

## DELEGATED DECISION REPORT

<b>Application Reference Number</b>	<b>15NP0073</b>
<b>Description / Site Address</b>	Approval of Details – Conditions 3 and 4 of 15NP0030 for the construction of new track from north of Cold Law to Broadstruther.
<b>Consultation Expiry</b>	23 <sup>rd</sup> September 2015
<b>Last date for decision</b>	23 <sup>rd</sup> October 2015

### Details of Proposal

This application seeks to approve details required by condition 3 (seeding of the track) and condition 4 (ongoing maintenance) of 15NP0030, to construct a new upland track, running from the north of Cold Law, towards Broadstruther.

The application documents set out an outline specification, seed mix and a methodology for seeding, aftercare and longer term management, providing details for the initial seeding of the track and specified maintenance in the spring following completion.

### Relevant Planning Policy

- *NNPA Core Strategy and Development Policies Document (Core Strategy)*

Policy 1 – Delivering Sustainable Development

Policy 3 – General Development Principles

Policy 17 – Biodiversity & Geodiversity

Policy 20 – Landscape Character

- *NNPA Landscape SPD*
- *National Planning Policy Framework (NPPF)*

### Relevant Planning History:

- 15NP0030 – Planning Application for construction of new track from north of Cold Law to Broadstruther.
- 15NP0010EIA – EIA Screening Opinion for a proposed track (Not likely to be EIA development, based on the information submitted)
- 13NP0046EIA – EIA Screening Opinion for a proposed track (Potentially likely to be EIA development, based on the information submitted)
- 12NP0056 – Planning application for two proposed moorland tracks (Withdrawn)

## **Summary of Consultations/Representations**

NNPA Ecologist: No objection. The seed mix is appropriate and timing of seeding and checking is satisfactory. Maintenance and design will prevent excessive run-off – impact on the SAC is unlikely.

NNPA Access/Recreation Officer: No comments.

NNPA Landscape/Forestry Officer: No objection. Principle of the proposed work is in line with expectations. Rewording of a small part of the seeding/aftercare section is suggested.

Natural England: No comments.

## **Assessment**

Condition 3 (seeding) was required in order to protect the landscape character of this part of the National Park. Condition 4 (ongoing management) was required, again to prevent any unacceptably damaging effect on the landscape character of the National Park, but also to ensure that the proposal does not give rise to unacceptable impacts on the River Tweed SAC. Therefore, the landscape and ecological effects of these proposed details are the key material planning considerations to be considered.

### **Condition 3**

A seed mix, methodology and timescales for this work have been supplied by the applicant as required by condition 3. Natural re-vegetation and replaced turfs that have been cleared prior to the soil reversal works are proposed as the main source of providing the vegetation on the surface of the track. This would be complemented by a nurse seed mix immediately after works. Upon completion of the works, the track would be seeded with a highland grass mix, to a specification set out.

The Landscape Officer has agreed that what is proposed is appropriate and the details are considered to enable the track to accord with Core Strategy Policy 20.

### **Condition 4**

A scheme for ongoing maintenance has been provided. Following the re-seeding that will be carried out upon completion, there would be a review of this in the spring, following completion of the works, with any remaining areas of bare ground to be seeded once more. No additional specific ongoing maintenance is provided, although a more general indication of future management is also provided.

Both the Landscape Officer and Ecologist have accepted that the details proposed are appropriate. The details are considered to enable the track to accord with Core Strategy Policy 20 in terms of its potential effect on landscape character. The Ecologist has confirmed

that excessive run-off and effects on the SAC would be unlikely and therefore the proposal is considered to accord with Core Strategy Policy 17.

**Recommendation**

Conditions 3 and 4 are hereby discharged, subject to implementation of the development in accordance with the submitted details set out in *Landscape Mitigation and Management Proposals 99870/8014 Revision A* received on 1<sup>st</sup> October 2015.

**Background Papers**

Application File 15NP0073

Planning Application File 15NP0030

Site Visit Photos

EIA Screening Opinion File 15NP0010EIA

	<b>Signature</b>	<b>Date</b>
<b>Planning Officer</b>		
<b>Head of Development Management</b>		