

## CAIRNGORMS NATIONAL PARK AUTHORITY

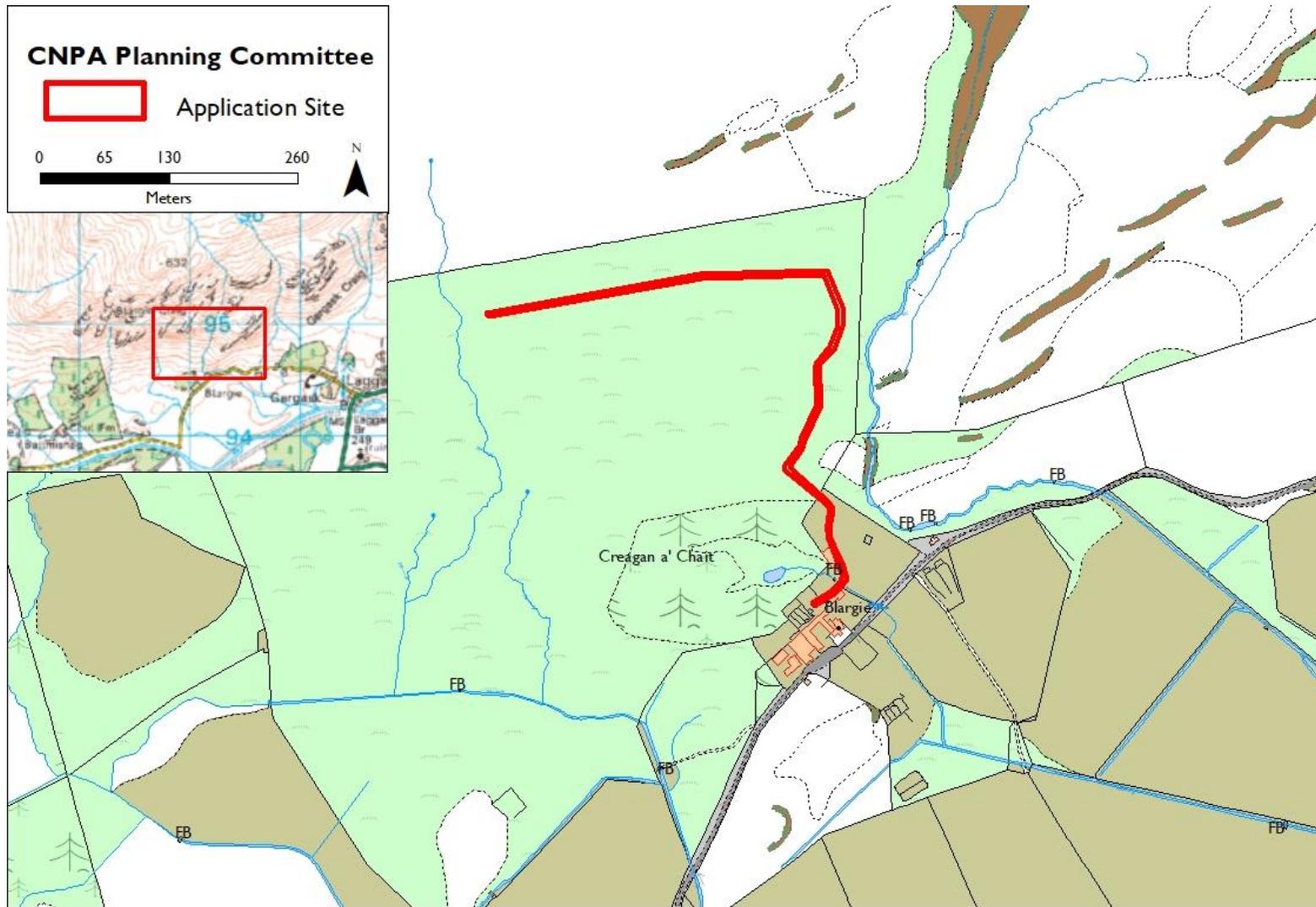
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### **DEVELOPMENT PROPOSED:**

Prior approval for forestry related building works (non-residential) at Land At Crathie Lodge Laggan Newtonmore

**REFERENCE:** 2023/0189/DET  
**APPLICANT:** Mr Kevin Fletcher  
**DATE CALLED-IN:** 1 May 2023  
**RECOMMENDATION:** Approve Subject to Conditions  
**CASE OFFICER:** Ed Swales Monitoring and Enforcement Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is approximately 1km west of Laggan village centre, and the furthest most western end of the proposed tracks is 3km to the west of the village centre. The site is accessed off a c-road via the A86.

### 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=RTRPPMSI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan - Location 3		06/06/23	26/05/23
Plan - Cross Section			27/04/23
Plan - Typical Road Cross - Sectional Details			27/04/23
<b>SUPPORTING INFORMATION</b>			
Other - Forest track specification		14/04/23	27/04/23

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

3. The proposal is for prior approval, rather than a full planning application and is for the creation of an ATV/Argo track measuring up to 2m in width, for the purpose of forestry works. The proposed track measures 750m in length. A full track construction specification has been submitted detailing the methods of construction of the track.
4. The woodland planting is being undertaken by the estate without funding from Scottish Forestry and has started.

### History

5. There is no relevant or recent history of planning applications on the estate.

## **Habitats Regulations Appraisal**

6. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the potential effects of the proposal on the River Spey Special Area of Conservation. A copy of the HRA can be found at **Appendix 3**. The proposed track will be constructed approximately 30m from the nearest watercourse, Allt Granda, which connects to the River Spey through tributaries and drainage channels. The HRA concludes that there will not be an adverse effect on site integrity for the River Spey SAC provided a condition is included which avoids pollution entering the the Allt Granda and by extension the River Spey SAC and negatively impacting upon the qualifying features.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 6	Forestry, Woodland and Trees	
<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	
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DEISGN 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	

7. 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**

8. 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	
Policy 3	Design and Placemaking Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Non-Statutory Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
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**

### **Summary of the main issues raised by consultees**

9. **NatureScot** are satisfied with the conclusions of the HRA which concludes that there be no effect on the site integrity of the River Spey SAC.
10. **CNPA Ecology Officer** states there is insufficient information submitted to determine the extent on protected species and breeding birds therefore recommend the inclusion of suitably worded conditions requiring surveys to be submitted prior to the commencement of development.
11. Laggan Community Council provided comments that were neither in favour nor opposed to the proposal.

## REPRESENTATIONS

12. The application was advertised when first submitted. No letters of public representation have been received.

## APPRAISAL

13. The principle of Prior Approval for the track in this location is acceptable due to its connection to a proposed woodland area as well as having an established connection from existing infrastructure.
14. Subject to suitably worded conditions as well as compliance with the policies within the Local Development Plan and NPF4, the proposal for an ATV track is acceptable.

## Principle

15. **Policy 4: Natural Places** of NPF4 seeks to protect and enhance natural heritage while **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all development proposals must also be designed to minimise the effects of the development on climate change in terms of siting and construction.
16. The track is deemed to be within the scope of the Permitted Development Legislation as it is to be formed more than 20m off an existing road, as with Prior Notifications the first 20m access off the road is not included. An updated location plan has been submitted which shows the proposed ATV track being formed off the existing Blargie Farm hardstanding, running along a driven route towards the woodland enclosure. The track then enters the enclosure and exits to run alongside the fence line to the west. The track is required for the maintenance and completion of the woodland planting within this enclosure.
17. On this basis, the proposal for the ATV track is considered to accord with Policy 4 of NPF4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## Ecology Issues

18. **Policy 3: Biodiversity** of NPF4 plays a critical role in ensuring that development will secure positive effects for biodiversity while **Policy 4: Natural Places** protects and enhances natural heritage. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species, or biodiversity.

19. The application has not included details of any surveys that have been undertaken confirming the presence of protected species or whether there are breeding birds within the track area. As such a condition is recommended requiring a breeding bird survey and protected species survey to be submitted immediately prior to the commencement of construction. The HRA (attached at **Appendix 3**) concludes that standard pollution prevention measures must be secured through a planning condition.
20. The inclusion of the native woodland planting scheme provides biodiversity gains. Additionally, the submission of the required surveys will ensure the proposal complies with Policies 3 and 4 of NPF4 and Policy 4 of the Cairngorms National Park Local Development Plan 2021.

### **Landscape Issues**

21. **Policy 6: Forestry, woodland and trees** of NPF4 aims to protect and expand forests, woodland and trees while **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.
22. Although there will be some limited landscape and visual impacts in the short term, the overall impact is considered limited in extent and will not have significant adverse effects on the special landscape qualities of the National Park. The proposal is therefore considered to comply with and Policy 6 of NPF4 and Policy 5 of the Cairngorms National Park Local Development Plan 2021.

### **CONCLUSION**

23. While there is concern that the track will be used for sporting purposes the woodland enclosure and planting within the enclosure ensures that the initial purpose of the track is for the creation of a woodland scheme and therefore in line with the principle of Permitted Development.
24. Subject to the recommended conditions the proposed development is considered to comply with the policies contained within NPF4 and the adopted Local Development Plan and approval is therefore recommended.

### **RECOMMENDATION**

<p><b>That Members of the Committee support a recommendation to APPROVE the Prior Approval for forestry related building works (non-residential) at Land At Crathie Lodge Laggan subject to the following conditions:</b></p>
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*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

## **Conditions**

- 1 **No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CEMP shall include but not be limited to:**
  - a) **The identification of a 10m buffer from watercourses within which no construction shall be undertaken;**
  - b) **A pollution prevention plan demonstrating that there will be no pollution or sedimentation of water courses during construction;**
  - c) **Details of pre-construction surveys for protected species and any associated Species Protection Plan with standard mitigation measures to prevent harm to protected species that might enter the site during construction;**
  - d) **Bird protection plan to ensure no disturbance of birds during the bird breeding season. This plan shall include standard mitigation measures during construction.**

**Thereafter the development shall be implemented in accordance with the approved CEMP.**

**Reason:** To ensure that there is no effect on the integrity of the River Spey SAC, or to protected species and breeding birds in accordance with Policies 3: Biodiversity and 4: Natural Places of NPF4 and with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

## **Informative**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.

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.