



Committee report

Development proposed:

Upgrade of track for forestry (in retrospect) at Land NW Of Clachbain, Dulnain Bridge, Grantown-On-Spey

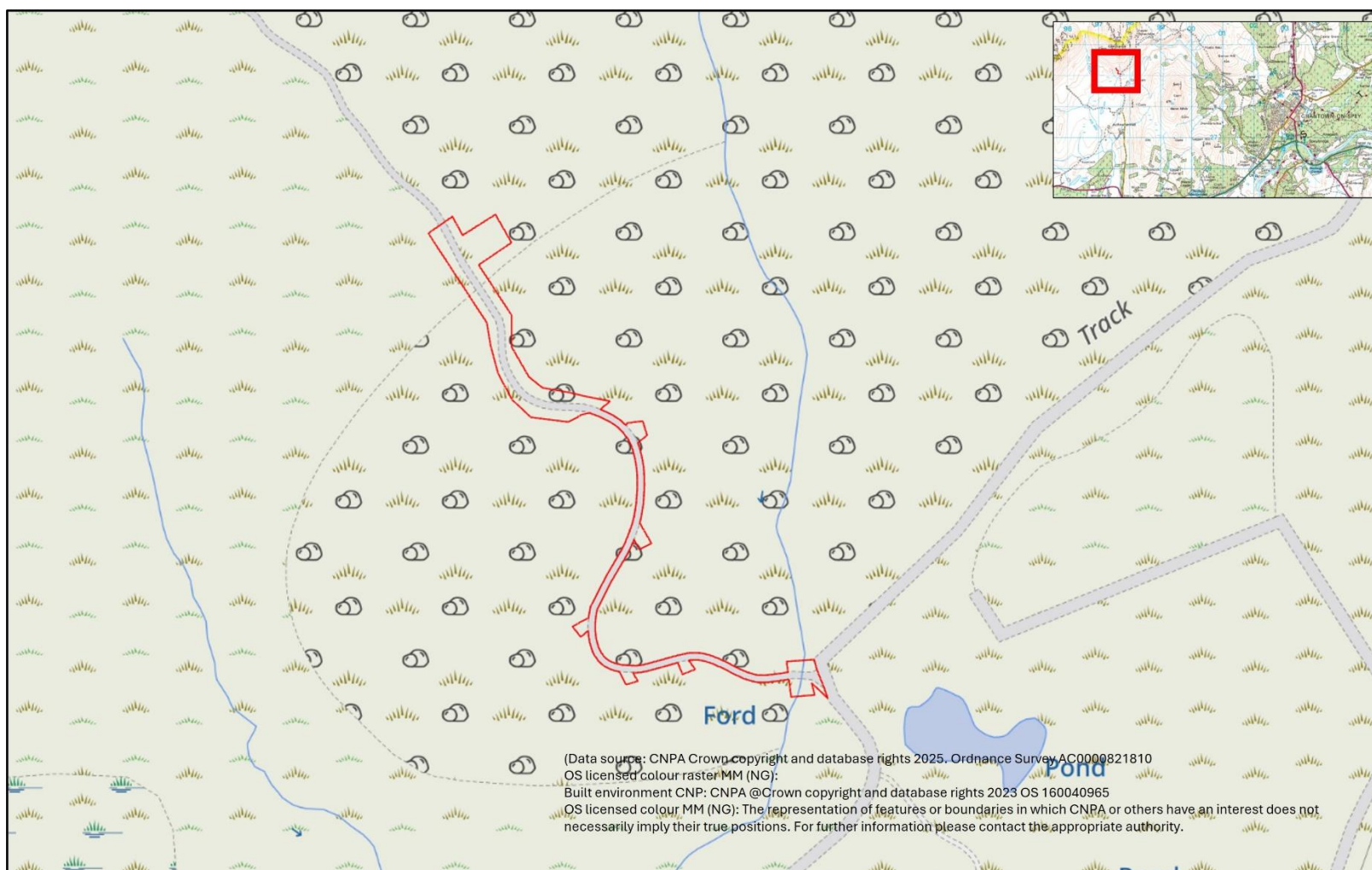
Reference: 2025/0077/DET

Applicant: Muckrach Estate

Date called-in: 7 April 2025

Recommendation: Approve subject to conditions

Case officer: Katie Crerar, Planning Officer



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Site description, proposal and history

Site description

1. This application relates to an existing track located in an area of moorland approximately 4.5km northeast of Dulnain Bridge, within Muckrach Estate.
2. The application site comprises a section of track extending to approximately 323 metres which is located to the north-east of Clachbain, on the lower slopes of Cam Sgriob. The track lies on a relatively steep slope with a deep profile in parts. The land surrounding the track has been planted with young trees which form part of Muckrach Forest - a landscape-scale project comprising 619 hectares of native woodland planting.
3. Some upgrading works have already been undertaken on the track but paused pending the need for planning permission. The works already undertaken on the track have created excess subsoil material which has been deposited in prominent linear mounds along both sides of the track. There has been little revegetation of the slopes or surface of the track itself, although some heather has established on the deposited subsoil along the edges. The previously used metal cross drains remain on the side of the track, un-used.
4. Whilst upgrading works have already commenced on the track, they have not been completed.
5. 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=S2H06USI0CP00>



Title	Drawing number	Date on plan*	Date received
Location Plan	707373 PL07	01/02/2025	04/04/2025
Site Plan & Details	707373 PL08 Rev C	02/02/2025	16/07/2025
Track Sections	707373 PL11	01/07/2025	16/07/2025
Woodland Creation Plan		09/12/2022	16/07/2025
Supporting document in relation to reinstatement of 323m of existing hill track	n/a	01/07/2025	16/07/2025

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

6. This proposal seeks partial retrospective planning permission to authorise and improve upgrading works already undertaken along a 323-metre section of track and for further remediation works to re-profile, stabilise and finish the track.
7. The section of track was used, prior to the upgrading works, by machinery and all-terrain vehicles for the construction of fencing, ground preparation and tree planting for part of the Muckrach Forest - a native woodland planting project.
8. Following completion of the woodland planting, maintenance works were undertaken on the track to improve surface water management and avoid diffuse pollution from the movement of silt. However, the extent and manner of works undertaken were more extensive than had been instructed, resulting in the current substandard condition of the track.
9. Therefore, this application seeks to remediate the works undertaken and complete the upgrading of the track. This will be done by stripping the very visible excavated soils currently piled along both sides of the track and infilling it back into the track itself to reprofile the trackside banks, making them shallower in some sections and encourage regeneration of the verges. The excavated material will be riddled to sift the stone from the soil and allow larger harder material to be laid on the current track surface to reinforce the existing surface and mix with the finer material



already on the track. Any additional material required will be taken from an existing borrow pit on the Estate.

10. Any well-established heather/ grass vegetation on stable trackside banking will be preserved and re-seeding of bare track sides and verges will be undertaken.
11. At the base of the track there will be two 300mm twin wall culvert pipes to accommodate the watercourse at this location with appropriate sumps. In addition, eight channel drains will be installed at intervals along the track to manage surface water. The track will then be compacted to create a bound running surface which combined with improved track drainage to manage water erosion.

History

12. There is no recent history on the application site itself.

Habitats Regulations Appraisal

13. It is not considered that the proposed development is likely to have a significant effect upon a designated European site. As such a Habitats Regulation Appraisal is not required in this case.

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	
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 6	Forestry, woodland and trees	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	X
Policy 20	Blue and green infrastructure	



Policy 22	Flood risk and water management	
Policy 23	Health and safety	
Policy 26	Business and industry	
Policy 29	Rural development	

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	
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	
Policy 10	Resources	
Policy 11	Developer obligations	

14. 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 (LDP). 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

15. Supplementary guidance also supports the LDP 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	
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	
Policy 10	Resources non-statutory guidance	
Policy 11	Developer obligations supplementary guidance	

Consultations

16. A summary of the main issues raised by consultees now follows:
17. **Cairngorms National Park Authority's Outdoor Access Officer** states that the new track joins a Right of Way, however there is no expected impact of this. They note that public access along the Right of Way should be maintained at all times. They also request that channel drains are used across the track to ensure there is no impediment to cyclists, horses or walkers.
18. **Cairngorms National Park Authority's Ecological Advice Officer** raises no objections to the proposal and acknowledges that it supports the expansion of native woodland habitat which would improve habitat connectivity between existing blocks of woodland delivering significant biodiversity benefits.
19. They highlight the excavated subsoil material from the path has been piled high in linear strips over the moorland vegetation next to the track and is showing little sign of revegetation in some sections due to the steep gradient of the mounds. Therefore, reprofiling of the steep slope is advised to reduce the gradient and



facilitate vegetation recolonisation. In addition, the bare soil on the track verge and reprofiled slopes should be sown with a heathland-specific wildflower seed mixture such as Scotia Seeds' Highland Grassland Mix ([Highland Grassland Mix – Scotia Seeds](#)), which includes dwarf ericaceous shrubs (heather and bell heather), and a range of upland wildflowers and grasses of Scottish provenance. This will help facilitate faster revegetation and enhance floral diversity along the track for pollinators.

20. In addition, it is advised that undertaking works during the main breeding bird season (March to mid-August) could have a large effect on a variety of upland species. Therefore, as a mitigation measure the timing of works should avoid the breeding bird season to reduce the effects of the development to slight. If this cannot be avoided, works should proceed under supervision of an experienced ecologist, who will conduct surveys to identify all active nests and produce a species protection plan (SPP) for nesting species. The SPP should be submitted to the Cairngorms National Park Authority for approval prior to works commencing.
21. In addition, a pre-construction check for reptiles prior to ground preparation or construction works commencing, carried out by an appropriately experienced ecologist and, if necessary, implementation of a species protection plan following NatureScot guidance is required.
22. **Cairngorms National Park Authority's Landscape Advisor** highlights that 'the existing track would result in a series of landscape and visual effects. The profile of the track is steep sided and much deeper than the natural hill profile in places. The areas of disturbed ground are prominent due to the pale tone and colour relative to the surrounding heather moorland and, in conjunction with the deep profile of the track and its position on a slope, the section is incongruous.' They add that 'It is recognised that the surrounding recently planted young trees will eventually screen most views to the track, but this will take some time. In addition, the surface and profile of the track are such that they will be prone to water run off erosion (there is already evidence of this)'.
23. They state, however, that the remediation works will mitigate a number of adverse effects although some will remain, particularly in Section C where the profile of the



track will remain substantially deeper than the natural hill profile. It will, however, be lessened by the raising of the track surface by 200mm and the removal of the deposited material along the sides, and re-profiling will reduce slope steepness elsewhere. Where the track side slopes are too steep and surfaced in a too-freely draining material to hold moisture, this will hinder natural revegetation. Therefore, the following have been requested:

- a) **A surface treatment of the steepest slopes** in order to counteract future erosion and promote vegetative regeneration e.g. use of biodegradable matting and seeding.
- b) **A committed landscape management and maintenance programme** to include revegetating areas the track surface, in order to rectify any future erosion or failure in plant growth.

24. **Dulnain Bridge Community Council** was consulted but did not submit a response.

Representations

25. There were no representations to this application.

Appraisal

- 26. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises the Cairngorms National Park Local Development Plan 2021 (LDP), and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies will be used.
- 27. The main planning considerations in this case are the principle of development, design, ecological impacts, impact upon landscape, and access. These are considered in detail below.

Principle of development

- 28. Notwithstanding the fact that the works were commenced without the requisite grant of planning permission, the proposal is to upgrade a section of pre-existing track following a route used by estate vehicles to access remoter parts of the estate and recently planted woodland. All the works will be seen within the context of a large native woodland planting scheme, and subject to detailed consideration



of design and proposed mitigation measures, the principle of a track is considered acceptable.

Design

29. **NPF4 Policy 14: Design, quality and place**, seeks to support developments that improve the quality of an area regardless of scale and that are consistent with the six qualities of successful places, namely: healthy; pleasant; connected; distinctive; sustainable; and adaptable.
30. **LDP Policy 3: Design and placemaking** similarly seeks to ensure that development meets the six qualities of successful places.
31. This partly retrospective planning application seeks to authorise maintenance operations already undertaken on this section of track and for remediation works to re-profile, stabilise and finish the section of track. The proposal will comprise removing the very visible piles of soil along the edges of the track and infilling it back into the track itself to reprofile the trackside banks, making them shallower in some of the sections and supporting re-vegetation of the verges. These measures will considerably improve the visual impact of the current track. All well-established heather / grass vegetation on stable trackside banking will be preserved, and re-seeding of the re-profiled verges will improve and minimise the overall prominence of the track over time.
32. At the base of the track there will be two 300mm twin wall culvert pipes to accommodate the watercourse at this location with appropriate sumps. In addition, eight channel drains will be installed along the track which will manage surface water. The track will then be compacted to create a bound running surface which combined with improved track drainage will manage water erosion and stabilise the track.
33. These upgrades are of a functional design and the materials used reflect this. The re-seeded verges will help ensure that over time the proposal will not appear incongruous within its setting.
34. The design of the proposal is of a scale and nature that is compatible with its setting and the materials proposed are appropriate and locally sourced. This, in



combination with the fact that it will support a regenerative native woodland planting project, ensures that in terms of design the proposal complies with the above policies.

Ecology

35. **NPF4 Policy 1: Tackling the climate and nature crises** requires all development proposals to give significant weight to the climate and nature crises.
36. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
37. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.
38. **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.
39. The Park Authority's Ecological Advice Officer raises no objections to the proposal, with the effects of the proposal considered slight. They highlight that the current steep gradient of excavated material along the track will inhibit natural revegetation and reprofiling of the steep slope is required to reduce the gradient and facilitate vegetation recolonisation. The proposed mitigation measures include the re-profiling of the steeper sections of the track and, as advised, will require to be sown with a heathland-specific wildflower seed mixture such as Scotia Seeds' Highland Grassland mix which will be secured via a condition. This will facilitate re-vegetation of the bare material and reduce effects from the loss of priority habitats.
40. Overall, the environmental impacts of the proposal are of a scale and nature that is considered acceptable and in compliance with the above development plan policies. The proposal does not include any specific measures concerning



biodiversity enhancement. However, the proposed development constitutes part of a wider project to plant native woodland, which the Ecological Advice Officer recognises 'would deliver improved habitat connectivity between existing blocks of woodland and should deliver significant biodiversity benefits'. Therefore, the proposal complies with NPF4 Policy 1: Tackling the climate and nature crises, NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places, and LDP Policy 4: Natural heritage.

Landscape and design

41. **LDP Policy 5: Landscape** presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park, and particularly the setting of the proposed development.
42. **LDP Policy 5.2: Private roads and ways** presumes against private roads and ways in open moorland unless it can be demonstrated that they are essential for land management purposes and they are designed to minimise landscape and environmental impacts, conserving and enhancing special qualities.
43. The Park Authority's Landscape Advisor recognises that the existing track has a series of landscape and visual effects. The excavated soil along the edges of the track and disturbed ground are prominent and, in conjunction with the deep profile of the track and its position on a slope, appear incongruous.
44. In addition, they highlight that the surface and profile of the track are such that they will be prone to water run off erosion which is already evident. This would be likely to continue if no remediation is undertaken, to the extent that very deep channels will form and the banks on outer slopes will be undercut and are likely to collapse, further widening the track and preventing revegetation and ultimately exacerbating the landscape impact.
45. The proposed remediation will mitigate a number of these adverse effects, although some will remain – particularly in the steepest section (C) where the profile of the track will remain deeper than the natural hill profile, albeit impacts here will be lessened by the raising of the track surface by 200mm. The removal of



the deposited material along the edges of the track and re-profiling will reduce the slope steepness elsewhere.

46. The shallower, regraded verges may revegetate over time, and a central strip may also revegetate in places. The verges including reprofiled slopes should be sown with an appropriate seed mix and this will be secured via a condition. In addition, a landscape management and maintenance programme will be conditioned, which will include requiring a surface treatment of the steepest slopes to counteract future erosion and promote vegetative regeneration in order to rectify any future erosion or failure in plant growth.
47. Whilst the proposed upgraded track will continue to have a visual impact, the mitigation measures proposed will substantially reduce the landscape impact of the track relative to what is there currently. In addition, the track is associated with and will be seen in the context of an enclosed woodland planting scheme. Over time, it will therefore become less prominent in the landscape and its visual impacts will reduce. As such, the proposal is considered acceptable in terms of its impacts on landscape and accords with LDP Policy 5: Landscape.

Access

48. **LDP Policy 3: Design and Placemaking** requires development to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network.
49. The Park Authority's Outdoor Access Officer highlights that the track joins a Right of Way but that there is no expected impact of this. The public access along the Right of Way will be maintained at all times and, overall, the remediation works will improve the useability of the track for all. The proposals therefore comply with LDP Policy 3: Design and Placemaking in this respect.

Conclusion

50. The proposed development consists of the upgrading, pre-profiling, stabilising and finishing of a pre-existing track for which some works have been undertaken. As such, this application is partly retrospective. Notwithstanding, this proposal seeks to address the current substandard condition of the track by remediating



unsatisfactory work that has already been undertaken and improving the overall function and visual impact of the section of track. Overall, whilst the track will continue to have some visual impacts which will reduce over time, it is of a functional design, and the impacts are considered acceptable subject to the recommended conditions.

51. The proposed development complies with the relevant policies of NPF4 and the LDP, and there are no material considerations which outweigh this conclusion.

Recommendation

That members of the committee support a recommendation to APPROVE the application for the Upgrade of track for forestry (in retrospect) at Land NW Of Clachbain Dulnain Bridge Grantown-On-Spey, 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 remediation works and completion of the track hereby approved should be completed within six months from the date on which the permission is granted and shall be implemented in full accordance with the specification of the approved plans and Supporting Document.

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. **No development shall commence on site until a pre-construction check for reptiles has been undertaken in accordance with current NatureScot guidance by a suitably experienced and licensed ecological surveyor. This must be provided within three months from the date the permission is granted and the survey results shall inform a Species Protection Plan detailing appropriate mitigation measures for any reptiles found. No development shall commence**



until the plan has been submitted to and approved in writing by the Cairngorms National Park Authority.

Thereafter the plan will be implemented in full and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To ensure the protection of protected species in accordance with National Planning Framework 4 Policy 3: Biodiversity, and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

3. No works in connection with the development hereby approved shall commence unless a verge treatment and maintenance plan has been submitted to and approved in writing by the planning authority. This must be provided within three months from the date the permission is granted. The Plan should include:
- a) Details of re-seeding to be undertaken. The track verge and reprofiled slopes should be sown with a heathland-specific wildflower seed mixture such as Scotia Seeds' Highland Grassland' mix Highland Grassland Mix – Scotia Seeds, which includes dwarf ericaceous shrubs (heather and bell heather), and a range of upland wildflowers and grasses of Scottish provenance.
 - b) Any other surface treatment of the steepest slopes in order to counteract future erosion and promote vegetative regeneration e.g. use of biodegradable matting and seeding.
 - c) Details of any opportunities to establish green strips on the track surface which are encouraged to lessen visual impact and promote biodiversity.

The development shall be completed in accordance with the approved verge treatment and maintenance plan before the end of the first full planting season following substantial completion of the development. Any planting which, within a period of 18 months from the completion of the development, is not revegetating shall be re-seeded or replaced by plants of similar size and species to those originally required.

Reason: To ensure the implementation and management of a satisfactory plan for the landscaping and verge treatment of the track in accordance with



National Planning Framework 4 Policy 3: Biodiversity, and Policy 4: Natural heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Informatives

1. 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.
2. 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.