

## CAIRNGORMS NATIONAL PARK AUTHORITY

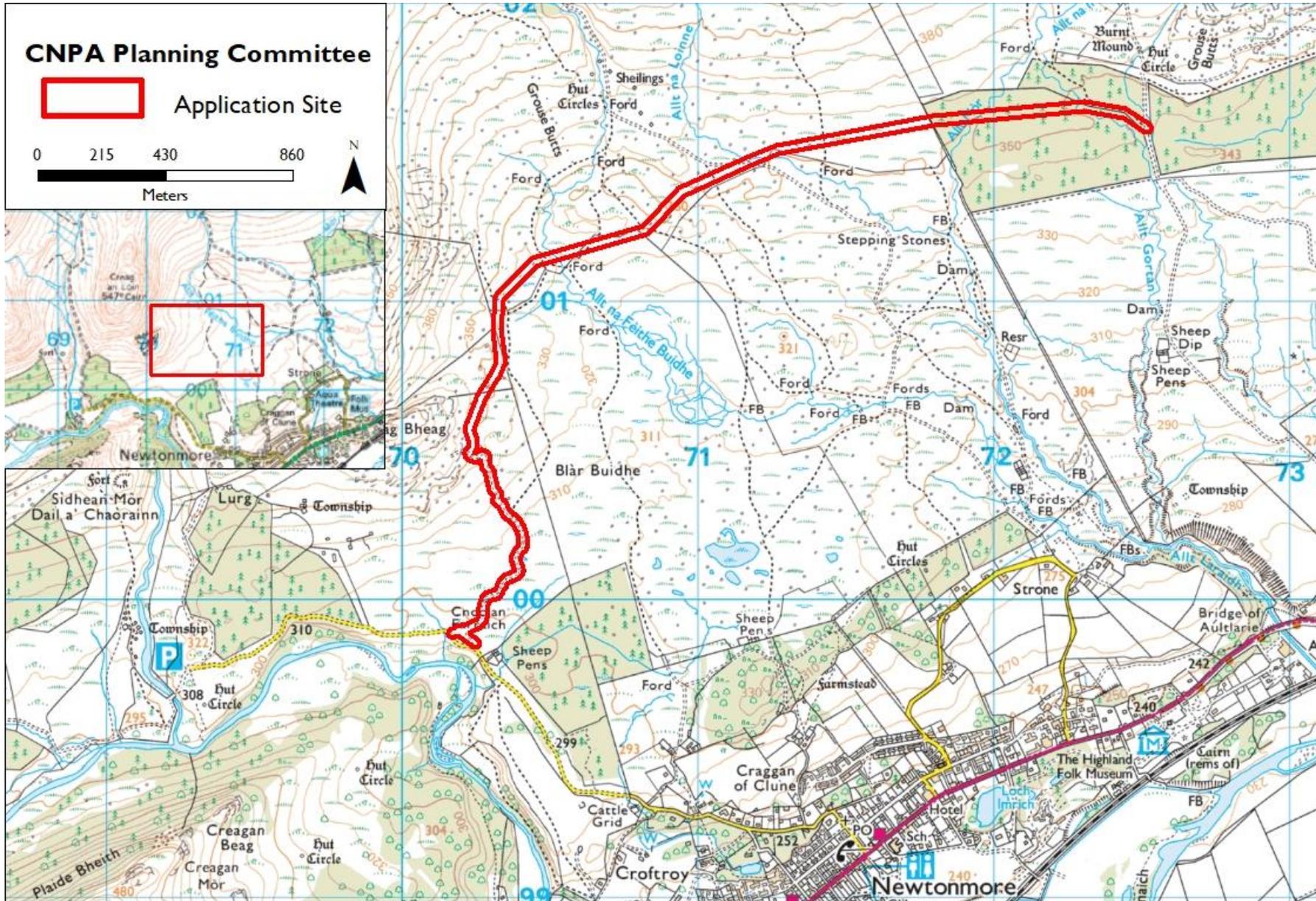
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### **DEVELOPMENT PROPOSED:**

Construction of 4.83km forestry track, formation of passing places, renewal of bridge at Land 760M NW Of Riseley Cottage, Glen Road, Newtonmore.

<b>REFERENCE:</b>	2022/0421/DET
<b>APPLICANT:</b>	Pitmain and Glenbanchor Estate Ltd
<b>DATE CALLED-IN:</b>	12 December 2022
<b>RECOMMENDATION:</b>	Refuse
<b>CASE OFFICER:</b>	Ed Swales, Monitoring and Enforcement Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site lies across both Pitmain and Glenbanchor Estates. The track crosses estate and common grazing land, the start and its western end lying approximately one mile northwest of Newtonmore. The proposed bridge will cross the Allt a' Chaorann which is a tributary of the River Calder and its farthest, eastern end will be one mile to the east of Loch Gynack and 2 miles northwest of Kingussie.

### 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=RM9DNHSIOCP00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan - Site Location Plan	143146/045	24/11/2021	09/12/2022
Plan - Proposed Track Layout and Location	143146/011C	22/11/2021	09/12/2022
Plan - Proposed Track Layout & Location Plan	143146/011C	24/11/2021	09/12/2022
Plan - Proposed Track Layout	143146/014B	22/11/2021	02/03/2023
Plan - Proposed Track Layout	143146/014	22/11/2021	02/03/2023
Plan - Track Layout Plan - Sheet 1	143146/012B	24/11/2021	09/12/2022
Plan - Track Layout Plan - Sheet 2	143146/013B	24/11/2021	09/12/2022
Plan - Track Layout Plan - Sheet 3	143146/014B	24/11/2021	09/12/2022
Plan - Track Layout Plan - Sheet 4	143146/015B	24/11/2021	09/12/2022
Plan - Track Layout Plan - Sheet 5	143146/016B	24/11/2021	09/12/2022
Plan - Track Layout Plan - Sheet 6	143146/017B	24/11/2021	09/12/2022

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Plan - Track Longitudinal Sections – Sheet 1	143146/018A	24/11/2021	09/12/2022
Plan - Track Longitudinal Sections - Sheet 2	143146/019B	24/11/2021	09/12/2022
Plan - Track Longitudinal Sections – Sheet 3	143146/020B	24/11/2021	09/12/2022
Plan - Track Longitudinal Sections - Sheet 4	143146/021B	24/11/2021	09/12/2022
Plan - Track Longitudinal Sections - Sheet 5	143146/022B	24/11/2021	09/12/2022
Plan – Track Construction Details – Sheet 1	143146/023A	24/11/2021	09/12/2022
Plan - Allt A Chaorainn Crossing	143146/6000	13/06/2022	09/12/2022
Plan - Bridge Desk Study	143146/ED/G/R/01	01/09/2022	08/12/2022
Plan - Track Construction Details – Sheet 2	143461/024A	21/11/2021	09/12/2022
Plan - Track Drainage Construction Details – Sheet 1	143461/025B	21/11/2021	09/12/2022
Plan - Vehicle Swept Path - Sheet Layout & Location Plan	143461/028A	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - A86 Main Street - Banchor View - Sheet 1	143461/029	13/05/2022	09/12/2022
Plan - Vehicle Swept Path – Plan- Banchor View - Forest Path Sheet 2	143461/030	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Forest Path - Dog Trial Road Sheet 3	143461/031	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Dog Trial Road - Middle Road Woodland - Sheet 4	143461/032	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Middle Road Woodland - Bridge - Sheet 5	143461/033	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Bridge - Cattle Gate - Sheet 6	143461/034	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Cattle Gate - Derelict House - Sheet 7	143461/035	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Derelict House - Sheep Pen Woodland - Sheet 8	143461/036	13/05/2022	09/12/2022

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Plan - Vehicle Swept Path - Sheep Pen Woodland - Derelict House - Sheet 9	143461/037	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Derelict House - Cattle Gate - Sheet 10	143461/038	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Cattle Gate - Bridge - Sheet 11	143461/039	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Bridge - Middle Road Woodland - Sheet 12	143461/040	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Middle Road Woodland - Dog Trial Road - Sheet 13	143461/041	13/06/2022	09/12/2022
Plan - Vehicle Swept Path - Dog Trial Road - Forest Path - Sheet 14	143461/042	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Forest Path - Banchor View - Sheet 15	143461/043	13/05/2022	09/12/2022
Plan - Vehicle Swept Path - Banchor View - A86 Main Street - Sheet 16	143461/044	13/05/2022	09/12/2022
<b>SUPPORTING INFORMATION</b>			
Other - Peat Survey Report	72651	01/09/2022	08/12/2022
Other - NVC Map Survey	72651/HB/005 a	16/09/2022	09/12/2022
Other - Design Statement (rev 3)	FG/2357	02/03/2023	08/12/2022
Other - Outdoor Access Management Plan	FG/2357	03/03/2023	03/03/2023
Other - Further Justification from Agent		02/03/2023	02/03/2023
Other - Proposed Woodland Management		19/07/2019	09/12/2022
Other - Current Woodlands	Glenbanchor2 021_SC1	28/02/2023	02/03/2023
Other - Proposed Road Visualisations		10/10/2022	09/12/2022

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

- The proposal is for a 3.5km track crossing between the Glenbanchor and Pitmain Estates, and include a new bridge crossing, a new section of road and

temporary addition of passing places along the Glen Road, the public road that runs out of Newtonmore providing access to the Mondaliath. The total length of new track is 4.5km, including the new road for the replacement bridge.

4. Plans of the proposal can be viewed in **Appendix 1**.

### **History**

5. Pitmain Estate has submitted a number of track applications, some retrospective, including a track north of the Strone Road crossing the application site.

### **Habitats Regulations Appraisal**

6. An Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites as listed within the document, attached at **Appendix 2**.
7. The document concludes that there will be a likely significant effect on the River Spey SAC during any construction activity. However, if the mitigation measures included in the planning application are secured by condition and implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity for the River Spey SAC. The reason for the conditions is to avoid pollution entering the Allt a Chaorainn (part of the SAC) and negatively impacting upon the qualifying features.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045
POLICY 1	Tackling the Climate and Nature Crises
POLICY 2	Climate Mitigation and Adaptation
POLICY 3	Biodiversity
POLICY 4	Natural Places
POLICY 5	Soils
POLICY 6	Forestry, Woodland and Trees
POLICY 13	Sustainable Transport
POLICY 14	Design, Quality and Place
POLICY 18	Infrastructure First
POLICY 33	Minerals
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 – 2027
<b>Local Plan Policy</b>	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	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	

8. 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/2021/03/CNPA-LDP-2021-web.pdf>

## Planning Guidance

9. 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	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

### Summary of the main issues raised by consultees

10. **NatureScot** state there are natural heritage interests of international importance close to the site, but in our view, these will not be adversely

affected by the proposal. They also state the track could be built so that effects are avoided on the Allt a'Chaorainn and other tributary streams. They note that a bridge is proposed across the Allt a'Chaorainn, at the same location as the existing bridge, leaving the bed of the stream unaffected so that the natural movement of fish or sediment can continue without constraints. The construction of the track and any associated hard standing would require a Construction Method Statement to set out how sedimentation or other pollution into any of the water courses would be avoided. If these are applied, the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

11. **SEPA** state that the proposal is below their threshold for providing comment.
12. **The Highland Council Archaeology Officer** states the application lies within an area of archaeological potential and suggests a condition is applied to any approval granted requesting a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority.
13. **The Highland Council Flood Risk Management Team** states they have no objection to the application subject to the application of a condition requiring any new water course crossing is designed in accordance with relevant SEPA guidance and that all new watercourse crossings should be designed to convey a 1 in 200 year plus climate change flood event.
14. **The Highland Council Transport Planning Team** state they have no objection to the proposal.
15. **CNPA Ecology Officer** states that given the location and proposal details, simple opportunities for biodiversity enhancement are limited however given the loss of habitats the application should consider further mitigation to offset the loss. For any approval the proposal would require a Construction Method Statement, Breeding Bird Surveys as well as mitigation to avoid potentially significant effects of the loss of Scottish Biodiversity List habitats.
16. **CNPA Landscape Officer** States the proposed track would relate to some aspects of the local landscape character, including existing elements of land management such as fences, conifer woodland blocks and access tracks to the west and east. Nonetheless, it would result in some adverse landscape and visual effects, particularly in contrast to the surrounding open moorland and creating a new prominent linear feature.
17. The proposed new link road to the proposed bridge over the Allt a' Chaorainn could result in some significant adverse landscape and visual effects which

would be experienced from the public parking area at the end of Glenbanchor Road and travelling along Core Path UBS8 (the Glen Banchor Cart Track heritage path). A full assessment of these effects is not possible at this time due to insufficient details.

18. Additional information is required, including on the proposed link road to the bridge over the Allt a' Chaorainn, borrow pits, track construction materials, potential restoration/downgrading following timber extraction, landscape management and a Construction Method Statement.
19. **CNPA Outdoor Access Officer** states that Glen Banchor and the surrounding area is variously popular with locals and visitors for both informal locally focussed recreation and onward access into the surrounding hills. A significant element of this is supported by the availability of parking at the terminus of the public road just east of the Dalchurn Bridge from which point a track leads into the glen proper.
20. The proposal to replace the existing Dalchurn Bridge and realign the road on the approach to the bridge are concurrent with the route taken by CNP Core Path UBS8 and appear likely to also impact the existing informal parking areas at the terminus of the public road.
21. The proposed new track leading north/westwards to reach the Strone Road will interface directly with a number of established paths during construction and on a permanent basis whilst also introducing temporary effects on wider access rights during construction.
22. It is recommended that an Outdoor Access Management Plan is prepared prior to any approval being granted.
23. An Outdoor Access Management Plan has subsequently been produced however the Access Officer remains concerned that the proposal relates to the potential scale of landscape change brought about by the new road and the resulting degree to which existing established opportunity for exercise of rights is either lost or impacted including access to the River Calder.
24. **CNPA Peatland officer** states that the general landscape setting of the proposed forest road is on sloping hill ground consisting of a mosaic of upland habitats. The peat depth survey provided for the forest road shows the majority of peat present is less than 50cm, this correlates to the NVC habitats mapped. It appears that there are areas of deeper peat, forming blanket bog habitat, below the proposed forest road.
25. A mapping layer, Carbon and Peatland 2016, there is a mapped area of Class 1 and 2 peatland across the general hillside that the proposed forest road is located on. Class 1: Nationally important carbon-rich soils, deep peat and priority peatland habitat - Areas likely to be of high conservation value. Class

2: Nationally important carbon-rich soils, deep peat and priority peatland habitat - Areas of potentially high conservation value and restoration potential. This information confirms the likely presence of peat in this location.

## REPRESENTATIONS

26. There have been a number of representations received. These focus on the need and purpose of the track, along with the overall negative landscape impact. Furthermore, they question the lack of justification for the use of smaller vehicles, which other local estates elsewhere are using.
27. The overall length of the track crosses an existing track that presumably could be used for timber extraction, thus reducing the need for the additional section beyond this one.
28. The overall negative impact is compounded by the proposed required width to accommodate timber lorries.
29. There are concerns from objectors relating to the track crossing areas of peatland.
30. There is limited commercial value of the woodland being extracted as it is mostly windblow thus the argument for an economic development is irrelevant.

## APPRAISAL

### Principle of Development - Economic Development

32. **Policy 29: Rural Development** of National Planning Framework 4 (NPF4) Scotland 2045 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced. **Policy 2: Supporting Economic Growth**, of the Cairngorms National Park Local Development Plan 2021, states that proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where they have no adverse environmental impacts.
33. The proposal will contribute to supporting the local economy given it is to serve the local estates by improving access for timber extraction and ongoing forestry management, in compliance with this part of the policy. However, the introduction of a track of this design, length and scale will introduce adverse environmental impacts, which are discussed in more detail within other sections of the appraisal. The applicant's justification for the need for the track is that they will need to extract some timber from existing woodlands; that large timber lorries cannot safely use the public road that accesses the

plantations and that smaller vehicles are not available or uneconomical to transfer timber.

34. The proposed track to facilitate the removal of commercial woodland, has an economic benefit due to the timber being extracted, however, as there are adverse environmental impacts which will be outlined below, the proposal does not comply with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021.

### **Landscape Impacts**

35. **Policy 4: Natural Places** of National Planning Framework 4 (NPF4) Scotland 2045 and **Policy 5: Landscape**, of the Cairngorms National Park Local Development Plan 2021 set out the development plan policy in relation to landscape matters.
36. Policy 4: natural Places of NPF4 states that states development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021 sets out more detail in relation to the National Park and states there will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park including wildness and the setting of the proposed development and that Development that does not complement or enhance the landscape character of the National Park and the setting of the proposed development will be permitted only where any significant adverse effects on the special landscape qualities of the National Park are clearly outweighed by social or economic benefits of national importance. The policy It also states that there will be a presumption against new private roads and ways in open moorland areas unless it can be demonstrated that they are essential for land management purposes; and they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness or, where appropriate 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
37. The proposed track will result in some adverse landscape and visual effects, particularly in contrast to the surrounding open moorland, creating a new prominent linear feature. There are no proposals with the application to remove other tracks to deliver a net benefit for the special landscape qualities of the National Park; few measures to minimise the landscape and visual impacts of the new track are proposed within the application; and the cut and fill and approach to gabion reinforcement of slopes is insufficiently clear within the application to conclude they would conserve or enhance the landscape character and special landscape qualities if the National Park. For

example, if the track was within a woodland planting scheme, it would be screened in time and could be integrated more easily into the surrounding landscape.

38. Taking this into account, it is considered that the application does not comply with Policy 4: Natural Places of National Planning Framework 4 Scotland 2045 or Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021.

## **Environmental Impacts**

39. **Policy 3: Biodiversity and Policy 4: Natural Places** of National Planning Framework 4 (NPF4) Scotland 2045 seek to protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction. **Policy 5: Soils** provides significant protection for peatland. There are areas of mapped Class 1 and 2 peatland across the general hillside that the proposed forest road is located on. Class 1 are nationally important carbon-rich soils, deep peat and priority peatland habitat and are areas that are likely to be of high conservation value. Class 2 are nationally important carbon-rich soils, deep peat and priority peatland habitat and are areas of potentially high conservation value and restoration potential. Policy 5 c provides significant protection for peatland and carbon rich soils by stating development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for: essential infrastructure and there is a specific locational need and no other suitable site. There has been no robust justification submitted by the applicant for this development and therefore it is not classed as essential and as such the proposal is contrary to Policy 5: Soils of NPF4 which in turn, is therefore contrary to policies 3: Biodiversity and 4: Natural Places of NPF4.
40. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 states that where there is evidence to indicate that a protected or priority habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a focused survey of the area's natural environment to assess the effect of the development on it and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects.
41. The ecology and peat surveys have suggested that there will not be any species that will be adversely affected by this development although suspensive conditions would be required for the proposal to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.
42. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that development should create opportunities

for further biodiversity and promote ecological interest. Although the applicant states that the track will support their wider objectives of managing woodland for more biodiversity benefits, the only clear benefit appears to be in relation to ease of extraction of timber. New tree planting would not require frequent access by timber vehicles. It is also unclear when and how much timber would be commercially extracted from the existing plantations, many of which have suffered extensive windthrow over past years. The proposal itself has no measures to enhance biodiversity as part of the application and simply results in a net loss of habitats and potential disturbance to habitats and species, so it is considered the application does not comply with Policies 3: Biodiversity or 4: Natural Places of National Planning Framework 4 (NPF4) Scotland 2045 nor Policies 3: Design and Placemaking or Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

43. **Policy 33 Minerals** of NPF4 supports the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment. **Policy 10: Resources**, paragraph 10.6: Minerals of the Cairngorms National Park Local Development Plan 2021, states development to exploit mineral reserves will only be considered favourably where full restoration details are incorporated as part of the proposal. The information submitted with the application is unclear on the use of borrow pits, both claiming that none would be required and that if material is required then it would be obtained from an existing borrow pit on the estate. There is no detail on restoration of any new or existing borrow pits and so the application is not considered to comply with Policy 33 Minerals of National Planning Framework 4 (NPF4) Scotland 2045 or Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

## Archaeology

44. **Policy 7: Historic assets and places** of NPF4 seeks to protect and enhance the historic environment assets and places. Paragraph o) states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Given the requirement to apply a condition to any approval for the submission of a programme of works for the survey, evaluation, preservation and recording of any archaeological and historic features, the proposal is considered to comply with Policy 7: Historic assets and places of NPF4.
45. **Policy 9: Cultural Heritage** of the Cairngorms National Park Local Development Plan 2021 states that development affecting a site, feature, or

use of land of local or wider cultural, historic, or archaeological significance or its setting should conserve and enhance the feature and its setting in situ where possible or take reasonable measures to avoid, minimise and mitigate any adverse effects.

46. There are several archaeological features along the proposed route of the track, especially an identified township where the realigned glen road is proposed. The Highland Council Archaeologist has requested a condition is applied to any approval requiring that no works, including site clearance shall commence until a programme of work for the survey of any archaeological and historic features affected by the development.
47. Therefore, it is considered that with an appropriate condition applied to any approval given the proposal would comply with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

### **Outdoor Access**

48. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that development should 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.
49. There remain outstanding issues in relation to temporary and permanent outdoor access provision related to the proposed development, but these could all be resolved through conditions requiring further detail to be approved, allowing the application to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

### **CONCLUSION**

50. The principle of a track for timber extraction is one that policy supports and under some circumstances is a form of permitted development that can be approved through the prior notification and prior approval process. This track however is for a range of estate uses and would allow simple vehicle access from one side of the estate to the other without using the public road network. However, the track has not been designed to minimise impacts on the natural environment or special landscape qualities of the National Park and does not comply with a number of development plan policies.
51. On the basis of the information submitted with the planning application, officers do not consider the economic benefit of the extraction of timber is enough to outweigh the adverse effects on the landscape character, visual amenity and special landscape qualities of the National Park loss of habitats

it crosses. The proposal is considered contrary to the relevant policies of the Local Development Plan and officers recommend refusal of the application. Other matters that relate to the detail of the proposals and compliance with other policies that could all be addressed through suspensive conditions if the application were to be approved, become additional reasons for its refusal.

## RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE the Construction of 4.83km forestry track, formation of passing places, renewal of bridge at Land 760M NW Of Riseley Cottage Glen Road Newtonmore for the following reasons:

### Reasons for Refusal

1. The proposal, if granted, would be contrary to the provisions of the adopted Development Plan in general and in particular:
  - a) Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 as the proposal fails to conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park as it will introduce a new prominent linear feature to an area of open moorland where it has not been satisfactorily demonstrated that it is essential for land management purposes, designed to minimise landscape and environmental impacts or form part of a programme of works to remove other existing private ways.
  - b) Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policy 4: Natural Places of NPF4 (2045), as the proposal is not sympathetic to the traditional pattern and character of the surrounding area by virtue of its design, length and scale in this location.
  - c) Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021 and Policy 29: Rural Development of NPF4 (2045) as the proposal will have an adverse environmental impact as it is not suitably scaled, sited and designed to be in keeping with the character of the area.
2. The proposal, if granted, would be contrary to the provisions of the adopted Development Plan in general and in particular:
  - a) Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021, Policy 13: Sustainable Transport, Policy 14: Design, Quality and Place and Policy 20: Blue and Green Infrastructure of NPF4 (2045) as it has not been demonstrated that the proposal will

not have significant effects on core paths and other established walking routes and therefore is inconsistent with the requirements of outdoor access legislation.

- b) Policy 3: Design and Placemaking and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021 and Policy 5: Soils of NPF4 (2045) which, in turn, is therefore contrary to Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 (2045) given it has not been demonstrated that the proposal will not have significant effects on areas of Class 1 or Class 2 peatland and protected species or ground nesting birds.
  
- c) The proposed development is contrary to Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 12: Zero Waste, Policy 14: Design, Quality and Place and Policy 33: Minerals of NPF4 (2045) as it has not been demonstrated that the exploitation of mineral reserves will be fully restored as part of the proposal.

## Informatives

### Appeal

1. If you, the applicant, are aggrieved by the decision of the Planning Authority to refuse planning permission in principle, you may appeal to the Scottish Ministers within 3 months of the date of this decision notice. The appeal should be addressed to:

Planning and Environmental Appeal Division (DPEA)  
Ground Flood  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

2. If you have any queries, please telephone DPEA on 0300 244 6668 or email [dpea@gov.scot](mailto:dpea@gov.scot) . Appeals can also be submitted online at [www.eplanning.scot](http://www.eplanning.scot) .

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.