
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Formation, Maintenance and Upgrading of a Vehicular Access Track (Part Retrospective) at Land At Glen Clova Estate Glen Clova

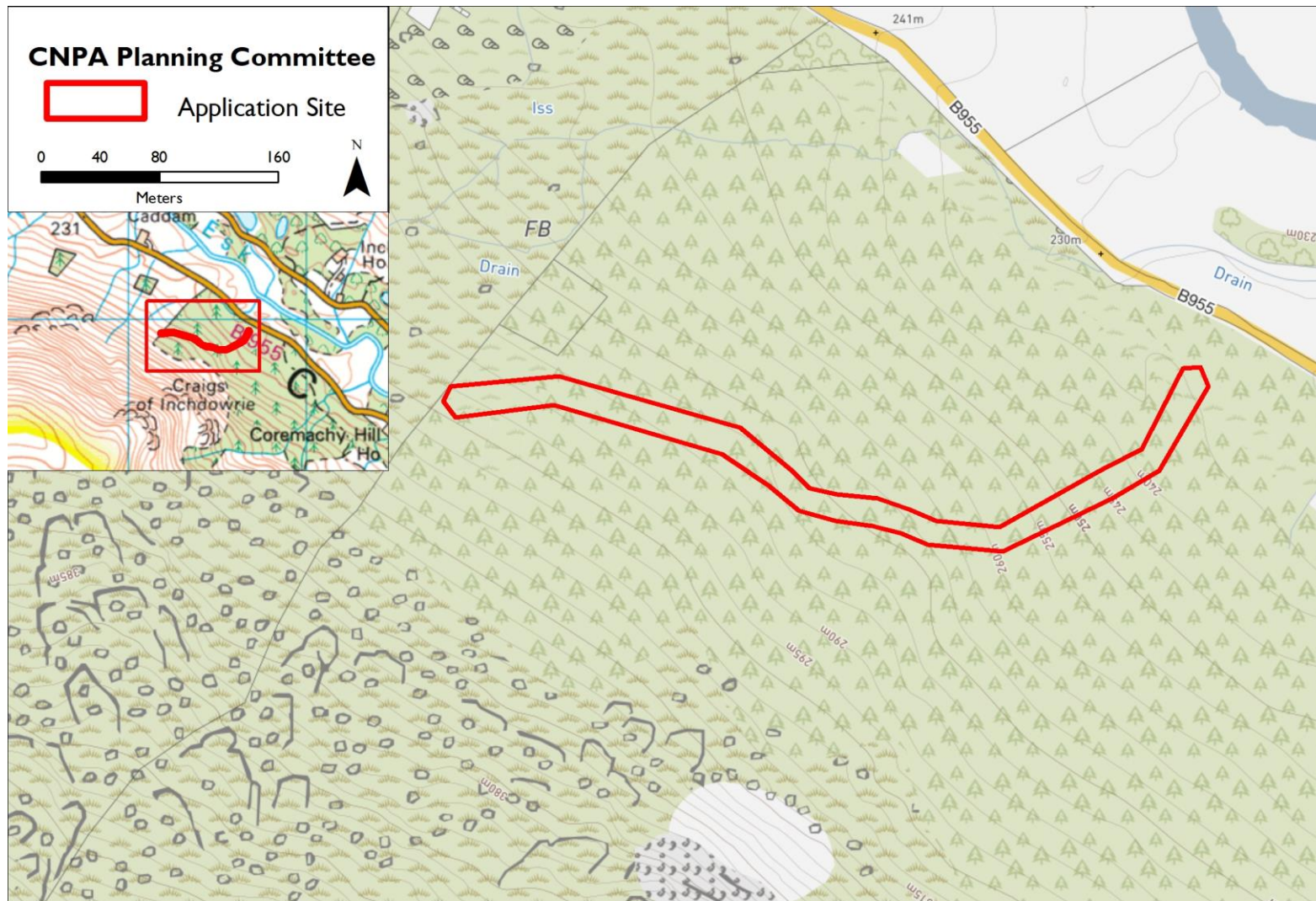
REFERENCE: 2021/0172/DET

APPLICANT: Mr Niven

DATE CALLED-IN: 31 May 2021

RECOMMENDATION: Approve

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



© Crown copyright and database rights 2021. Ordnance Survey Licence number 100040965

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site forms part of the Glen Clova Estate and is located approximately 15 miles north of Kirriemuir. The track itself is on the south side of the B955, one mile south of the Glen Clova hotel.

Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTPM07SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan and Site Ownership (1:1250)		01/04/21	31/05/21
Plan - Location Plan (1:1500)		10/05/21	31/05/21
Plan - Site Plan (1:1000)		01/04/21	31/05/21
Plan - Site Plan Detail 1 of 2 (1:500)		10/05/21	31/05/21
Plan - Site Plan Detail 2 of 2 (1:500)		10/05/21	31/05/21
Plan - Culvert Installation - Plan		11/03/21	31/05/21
Plan - Drainage Repairs		11/03/21	31/05/21
Plan - Relief Culvert Installation			31/05/21
Plan - Location Plan (1:5000)		10/05/21	31/05/21
Other - Supporting Statement		20/04/21	31/05/21
Other - Track Remediation Proposals Supporting Information		01/03/21	31/05/21

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

3. This application seeks retrospective planning permission for the upgrading of an existing driven route used for at least 10 years. The track is intended to provide access to the hillside for forestry purposes. The track is approximately 550m in length and up to 7m in width including drains and verges. It is partly surfaced, although the surfacing is rough. The running surface of the track itself is 4m in width.
4. The upper section of the track has grassed over significantly. The lower section is more heavily used and less vegetated.

History

5. An application for holiday lodges close to the Clova Hotel is currently under consideration under application reference: 2021/0168/DET
6. The CNPA planning Committee approved a Prior Approval application for the construction of a forestry track within the Caddam Woods on the south side of Glen Clova on 26 May 2020.
7. A prior approval application for a forestry track higher in Glen Clova was recently approved by Angus Council.
8. The CNPA approved a Hydro Electric Scheme on land north of the Glen Clova Hotel in 2010.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	DESIGN AND PLACEMAKING	
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	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

9. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2020/11/CNPA-LDP-2020-as-Modified-for-web.pdf>

Planning Guidance

10. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

Summary of the main issues raised by consultees

11. **CNPA Ecology Officer** has referred to the guidance given by NatureScot on construction of tracks in the Scottish uplands.
12. **CNPA Landscape Officer** states the track does not result in significant landscape and visual effects in addition to the baseline conditions which include the existing conifer plantation. While of poor construction, correct mitigation as stated in the applicant's 'Remediation Proposals Supporting Information' report is welcomed.

Habitats Regulations Appraisal

13. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objections of the European Sites of: the Cairngorms Massif Special Protection Area [SPA] and the River South Esk Special Area of Conservation [SAC]. A copy of the full appraisal can be viewed at **Appendix 2**.
14. Regarding the River South Esk SAC, it is concluded that the proposal would have no likely significant effect on the conservation objectives due to the distance between the track and the nearest connecting watercourse (150m) and the intervening vegetation and infrastructure which would prevent sediment reaching the watercourse.
15. Regarding the Cairngorm Massif SPA, the appraisal also concludes that the conservation objectives will be met and there will not be an adverse effect on site integrity.

REPRESENTATIONS

16. There have been no representations submitted for this application.

APPRAISAL

17. The main planning considerations are considered to be the principle of development, the impact upon landscape and the environmental impacts.

Principle of Development

18. The track has been constructed for forestry purposes, to manage the south Inchdowrie conifer plantation. Had it been submitted through the Prior Notification Process before the works were undertaken, it would have been likely to have been approved due to its relationship with the forestry plantation. However because the works were carried out before a notification or application, a planning application is required to be approved to regularise the development.
19. The principle of the proposed upgrading works is considered to be acceptable subject to compliance with other relevant local plan policies within the Cairngorms National Park Local Development Plan 2021.

Landscaping and Environmental issues

20. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development.
21. For the most part this track is hidden within woodland plantations, however due to its construction, often along the side of a hill and with deep drainage channels, the cut into the hillside has left a scar that requires further mitigation in order to be considered acceptable. The applicant has submitted a '*remediation proposals supporting information*' report which includes mitigation of erosion by installing and retrofitting culverts as well as seeding a central strip along the length of the track.
22. **Policy 4:** Natural Heritage of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
23. A Habitats Regulations Appraisal has been undertaken (**Appendix 2**) regarding the proposal's impacts on the designated sites of the Cairngorms Massif SPA and the River South Esk SAC which concludes that there would be no likely significant effect on the qualifying interests of the stated European Sites.
24. With appropriate mitigation through revegetation to reduce the impact of the track itself, its ditches, cuttings and spoil banks, the landscape and visual impacts will be reduced and exposed ground will be stabilised. Subject to a suitably worded condition to ensure the remediation proposals report are followed in its entirety, the proposed development is considered to comply with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development 2021.
25. **Policy 10:** Resources of the Cairngorms National Park Development Plan 2021 seeks to maintain water quality and avoid impacts on the water environment. With the mitigation measures proposed in the planning application, erosion of the track will be

reduced and will minimise sediment movement to surrounding areas so is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development 2021

CONCLUSION

26. The development proposed is acceptable in principle as a forestry related track within existing plantation woodland and the details of mitigation measures included with the application will minimise the impacts of the track on the landscape and environment. The proposed development is considered to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the Formation, Maintenance and Upgrading of a Vehicular Access Track (Part Retrospective) at Land At Glen Clova Estate Glen Clova.

INFORMATIVES

- I. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.