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| |  |  | | --- | --- | |  | *Report of Handling* | | **Application Number:** | 2018/0373/NOT | |  |  | | **Location:** | Glen a Chroin, 3.5km north of Braeleny | |  |  | | **Proposal:** | Construction of 1426m forestry track | |  |  | | **Case Officer:** | Amy Unitt | |  |  | | **Target Decision Date:** | 1 Jan 2019 | |  |  |

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|  | **Introduction** |
|  | Site Description: The application site is within the Drummond Estate approximately 4k north of the settlement of Callander on the eastern edge of the National Park. It is accessed off the A84 trunk road and is approached from the south via the minor-class Bracklinn Road and Braeleny Farm.  The site lies within a shallow and wide glen in an expansive mountain landscape. There are rounded peaks to the north and smaller hills immediately to the east and west. To the south the land falls towards the valley of the River Teith. Land cover is mostly open grazing. Apart from the overall land management, the main human features are a dam wall, reservoir, tracks, farmsteads, relic upland farm buildings and occasional fence lines.  Proposal: It is proposed to construct 1426m of forestry track at a width of 3m (3.5m on bends). The first 454m is over open land and the remainder will be surrounded by new forestry.  It was determined that prior approval is required as further information was needed to assess ecological and landscape impacts of the proposed track.  The key issues for consideration are:  Principle of Development  Landscape Impact  Ecological Impact  Access |
|  | **Relevant Planning History** |
|  | 2014/0196/DET -Approve -6 October 2014  Amendment to application 2013/0225/DET for the construction of a hydro scheme.    2013/0225/DET -Approve -23 December 2013  Construction of a hydro scheme (980kw) |
|  | **Policy Context** |
|  | Local Development Plan (Adopted 2016)  OP1 – Overarching Policy 1: Strategic Principles  OP2 – Overarching Policy 2: Development Requirements  NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact  NEP5 - Natural Environment Policy 4: Legally Protected Species  NEP10 - Natural Environment Policy 10: Protecting Peatlands  TP3 – Transport Policy 3: Impact Assessment and Design Standards of New Development  Other Material Considerations  National Park Aims  The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park’s overarching policy position on new development with regard to the statutory aims.  National Park Partnership Plan (2012-2017)  Relevant Policies:   |  |  | | --- | --- | | **Outcome 1: Natural Capital** | Priority 1.1: Habitats Priority  Priority 1.2: Species | | **Outcome 2: Landscape Qualities** | Priority 2.1: Landscape & Heritage | | **Outcome 3: Climate Change** | Priority 3.1: Climate Change | |
|  | **Environmental Appraisal** |
|  | Environmental Impact Assessment  The National Park is identified as a ‘Sensitive Area’ within the Environmental Impact Assessment (Scotland) Regulations 2017.  Forestry Commission Scotland is the competent authority for screening afforestation proposals including the associated infrastructure. An EIA screening by the planning authority is not required. |
|  | **Summary of Consultations** |
|  | None required. |
|  | **Summary of Representations** |
|  | None received. |
|  | **Summary of Supporting Information** |
|  | Forestry Commission Road Operational Guidance note  A guidance note produced by the Forestry Commission about the planning and construction of access tracks and surfaced haulage roads in woodland, and defining the minimum appropriate standards for their construction, repair and maintenance.  Photo of site between the proposed woodland and current road  Supporting Statement  Details of landscape restoration and the source of materials for the tracks. |
|  | **Planning Assessment** |
|  | Principle of Development  The Town and Country Planning (General Permitted Development) (Scotland) Act 1992 (as amended) permits certain development on land which is used for the purposes of forestry. It is considered that the proposal is reasonably required for forestry purposes as it would allow for the planting and management of new woodland which is encouraged by the Scottish Government. The principle of development is therefore acceptable. The key issues for consideration are the potential impact on landscape, ecology and access.  Landscape  The proposed track lies on the lower slopes of a wide glen. It is a highly visible area from low and high viewpoints, particularly to recreational users. The majority of the track will be sheltered in time by newly planted woodland but the first 454m will remain in the open, although views from the peaks to the north of this section will be blocked by the woodland. This section will be 3m wide and made of floating and as dug track depending on the level of peat. Where steeper batters are created restoration measures will be used to encourage rapid revegetation to reduce the visual impact. There will be a number of culverts as well as grips for managing the drainage around the track and in the ground. The culverts will be finished with stone or turves depending on the landscape and a grass central strip will be established after construction. The landscape is currently scarred with desire lines from ATV vehicles and the proposed track will help to keep vehicles off the landscape. It is recommended that the landscape restoration measures are reviewed immediately after construction to ensure that any additional necessary measures are carried out in a timely manner and that the width and style of the track is secured through condition.  Ecology  The proposed site of the track has areas of peatland at a depth of more than 40cm. An aerial photograph submitted by the applicant shows disturbance in the form of desire lines from vehicles. It is proposed to construct a floating track over areas of deep peat and to use grips to block drainage points uphill and downhill from the track where it is in the open. The proposed grips would aid water retention in the surrounding field and this would help prevent further degradation of the peatland.  Access  Many people use the area for recreation passing through a key strategic core path track south of the proposal that connects the National Park with Stirling Council area. The core path track is suitable for vehicles and would be used during construction of the track and for the management/maintenance of the forest. It is recommended that a public access management plan be ensured through condition to protect safe public access on the core path.  Conclusion  Considering the above, it is determined that subject to conditions ensuring the landscape restoration is carried out and public access from the core path is managed the proposal will not have an a significant adverse impact in terms of landscape, ecology and access in accordance with Overarching Policy 2, Natural Environment Policies 1, 4, 10 and Transport Policy 3. |

**Recommendation: That prior approval is given**

**Conditions**

1. **Public Access Management Plan**: Prior to the commencement of development, a Public Access Management Plan shall be submitted to, and approved in writing by, the Planning Authority and thereafter complied with, unless otherwise agreed in writing by the Planning Authority. The Public Access Management Plan shall include the following, as a minimum:

* timings, impacts and mitigation for all works affecting the Core Footpath track;
* reinstatement methods and details in the event the Core Footpath track is damaged during construction;
* In the event that a diversion is required at certain times - details of diversion signage, proposed locations of signage, wording of signage and period of display; and
* Site threshold signage should also inform the public and provide advice of other similar recreational experiences in the area – details of site threshold signage, proposed locations of signage and period of display.

REASON: To ensure reasonable and sufficient public access to the local area is maintained.

1. **Track Width and Central Strip:** The track hereby approved will be no wider than 3 metres in straight sections and 3.5 metres at bends and a grass central strip shall be established throughout the length of the track in the planting season following completion of the track.

REASON: To mitigate the landscape and visual impact of the access track into this sensitive area in accordance with the provisions of local development plan policy Natural Environment Policy 1: National Park Landscapes, seascape and visual impact.

1. **Landscape Restoration:** Landscape restoration measures will be carried out in accordance with the supporting statement dated 31/12/18 and the site plan dated 14/01/19. Following completion of the track but prior to machinery used to construct the track leaving the site a site visit shall be carried out with a representative of the Planning Authority for the purpose of identifying and agreeing any further landscape restoration measures to be carried out. The landscape restoration measures and a timescale for carrying them out shall thereafter be agreed in writing by the Planning Authority.

REASON: To mitigate the landscape and visual impact of the access track into this sensitive area in accordance with the provisions of local development plan policy Natural Environment Policy 1: National Park Landscapes, seascape and visual impact.

1. **Breeding Birds:** No construction of the track hereby approved shall take place during March – July inclusive unless a walk over survey for nesting birds is undertaken first, details of the survey shall be submitted to, and approved in writing by, the planning authority prior to undertaking the construction works.

REASON: To ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

**Reason for Decision**

It is determined that subject to conditions ensuring the landscape restoration is carried out and public access from the core path is managed the proposal will not have an a significant adverse impact in terms of landscape, ecology and access in accordance with Overarching Policy 2, Natural Environment Policies 1, 4, 10 and Transport Policy 3.

**List of Plans**

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| **Title** | **Reference** | **Date Received** |
| Location Plan |  | 04/12/18 |
| Site Plan |  | 14/01/19 |
| Planting Proposal |  | 19/12/18 |
| Planting proposal and track formation |  | 31/12/18 |
| Supporting Statement |  | 31/12/18 |

**Informatives**.

1 Duration of Permission: In accordance with The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 the development shall be carried out within a period of five years from the date the application was approved.

2 Surface Water - Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPAs website or from SEPAs Perth Environmental Protection and Improvement Team on 01738 627989.

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| Signed: Amy Unitt  **Development Management Planner** | Dated: 24/01/19 |