**Infrastructure Services**

**REPORT OF HANDLING**

**Application Reference: APP/2016/1465**

**Proposal: Formation of an Agricultural Track**

**Address: Land Adjacent To Corndavan Lodge, Invercauld Estate, Braemar**

**1.** **Description of proposal**

Prior Notification is sought for the repair of an agricultural track on land adjacent to Corndavan Lodge, Invercauld Estate, Braemar. The site is located approximately 7.2 miles to the northeast of Braemar and is within the Cairngorms National Park.

The existing track runs in a northern direction from the main access road through the estate and the length of the track identified for repair is approximately 432.6m and 2.5m wide. This track is in a reasonable condition however some repair works are required to improve the overall condition.

The track would be repaired by a slew loader and material would be obtained from an adjacent shallow borrow pit which will run parallel to the track. The track would not be cut into the hill as the area for repair is on flat land in terms of lateral gradient. Stone will be won from the shallow formed groove to the side of the track and placed on the track with a slight camber to both sides. The slew digger will form the camber and use its tracks to bed down the new stone. Turf will be replaced onto the surface of the excavation area and in the centre of the track to promote regrowth.

The track will be used for agricultural activities including management of livestock, stock fencing and general access to the area.

**2.** **Relevant Planning History**

None

**3.** **Supporting Information**

Construction Layout – Cross-section drawing submitted by the agent detailing the construction layout for repairing the track using a shallow borrow pit.

Supporting Statement – Statement submitted by the agent highlighting details of the track including its use, how it would be repaired and materials to be used and the requirement for the repair works.

**4. Variations & Amendments**

None

**5. Representations**

No valid representations have been received.

**6. Consultations**

**Cairngorms National Park Authority (CNPA)** commented on the prior notification and are satisfied that proposals are required for the purposes of agriculture and state that there is likely to be a negligible landscape impact provided works are carried out to a high standard. However the CNPA request that further information in regards to scaled drawings of the proposed construction and specific construction for each site, drainage details and how potential runoff into adjacent watercourses will be mitigated. CNPA request that the following additional information is submitted:

* Scaled site specific construction and repair layout drawings and methods
* Details of drainage for the tracks
* Details on how any adverse impacts on the adjacent SAC might be mitigated

**7. Relevant Policies**

Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

* to set the land use framework for promoting sustainable economic development;
* to encourage and support regeneration; and
* to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Cairngorms National Park Local Development Plan 2015

Policy 3: Sustainable Design

Policy 4: Natural Heritage

Policy 5: Landscape

**8. Other Material Considerations**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014

**9. Directions by Scottish Ministers**

None

**10. Discussion**

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) grants planning permission for certain classes of development subject to various conditions. With regard to the erection of forestry/ agricultural tracks, one of the conditions of the GPDO requires the applicant to ask the Planning Authority whether its prior approval is required in relation to the siting and design of any works. The giving of prior approval is not a grant of planning permission in itself but merely amounts to the discharge of a condition of the planning permission granted by the GDPO. The planning authority can consider only the siting, design and external appearance of the works and landscape impact grounds and cannot consider the principle of the proposal, which is established by the GPDO. No neighbour notification procedures apply and any representations received cannot be taken into account by the Planning Authority.

The policies contained within the Cairngorms National Park Local Development Plan (2015) are the main consideration in determining which issues would need to be considered further. Policy 3 and 5 aim to ensure that, among other things, all new developments are appropriately sited and designed and respect the surrounding setting and have no adverse impact on the visual appearance and character of the landscape and amenity of the area. In addition, policy 4 aims to ensure that new developments respect the designated site within which the proposal is situated and the integrity of the area is not negatively affected.

The repair works to the agricultural tracks would allow for easier access for both the estate to manage the land and for the public. The repair works would extend some 432.6m and would use material from near the track to carry out the works. The method of construction is trying to minimise the impact of the track and use resources from the surrounding area. The track already exists and is in a relatively good condition. However, some repair works are required but are considered to have a minimal impact on the landscape. Therefore the development complies with Policy 3 and Policy 5.

CNPA were consulted on the application, and although this authority is satisfied the tracks are required for agriculture and would have a negligible impact on the landscape, further information was sought. This was requested to allow further consideration of the extent of works to be carried, method of construction for each track and drainage details and how runoff into the nearby watercourse would be mitigated.

Following these comments the agent provided a response outlining that the works proposed are minimal repairs. In a supporting email the agent provides a detailed response to specific queries raised by CNPA and submitted revised scaled drawings of the proposed construction layout. CNPA state that there is insufficient site specific detail; however it is the opinion of the Planning Service that following a site visit and reviewing the information submitted in the supporting statement along with photographs there is sufficient information to assess each site. As such it is not considered that prior approval is required.

In terms of drainage this site does not cross a watercourse, and the agent confirms that *“all repair to existing tracks where required will be formed by the camber both ways on the track which will throw off any moisture”.* The tracks are proposed on flatter land in terms of lateral gradient, where there would be no significant run off and where no cuts into the hillside are required to channel rainwater. Existing off-lets for surface water will be maintained. Therefore it is considered that there are appropriate drainage arrangements in place and the design and construction of the track is such that it can be adequately drained.

CNPA requested further detail on how impacts to the watercourses which feed into the adjacent SAC from pollution/sediment during construction would be mitigated. The agent has emphasised the considerable distance to watercourses, and the negligible impact this would have. The Planning Service do not considered there to be any significant effect on watercourses or designated sites such as the SAC and therefore no further assessment of this would be required under prior approval. This is in compliance with Policy 4 of the CNPA LDP 2015.

Overall, the Planning Service agrees that sufficient information has been submitted and no further requirements are sought and therefore conclude that prior approval is not required. As such, the proposal is considered to meet the relevant terms of the Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

**11. Recommendation**

 Prior Approval Not Required

**Reason for Decision**

The proposed agricultural track works, by virtue of its proposed use, siting and scale, would comply with the relevant provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and Policy 3, 4 and 5 of the Cairngorms National Park Local Development Plan 2015. The proposal poses a negligible visual or amenity impact, and sufficient information has been submitted and no further requirements are sought therefore prior approval is not required.

**12. Process of Determination**

Prior Approval Not Required – determined via delegated powers under the Council’s Scheme of Delegation.

**13. Planning Obligations**

No