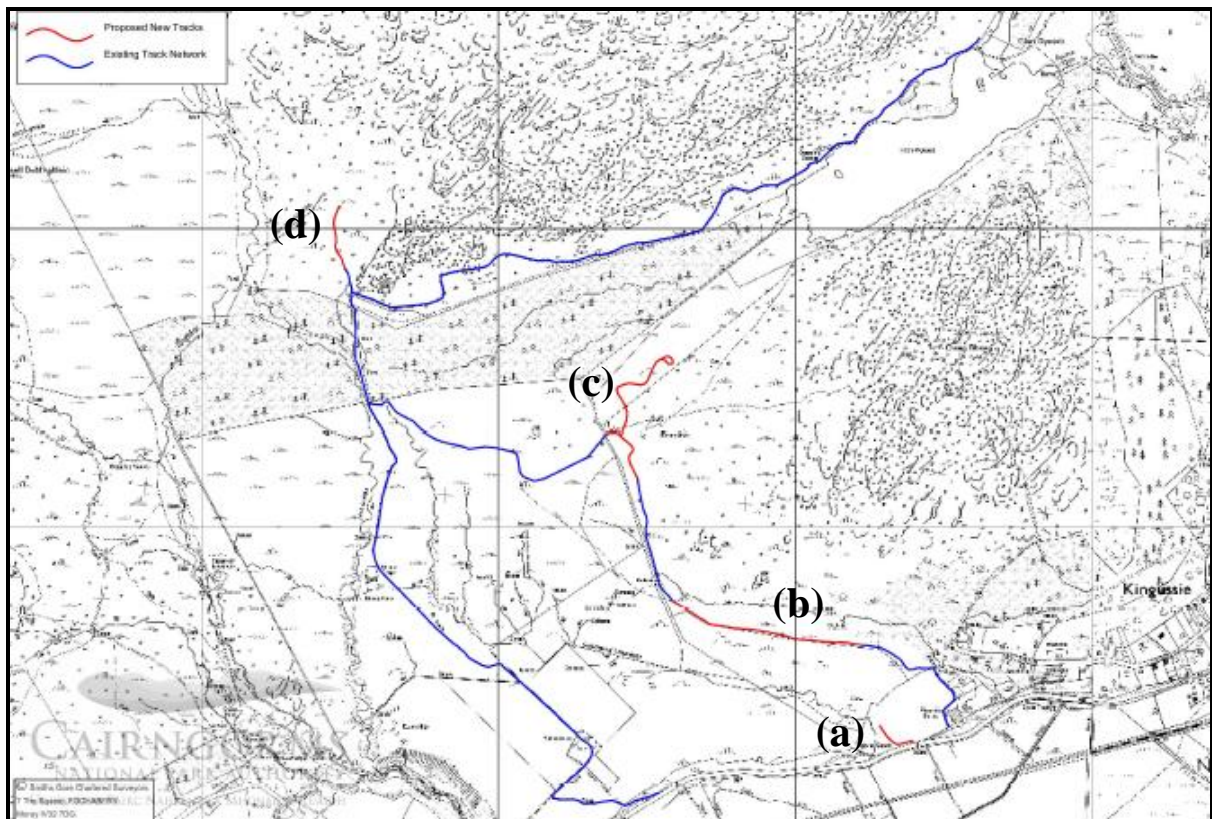


Figure 2 – Overall Layout (For illustrative purposes only) (Extract from Drawing 1047573/02 annotated to show sections (a) – (d) as referred to below in Paragraphs 5 - 8)

4. The proposal is split into a number of portions as described in the following paragraphs.
5. (a) Upgrading and extension of an existing grass track from the A86 Kingussie to Newtonmore trunk road just west of Pitmain farm. This grass track uses an existing junction onto the trunk road and the proposal is to upgrade and extend it to form a hardcored track (as described earlier) to provide access for shooting parties and agricultural purposes. Users will park at the end of the track and it is proposed to undertake some landscaping on a triangle of land to the south west of the track to help screen vehicles from the public road, which is also a core path here (Sustrans Route 80 in the Cairngorms Core Path Plan 2010). This layout is shown in **Figure 3**.

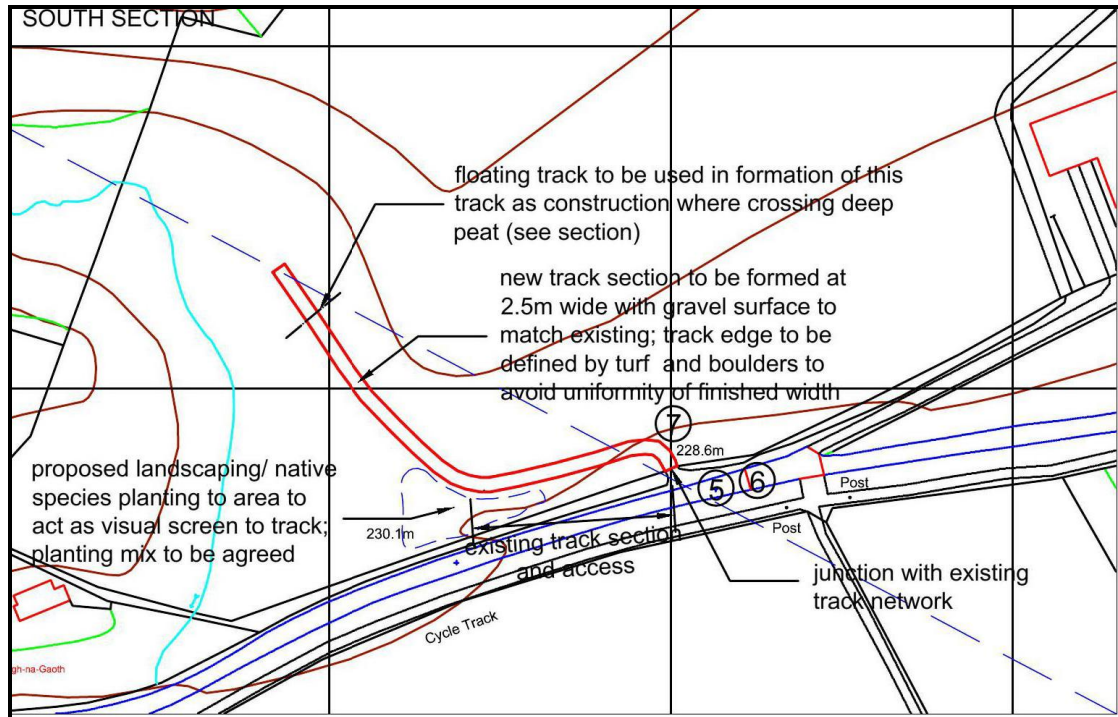


Figure 3 – Section (a) layout (For illustrative purposes only) (Extract from Drawing I047573/03A)

6. (b) To upgrade an existing grassed track to connect into the existing vehicular network on hill land to the north west of Pitmain Farm in order to provide improved access in terms of drainage and running surface, for sporting and agricultural use. This existing network may be driven at present in an off road vehicle and is as shown in **Figure 4**.

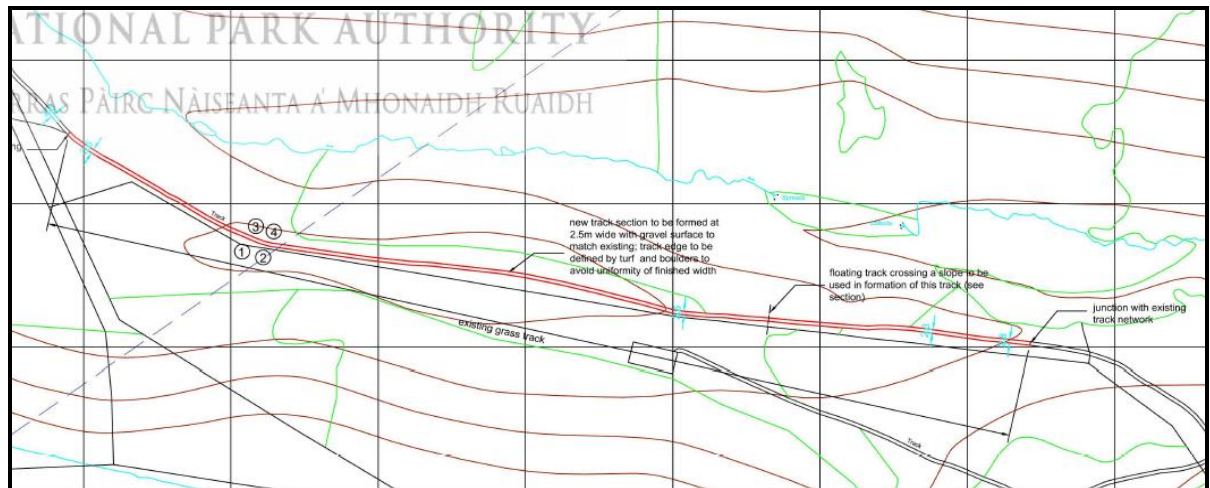


Figure 4 – Section (b) layout (For illustrative purposes only) (Extract from Drawing I047573/03A)

7. (c) To form a new track running north east from the above-mentioned network towards Loch Gynack. This track is intended to provide access for shooting parties closer to the shooting areas and will run below the ruins of an existing township here, to the south west of Creag Bheag. An existing core path (UBS34 Kingussie to Newtonmore via Loch Gynack in the

Cairngorms Core Path Plan 2010) runs past here (to the east) from Loch Gynack and this will connect onto the track and then continue on westwards to Newtonmore along existing routes. (A separate planning application, 2014/0282/DET, to re-route part of core path has recently been submitted has been called in and will come before the Committee in due course). The proposed new track is shown in **Figure 5**.

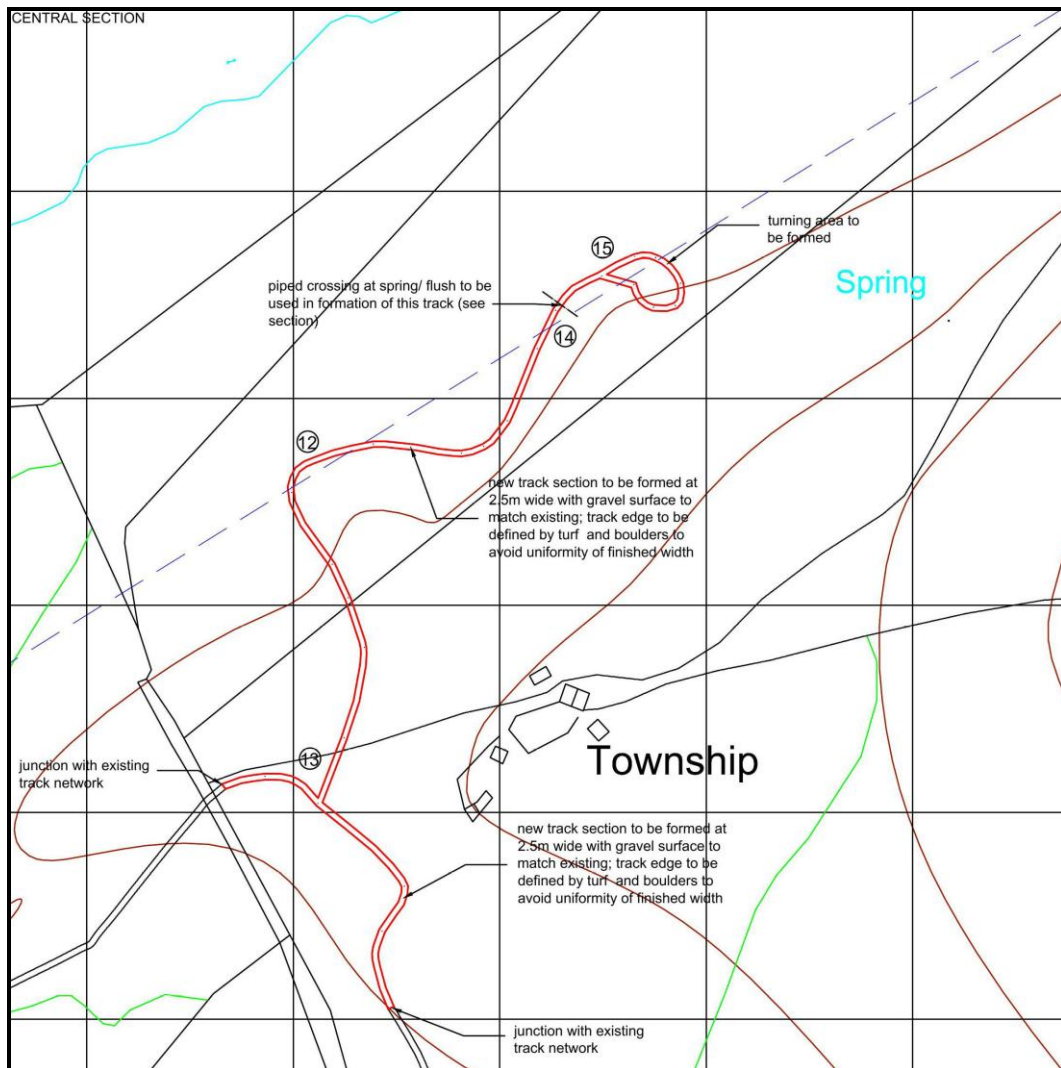


Figure 5 – Section (c) layout (For illustrative purposes only) (Extract from Drawing I047573/03A)

8. (d) The final portion of the proposed works is further north, located to the south west of Creag Mhor and at this point it is again proposed to extend the existing track network to provide access for both sporting and agricultural (sheep gathering) use. This shown in **Figure 6**.

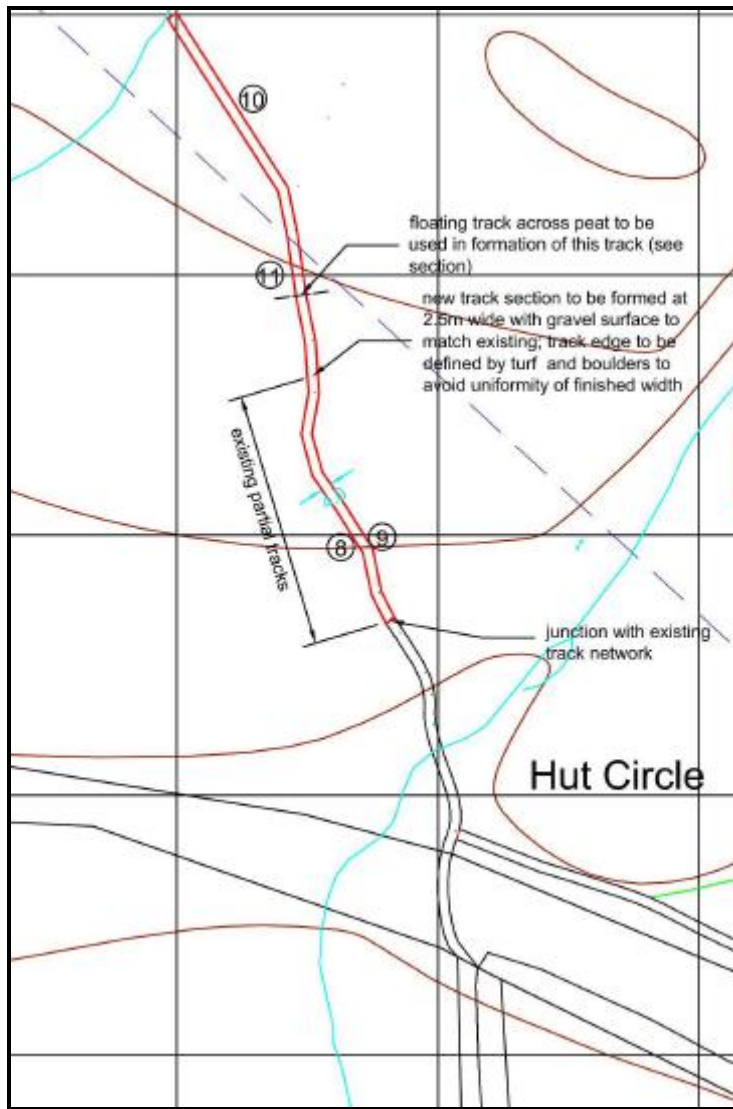


Figure 6 – Section (d) layout (For illustrative purposes only)
(Extract from Drawing I047573/03A)

Site History

9. In terms of planning history there have been a number of recent planning applications on the Pitmain Estate as briefly summarised below.
 - a) A number of applications around Pitmain Lodge to the far north have been approved over recent years including full planning consent for erection of new house and garage for the estate keeper (09/017/CP); new guest accommodation at Pitmain(11/03085/FUL); agricultural workshop/storage building (11/02328/AGR; and a new bridge over the Allt Mor watercourse together with short section of new track (2012/402/DET) - these developments have been implemented.
 - b) Further north the CNPA granted full planning permission for a hydro scheme on the Allt Mor burn with powerhouse beside Loch Gynack (2011/0281/DET) – work has started on this development.

- c) More recently a retrospective application for a new diversionary access track around the back (west) of woodland at Pitmain was approved earlier this year (2013/0318/DET).
10. There has also been pre-application advice on the current proposals, with a meeting taking place between the developers, their agents and Cairngorms National Park Authority (CNPA) staff to discuss the proposals and to clarify which elements would require consent. Advice provided with regard to routing, landscaping and construction of tracks has been taken on board with the submission.

DEVELOPMENT PLAN CONTEXT

National policy

11. **Scottish Planning Policy (SPP, revised 2014)** sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
12. The SPP sits alongside four other Scottish Government planning policy documents:
- The **National Planning Framework (NPF)** which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

13. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park

can be achieved together. It sets out the strategic direction and priorities for the Park.

14. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

15. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
16. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
17. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are set out below.
18. *Policy 5 – Biodiversity:* seeks to ensure no adverse impacts on habitats or species identified in the local biodiversity action plan.
19. *Policy 6 – Landscape:* sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all adverse effects have been mitigated.

20. Policy 16: Design Standards for development: sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide.
21. Policy 29: Integrated and Sustainable Transport Network: seeks to ensure that adequate consideration is given to maintaining or improving the sustainable transport network.
22. Policy 34 – Outdoor Access: encourages development which improves opportunities for responsible outdoor access. Any development which would result in a loss of public access rights or loss of linear access (such as core paths, rights of way etc) will only be permitted where an appropriate or improved access solution can be secured.

Supplementary Planning Guidance

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010) a number of Supplementary Planning Guidance documents were also adopted. In this case key documents are guidance on Natural Heritage which sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Reference is also made in the document to the need for applicants to provide natural heritage information. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures. The Sustainable Design Guide also sets out how to achieve sustainable development in the Park. Finally the Core Paths Plan is also relevant in this case with core paths crossing the Pitmain Estate and forming a network of paths from Kingussie to Newtonmore and around Loch Gynack.

Proposed Cairngorms National Park Local Development Plan (LDP)

24. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The proposed Plan and the Reporters recommendations are now a material consideration in planning decisions. The emerging policies in the LDP have been checked and these raise no new issues that are not already considered in this report.

CONSULTATIONS

25. **Transport Scotland** was consulted in view of the proposal to upgrade an access beside the A86 trunk road and have no objections or comments on the proposal.
26. **CNPA Outdoor Access Officer** advises that one section of proposed track (section (c) beside the former township) intersects an existing core path spur. (UBS34) At this point the core path spur is largely turf with

minimal actual formation i.e. it is not of a constructed form and is relatively indistinct within the wider make up of the moorland and its surface vegetation. As a result there is a risk that, should the intersection of the proposed new track not take sufficient account of the existing core path spur, then the formation of the new track is likely to disturb (and detrimentally affect) the make-up and continuity of the existing path. There is also potential for impacts upon users of the core path spur in terms of open and free passage along the route at this stage too.

27. Under the terms of the Land Reform (Scotland) Act 2003 the core path spur should not be subject to obstruction or impediment to use by the public. Accordingly the Officer recommends that planning conditions be attached to cover the following matters:
- Details of the specification of the intersection of the track and the core path spur
 - Ensuring that the core path spur (UBS34) remain open and accessible to the public during works or should this not be possible that a suitable, safe diversion is available.
 - Suitable signage to inform users of the core path spur that the route remains accessible throughout the duration of the works (via a diversion if necessary) including relevant contact details
28. **CNPA Ecology Officer** notes that the overall area of habitat to be lost as a result of the development is small in comparison to the total area of similar habitat available in local and wider area. It is considered that the proposals will have a negligible impact upon ecology and providing works are undertaken outwith the breeding bird season (or a pre-construction check for signs of nesting birds is carried out before any works during the breeding season) no ecological issues are foreseen.
29. **CNPA Landscape Officer** notes that the proposal involves construction of sections of permanent tracks across areas of heath and grassland where there is already visible tracking resulting from estate vehicle use. The terrain is mainly relatively even and free draining. The track alignments are considered to be sensitive to local landform and drainage with minimal cut and fill required. The construction method information sets out an approach to construction whereby only short stretches of ground will be open and exposed, and this will improve success rate for reinstatement.
30. It is concluded that, whilst, initially the tracks will appear as obvious lines in the landscape connecting existing sections of track, the sensitive alignment, use of locally won as dug materials rather than imported hardcore and a progressive approach to construction, restoration and reinstatement together with the relatively low altitude of the tracks means that after 2-3 years they will be no more prominent than the existing network. The proposal for landscaping around the section close to the A86 should be secured by planning conditions.

31. **Kingussie and Vicinity Community Council** notes that a proposal to re-route part of a core path has been withdrawn and will form a separate planning application. Accordingly they have no objections to the proposals.

REPRESENTATIONS

32. No representations have been received.

APPRAISAL

Principle of Development

33. The proposed development has the potential to improve the working practices of the estate by improving access for both sporting and agricultural purposes, through upgrading and extending an existing network of tracks on the estate. As such the principle is generally in accordance with general local and national planning policies to support economic development. It also complies with Policy 29 on integrated and sustainable transport networks.
34. However, this general support is subject to ensuring compliance with other Local Plan policies in terms of ensuring that there are no adverse impacts upon the landscape or environment and also to ensure that that the proposals do not impede public access over the existing popular recreational routes within the Pitmain Estate. These key planning issues will now be considered.

Public Access Issues

35. There is a network of well used tracks around Pitmain, including the core path leading north from Kingussie by Loch Gynack to Newtonmore. As noted by the CNPA Access Officer this core path will be intersected by one section of new track where the core path spur will join onto the track to lead onwards to Newtonmore. It is important to ensure that this junction is suitable for users, with no obstructions, for example drainage ditches or excessively steep gradients. This should be readily achievable on site and the applicants are agreeable to ensuring this is the case.
36. Providing suitable planning conditions, as recommended by the Access Officer are put in place and implemented to ensure that the intersection of the core path spur and the new track is suitable and does not impede public access in any way, it is considered that the development complies with Policy 34 on Outdoor Access.

Design and Landscape Issues

37. The development generally involves upgrading existing trodden sections of tracking to join onto more formalised sections of track together with track extensions to facilitate the working of the Estate. As such they relate well to the existing network of tracks through the Pitmain Estate and the landscape impacts are limited.

38. As noted by our Landscape Advisor the design and route of the tracks fit well in the landscape. They connect up with existing tracks and are generally routed to follow the contours well, with minimal cut and fill required. In addition their provision should help reduce erosion of the well trodden/used grass sections over time.
39. Final attention to restoration and detailing, as set out in the construction information, will help ensure (through attention to verges and drainage) that over the next few years the track edges will regenerate whereby there should be no adverse landscape impacts. In addition the proposed landscaping close to the A86 will also reduce any visual impacts of this section of track and provide some enhancement. Accordingly the proposed development is considered to comply with Policy 16 on Design and Policy 6 on Landscape.

Environmental Issues

40. National and local planning policies seek to ensure that the natural heritage of the National Park is conserved and enhanced. The tracks are on moorland with no importation of materials and minimal disturbance to existing conditions, with appropriate construction methods used. The site does not lie within any specifically designated areas and does not involve any loss of trees during construction.
41. Overall it is considered that the application does not have any significant impacts upon ecological interests in this case and there are no adverse impacts upon watercourses due to the location. It is therefore considered to comply with Policy 5 on Biodiversity.

CONCLUSION

42. Overall the application is considered to comply with Local Plan policies and will provide improved access arrangements for a working estate. Any minor impacts upon the environment can be protected by appropriate planning conditions, as can any potential impacts upon the Core Path spur. Consequently in these circumstances it is considered that this development complies with planning policies and approval is recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

43. The layout and design of the tracks are generally in keeping with the rural character of the area and will not have any detrimental visual or landscape impact. Any minor impacts can be adequately controlled by appropriate planning conditions.

Promote Sustainable Use of Natural Resources

44. The tracks will be constructed in a fairly simple manner that minimises cut and fill operations and avoids any importation of materials whilst the provision of adequate drainage should avoid any future erosion and the need for more resources to be employed to carry out repairs. As such the development does not conflict with this aim.

Promote Understanding and Enjoyment of the Area

45. The proposed development supports this aim by facilitating the sporting and recreational use of the Pitmain Estate through the provision of an improved access network for the sporting users thus promoting their enjoyment of the area. The proposals should not detract from the use of the popular and important core path network in and around Pitmain, providing conditions are imposed to ensure the intersection of the tracks and the core path spur is properly constructed and appropriate signage provided. On this basis the development is considered to support this aim.

Promote Sustainable Economic and Social Development of the Area

46. The development will enable the estate to work more efficiently which will be of benefit to the local economy. It is understood that local contractors will be used for the construction works whereby these works may secure some local economic benefits.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION for formation of hill tracks to connect with existing routes at Pitmain Estate Kingussie, in accordance with the plans and documents (identified in paragraph 1 of this report) and subject to the following planning conditions:

1. No development shall commence until a detailed landscape scheme for the proposed planting to the north of the A86 (as indicated on drawing no. 1047573/03A – south section) has been submitted to and approved in writing by the Cairngorms National Park acting as Planning Authority. This plan to show new planting (species, location, planting distance) together with details of maintenance and protection. The approved scheme shall be implemented in accordance with the approved details in the first planting season following completion of the section of track adjacent (south section as indicated on drawing no. 1047573/03A) and thereafter shall be maintained in accordance with the approved maintenance scheme.

Reason: To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

2. No development shall commence until details of the treatment of the intersection between the core path spur (the UBS34 Kingussie to Newtonmore via Loch Gynack as defined in the Cairngorms Core Path Plan 2010) and the adjacent proposed new track (as indicated on drawing no. 1047573/03A– central section) have been submitted to and approved in writing by the Cairngorms National Park acting as Planning Authority. This plan shall include the following details:
- Detailed, scaled drawings to show the intersection, including cross sections to show existing, proposed and final ground levels of both the core path spur and proposed track.
 - Details of surface finish and reinstatement as necessary.
- These details to reflect the requirement that there be no impediment to ease of access for users of the core path spur. The approved details shall be implemented in full before the access track is brought into use.

Reason: In order to ensure that public access in the area is maintained in accordance with local plan policy.

3. No development shall commence until details of measures to ensure that the core path spur (the UBS34 Kingussie to Newtonmore via Loch Gynack as defined in the Cairngorms Core Path Plan 2010) remains open and accessible to the public during work have been submitted to and approved in writing by the Cairngorms National Park acting as Planning Authority. These measures shall include details of suitable signage to inform users that the route remains accessible throughout the duration of the works (including relevant contact details for the public) and the measure to be taken to ensure the safety of users during construction. If it is not possible to keep the route open during construction the measures shall include details of a temporary, suitable, safe diversion. The approved measures shall be implemented in accordance with the approved details throughout the construction of the approved development.

Reason: In order to ensure that public access in the area is maintained in accordance with local plan policy.

4. The development hereby approved shall be constructed and reinstated in full accordance with the approved plans and construction method statement/sequence of operations. The centre of the track shall be made suitable for natural regeneration and all reinstatement (including any borrow pits) shall be completed in the first planting season following completion of the development.

Reason: To ensure that the development complements the landscape in accordance with Local Plan policies.

5. All work shall be undertaken outwith the breeding bird season (April to July in any year) unless a pre-construction survey to check for signs of nesting birds is carried out before any works during the breeding season commence. The results of any nesting bird survey to be submitted to and

approved in writing by the Cairngorms National Park Authority before any development commences on site within the bird breeding season.

Reason: To ensure compliance with Local Plan policies on biodiversity.

INFORMATIVES:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

Katherine Donnachie

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Date: 12 September 2014

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.