
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Retrospective resurfacing of hill track at Land 2890M NW Of Carn Sgulain
Newtonmore

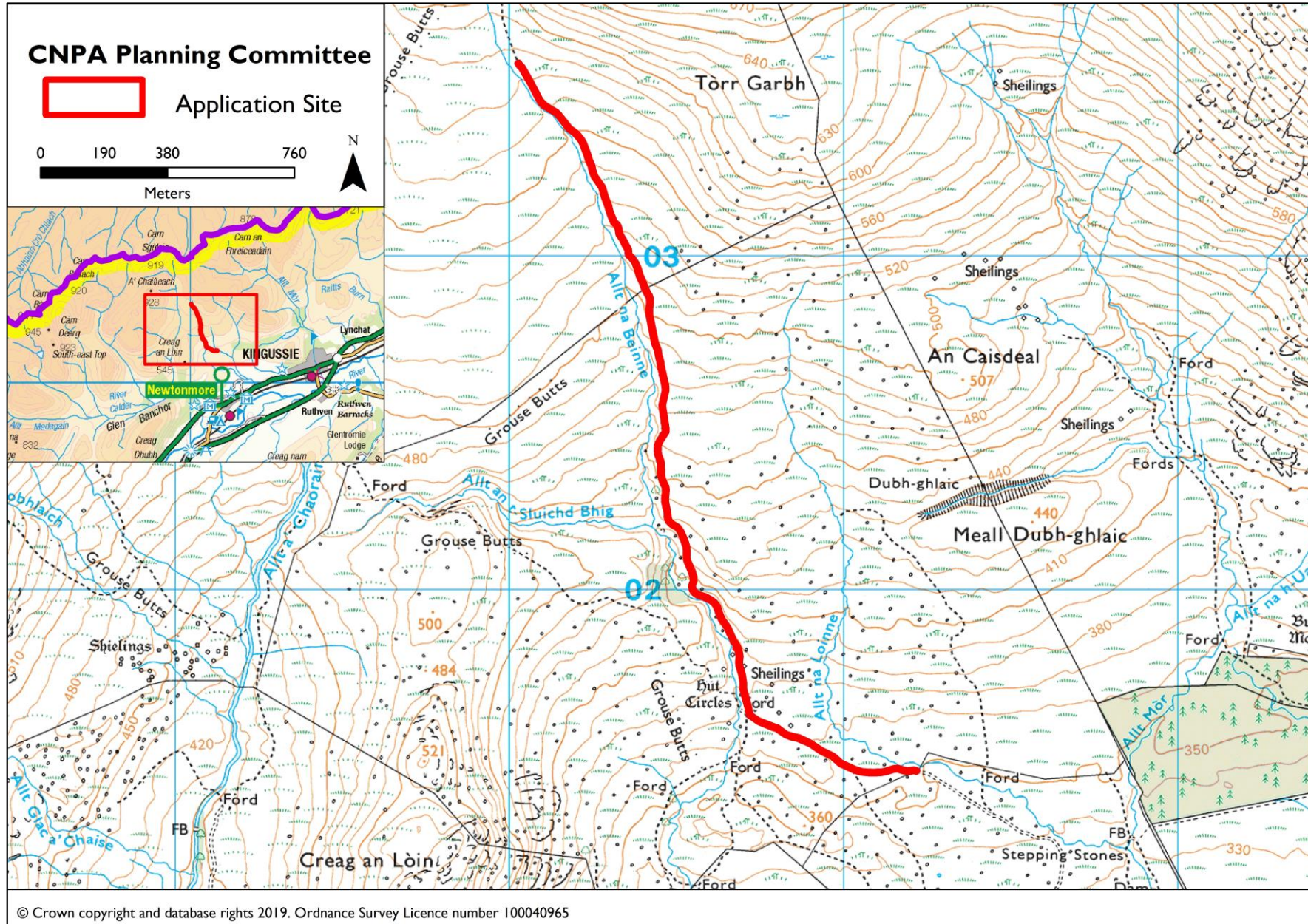
REFERENCE: 2019/0121/DET

APPLICANT: Glenbanchor Estate

DATE CALLED-IN: 29 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 via the Strone of Glenbanchor Croft which lies to the north east of Newtonmore. The track begins off the public road through the croft and beyond the gate at the end of the croft. This is where the application site begins and continues for around 2.5km north and into the Monadhliath Mountains and towards the Cairngorms National Park Boundary.
2. The site is predominately open moorland with some trees growing close to the burns running through the site.

Proposal

3. 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=PQD03TSIOCH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan/Site Plan	430092 PL01 a	01/01/19	12/06/19
Site Photographs	430092 PL02 a	01/01/19	12/06/19
Track Route	430092 PL03 a	01/01/19	12/06/19
Grassprotecta Datasheet			12/06/19
Supporting Statement			12/06/19

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

4. Plans of the proposals are included within **Appendix I**.
5. The proposal is to add a layer of material across the length of the track, clear the track side drainage and seed the centre of the track. The layer will increase the existing height but add a camber to allow water runoff, as well as a turning circle at the end of the track. Some works have been carried out to culverts along the track as well.
6. The Estate expressed an interest in carrying out additional works and therefore the process was delayed while the necessary information was compiled.
7. A supporting statement and updated plans have now been submitted to demonstrate the track will be limited to a width of 2.5m and will have a centrally vegetated strip with borrow pits located along the length of the track. Further controls through conditions will ensure any borrow pits are fully restored and the vegetated strip is a minimum width of 0.75m.

History

8. The existing track was significantly upgraded sometime around 2008 and then again in 2017 with further works required to complete this job. The works were reported to the CNPA in 2017 and requested to cease pending the submission of the application. The works that were being undertaken were beyond what is considered reasonable repair and therefore planning permission was required. The applicant informed the CNPA that further works were required and therefore has submitted an application to complete those works.
9. The track has been described as used for agriculture, deer management and sporting purposes.
10. Prior to 2017, the track was a rough constructed land rover track used since about 2008, and upgraded to a smooth running surface with improved drainage.
11. In 2017 Glenbanchor Estate undertook works on another track and submitted an application under 2018/0209/DET which was approved in August 2018.

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	

12. 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

13. 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

14. A summary of the main issues raised by consultees now follows:
15. **CNPA Ecology Officer** is satisfied with the proposals to fix the issues caused by the upgrades such as ecologically beneficial culverts.
16. **Community Council** has given no comment regarding this proposal.

REPRESENTATIONS

18. There have been 5 objections to this application, focussing on a number of issues, the first being the principle of the retrospective application and a lack of detail of the proposed works. The objectors wish to see two different applications rather than one single application.
19. The objectors focus on the lack of information supplied upfront, citing no method statement and no after care of application including the green strip in the middle of the track.
20. These are attached as **Appendix 3**.

APPRAISAL

Principle

21. The principle of the track is established as it has been in place for more than 10 years, however the works carried out to date require planning permission and the proposed works require further scrutiny in order for them to comply with the policies within the Cairngorms National Park Local Development Plan 2015.

Landscape and Ecological Issues

22. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 states that development that would adversely affect the Cairngorms National Park will only be permitted where it will not adversely affect the integrity of the area. The track has an existing drainage channel along its length and some clearance of this channel is proposed to ensure proper water runoff. It is recommended that should the application be supported a condition be attached to any consent requiring the submission of a Construction Method Statement which will address the works to be undertaken to the drainage channels to ensure the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.
23. **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 recommended Construction Method Statement will also address the width of the track to ensure its width is not increased through the development and that any working corridor is reduced as far as possible.
24. A turning circle using a heavy duty polyethylene mesh is proposed at the top end of the track however no details have been submitted showing the extent of this. There have also been no details submitted in relation to restoration works. As such conditions are recommended requiring both the extent of the turning circle and the submission of a detailed restoration plan for the borrow pits along the route.
25. Subject to full compliance with these conditions are applied and met the proposal will comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.
26. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 requires that all development proposals should be designed to minimise the effect of the development on the landscape.
27. As the proposal has retrospective elements conditions will be added to ensure if the further works do not take place remediation along the track will be controlled and as such enable the development to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Other Issues raised in Representations

28. There were a number of objections centring on 2 broad issues, the first being the lack of detail in the submission. The agent has partly addressed this by submitting further information and through the imposition of the recommended conditions these matters will be addressed.
29. The second point was the principle of a retrospective application, further proposed works and the separation between those developments.
30. The applicant stopped work until an application for planning permission was submitted. The agent also submitted a supporting statement clarifying what works were undertaken in 2017 and the plans show these works.

31. The representations suggested the application should be considered as two applications rather than one. It is not considered that this is appropriate in this instance. The recommended conditions attached to any consent granted under this application will ensure the seeding of the track and the restoration of the borrow pit are undertaken should the further proposed development not be undertaken timeously. This also ensures that the retrospective works will comply with the policies within the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

32. The application to regularise retrospective works to the existing track and carry out further works subject to appropriate conditions will ensure the proposal complies with all relevant policies of the Cairngorms National Park Local Development Plan 2015.

RECOMMENDATION

That Members of the Committee support a recommendation to Approve the Retrospective resurfacing of hill track at Land 2890M NW Of Carn Sgulain Newtonmore 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. **No further works shall commence on site until a revised detailed, site specific Construction Method Statement (CMS) has been submitted to and approved in writing by the CNPA acting as Planning Authority. The CMS shall cover the following matters:**
- a) **Confirmation of the working corridor, route and track width, demonstrating that the track will be no more than 2.5m in width;**
 - b) **Confirmation that the central vegetation along the whole of the track will be no less than 0.75m in width;**
 - c) **Site specific sections showing methods of construction for the length of the track.**
 - d) **A detailed description of any works to the drainage along the track.**

The works shall be implemented in accordance with the details approved by the CNPA;

Reason: To minimise the landscape and visual impacts of 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. **No further works shall commence until a plan showing the extent of the turning circle at the top of the track has been submitted to and approved in writing by the CNPA acting as Planning Authority.**

The works shall be implemented in accordance with the details approved by the CNPA;

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. **No further works shall commence until a borrow pit restoration plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall include any further remodelling works and timings of all 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 4: Ecology and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. Should the further proposed development not be implemented within 1 year from the date of this decision any existing borrow pits will be fully restored and reseeded within 6 months from the passing of that date to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure the mitigation works are carried out to a competent standard and in accordance with Policy 4: Ecology and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

5. Should the further proposed development not be implemented within 1 year from the date of this decision then a centre strip of no less than 0.75m shall be seeded along the entire length of the track using locally won seed within 6 months from the passing of that date to the satisfaction of the Cairngorms National Park Authority acting as planning authority.

Reason: To ensure the mitigation works are carried out to a competent standard and in accordance with Policy 4: Ecology and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Informatives

- 1 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.
- 2 The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
- 3 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.