

Monitoring Work

1. Much of the Monitoring and Enforcement Officer's (MEO) work involves regular monitoring of permissions being implemented, particularly including checks for compliance with planning conditions that have been imposed. CNPA only monitor those cases that have been granted by the Planning Committee. Those not called in are monitored by the relevant local planning authority. Monitoring is essential to ensure that any potential to carry out unauthorised development is caught early on thereby avoiding the need to consider enforcement action.
2. The monitoring workload is variable dependent upon when sites are implemented and how quickly they are progressed and completed. It is also dependent upon the level of compliance with the approved plans and conditions. For example if a developer is fully complying with the terms of the permission, the work will only involve regular but quick site checks. However, if a developer has not submitted some of the details to discharge conditions or carries out a different development on site then the work will involve close monitoring through regular site inspections, communication and the involvement of other Officers. At present there are 110 live sites being developed with planning permission granted by CNPA that require monitoring by Officers.
3. Some of the significant sites that have been and are currently being monitored include:

- a) Beachan Court

This is a housing development in Grantown, comprising 53 houses (including 10 affordable units). Permission was approved in October 2016 for the significant infrastructure required, and involved a large number of conditions being imposed to dealing with SUDS provision, levels, trees protection and measures for species protection, which have required close monitoring. Issues relating to compliance with these conditions meant that work commenced on site prior to formal sign off of the conditions, although the developer has complied since then and has been eager to ensure there are no breaches or miscommunication.

- b) Braemar Housing

In 2007 a number of applications were received and subsequently approved for the erection of 56 dwellinghouses in Braemar. The first to be built, for 25 houses (including 6 affordable) off Glenshee Road on the edge of Braemar was significantly complete in 2015 although flooding issues caused by storm Frank meant that monitoring continued to ensure neighbouring properties were unaffected by the development. Earlier this year we achieved sign off with the flooding conditions on the site.

Two other developments, St Andrews Terrace (30 houses) and Kindrochit Court (5 houses and 6 flatted units, all being affordable) were deemed to have commenced earlier this year as well, although the building works have not formally started on the ground.

- c) Boat of Garten Housing

This is a housing development for 32 houses (including 10 affordable) within woodland on the edge of the settlement granted permission in October 2014. While

works to remove the woodland commenced in 2015 the development has begun on the ground and the first few properties are occupied.

d) Ballater Bus Depot

Works commenced on site in November 2015 and development was completed in July 2016, although landscaping has been carried out following completion.

e) Royal Station, Ballater

The Reinstatement of the Royal Station development begun earlier this year following approval in September 2016 with full compliance with the conditions, although some modifications have been made since the works began.

4. A number of hydro schemes have also been implemented requiring close monitoring by the MEO, due to their sensitive locations and the potential for significant impacts upon the landscape and ecology, and these schemes include:

a) Bruar

Approved in August 2012 for 1.5 Mw commenced in 2014. A key issue at Bruar hydro was that the reinstatement of the penstock was considered to be of poor quality, and a change of agent meant there were delays to the process. This year a local contractor has carried out substantial works to ensure this is looking much better. There is further work to be done on this but so far the works have been promising. Other issues here required enhanced reinstatement around the Powerhouse as well as improvements by the intake as well.

b) Glen Esk

3 schemes approved in December 2014 for a total of 240kw commenced in March 2016. Throughout the project we have had good engagement with the developer who has been receptive of our suggestions to ensure the 3 projects have been problem free. The application benefited from having regular Ecological Clerk of Works reports and supervision as required by a condition.

c) Corriemulzie

Approved in December 2013 for 100kw commenced September 2015. During the works a borrow pit was opened up that didn't form part of the original application and works to ensure the reinstatement of this has been protracted. However following increased involvement the works are now happening and we expect full compliance in spring of next year. Other issues relating to final finishing of tracks and laydown areas are also being progressed.

d) Tulchan

Approved in June 2014 for 100kw commenced in August 2015. The main issue here was the working corridor was wider than agreed within the Construction Method Statement. Since the substantial completion of the project the reinstatement works have taken a long time to negotiate and bring about a successful conclusion. Further work needs to be done with regard to planting and landscaping.

e) Fealar

Approved in September 2013 for 100kw commenced in September 2015. Works on this project were held up by funding issues and while the construction of the penstock was completed relatively quickly some of the works have required intervention on our part. For instance there are areas of exposed pipe that will be required to be covered as well as a dispute regarding the final planting area. This reinstatement works are expected to be required during spring 2018.

f) Glen Muick

Approved in September 2016 for 25kw commenced in June 2017. This is the smallest of the schemes recently approved, there were no issues during construction. We were kept regularly updated by the Ecological Clerk Of Works throughout the project. The reinstatement has been completed to a good standard as well.

The key lessons that have been learnt following the development of these schemes are;

- a) An insistence that an Ecological Clerk of Works is involved from the beginning of the project
- b) The requirements to ensure corridor widths are adhered to while construction is underway
- c) Obtaining clear sections at any relevant points along the penstock route
- d) Constant monitoring is undertaken not only by planning staff but heritage colleagues as well.

Enforcement Work

5. Since April 2016, an average of just over one case per week (69 during the 12 month period from April 2016 to March 2017) and 42 cases during the period from March to November 2017 have been brought to our attention. Some cases, 14 in total, have been referred to the relevant local authority for investigation. 56 cases have been closed since no breach was found or resolved before formal action was required.

In total we served 3 Planning Contravention Notices, 2 for tracks at Cluny Estate and Clova Estate plus another on the Braemar Housing Site at Glenshee road to ensure compliance with the plans submitted.

We also served an Enforcement Notice on Cluny Estate with the outcome still pending.

6. Cases that are of significance such that if a retrospective planning application were to be made, it would be called in, as well as enforcement related to permissions granted by the CNPA, are investigated by the Monitoring and Enforcement Officer. During the reporting period, these have included;

a) Badaguish

Since the Beginning of 2016, the outdoor center has been compliant with planning control, with minor breaches investigated but quickly resolved. During the reporting period there have been 4 applications submitted by the center with 3 being called in. These have all been in relation to other applications on the site.

b) Cairngorm Mountain

This was a scheme for a replacement ski tow that during the application process required the maintenance track to be retained and an application was sought and approved in February 2017 and regular visits have followed to ensure compliance with the permissions.

c) Dinnet Tracks

A long running enforcement case was effectively brought to a close in March 2016 when the estate applied for planning permission to improve the track network, this application was approved in July 2016 with works commencing earlier this year and full compliance with the conditions as well as regular contact with the estate through their Landscape Clerk of Works.

7. The MEO has been involved in a number of track related enforcement works over the last 18 months. These have included ones identified by members of public, members of staff and through the normal investigation processes. These include;

a) Glen Clova

Here a track has been significantly upgraded and the outcome of this case is still pending.

b) Glen Prosen

These tracks have been upgraded due to the installation of a hydro scheme on the estate, these upgrades have been approved by Angus Council. As part of quality assurance CNPA has advised the estate on the best methods to ensure the landscape impact of these tracks is minimised and will be visited again next year to check on these works.

c) Drumochter track

Retained from the Beauldy Denny scheme, works have yet to begin on the restoration of this track.

d) Tracks above Balsporran Cottage in Dalwhinnie

This has been identified by a member of public and reported to ourselves, SNH and The Highland Council. While access will have been taken through the National Park a significant part of this track falls outwith the boundary and it is therefore left for Highland Council to be the lead authority on the matter.

e) Glenloch

This track was identified when a digger was spotted on the hill. It has been investigated and is currently awaiting a decision on the direction to be taken.

f) Glen Banchor

The estate has recently been acquired by Pitmain Estate and some of the tracks have been upgraded beyond what is considered to be regular maintenance and planning applications have been sought. We have also required that some reinstatement of “tracked” ground will be undertaken.

8. The focus of the Enforcement function within CNPA is very much on resolving the issue of unauthorised track works. Part of the issue revolves around believing that works do not constitute development or are considered to be Permitted Development rather than rogue estates and developers trying to flaunt the rules. In the coming year we expect more action to tackle these, commencing with a track mapping project and closer liaison with landowners and keepers to educate rather than punish mistakes.