



Committee report

Development proposed:

Construction of forestry extraction track, track upgrading at Land 465M NW Of Golden Acre, Glen Road, Newtonmore

Reference: 2025/0167/DET

Applicant: Pitmain and Glenbanchor Estates Ltd

Date called-in: 14 July 2025

Recommendation: Approve subject to conditions

Case officer: Katherine Donnachie, Planning Officer



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Site description, proposal and history

Site description

1. The proposed site is located to the north of Newtonmore running between Glen Road to the west of the village (which leads up Glenbancher) and Strone to the east of the village, then heading north to connect with existing tracks which exit onto the A86 road south of Ballachroan.
2. The western part of the site comprises forestry then runs eastwards across moorland and common grazings, bounded to the south by birch woodland which is designated as ancient woodland. There are scattered properties at the back of Newtonmore beyond this to the south. The township of Strone lies to the east where the tracks head north alongside a watercourse and on the route of an existing core path, then round and through felled woodland to connect to existing tracks.
3. The land involved comprises moorland, rough grazing / common grazings and forestry with crossings of existing watercourses proposed. Land in this area is used for crofting purposes with some sheep fanks close to the proposed new track. There is also a water reservoir adjacent to the core path to the north of Strone.
4. There are no specific environmental designations on the site itself but the watercourses which are to be crossed are tributaries of the River Spey Special Area of Conservation (SAC), designated for its Atlantic salmon, freshwater pearl mussels, sea lamprey, and otter interests. A new culvert is proposed over a watercourse which passes through Creag Dubh Site of Special Scientific Interest (SSSI) (designated for upland birch features and located to the far west of the application site) before entering the River Calder which is a tributary of the River Spey.
5. There are areas of juniper on the eastern parts of the site closer to the watercourses and some areas of blanket bog and wet heathland along the southern and eastern parts of the site.



6. There are no listed buildings of architectural or historic importance in the immediate vicinity, but there are a number of sites of archaeological interest including hut circles and townships. A number of core paths, footpaths and rights of way cross the site or are in the vicinity including the Wildcat Trail.

Proposal

7. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

[2025/0167/DET | Construction of forestry extraction track, track upgrading | Land 465M NW Of Golden Acre Glen Road Newtonmore](#)

Title	Drawing Number	Date on Plan*	Date Received
Plan – Site Plan	64045301 Rev D	03/03/26	05/03/26
Plan- Site Plan	640453 38 Rev C	23/02/26	15/04/26
Plan - Location Plan - drone photo locations	64045314 Rev A	01/03/25	05/11/25
Plan - Location Plan - display board locations	64045315 Rev A	01/03/25	05/11/25
Plan - Site Plan	64045301 Rev D	01/03/25	05/03/26
Plan - Site Layout Plan - Aerial No 3	64045308 Rev A	03/03/26	05/03/26
Plan - Site Layout Plan - Aerial No 4	64045309 Rev A	03/03/26	05/03/26
Plan - Site Layout Plan - Aerial No 5	64045310 Rev A	03/03/26	05/03/26
Plan - Site Layout Plan - Aerial No 7	64045312 Rev A	03/03/26	05/03/26
Plan - Site Layout Plan - Aerial No 8	64045313 rev A	03/03/26	05/03/26



Plan - Site Layout Plan - Ancient Woodland Area	64045302	01/03/25	14/07/25
Plan - Site Layout Plan - Blanket Bog and Wet Heathland	64045304	01/03/25	14/07/25
Plan - Site Layout Plan - Juniper Population	64045303	01/03/25	14/07/25
Plan - Section Plan	DB-03/19	04/07/19	14/07/25
Plan - New Planting Areas		02/05/24	14/07/25
Plan - Culverting Details	64045305	01/03/25	14/07/25
Plan - Elevation Plan	DB-01/19	04/07/19	14/07/25
Plan - Longitudinal Section (1 of 2)	64045324	01/08/25	16/09/25
Plan - Longitudinal Section (2 of 2)	64045325	01/08/25	16/09/25
Plan - Longitudinal Section (1 of 7)	64045317	01/08/25	16/09/25
Plan - Longitudinal Section (2 of 7)	64045318	01/08/25	16/09/25
Plan - Longitudinal Section (3 of 7)	64045319	01/08/25	16/09/25
Plan - Longitudinal Section (4 of 7)	64045320	01/08/25	16/09/25
Plan - Longitudinal Section (5 of 7)	64045321	01/08/25	16/09/25
Plan - Longitudinal Section (6 of 7)	64045322	01/08/25	16/09/25
Plan - Longitudinal Section (7 of 7)	64045323	01/08/25	16/09/25
Plan - Aerial No 6 - Proposed Route	64045311 Rev C	03/03/26	05/03/26
Plan - Site Photographs	64045326	01/02/25	26/09/25
Plan - Track Layout (1 of 11)	64045327 Rev A	23/02/26	27/02/26
Plan - Track Layout (2 of 11)	64045328 Rev B	23/02/26	27/02/26



Plan - Track Layout (3 of 11)	64045329 Rev B	23/02/26	23/02/26
Plan - Track Layout (4 of 11)	64045330 Rev A	23/02/26	27/02/26
Plan - Track Layout (5 of 11)	64045331 Rev B	23/02/26	27/02/26
Plan - Track Layout (6 of 11)	64045332 Rev A	23/02/26	27/02/26
Plan - Track Layout (7 of 11)	64045333	01/09/25	26/09/25
Plan - Track Layout (8 of 11)	64045334 Rev A	23/02/26	27/02/26
Plan - Track Layout (9 of 11)	64045335 Rev A	23/02/26	27/02/26
Plan - Track Layout (10 of 11)	64045336 Rev A	23/02/26	27/02/26
Plan - Track Layout (11 of 11)	64045337 Rev A	23/02/26	27/02/26
Plan - Track Layout and Fell Phase Map	64045341	01/10/25	08/10/25
Plan - Aerial No 1	64045306 Rev B	02/03/26	05/03/26
Plan - Aerial No 2	64045307 Rev B	03/03/26	05/03/26
Plan - Aerial No 6	64045311 Rev C	03/03/26	05/03/26
Plan - Drone Photo Locations	64045314 Rev A	01/03/25	05/11/25
Plan - Proposed Archaeological Display Board Locations	64045315 Rev A	01/03/25	05/11/25
Plan - Route of Timber Extraction	64045342 Rev C	23/02/26	27/02/26
Plan - Track Layout and Longitudinal Section Sheet	64045339 Rev A	01/09/25	05/11/25



Plan - Track Layout and Ownership	54045340 Rev A	01/09/25	05/11/25
Other - Archaeological Display Board Examples			14/07/25
Other - Archaeology Report	GBE24 004	20/01/25	14/07/25
Other - Preliminary Ecological Appraisal and National Vegetation Classification Report	14533 Issue 1	06/11/24	14/07/25
Other - Supporting Statement			03/03/26
Other - Peat Survey	14683 Issue 1	18/11/25	19/11/25
Other - Ecology Report - Revised	383074/RE/002	01/12/25	01/12/25
Other - Envirocentre Ecology Review Letter 2025	383074/RE/002	01/12/25	03/12/25

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

8. Plans of the proposals are included in **Appendix 1**.
9. The applicant has explained that the proposed new tracks are required in order to extract timber from the ongoing forestry operations on the wider estates, with Glenbanchor and the neighbouring estate of Pitmain both being under the control of the applicants. This is required to facilitate timber extraction from the windblown woodlands in Glenbanchor to the west. These trees will be felled and subsequently replanted with a more appropriate mix of native species to integrate with the new woodlands. The proposed track network will also effectively join the two estates in terms of vehicular access to the north of Newtonmore where there is already a network of tracks across the estates. The applicants have submitted plans showing the proposed planting areas on the Glenbanchor estate together with areas of windblown woodland to be clear felled.



10. As noted earlier, this track will run from Glen Road to the west of Newtonmore, towards Strone to the northeast of the village and ultimately connecting up with existing tracks to exit onto the A86 road south of Ballachroan.
11. It is proposed to form a new upgraded access onto the minor Glen Road. It was originally proposed that this access point be of forestry standard and specifications but will now be amended to a more standard access point as forestry vehicles will not be using this access point. Instead, they will come in at the access point to the far east at Ballachroan and will run along the new track with a turning area provided at this western end to enable vehicles to turn once loaded and run back east again. The access point onto Glen Road will only be suitable for smaller estate vehicles and a number of passing places will be provided along the track.
12. This new track will run eastwards through forestry initially then across crofting land / moorland along the back of Newtonmore towards the small township of Strone. The track has been routed to avoid ancient woodland to the south and an area of existing sheep pens. The wildcat core path runs to the south of the track along this section. The new track will cross over minor watercourses via arched culverts and further east near Strone will cross the main Allt Laraidh watercourse via a proposed new bridge to then run north along the site of an existing core path alongside the Allt Mor / Allt Laraidh watercourses. To the west of this core path is another area of sheep pens and to the north of these sheep pens another bridge will be required to cross the watercourse.
13. The core path is of track standard up to the existing Scottish Water reservoir then it becomes a less distinct walking path. The new / upgraded track will follow this route and will be re-routed closer to the burn at one point to avoid steep gradients. River reinforcement is proposed at this point. The upgraded track will continue northwards along the core path route. Beyond this it will continue north through an area of felled trees then will loop round to run south to join up with the track network leading south by Ballachroan with a further culvert crossing required here before connecting onto the existing tracks. This existing track network continues south onto the A86 trunk road at an existing junction point to the east of the village.



14. The new / upgraded tracks will be 3.4 metres wide to facilitate forestry traffic with a crushed rock surface on sub-base fill with ditch located uphill and top soiled side slopes. Material to construct the tracks will be won from two existing borrow pits, one on Glen Road and the other to the north of Ballachroan. The applicant's supporting statement explains that it is proposed to reinstate the borrow pits once the development is complete.
15. North of the reservoir (at the Strone end of the new track) a short spur track was originally proposed running back west, across and alongside the northern reaches of the Allt Mor burn to connect into the existing estate track network to the west. This would have involved numerous culverts and regrading works. Along with this proposal it was also proposed to remove an existing track which connects from Strone into the wider network. Following discussions, the applicants have agreed to revise the proposals to remove the new spur link and retain the existing track which is well established in the landscape and provides the necessary link to the wider track network to the north on the west side of the watercourse. Revised plans detailing these changes were submitted in February 2026 and duly readvertised in the press, with all interested parties and consultees re-notified for any comments.
16. The applicants have confirmed that the total length of this proposed overall track network will be 3.42km of new track and 0.74km of upgrading existing tracks.
17. Indicative plans of the proposed bridge crossings have been provided which illustrate the use of timber.
18. It is also proposed to erect two archaeological information boards, one beside the lower track at the back of Newtonmore and one beside the upper track to the north by the cleared forestry area. These will give information on the archaeological history and examples of different types of boards have been provided.
19. Supporting material has been provided as follows:
 - a) **Supporting Statement** – sets out the rationale and history of the proposed track network and how this application seeks to address the reasons for refusal of a previous application for new tracks on the



estates (reference 2022/0421/DET). It explains how use of core paths will be managed during construction including temporary diversions. It also explains that an existing track was originally proposed to be removed with the ground reinstated in order to reduce the number / extent of tracks. However following discussion with Park Authority staff the proposal was revised to (a) retain this track which is considered to be visually recessive in the landscape and (b) remove an originally proposed spur link as noted earlier in this report. It also explains that all timber extraction will use the new track with timber lorries using the exit / entrance onto the A86, with use of Glen Road to the west by timber lorries no longer proposed. The new access onto Glen Road will therefore only be used by initial construction traffic and ongoing small estate vehicles.

- b) **Archaeology Report** – summarises the results of the desk-based assessment undertaken and explains there are numerous undesignated assets in the vicinity ranging from prehistoric to post medieval including hut circles, townships and cairns. It concludes that the site lies within a very busy multiperiod landscape. A walkover survey was therefore recommended. Supporting sketches of possible interpretative boards have been provided with indicative locations for the boards shown.
- c) **Ecology Surveys** – the Preliminary Ecological Appraisal and National Vegetation Classification Report assessed the various route options being considered by way of desk-based study and field study. (A follow up review report and peat survey was subsequently provided as this original study did not cover all of the final proposed route.)

- 20. The follow up Peat Survey concludes that the majority of the tracks are underlain by soils not considered to be peat with some shallow and deep peat found. It is concluded that with mitigation the development complies with policy.
- 21. The Ecology Review report sets out more detailed recommendations for mitigation and enhancement including micro-siting of tracks to avoid peat or using floating track construction, retention of juniper, use of cross drains or bottomless culverts where crossing surface water channels, reuse of turves from new works to reinstate track to be removed (all using seeds of local provenance), employment of



an Environmental Clerk of Works (ECoW), provision of appropriate refugia for reptiles and bird and squirrel boxes before woodland clearance, implementation of appropriate buffer from woodlands and use of water permeable material for tracks to avoid localised flooding and to allow water to be absorbed into the ground, carrying out works outwith bird breeding season, control of lighting and working times to minimise disturbance and ensuring that excavations are not left open in a manner whereby animals could get trapped.

22. A series of biodiversity enhancements are set out including herbivore exclusionary fencing around ancient woodland to the south of the site, localised herbivore exclusionary fencing around the small population of juniper, targeted supplementary juniper planting, and control of sitka encroachment.

Habitats Regulations Appraisal (HRA)

23. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of European sites. The HRA document is attached as **Appendix 2**. The European site in this case is the River Spey Special Area of Conservation (SAC), which is designated for its Atlantic salmon, freshwater pearl mussels (FWPM), sea lamprey and otter interests. Impacts on the Insh Marshes SAC, River Spey - Insh Marches Special Protection Area (SPA) and the River Spey - Insh Marshes Ramsar sites were screened out due to distances from potential engineering work.
24. The HRA has noted that there are no works proposed within the River Spey so there will be no direct loss of habitat. However, as the proposals includes bridges and culverts on tributaries of the SAC there is potential for indirect effects from construction activities and it is considered that there are likely significant effects upon the qualifying interests of the River Spey SAC in terms of all of its qualifying interests relating to the potential for pollution and release of sediment during construction. Also, in the case of otter, there is potential for effects from disturbance and any impacts on their prey species. These are considered to be short term construction effects.
25. The HRA has concluded that these likely significant effects can be satisfactorily addressed by suitable mitigation including: timing of works to avoid the key



Atlantic salmon spawning season (mid-October to end of February); the provision and implementation of a pollution prevention plan and a pre-construction survey of suitable otter habitat within 200 metres of the development site, with a species protection plan agreed before work starts if evidence of otter is found. These measures can be secured by planning conditions.

26. On this basis, it is concluded that the conservation objectives of the designated sites will be met and there will not be an adverse effect on integrity of the designated sites. NatureScot have been consulted on the HRA and have confirmed agreement with these conclusions.

History

27. 2022/0010/DET – construction of 4.83 km of forestry track, upgrade of existing sheep dog trial track and alterations to Glenanchor Road at land 760 metres northwest of Riseley Cottage, Glen Road – application withdrawn in order to prepare additional information.
28. 2022/0421/DET – construction of 4.83 km forestry track, formation of passing places, renewal of bridge at land 760 metres northwest of Riseley Cottage, Glen Road - this proposal involved new access onto Glen Road further north than currently proposed with a new track running north across the flanks of the hillside at higher level to connect onto the existing track network leading to Ballachroan. It was refused at the April 2023 meeting of Planning Committee in relation to landscape and design impacts and failure to demonstrate that impacts on outdoor access, biodiversity / peatland, and restoration of mineral working had been satisfactorily addressed.
29. There have been a number of applications for tracks in the wider area as follows:
30. 2018/0209/DET – resurfacing and widening of existing track at land 1,115 metres northwest of Moss Cottage, Glen Road, Newtonmore (retrospective). This site is located to the northwest of the current site and forms an extension to the wider track network leading onto the hillside of Creag Beag above Newtonmore. The track was to be used for agricultural and sporting purposes and was approved by



the Park Authority Planning Committee subject to conditions relating to finishes and drainage.

31. 2019/0121/DET – retrospective resurfacing of hill track at land 2,890 metres northwest of Carn Sgulain, Newtonmore. This related to a track further north of the current proposal and leading into the Monadhliath mountains for agriculture, deer management and sporting purposes. Approved at June 2019 Planning Committee meeting.
32. Further east on the Pitmain estate the following applications were approved:
33. 2014/0219/DET – Formation of hill tracks to connect to existing routes at Pitmain Estate approved at September 2014 meeting of Planning Committee.
34. 2014/0282/DET – proposed core path section re-route at Pitmain Estate close to Loch Gynack was approved at the April 2015 meeting of Planning Committee.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	X
Policy 6	Forestry, woodland and trees	X
Policy 7	Historic assets and places	X
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	



Policy 13	Sustainable transport	X
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	X
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	
Policy 24	Digital infrastructure	
Policy 25	Play, recreation and sport	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	X
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	X

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	X
Policy 3	Design and placemaking	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	Open space, sport and recreation	
Policy 9	Cultural heritage	X
Policy 10	Resources	X
Policy 11	Developer obligations	

35. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

36. Supplementary guidance also supports 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 (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	X
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	X
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	

Consultations

37. A summary of the main issues raised by consultees now follows:



38. **Transport Scotland** was consulted as the track network will use an existing access point onto the A86 trunk road to the east of Newtonmore. They have no objections.
39. **The Spey Fishery Board** was consulted and have no objections.
40. **The Highland Council Flood Risk Management Team** has reviewed the application in relation to watercourse crossing and has no objections subject to a planning condition requiring that the watercourse crossings be suitably designed to convey a 1 in 200 year plus climate change flood event with all small watercourse crossings to be oversized to ensure they do not impede flows.
41. **The Highland Council Transport Planning Team** initially sought further information in order to comment. On receipt of this information, they advised that their initial objection was removed following confirmation that timber extraction traffic will not route through Newtonmore but rather would only use a short section of the unclassified Glenbanchor road between the existing car park and the new access point. However, they still required further clarification by way of condition or submission of further information in relation to detailed access design, construction traffic management plan, timber transport management plan, assessment of the section of Glenbanchor road to be used by forestry vehicles with regard to any need for passing places, cattle grids, etc, and potentially a Section 96 Wear and Tear Agreement dependent on the road assessment and construction traffic management plan.
42. The applicants have now confirmed that the Glenbanchor unclassified road will not be used at all for timber vehicles, but instead they will come from the east via the existing access near Ballachroan and the proposed new track network, with a turning area provided at the Glenbanchor end. Revised plans have been submitted to this end.
43. Based on this revised information, the Team has confirmed that this resolves earlier concerns regarding the use of heavy good vehicles (HGV) on the local roads network. They have no objections subject to planning conditions to ensure: that HGVs are routed along the new track and do not use the public road network; provision and implementation of a Construction Traffic Management Plan



confirming construction traffic routing and mitigation given that the U2114 Glen Road is a narrow single track road where even a small amount of construction traffic must be carefully managed to avoid damage to verges etc; access construction condition to ensure that the standard of the proposed secondary access onto Glen Road proposed for light vehicles is built to SDB1 standards (rural access with service bay) and restricted to light vehicles together with revised visibility splay drawing reflecting the fact that it will be light vehicles which use this access point.

44. The Team concludes that neither a timber transport plan nor an assessment of Glen Road is required anymore given that the applicant has confirmed that no operational timber haulage traffic will interact with the local roads network.
45. **The Highland Council Forestry Officer** noted that the proposed track passes through predominantly open hill ground and some areas of mainly productive forestry with the routing of the track avoiding ancient woodland. The track also runs through some areas of juniper and should be micro-sited to avoid this.
46. The officer initially highlighted that the proposed removal of productive conifer woodland did not fit with Scottish Government policy on removal of woodland which states that woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits and that in appropriate cases a proposal for compensatory planting may form part of this balance. Following further clarification from the applicants' agent on planting proposals the Forestry Officer has now advised that they have recently received clarification from Scottish Government that compensatory planting is not required in circumstances where the loss of trees is required to facilitate a forestry track. The officer therefore has no objections to the proposals.
47. **The Highland Council Archaeology Team** have noted that the site lies in an area of archaeological potential and welcome the provision of a Written Scheme of Investigation (WSI) to inform a walkover survey. They have confirmed that the WSI can be approved and recommend a condition be attached requiring that a programme of archaeological works be carried out in accordance with the WSI



with walkover survey in first instance to establish the archaeological content and potential. Dependent of the results of this survey further work may be required.

48. **Cairngorms National Park Authority Outdoor Access Officer** has noted that Glen Road off which access is proposed is a core path (UBS2 wildcat trail – also UBS8 Glenbanchor) and right of way (HB38). Public access along this road must be maintained at all times, or a suitable diversion provided during the construction of the new junction.
49. The development will also impact upon a section of the Wildcat Trail core path (UBS34 Kingussie to Newtonmore via Loch Gynack) and a loop of core path in the woodland (UBS2 wildcat trail) where the new track will cross the core path. However, this core path loop is currently inaccessible due to storm damage and during the core paths consultation process the Team will be consulting on removing the core path designation from this closed route. It is noted that it is proposed to upgrade the track between Strone and the corner of the woodland to the north. This is presently a popular well used route (wildcat trail and UBS34) and the team would anticipate this being kept open and accessible during construction or else that a suitable diversion is implemented. They do not consider the diversion shown by the applicants alongside the Kingussie - Newtonmore road to be suitable as a diversion should be of a similar experience and lead to the same destination, i.e. bypassing the construction works and rejoining the original route. They also note that the new track will also cross two small paths as shown on OS maps which provide hill access to A'Challeach and Geal Charn and that timber lorries will travel along the section of core path being upgraded and will cross the existing core path at Ballachroan. Information will be needed on how these crossings will be managed safely with the safety of recreational users protected.
50. In conclusion, the Officer has confirmed that they have no objections to the proposals subject to conditions to cover these above points. This should include a site-specific core path construction plan with details of the diversion, together with details of the ongoing management of crossings and safe use of core paths, and monitoring and replacement of any signage during the lifetime of the extraction which they note could be until 2035.



51. **Cairngorms National Park Authority Peatland Team** was consulted on the initial proposals and highlighted that a peat depth survey would help assess the impacts of the development. The team noted that there may be areas of eroding and bare peatland near to the proposed route of the track and investigating whether there is any degraded peatland which could be restored would be welcomed. On receipt of further information and the applicant's revised plans, the team advised they were content for the Ecology Advisor to provide further comment but would be happy to advise on any peatland restoration that may be proposed.
52. **Cairngorms National Park Authority Ecological Advice Officer** highlighted the various designated sites which could be affected by the development given that it crosses watercourses that are tributaries of the River Spey SAC. A new culvert is proposed over a watercourse that passes through Creag Dubh SSSI before entering the River Calder which is a tributary of the River Spey although there are considered to be negligible impacts on the SSSI which is designated for upland birch features. Detailed consideration of impacts is covered in the HRA process.
53. The officer noted that there will be removal of trees to facilitate the development and this should be compensated for by further planting. It was also highlighted that an updated habitat survey was required to cover the full extent of the track so that impacts could be fully considered. It was further noted that whilst the development avoids ancient woodland any impacts during construction will need to be considered fully.
54. An updated survey together with peat depth survey was provided. This demonstrated that there will be areas of deep peat impacted by some parts of the new track. Having considered this further information, the officer has confirmed no objections to the development subject to conditions requiring further pre-construction surveys; control of work during bird breeding season; peat restoration plan to compensate for any loss of peat which should equal an area of 10 times the extent of peatland habitat impacted by the development; construction environment management plan to mitigate any impacts on the water environment; habitat management plan covering compensatory planting for tree loss and protection of ancient woodland together with a biodiversity enhancement plan.



55. The applicant has provided indicative details of a potential peat restoration plan, included a framework of biodiversity enhancements in the ecology review report and is agreeable in principle to enhancement and planting proposals.
56. The Ecology officer has now also considered the ecological impact of the revised submission removing the short link proposal to the north of the core path upgrade section and retaining the existing track instead. In relation to impacts on watercourses the officer notes that these revisions have removed the requirement for six watercourse crossings over tributaries connected to the River Spey SAC. Reducing the number of watercourse crossings and path work close to watercourses will reduce the risk of potential construction-phase pollution (eg oil spills or fuel leaks) or mobilised sediment entering the watercourse, which may have had potential consequences for designated sites and species downstream. In relation to impacts on habitats it is noted that the spur link would have gone through intact areas of dry heath, wet heath, acid grassland, and a mosaic of the previous habitats with deep peat deposits (over 50cm) recorded at three locations along the track and therefore drainage impacts potentially more extensive. Removing this section of track will leave these habitats and peat deposits intact.
57. With regard to the proposal to retain the existing track the Officer notes that no ecological survey work had been undertaken when it was proposed to remove this track. This makes it challenging to assess outcomes of the originally proposed path restoration work. From aerial imagery a mix of heathland and acid grassland habitats and small watercourses are present along the length of the route. There is no peat depth survey along this track whereby it is unclear whether significant deep peat deposits are present or how successful restoration of the surrounding habitats might be. Some drainage and trampling impacts are visible surrounding the existing track, where heathland habitats have changed to grassland close to areas of the track.
58. In these circumstances the Officer has concluded that (a) not installing the northern link track would prevent further track construction through currently intact peatland habitats with deep peat and remove the requirement for six watercourse crossings and (b) there should be no significant impacts from retaining the Strone Road track.



59. **Cairngorms National Park Authority Landscape Advisor** has advised that the proposed track is in a sensitive location within areas of wet heath, close to ancient woodland and close to (and visible from) a network of well used footpaths, with potential to affect the distinct landscape character and special landscape qualities of the National Park.
60. The officer notes that most of the site lies within landscape character area 11 with the western section located within area 10 (Badenoch: Newtonmore to Kingussie and Badenoch: Lower Glen Banchor) where a number of Special Landscape Qualities (SLQs) are present. Key SLQs include moorland; trees woods and forests; wildlife and nature; visual and sensory qualities; culture and history and recreation. Impacts on these SLQs are summarised and it is considered that although some limited enhancement is proposed there is an opportunity for further enhancements to meet NPF4 policy. For example, habitat enrichment measures and additional native tree planting.
61. The officer notes that although some sections of track are located in commercial forestry, with existing birch woodland largely providing screening from Newtonmore (other than from the single residential property at Strone which will be most affected during the construction phase), there will be clear views of the tracks from the path network. Whilst accepting that tracks are characteristic of the area, the officer considers that the proposed track could cause negative impacts dependent on its detailed design. The officer also noted that it may be preferable to retain the existing track to the west of the Allt na Feithe Buidhe watercourse and omit the proposed section of link track to the north which could cause some negative impacts.
62. Physical effects are summarised as relating to excavations and loss of natural vegetation; loss of trees including Scots pine; areas of cut and fill beyond the footprint of the track at a number of locations including the section between the Allt Laraidh and the small hill to the east and particularly at the proposed northern link section; and the temporary closure of sections of core path. Effects would be greatest at the construction stage with longer term effects likely at the areas of greatest disturbance.



63. Having assessed the information initially provided, the officer considered that there was a lack of detail on detailed design and landtake in relation to proposed earth works particularly in relation to riverbanks and bridge crossings with the track crossing ground with localised undulations requiring areas of cut and fill and riverbank stabilisation.
64. The Landscape Advisor was reconsulted on the revised proposals and considered that the removal of the spur link would reduce landscape and visual effects. They also noted that the original proposal to reinstate the existing track would have resulted in limited benefits.
65. The officer has concluded that in principle the proposed development could be acceptable provided a number of design details are handled sensitively. Additional information will be required to achieve this outcome and could be addressed by planning conditions requiring detailed mitigation and enhancement plan which could include creation of bog areas and use of larger species include Scots pine, birch and juniper to provide softening or screening of the track and earthworks, grading and construction information, details of bridges which should use traditional materials and design, details of landscape planting together with management and maintenance plans, construction method statement and information on monitoring and review during the construction and maintenance periods. Seeding of the central strips of the tracks is also considered to be beneficial.
66. **Newtonmore and Vicinity Community Council** was consulted on the original proposals and noted that some comments had been made to them regarding access to crofting land for feeding sheep and lack of involvement of crofters in the design. They also raised queries regarding the relationship to the wildcat trail. Their initial response is attached as **Appendix 3**. The Community Council were consulted on the revised plans, but no further formal response has been received at the time of writing.

Representations

67. The application was advertised when originally submitted and three representations were received. One was a general one, one was an objection and



the other one of offered support for the proposals subject to qualifications. These are attached as **Appendices 4 (a) (b) and (c)**.

68. The general comment highlights that should the application be approved it is requested that construction takes place outwith the nesting and breeding seasons for birds as the area is used by a range of species including lapwings, curlews, oystercatchers and skylarks.
69. The supporting comment highlights that although there will be significant impacts on natural heritage there are also potential advantages from the proposals in terms of woodland development, deer management, crofting and some aspects of outdoor recreation with the benefits potentially outweighing the disadvantage providing appropriate planning controls are applied to cover the following matters. If this is not possible, the writer would like the comments to be taken as an objection.
- a) **Substandard submission** – including lack of detail / reference to landscaping, recreation, crofting activities, need for track, and peatland, plus errors on track alignment.
 - b) **Need for the track** – unclear as to need for forestry track as forestry could be extracted from either end, with costs of forming the new track likely to outweigh the value of the trees to be extracted, and no forest plan in place. Notes there is relationship between the track and deer management and outdoor recreation.
 - c) **Design and detailing of track** – lack of detail on track width and design, passing places and borrow pits. 2.5 metres is considered sufficient with central grass strip to minimise visual impacts. Surfacing should be suitable standard for all users. Plans inaccurately show core path north of the reservoir as a track – it is just a narrow path.
 - d) **Retention of existing track** – recommend that the existing track which runs up the western flank of the Allt na Loinne should be retained, as it provides a useful recreational walk used traditionally to ascend the hills beyond and retains snow so providing a good ski route. The new link would facilitate a circular walking route from Strone.
 - e) **Deer Management** – development may support deer management by enabling stalkers to move more easily around the estate and control deer



numbers. Recommends that agreement is reached on how to reduce deer numbers before granting consent.

- f) **Crofting issues** – development may assist crofting activities. The Park Authority should agree with estate where fencing should go to encourage expansion of native woodland. Clarification is needed on the route of the track as conflicting plans showing it running through existing sheep pens. *Note: the plans have been updated to show the track avoiding the sheep pens.*
- g) **Outdoor recreation issues** – care is necessary where existing farm tracks cross the proposed new track and during construction of the upgraded track to the north of Strone where the grass covered character should be retained.
- h) **Biodiversity** – exact line of track should be agreed with the Park Authority on site to avoid environmental damage and then marked out with pegs.
- i) **History of compliance with planning requirements** – concern raised regarding the ability of the Park Authority to ensure compliance with planning conditions, with the writer citing examples of non-compliance.

70. The objection letter, from the North East Mountain Trust who represent the interests of hillwalkers, raises the following concerns:

- a) Lack of information on the need for the track, making the point that timber can be extracted from either end of the track with no need for a section in between.
- b) Similarly to the other contributor they recommend that the width of the new tracks be limited and to have a central vegetated strip to minimise visual impact and to comply with best practise.
- c) Information on location and restoration of borrow pits is required.
- d) Removal of section of existing track is welcomed as mitigation for new tracks, but a method statement is required setting out how this will be done and a timescale for completion.
- e) Track runs through area well known for supporting bird life and implications of this need to be fully considered.



71. The revised plans were re-advertised, and further comments were received from the contributor who provided the representation which offered support subject to conditions. These comments are included within **Appendix 4 (c)**. The writer welcomes the changes made in the revised plans and in principle supports the revised alignment and changes, along with accepting the need for a 3.4 metre wide track for forestry purposes. Concerns regarding the need to mitigate landscape impacts by providing a central vegetated strip are repeated along with suggestions that the track be made more sinuous particularly at its western end to improve integration into the landscape.
72. In terms of biodiversity enhancements, the writer is concerned regarding impacts of overgrazing by deer, welfare of livestock due to inadequate fencing and improper muirburn practises. The writer considers that the applicant should demonstrate how they will resolve these issues before consent is granted with the application presenting a good opportunity to highlight how best to address this if biodiversity is to be key element of rural development.
73. The writer is also concerned regarding the proposed forestry plans which they consider to have insufficient information on amounts, type of planting and extraction methods for timber further up the glen raising the likelihood of more tracks being required and an opportunity to encourage natural regeneration missed. Again, it is considered that approval of the application should be dependent on these land management issues being resolved.

Appraisal

74. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises NPF4 and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.
75. The main planning considerations in this case are: the principle of development; landscape and design; environmental impacts; transport and outdoor access; amenity and impacts on the community and crofters; flooding and drainage; cultural heritage; and sustainability and climate change. These are addressed in detail below.



Principle

76. **NPF4 Policy 29: Rural development** sets out that development proposals which contribute to the viability, sustainability and diversity of rural communities and the local rural economy will be supported subject to consideration of siting, scale, design and transport issues to ensure it is appropriate to rural character. **LDP Policy 2: Supporting economic growth** similarly supports developments which support or extend the economy where they have no adverse environmental or amenity impacts, are compatible / complementary with the existing business activity, and support the vitality and viability of the local economy.
77. In this respect the proposal for a forestry track to support the extraction of timber and ongoing forestry management for a local estate is considered in principle to support the local economy and so aligns with rural development planning policies.
78. More specifically, in relation to tracks **LDP Policy 5: Landscape part 5.2 Private roads and ways** sets out that 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 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. The supporting text to this policy explains that open moorland and hills are one of the Park's most visible and important landscape components, with these areas used for field sports and farming as well as recreation. Their management is key to delivering many public interest priorities. Tracks are often the most obvious manmade features within these landscapes and if poorly designed and sited can result in damage to landscapes and habitats.
79. In this case the applicants have submitted that the track is required for forestry purposes in order to extract forestry from the Glenbanchor estate. As Glenbanchor estate and the neighbouring estate of Pitmain are now in the same ownership, this has facilitated a proposal to cross both estates with the proposed track. Modifications made during the course of the application avoid use of the minor



public road network in and around Newtonmore so that all forestry vehicles will use the entrance from the east of the village onto the trunk road with forestry traffic movements contained within the estate. The proposed track will also presumably have a benefit to the estates by connecting them for other sporting and agricultural purposes. As such, the proposal is considered to comply with part (a) of LDP policy 5.2 in that it has been demonstrated that the track is essential for land management purposes.

80. In order to comply fully with policy, the proposed development also requires to be designed to minimise landscape and environmental impacts and this is considered in detail below.

Landscape impacts and design

81. **NPF4 Policy 4: Natural places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. **LDP Policy 5: Landscape** sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the National Park. **NPF4 Policy 14: Design, quality and place** also seeks to ensure that development proposals improve the quality of the area and are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Similarly, **LDP Policy 3: Design and placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places.
82. Specifically with regard to tracks, **LDP Policy 5 Landscape part 5.2 Private roads and ways** sets out that 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 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.

83. As noted earlier, it is considered that the proposal complies with part (a) of LDP policy 5.2. It is therefore necessary to consider whether it complies with part (b), which echoes the requirements of other LDP and NPF4 policies to ensure no adverse environmental impacts and that the character of the National Park and its special qualities are conserved and enhanced.
84. Following refusal of the previous application for a track, the applicant has liaised with the planning service regarding how best to overcome the reasons for refusal. Advice to avoid cutting across the higher land has been taken on board, and the first part of the proposed track now runs through commercial forestry then along flatter land beside the ancient woodland at the back of Newtonmore. This provides an appropriate level of screening and will enable the track to sit in the landscape better. It will be viewed from higher areas to the north as set against this backdrop, which in landscape terms will help to minimise impacts. As the track moves east it will then follow the line of an existing track up to the Scottish Water Reservoir. This will involve significant widening and upgrading of the core path which will have landscape impacts, although it may also offer some benefit to users of the path as it moves northwards by providing a clearer route and surfacing. There will also be impacts as it crosses watercourses and runs beside the burnside. Accordingly, the design and the detailing of this work, including land recontouring works and new bridges will be crucial. It is considered that an acceptable fit can be achieved if traditional materials are used with the bridges and care is taken with any regrading. Should the application be supported, planning conditions will be required to achieve this, as noted by the Park Authority's landscape advisor.
85. Beyond this, the track will run around and through cleared woodland which will have more limited impacts involving already disturbed land before it emerges to connect onto an established track network down to Ballachroan.
86. The originally proposed new short spur leading west to link into the wider track network ran over previously undisturbed ground and involved numerous water crossings so there would have been significant visual impacts. Furthermore, there



was a lack of detail on how the associated removal / reinstatement of the existing track was to be achieved, making it difficult to assess landscape and visual impacts.

87. It is understood that the applicant's rationale for removing this existing section of track was to align with LDP policy by reducing the overall extent of tracks in the area. However, LDP Policy 5.2 (part c) only specifically requires removal of existing tracks if the landscape and environmental impacts of proposed new tracks are not otherwise acceptable. In this case, the landscape impacts of the new track are generally considered acceptable, subject to suitable planning conditions, as summarised by the Park Authority's Landscape Advisor. Removal of the proposed spur and retention of the existing track was therefore considered to be a preferable option as it could secure additional landscape benefits as a result of: (a) avoiding creation of a new spur track over undisturbed ground; and (b) avoiding the potential visual disturbance of reinstating an existing track which due to its present configuration, vegetated centre strip and narrower width fits in well to the landscape.
88. Accordingly, discussion took place with the applicants to seek removal of the new spur track proposal. The proposals were revised accordingly in line with officer recommendations, and the revised proposals were readvertised and interested parties renotified all as outlined earlier in this report.
89. In terms of the design of the track itself it is of standard forestry track specification being some 3.4 metres wide to accommodate the forestry vehicles. It is considered that the landscape impact of this width of track could be reduced by careful design details, such as vegetated sides to blend in with the adjacent habitats and use of a central seeded strip. The applicant does not have any operational objection to these recommendations, confirming that the core purpose of the track is for forestry purposes as opposed to serving other functions such as fire management. Points made by contributors requesting that the track be of maximum width 2.5 metres are noted, but it is understood that this width of track would not be sufficient to accommodate the forestry vehicles which it is designed to accommodate. Provision of a central vegetated strip together with careful



reinstatement of the edges of the new / upgraded track are considered sufficient to appropriately minimise landscape impacts.

90. On this basis, and subject to appropriate planning conditions being attached, the proposed development is considered to comply with relevant development plan policies.

Environmental and biodiversity impacts

91. **NPF4 Policy 3: Biodiversity** requires that development proposals contribute to the enhancement of biodiversity including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature-based solutions where possible. **NPF4 Policy 4: Natural places** does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest. **NPF4 Policy 6: Forestry, woodland and trees** also applies which supports development that enhances, expands and improves woodland cover with any woodland removal only supported where there are clear and significant public benefits and compensatory planting is provided.
92. Similarly, **LDP Policy 4: Natural heritage** requires new development to have no adverse effects on the integrity of designated sites, the National Park, or on protected species or habitats. **Policy 3: Design and placemaking** also requires development to create opportunities for further biodiversity and to promote ecological interest.
93. Firstly, with regard to forestry issues and the removal of trees, the applicant's agent has highlighted that the trees to be removed comprise predominantly non-native species and that their removal will support long-term habitat restoration and landscape enhancement by enabling improved access for ongoing management and extraction, ultimately contributing to the restructuring of the woodland away from non-native monoculture. They consider that this transition aligns with wider national policy objectives to increase biodiversity, promote climate resilience, and restore more natural woodland composition so representing a public benefit, particularly in ecological improvement, landscape quality, and



long-term forestry resilience. They have advised that the total area to be removed is around 1.3 acres and includes sections of windblown non-native conifer requiring clearance to enable safe access and future management with only the footprint required for the track formation itself constituting permanent woodland loss. The surrounding woodland forms part of their Phase 1 felling programme and will therefore be managed and replanted with native species, rather than lost permanently. The applicants have confirmed that an equivalent area of replanting will be provided, using native species where appropriate to improve habitat diversity and long-term ecological value.

94. As noted earlier in the consultations section, the Highland Council Forestry Officer has advised that they have no objections to the proposals following Scottish Government clarification that compensatory planting is not required for the removal of woodland to facilitate forestry tracks. Notwithstanding this position, it is considered that there is a need for more planting here to enhance biodiversity and the landscape in accordance with policy and to further help the track to sit well in the landscape. The applicant has agreed to this in principle and controls all land to deliver further planting. The Park Authority's Landscape Advisor has provided guidance on what may be expected such as habitat enrichment measures and additional native tree planting located close to existing trees including close to the track proposed by the existing wood. This could be further developed and secured by planning conditions should the application be supported.
95. With regard to wider forestry issues, the applicant has provided various drawings outlining their phased felling and replanting programme for the estates. However, as noted by objectors, these proposals have not been approved by Scottish Forestry to date within this area. The applicants have advised that their proposals will be finalised once they know if the forestry track is acceptable. This would then be the subject to consultation with Park Authority officers if and when it is submitted to Scottish Forestry. Officers provided pre-application advice some time ago as to matters to be addressed with any such plan.
96. With regard to impacts upon designated sites (River Spey SAC), an HRA has been undertaken which has concluded that subject to suitable mitigation in terms of pollution control measures, timing of works and undertaking pre-construction



surveys the conservation objectives can be met and there will be no adverse effect on site integrity.

97. In terms of other environmental and ecological impacts, sufficient information has now been provided to assess these and the Park Authority's Ecology Advisor is satisfied that any impacts can be addressed by suitable mitigation which can be secured by planning conditions, including native tree planting and protection of the adjoining ancient woodland which lies outwith the application site. Impacts on wildlife can be mitigated by appropriate working practices and pre-construction survey work which can again be secured by planning condition. Impacts on the water environment can be mitigated / avoided by appropriate construction management and pollution prevention measures. Biodiversity enhancements can also be secured. Accordingly, the revised proposals are considered to comply with relevant development plan policies.
98. **NPF Policy 5: Soils** sets out that development on peatland will only be supported in certain cases including essential infrastructure where there is a specific locational need and no other suitable site, and for small scale development directly linked to a rural business, farm or croft. The policy explains that a detailed site-specific assessment will be required to consider baseline conditions and likely effects. **LDP Policy 10: Resources** echoes this approach in terms of minimising disturbance of soils and peat.
99. In this case it is considered that the proposed development is directly linked to a rural business (local estate) with the impact on peatland assessed and peat surveys provided. The Park Authority's Ecology Advisor has concluded that the loss of peatland from the construction of the track over some areas of deep peat and the associated disturbance in the construction zone around such areas can be adequately compensated for by peat restoration works on the estate and the applicant is agreeable to this in principle. A peatland restoration plan can be secured by planning condition.
100. In these circumstances, it is considered that the proposed development complies with NPF4 and LDP policies subject to conditions to ensure development and



implementation of suitable biodiversity and landscape enhancements, compensation for loss of peatland, and protection of trees and wildlife.

Transport and outdoor access

101. **NPF4 Policy 13: Sustainable transport** supports new development where it is line with the sustainable transport and investment hierarchy and adequately mitigates any impact on local public access routes. **NPF Policy 18: Infrastructure first** also requires the impacts of development on infrastructure to be mitigated.
102. **LDP Policy 3: Design and placemaking** requires development to have an appropriate means of access, promote sustainable transport methods and active travel. It also requires new development to 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.
103. In terms of transport issues, the application has been amended to avoid timber lorries using the narrow, unclassified Glen Road to the west. Instead, all timber lorry access will come in from the junction onto the trunk road to the east below Ballachroan with a turning area provided at the western end of the track to enable the lorries to travel back east with their loads. This will avoid damage to the minor road network or any need to upgrade this network. The access point onto Glen Road can be designed in such a way as to prevent timber lorries entering from Glen Road and be suitable for standard estate vehicles.
104. The technical consultee (Highland Council Transportation Team) has assessed the revised proposals and has no objections subject to conditions designed to ensure that no timber lorries use the access onto Glen Road, that construction traffic is managed appropriately to avoid any damage to the road network, and the access onto Glen Road is designed to prevent use by timber lorries. This can be secured through the imposition of appropriate planning conditions in the event of the application being supported.
105. Finally with regard to vehicular access, although the primary purpose of the track is for forestry purposes the applicants have also now shown a number of passing



places along the new network to facilitate passing of vehicles which may also be of benefit should there be any need for future fire management.

106. In terms of public access, there are numerous core paths and other paths in the vicinity of the development. Some core paths will also be directly affected by the development including a section of core path north of Strone which the development proposes to upgrade and widen. Other sections of core paths will be crossed by the new track. Whilst the upgrading of the core path may provide some benefits to users, it will also affect the experience of users whereby it is important to secure a suitable design for this rural area.
107. Importantly, as noted by the Park Authority Outdoor Access Team, it is essential that use of these popular local paths is not impeded in any way. Appropriate planning conditions can be imposed to this end, including provision of appropriate details of how users will be diverted during construction to enable users to continue to access Newtonmore from the Gynack trails. Also measures to outline how the safety of users will be secured during operation, for example by signage and provision of suitable crossing points as necessary. In this regard the applicant has confirmed core paths will be managed during and post construction and is agreeable to provision of an outdoor access management plan as requested by the technical consultee (The Park Authority Outdoor Access Officer).
108. Finally with regard to public access issues, it is noted that one of the contributors sought retention of the existing track together with the spur link originally proposed in order to provide a looped walking route north of Strone. Whilst this desire is appreciated it is considered that the current submission does provide for continued good walking links and that the potentially adverse impacts of providing the spur road outweigh any benefits of further links.
109. In these circumstances, the development is considered to comply with relevant development plan policies.

Amenity and impacts on community / crofters

110. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise



unacceptable noise issues will not be supported. **LDP Policy 3: Design and placemaking** requires new developments to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site.

111. **NPF4 Policy 5: Soils** states that development on prime agricultural land or land of lesser quality that is culturally or locally important (as identified in the LDP) will only be supported in specific cases as set out in the policy.
112. Whilst there may be some impacts upon residents in the immediate vicinity at the construction stage in terms of noise / general disturbance, these impacts will be short lived and unlikely to give rise to unacceptable levels of disturbance. Furthermore, the majority of properties are separated from the site by woodland with the nearest unscreened property at Carn Sgulain being some 200 metres distant. Visual impacts will reduce over time once the track is formed and central strips and edges seeded. In these circumstances there is not considered to be a significant impact upon residential amenity.
113. In terms of impacts on agricultural land, there is a limited landtake of crofting / rough grass land which is not considered to conflict with policy. However, it is important to ensure that there is no significant adverse impact on the crofting interests such that use this land and that this historic use is not impeded. The applicants advise that they have had ongoing dialogue with the crofting interests here, with the track to the north of Craggan of Clune repositioned to avoid the need to relocate existing sheep fanks which will now be retained in situ. It is not proposed to fence the new track off and sheep will therefore still be able to access the woodland to the south of the track for shelter and feeding purposes. The retention of the existing track north of Strone and the upgrading of other tracks may also have some potential to improve access for crofters. As such, it is not considered that there is any significant conflict with existing crofting interests.
114. In these circumstances, the proposed development is considered to comply with relevant development plan policies.



Flooding and drainage

115. **NPF4 Policy 22: Flood risk and water management** explains that development proposals at risk of flooding or in a flood risk area will only be supported if they fall into a series of categories including water compatible uses. This policy sets out that development proposals must not increase the risk of surface water flooding to others, and that all rain and surface water is managed through sustainable drainage systems (SuDS) with areas of impermeable surfaces minimised. **LDP Policy 10: Resources** requires development to ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.
116. The proposed development crosses and runs alongside watercourses identified on Scottish Environment Protection Agency's (SEPA) flood maps at being at risk of flooding. Providing any watercourse crossings are appropriately sized as highlighted by the technical consultees (Highland Council Flood Risk Management Team) no water management issues are anticipated in terms of flood risk. This can be secured by appropriate planning conditions.
117. Otherwise in terms of water management, it is essential that the construction of the new track does not cause any pollution of the watercourses in the area which are part of the tributaries of the River Spey SAC. As such, appropriate planning conditions to secure satisfactory construction environment management details will be necessary and can be attached in the event of the application being supported.
118. In these circumstances, the proposed development is considered to comply with relevant development plan policies.

Cultural heritage

119. **NPF4 Policy 7: Historic assets and places** notes that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site an early stage. **LDP Policy 9: Cultural heritage** also sets out similar requirements.



120. In this case, the area is culturally rich with numerous areas of archaeological interest which have been highlighted in the applicant's supporting material. The applicant also proposes to provide information boards explaining about the archaeological interest / history of the area which will be beneficial to users of the path network and will help promote understanding of the cultural interest of the area. The technical consultee (Highland Council Archaeology Team) has no objections to the proposals subject to the imposition of a planning condition to secure suitable archaeological evaluation.
121. In these circumstances, the proposed development is considered to comply with relevant development plan policies.

Sustainability and climate change

122. **NPF4 Policy 1: Tackling the climate and nature crises** states that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate mitigation and adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **LDP Policy 3: Design and placemaking** also requires new development to minimise the effects on climate change in terms of siting and construction. NPF4 recognises the need to minimise waste, with **NPF4 Policy 12: Zero waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy and **Policy 5: Soils** seeking to protect soils. Similarly, **LDP Policy 3: Design and Placemaking** also requires new development to make sustainable use of resources including minimisation of waste and energy usage. **LDP Policy 10: Resources** also seeks to ensure minimisation of waste during construction and life of developments.
123. The purpose of this application is to enable the extraction of timber from an estate to support the ongoing management and restocking of woodland which is an inherently sustainable operation, helping to support the ongoing working of the estate and its workforce. It is intended to use borrow pits on the estate to provide material to construct the track and to set aside turves when forming the track for reuse in the verges of the new track. This will minimise the need to import material. The development has been revised to reduce the amount of disturbance to the



environment by removing the originally proposed spur link track, together with routing timber lorries to avoid the minor public road networks so avoiding need for upgrades to this network. These actions will help to reduce the use of resources. As such, the proposed development is considered to comply with the objectives and principles of these policies.

Other issues raised in consultations and representations.

124. The majority of issues raised by consultees and contributors have been addressed throughout this report. Issues that have not been specifically covered are now considered.
125. One of the contributors requested that before granting any consent the Park Authority should discuss with the applicants the matter of controlling deer numbers on the estate, livestock welfare and muirburn practices. These are not relevant land use planning issues in relation to the formation of a track, apart from any requirements within the biodiversity enhancement proposals to protect any new planting. The Park Authority has other forums to more appropriately discuss these issues with estates, such as the Deer Management Group, and concerns raised regarding animal welfare and overgrazing have been passed to the land agent for information.
126. Another issue raised was a point relating to enforcement of river management works and maintenance of bridges on core paths elsewhere on the estate. Again, this is not a land use planning issue relevant to the current application, although it has been passed onto other Park Authority officers who are involved with river management and access issues for information.
127. Finally, points raised regarding the overall forest planting proposals for the estates are more appropriately addressed through the forest plan process with Scottish Forestry with the Park Authority being a consultee to this.

Conclusion

128. It is considered that it has been demonstrated that the proposed new track is required for land management purposes, and it is acceptable in landscape and environmental terms subject to conditions to secure details of matters such as



design, landscaping, tree planting, peat restoration and biodiversity enhancements. Sufficient information has been provided to date by the applicants to demonstrate that these details can be developed. Other planning issues such as public access and servicing can also be adequately addressed by planning conditions.

129. In these overall circumstances, the proposal is considered to comply with the Development Plan and there are no material considerations that indicate otherwise. Approval is therefore recommended subject to appropriate planning conditions.

Recommendation

That members of the committee support a recommendation to APPROVE the application for the Construction of forestry extraction track, track upgrading at Land 465M NW of Golden Acre, Glen Road, Newtonmore subject to the following conditions:

Conditions

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The timing of the construction work shall avoid the Atlantic salmon spawning season (mid-October to February).

Reason: To minimise potential construction phase impacts on qualifying interests of the River Spey Special Area of Conservation and to ensure that there are no adverse effects on species in accordance with Policy 3: Biodiversity and Policy 4:



Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until design details of bridges, culverts, drainage and any bank strengthening / regrading are submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. The development shall thereafter be implemented in accordance with the approved details. These details to reflect the following requirements:**
- a) **Use of timber for railings and visually exposed surfaces on any bridges;**
 - b) **All watercourse crossings to be suitably designed to convey a 1 in 200 year plus climate change flood event where it remains in bank and not impede flows on the floodplain where flows are predicted to be out of bank, with all small watercourse crossings to be oversized to ensure they do not impede flows;**
 - c) **Particular attention to be paid to the detailing of sections such as the section between the Allt Laraidh and the small hill to the east; the junction of the tracks to the northeast of the woodland near Strone; and at the localised hill east of the hut circles/sheep pens.**

The development shall thereafter be implemented in accordance with the approved details.

Reason: To avoid any flooding impacts, protect the water environment, in order to ensure that there are no adverse effects on the natural heritage and landscape of the National Park in accordance with Policy 3: Biodiversity, Policy 4: Natural Places, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 5: Landscape, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

4. **No development shall commence on site until an updated Pre-Construction Protected Species Survey (including badger, water vole, red squirrel and otter)**



has been undertaken by a suitably qualified person and the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. If any protected species are detected, then a Species Protection Plan detailing mitigation measures to prevent disturbance and injury shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority before any development commences on site. Any mitigation measures and Species Protection Plan shall thereafter be implemented in accordance with the approved details and overseen by the appointed Environmental Clerk of Works. Dependent on the results of the pre-construction survey, the Construction Environment Management Plan required by condition 9 may require to be updated to include measures such as appropriate exclusion zones and other sensitive areas marked on site by Environmental Clerk of Works. In some instances, licences from Naturescot may be required. Surveys and species protection plans should follow NatureScot guidance - [Planning and development: standing advice and guidance documents | NatureScot](#)

Reason: To ensure that there are no adverse effects on protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021

5. No development shall commence on site until a Peat Restoration / Habitat Management plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority to reflect the requirement for the following information:
 - a) Location and extent of priority peatland habitats and peat deposits that will be impacted by the development. The area of peatland habitat impacted should be calculated as the footprint of the track where it passes through priority peatland habitat (wet heath and blanket bog) plus a 30m buffer on either side of the track where priority peatland habitats are present;
 - b) Mitigation for impacts on peatland habitats should include the restoration of degraded peatland habitats nearby. The extent of



- peatland restoration should equal an area 10x the extent of peatland habitat that will be impacted by the development;
- c) The peatland restoration plan to show a suitable area of degraded peatland habitat to be restored as mitigation;
 - d) The location and extent of degraded peatland habitat within the restoration site including drainage and erosion features, and peat depth and condition across the site at a resolution of at least 100m x 100m grid (see NatureScot's Peatland Action guidance). [Peatland ACTION - Peat depth and peat condition survey guidance and recording form guidance | NatureScot](#);
 - e) Proposed peatland restoration techniques, and monitoring programme to ensure that restoration is successful, and maintained;
 - f) Timetable for implementation of the approved plan.

More information may be found here. [Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot](#).

The peatland works shall thereafter be implemented in accordance with the approved details, with any mitigation to be undertaken in accordance with the timetable set out in the approved plan

Reason: To minimise negative impacts on sensitive peatland habitats and carbon-rich soils and to mitigate for any damage to priority peatland habitats in accordance with Policy 5: Soils of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021

6. No development shall commence on site until details of biodiversity and landscape enhancements have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority to cover the following points and to reflect measures suggested in the approved Ecology Review Statement. These enhancement measures should be additional to any mitigation / compensatory measures such as peatland restoration and any



proposed native woodland planting should be additional to any currently approved woodland creation scheme proposals in the area.

- a) Details of any trees to be lost or ancient woodland to be impacted;
- b) Details of proposed planting including species, numbers, sizes and proposed ongoing protection and maintenance. Such details to reflect the requirements for planting of native species;
- c) Consideration of establishing plant communities which benefit biodiversity such as creation of bog areas and the use of larger species including Scots Pine, Birch and Juniper to provide softening and screening of the tracks and earthworks;
- d) Where the new track passes close to ancient woodland and stands of trees, details of tree protection measures to be provided;
- e) Details of seeding of the central strip of the track with native seeds;
- f) Any consideration of fencing of the ancient birch woodland will require to ensure the maintenance of access to common grazings and use by crofters.
- g) Details of ongoing maintenance and monitoring;
- h) Timetable of implementation of measures.

These works to be undertaken, implemented and maintained thereafter in accordance with the approved details and the timetable.

Reason: To ensure the development conserves and enhances the landscape and enhances biodiversity in accordance with Policy 4: Natural Places the National Planning Framework and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

7. No development shall commence on site until details of the design, siting and general content of the proposed archaeological interpretation boards have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Archaeology Team. The boards shall thereafter be erected in accordance with the approved details before the track hereby approved is brought into use.



Reason: In order to provide public information on the cultural interest of the area and to ensure the design of the boards conserves and enhances the landscape in accordance with Policy 4: Natural Places and Policy 7: Historic Assets and Places of the National Planning Framework and Policy 9: Cultural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021

8. **The timing of construction work shall avoid the breeding bird season (March to August inclusive). If this is not possible then no development (including ground preparation works) shall commence on site until a pre-construction survey of the site has been undertaken by a suitably experienced and licensed professional to identify sign of breeding birds with an appropriate breeding bird protection plan submitted to and approved in writing Cairngorms National Park Authority acting as Planning Authority. Development shall thereafter proceed in accordance with the approved plan.**

Reason: To minimise impacts on breeding birds and comply with environmental legislation in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

9. **No development shall commence on site until a site-specific Construction Environment Management Plan including a Pollution Prevention Plan has been submitted to and approved in writing by the Cairngorms National Park Authority. The development shall thereafter be implemented in accordance with the approved details. These details to reflect the need to detail the construction methods and pollution prevention measures to be implemented during the construction phase to mitigate potential impacts on designated sites, the water environment and the landscape. It shall include the following information and reflect the following requirements:**
 - a) **The pollution prevention plan to reflect standard good practise such as maintaining a minimum 30 metres buffer for storing chemicals / washout or any other polluting activities and all relevant SEPA guidance for pollution documents and shall include measures to protect tributaries of the River Spey and sensitive GWDTEs from all sources of pollution (sediment, oils, fuels etc);**



- b) **Details of an appointed Environmental Clerk of Works (ECoW), their remit, scope of their work, and reporting and monitoring schedule;**
- c) **Plan to show location and type of fencing to ensure the exclusion and protection from the construction site of existing ancient woodland which should also ensure that access to and use of common grazings is not impeded in any way;**
- d) **Details of water management to prevent run off from the site during construction work;**
- e) **Waste and Soil Management Plan including details of method of extraction and storage;**
- f) **Details of root and canopy protection of existing trees;**
- g) **Details of ground and vegetation restoration including seeding of verges;**
- h) **Details of borrow pits and a timetable for their restoration.**

The development shall thereafter be implemented in accordance with the approved details.

Reason: To avoid pollution entering the Allt Laraidh and River Calder tributaries of the River Spey SAC and negatively impacting upon the qualifying interests, to ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests and protected species, or any pollution of watercourses in accordance with Policy 3: Biodiversity, Policy 4: Natural Places, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

10. **No development shall commence on site until a site-specific Construction Traffic Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Team. These details to reflect the following requirements:**
- a) **Construction traffic routing;**
 - b) **Measures to prevent construction vehicles travelling through Newtonmore;**



- c) **Temporary traffic management at the access;**
- d) **Procedures for monitoring road conditions and implementing remedial works during construction;**
- e) **Measures to keep public roads free from mud and debris;**
- f) **A communications and complaints protocol;**
- g) **Details of traffic management for any vegetation clearance required for visibility splays.**

The development shall thereafter be implemented in accordance with the approved details during construction.

Reason: To minimise construction phase impacts and maintain safe operation of the roads network in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

11. No timber extraction HGVs (loaded or unloaded), and no HGVs associated with track construction or aggregate delivery, shall use the U2114 Glenbancher Road, Glen Road, or the public road network through Newtonmore. All extraction HGVs shall route solely via the A86 access to Ballachroan Corrie Road to private estate road to the new extraction track. HGV use of the U2114 shall be restricted only to the minimum movements necessary for formation of the new access onto the U2114 Glen Road and associated drainage works. The developer shall maintain a log of all HGV movements and provide it to the Planning Authority on request.

Reason: To protect the vulnerable local road network and ensure road safety in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

12. **No development shall commence until revised plans of the proposed access point onto the U2114 Glen Road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Team. These plans to reflect the requirement for a SDB1-type (rural) access in accordance with Highland Council transport team standards, including the following:**



- a) **Appropriate geometry, gradient and surfacing (minimum 6m bitmac surfacing from edge of public road;**
- b) **Minimum 300 mm culvert where a ditch is present;**
- c) **Positive drainage preventing water discharge onto the public road;**
- d) **Use restricted to light vehicles only.**

The access point shall be implemented in accordance with the approved details before it is brought into use and maintained thereafter in accordance with the approved plans throughout the lifetime of the development.

Reason: To ensure a safe, appropriately scaled access in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021

13. **No development shall commence until revised plans of the visibility splays at the proposed access point onto the U2114 Glen Road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Team. These plans to show visibility splays of 2.4 metres (X-distance) by 90 metres (Y-distance) in accordance with Table 5.5 of the Roads and Transport Guidelines for New Developments (RTGND), or an alternative Y-distance justified through an approved speed assessment. The splays shall be formed in accordance with the approved plans before the access point is brought into use and maintained free of obstruction thereafter throughout the lifetime of the development hereby approved.**

Reason: To ensure sufficient visibility for safe entry and exit in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

14. **No development shall commence on site until an Outdoor Access Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The plan shall provide details of**



- a) **How public access along core paths and at crossing points of other paths with the new development is to be maintained and managed during and after construction;**
- b) **The proposed diversions of core path UBS34 (Curlew Trail) to reflect the need for the diversion to be of similar experience and lead to the same destination as the existing core path**
- c) **Monitoring and replacement of any signage during the lifetime of the extraction.**

The development shall thereafter be constructed and operated thereafter in accordance with the approved details

Reason: To maintain and maximise all opportunities for responsible outdoor access and ensure the safety of users of tracks and core paths in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

15. **No development shall commence on site until an archaeological walkover survey has been undertaken in accordance with the recommendation of the approved Archaeology Report the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Archaeology Team. The development shall thereafter be implemented in accordance with the approved survey and WSI with any mitigation implemented. Should the archaeological works reveal the need for post excavation analysis the development shall not be brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Archaeology Team. The PERD shall thereafter be implemented in accordance with the approved details.**

Reason: In order to protect and record the archaeological and historic interest of the site in accordance Policy 7: Historic Assets and Places of the National Planning Framework and Policy 9: Cultural Heritage of the Cairngorms Local Development Plan 2021.



Informatives

1. The development hereby approved must commence within three 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 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 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
4. 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 or Bank Holidays to minimise disturbance to residents in the area.
5. The person undertaking the development should note with regard to condition 5 (peat restoration) that the land identified for peatland restoration under the terms of this condition should not include any land that has already been funded for peatland restoration by the Scottish Government's Peatland Action programme.



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6. The person undertaking the development should note with regard to conditions 12 and 13 (access construction) that no works shall commence on or adjacent to the public road until a Road Opening Permit has been obtained from the Highland Council as Local Roads Authority.