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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Prior approval for forestry-related building works (non-residential) - maintenance and upgrading of existing access tracks and formation of new access tracks, turning areas, a borrow pit and water crossings at Caddam Plantation Glen Clova

**REFERENCE:** 2020/0037/NOT

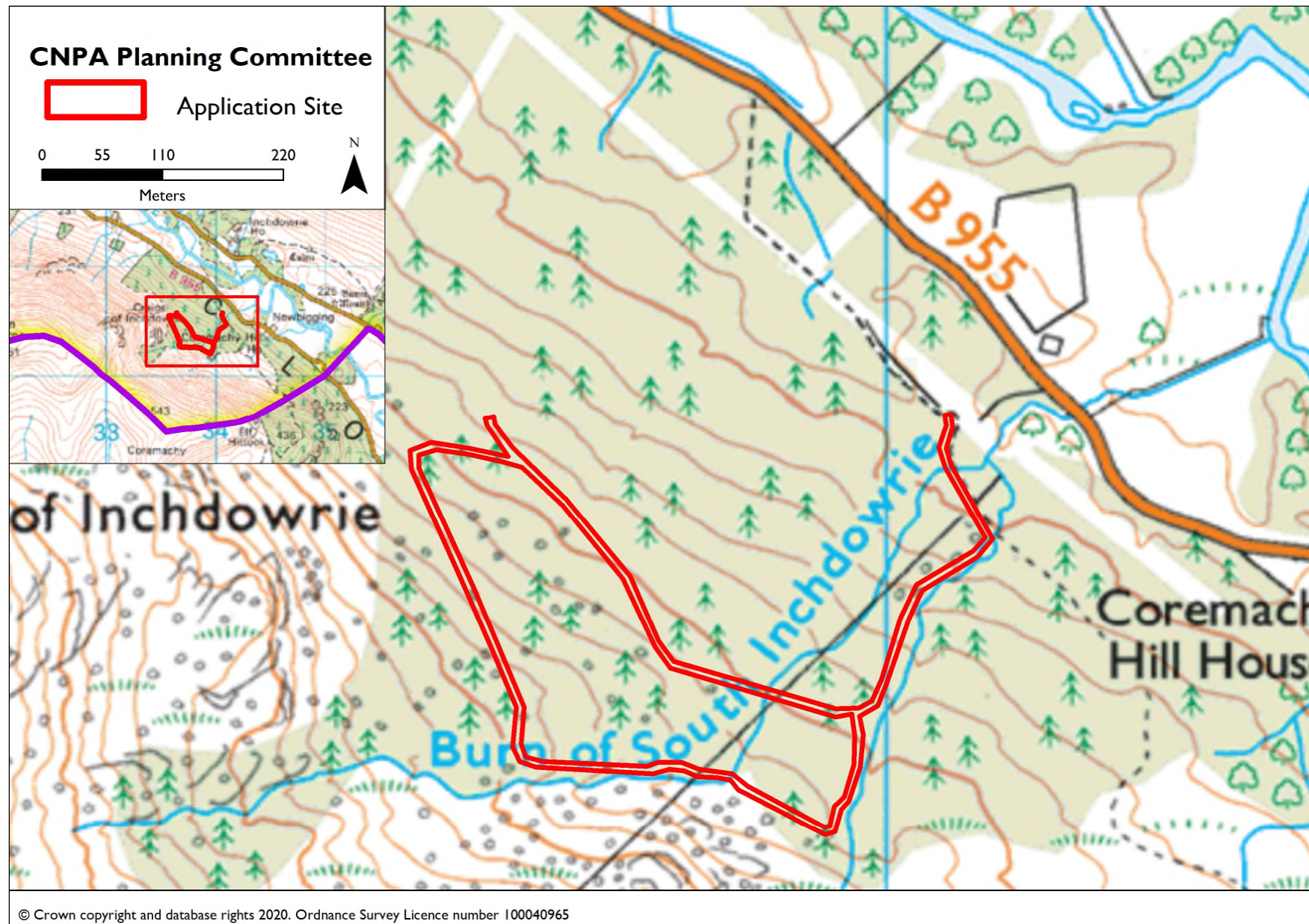
**APPLICANT:** Mr Hugh Niven

**DATE CALLED-IN:** 10 February 2020

**RECOMMENDATION:** Approve

**CASE OFFICER:** Ed Swales Monitoring and Enforcement Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site is Caddam woods, on the Glen Clova estate, 15 miles north of Kirriemuir. The woodland is on the west side of the B955 and is currently being thinned. Some works have begun on the thinning prior to the application being made but not the track itself.

### 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=Q5869PSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Map	1.1		24/04/2020
Track Overview	1.2		24/04/2020
Track Overview Detail Map	1.4		24/04/2020
Archaeology Map	1.5		24/04/2020
Landscape Appraisal Map	3		24/04/2020
Supporting Information (including protected species surveys that are not available for public viewing)	6		24/04/2020

\*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 application is for the construction of a 1km forestry track and upgrade of 600m of track within the woodland to facilitate the thinning as described above, the track will be 3.5m in width.

### History

4. A prior notification for new and upgraded forestry tracks in this location was made to Angus Council in 2019. Prior Approval was required due to potential impacts on European Protected Species. There is no other planning history on this part of the Glen Clova estate.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) 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	SUSTAINABLE DESIGN	
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	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

5. 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:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

6. Other relevant local policies are (delete if not applicable)

### Planning Guidance

7. 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

8. A summary of the main issues raised by consultees now follows:
9. **SNH** state that the development is likely to have a significant effect on freshwater pearl mussels and Atlantic salmon associated with the Rivers South Esk SAC, and on golden eagle associated with the Cairngorms Massif SPA. However, they also conclude that with a site-specific construction method statement, the proposal will not affect the River South Esk SAC and that the proposal will not affect the site integrity of the Cairngorms Massif SPA because no eagle eyries are likely to be disturbed, loss of foraging habitat is minimal and disturbance to foraging during construction would be temporary.
10. **Angus Council Countryside Officer** states they have no objection to the application and agree with the Cairngorms National Park Authorities Landscape Advisors comments (see below).
11. **Angus Council Roads Department** has no objection to the application.
12. **CNPA Landscape Officer** states the track would cross and run along the steep side slopes of Glen Clova. It would be located largely within existing woodland, although it would cross some open patches and corridors. They recommend mitigation measures for landscape and visual effects including minimising the width of the track, ditch and corridor of cleared trees and restoring and replacing turves on embankment slopes along the track and at the borrow pit where these are unlikely to naturally regenerate and/or would be subject to erosion by surface water. With such mitigation measures incorporated any effects are not considered likely to be significant.
13. **CNPA Ecology Officer** notes the main concern relating to the application is the potential impact on Wildcat which is a European Protected Species. The site also falls within one of the Scottish Wildcat Priority Area (WPA). Species protection plans are required for wildcat, evidence of otter, pine marten and red squirrel.
14. **Kirriemuir Landward East Community Council** offered no comment on the application.

## REPRESENTATIONS

15. One representation has been received which focuses on ensuring wildlife implications of the track are taken into account particularly wildcat and otter, requesting that any work is undertaken outwith the breeding season for these species. It also queries the track width and gradients.

## APPRAISAL

### Principle

16. This Prior Approval application is for the construction of a new track and upgrade of existing track within the Caddam woods on the Glen Clova estate.

The purpose for the track is to thin the surrounding woodland as part of the estate's woodland management plan. As a forestry related private way, the development has a permitted development right and acceptability in principle that must be confirmed through prior notification or prior approval.

## **Environmental Issues**

17. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 is intended to conserve and enhance the outstanding natural heritage of the Cairngorms National Park. A condition requiring a site-specific construction method statement will ensure that necessary measures are taken to avoid impacts on water quality and fresh water pearl mussels in the River South Esk SAC. The track route has been modified during the application to avoid direct conflict with wildcat and a condition restricting the period of construction will avoid disturbance during breeding seasons of both wildcat and otter. Further species protection plans are required for wildcat, otter, pine marten and red squirrel to ensure significant harm is avoided. These too can be secured through condition. With appropriate conditions the proposal will comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.
18. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 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 developments. The new and upgraded tracks will be visible from surrounding viewpoints but will also be seen in the context of and partly screened by the forestry itself. With an appropriate mitigation measure included in the site-specific construction method statement, the effects are not considered to be significant. This will ensure the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.
19. **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 seeks to ensure the quality of the water environment and protect the ecological status of water bodies. It includes a presumption against culverting of water courses and unnecessary engineering works in the water environment. However, culverts are a standard technique in track construction and are also controlled by SEPA licencing. While the use of culverts is cost effective, they can also avoid more intrusive engineering works required to bridge water courses. With the site specific construction method statement to ensure no impacts on water quality, the proposal will comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

## **CONCLUSION**

20. It is considered that with appropriate conditions attached to prior approval of the new and upgraded forestry tracks in this proposal, it will fully comply with the relevant policies of the Cairngorms National Park Local Development Plan 2015.



## RECOMMENDATION

**That Members of the Committee support a recommendation to approve the Prior Approval for forestry-related construction works – formation of new access track and upgrading of existing tracks at Caddam Plantation Glen Clova subject to the following conditions:**

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

### Conditions

- I. No work shall commence on site until a site specific Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The CMS shall include the following details;**
  - a) Confirmation of the working corridor;**
  - b) Details of each stage of the track construction;**
  - c) Details of the finished surface of the track demonstrating that the track will be restricted to 3.5m in width.**
  - d) Details of pollution prevention measures including location of refuelling sites, silt fencing and silt traps;**
  - e) Details of how turfs will be cut and replaced, including measures to ensure steep cut side faces regenerate successfully.**

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

**Reason:** To minimise the landscape and visual impacts of the development, avoid adverse effects on the integrity of the River South Esk SAC, and minimise damage to habitats adjacent to the development in accordance with Policy 4 Natural Heritage, Policy 5 Landscape and Policy 10 Resources of the Cairngorms National Park Local Development Plan 2015.

- 2. No work shall commence on site until species protection plans for Wildcat, Otter, Pine Marten and Red Squirrel have been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The Species Protection Plans shall include detail of any necessary pre-commencement surveys. Thereafter the development shall be implemented in accordance with those approved details.**

**Reason:** To avoid adverse effects on protected species in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

3. There shall be no work undertaken between April and July (Inclusive) the wildcat and otter breeding seasons.

**Reason:** To avoid disturbance of Wildcat and Otter and in accordance with Policy 4 Natural Heritage, of the Cairngorms National Park Local Development Plan 2015.

### **Informatives**

1. The person undertaking the development is required to give the Planning Authority prior written notification of the date on 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 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.