
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: DEMOLITION OF COTTAGE BOTHY AND ERECTION OF HOUSE (AMENDED DESIGN), AT HOUSE PLOT IN GARDEN GROUND, DELL OF ROTHLEMURCHUS, AVIEMORE (FULL PP AMENDED DESIGN)

REFERENCE: 07/027/CP

APPLICANT: MR & MRS McGRATH

DATE CALLED-IN: 26 January 2007

RECOMMENDATION: REFUSAL

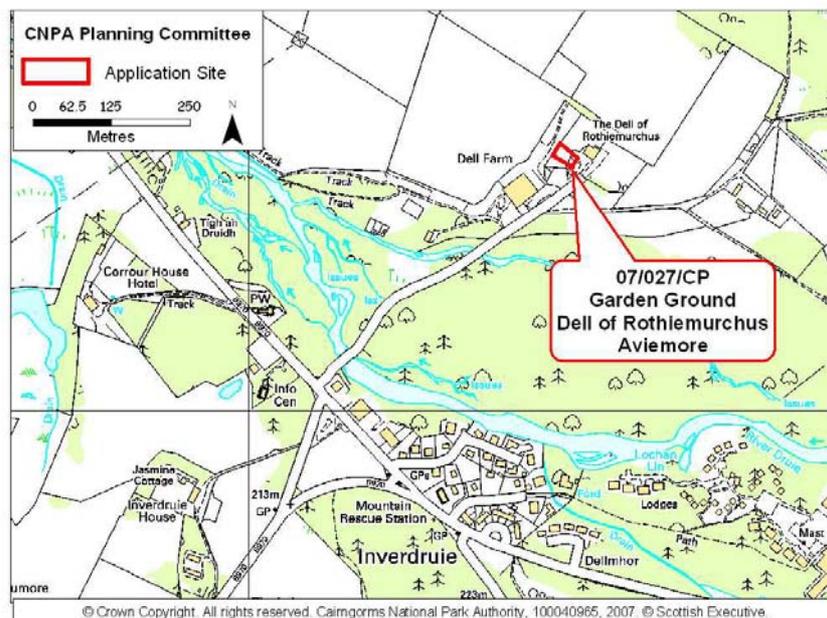


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located at the Dell of Rothiemurchus immediately to the north of Rothiemurchus Estate Offices. The site is on the garden ground belonging to the Dell (owned by the applicants) which is a large house that was formerly a hotel. The bothy referred to is a single storey structure on the left hand side of the garden just past the entrance gate set among large trees. The bothy is currently used for storage for the main house, but is understood to have been used at one time for the accommodation of staff working at the hotel. The site lies within the Cairngorm Mountains National Scenic Area (NSA).
2. The proposal is for full planning permission for the demolition of the bothy and its replacement by a house over 2 floors with 1 bedroom on the ground floor and 2 in the roofspace. Two small trees (see fig 3) would be removed to accommodate the dwelling, although all large trees around the site are to be retained. Members will note that this is an application with an amended design. An earlier application was reported to the Planning Committee in December last year. Members appeared to accept the principle that the proposal did constitute a replacement house for the bothy at the site. However, felt that the design of any house on the site should be more modest and the application was refused. The amended design is based upon an 'L' shape with considerable glazing on the chimney gable elevation, two bedrooms are accommodated in the roofspace without the need for dormers (see figs 6 & 7). In addition, an integral garage has been removed from the proposal. The roof would be in natural slate, facings in wet dash render with all doors/windows/frames to be in timber.



Figs 2&3 showing bothy to be demolished and site behind for house

3. The bothy (see fig 2) would be demolished, although the access could be accommodated without its removal. There is an existing public water supply to the bothy and this will be utilised for the house. Foul drainage is to a septic tank and soakaway. Percolation tests have been carried out prior to the submission of the application.

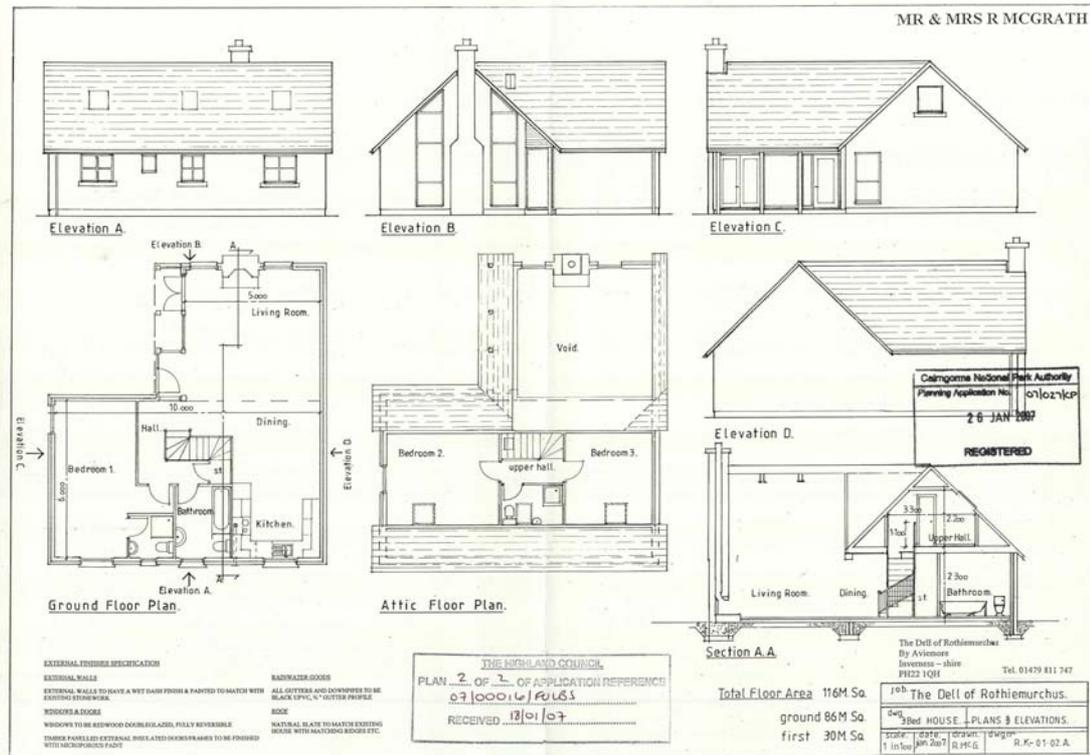


Fig 7. Elevations/floor plans current proposal

4. Planning history for the site indicates that permission was granted for the change of use of the hotel to 2 dwellings in 1995. Previous to this an application for hotel staff accommodation blocks within the garden area was refused in 1983 on the grounds of over development. Members will recall refusing the earlier application in December last year (see figs 4 and 5).

DEVELOPMENT PLAN CONTEXT

National Guidance

5. **Scottish Planning Policy 3 Planning for Housing** notes that where possible, most housing requirements should be met within or adjacent to existing settlements. This prevents the sprawl and coalescence of settlements, makes efficient use of infrastructure and public services and helps to conserve natural heritage and rural amenity. The guidance goes on to note that in more remote areas, new housing outside of settlements may have a part to play in economic regeneration and environmental renewal.

Highland Structure Plan

6. **Highland Structure Plan (approved March 2001) Policy H3 (Housing in the Countryside)** states that housing will generally be within existing and planned new settlements. New housing in the open countryside will not be permitted unless it can be demonstrated that it is required for the management of land and related family purposes or where it supports communities experiencing difficulty in maintaining population and services. **Policy L4 (Landscape Character)**, states that the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 (Design for Sustainability)**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources); use of brownfield sites, existing buildings and recycled materials; demonstration of sensitive siting and high quality design; contribution to the economic and social development of the community; and the impact on resources such as habitats, species, landscape, scenery and freshwater systems.
7. Proposals which will result in suburbanisation, ribbon and backland development, involve excessive infrastructure or loss of prime agricultural land or important areas of woodland, will not be considered acceptable.

Highland Council Development Plan Policy Guidelines 2003

8. These guidelines consider that **open countryside** is **all** land outside the boundaries of defined settlements. New housing in the Countryside will be exceptional and will only be permitted, in accordance with national policy and approved structure plan policy where it is required for the management of land or related family purposes (retired farmers and their spouses); provided by a social housing provider; involves the conversion/re-use of a traditional building; involves the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or is part of a comprehensively planned new settlement.

Badenoch and Strathspey Local Plan

9. In terms of site specifics the site is located on land zoned as **Forestry/Restraint in the Badenoch and Strathspey Local Plan** where policies **1.6, 5.2 and 5.3 apply**. **Policy 1.6** relates to Cambusmore and a section of that policy which considers that major buffer zones (safeguarded from development) to maintain the community's setting, provide separation from adjoining villages and

nature conservation sites, and give opportunities for future leisure facilities. **Policy 5.2** relates to the Council's safeguarding of a major "park-land" corridor comprising the River Spey/Druie flood plain and adjoining open land for future agricultural, amenity and leisure purposes. This will include substantial buffer zones to secure a high amenity setting for any new community at Cambusmore, associated opportunities for recreation and separation from adjoining villages and nature conservation sites. Enhancement of opportunities for public access and related activities will be encouraged. **Policy 5.3** relates to village edges and points out that the Council will safeguard the following amenity and heritage areas; Craigellachie NNR and other SSSI's; important agricultural or croft land; areas of commercial forestry and amenity woodland; buffer corridors extending along the B9152 approaches as far as the A9 junction.

Cairngorms National Park Plan 2007

10. The Living and Working Section of the Park Plan includes amongst others, strategic objectives to; increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park; improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park; and ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

CONSULTATIONS

11. **Highland Council Area Roads Manager** comments that provided the development proposed will not result in more than 4 dwellings in separate ownership being served by the existing private access road; there is no objection to planning permission being granted. It is recommended that a condition is attached to the consent to ensure that parking and manoeuvring space for at least two cars is provided within the curtilage so that the vehicles can enter and leave in forward gear.
12. **SEPA** note that foul drainage is to be to a septic tank/soakaway and percolation tests have been carried out. SEPA point out that as of 1 April 2006 there is a requirement that all discharges to land and water require authorisation from SEPA. Surface water drainage is to be via soakaways and there is no objection in principle to this.
13. With regard to flood risk SEPA note that the site lies within the indicative limits of flooding as shown upon the Indicative River and Coastal Flood Map (Scotland)-0.5% annual probability layer (or 1 in 200 year return period flood event). Following the precautionary principle, SEPA request that the developer submit a flood risk assessment in support of the application. Without a FRA SEPA

objected to the application. **An assessment has now been carried out and SEPA has withdrawn its objection on flood risk.**

14. **Scottish Water** has no objections, noting that the site is already served by the public water system but point out that there has been a change in contact details for requests to connect to their services.
15. **Highland Council Archaeology** recommends that a photographic record is taken of the bothy before any work is carried out.

REPRESENTATIONS

16. **Rothiemurchus and Glenmore Community Association** has no comment to make on this planning application, it would however, like a photograph to be taken of the bothy prior to its demolition.
17. **Aviemore and Vicinity Community Council** has commented on the application considering that the building is not appropriate for the garden ground and that it would be contrary to the Local Plan.
18. The Applicant has submitted a representation just as this paper was due to be printed, a copy of this letter is appended at the back of the report.

APPRAISAL

19. As before this section of the report considers the policy context for the site/proposal and then a number of important material considerations that relate to the principle of the development including whether the proposal can be fairly considered as a replacement for the bothy at the site. This is to ascertain whether there are sufficient 'other' material considerations to justify setting aside a general policy of restraint on housing in this area. Issues relating to siting and design of the proposal are also addressed. With the earlier proposal members expressed some support in principle and while the recommendation is one of refusal there is an annex at the back of the report suggesting conditions should the Committee wish to approve the application.

Principle

20. The starting point for this application is the fact that the site is located outwith the boundaries of any settlement recognised by the Badenoch and Strathspey Local Plan. This means that there is a general emphasis upon restraint for the development of housing. More detailed policies also talk about the wider area in the vicinity of the site as providing a buffer for the potential Cambusmore development; the area is also referred to as "parkland" although this refers to the general character of the landscape in the area rather than any reference to the

area being a public park. However, this does again emphasise the general importance of the area for recreation and access with reference to the potential future development of Cambusmore. Policy 5.3 of the Local Plan refers to protecting existing village edges and preventing the coalescence of settlements. This background indicates that the site is **outwith** any settlement recognised by the Local Plan and should be treated as open countryside.

21. **Highland Council's Development Plan Guidelines 2003** provide more detailed interpretation of the specific policies contained within the Structure Plan with particular relevance in this case to Policy H3 on Housing in the Countryside. Again, the starting point with H3 is that all land outside of recognised settlements is open countryside and the application should be considered on this basis.
22. The guidance notes that new housing within open countryside will be exceptional and will only be permitted, in accordance with national guidance and the approved structure plan policy where it is: required for the management of land, or for family purposes related to the management of land (farmers, retired farmers and their spouses); provided by a social housing provider to meet a demonstrable local affordable housing need; the conversion/re-use of a traditional building; the replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic and environmental grounds (subject to the existing dwelling being demolished); or as part of a comprehensively planned new settlement.
23. From the above it is clear that the prevailing policy in this area is one of restraint in relation to housing development unless it meets one of the detailed criteria described above under Highland Council's Development Plan Guidelines 2003. No case has been put forward that the proposal relates to land management (agriculture), crofting or affordable housing. In addition, the proposal does not involve re-use of an existing traditional building and the site is not derelict. Despite this, there are a number of 'other' material considerations to be weighted against the policy context and these are considered in the following paragraphs.

Other Material Considerations

24. Members will recall that the first application was in part considered against the Highland Council New Housing in the Countryside Guidelines for 2006. However, at a subsequent meeting it was decided that because of the imminence of the CNPA Local Plan these guidelines would not be adopted by the Park Authority. Therefore, the proposal is considered on the basis of the 2003 guidelines. With regard to Development Plan Policy Guidelines 2003, in my view, it is clear from the above that only the criteria relating to replacement dwellings could be applied to this site and this would appear to be the basis for

the application. As part of the application it is proposed to demolish a building referred to as a bothy within the grounds of the applicants house (The Dell). However, it is important to note that the bothy does not have to be demolished to accommodate the house proposed. From conversation with the applicants the building was once a bothy used by farmers/estate workers and subsequently was also thought to have been used to house staff when the Dell was run as a hotel. As pointed out previously by the applicants the bothy does have some of the features of a dwelling including electricity and a water connection with bathroom and bedroom, this points towards an original residential use of the bothy. However, no documentary evidence has been provided regarding whether the bothy can truly be considered as a dwelling in its own right and in land use planning terms and no evidence has been provided as to when it was last used as a free standing dwelling.

25. In planning law terms the replacement of rural dwellings can be complex legal area and a summary of previous decisions to some extent relies on a test based on a number of factors including:- **a)** physical condition of the building in question **b)** the period of non-use **c)** any intervening use and **d)** the owners intentions for the building. These tests are essentially to inform a decision as to whether a dwelling, in land use planning terms, has effectively been (physically) abandoned, its use as a dwelling abandoned or whether an intervening use has replaced the original use as a dwelling.
26. In relation to the first test it is accepted that the building is in reasonable physical condition and houses some of the elements such as a bathroom and bedroom that one would expect of a dwelling and with this there could be little argument. The second test involves the period of non-use, in terms of this test the existing building can only be considered to fail. No evidence has been provided to show when the building was last used as a dwelling and anecdotal evidence would suggest the last use would appear to have been an ancillary residential use for staff accommodation when the Dell was used as a hotel pre-1995. With regard to the third test intervening uses it is apparent that the building has been used as ancillary storage in connection with the Dell, this would tend to indicate that the existing use is as an ancillary building to the main house. In terms of the test of 'intentions' it would appear that the intent is that the building is effectively being used as an ancillary storage building and alterations have been made to part of the building to aid in its use as a garden equipment store ancillary to the main house. This indicates that the intention has been for the building to be used as a storage building ancillary to the residential use of the main house. Despite its good physical condition (the first test) in my view the building fails the remaining tests and therefore cannot fairly be considered as a house in land use planning terms regardless of what it looks like, or its current physical condition.

27. One other way of trying to assess the existing use of the building would be for the applicants to first apply to the planning authority for a certificate of lawfulness of existing use. This is essentially a legal application, and cannot be called-in by the CNPA, an assessment is made on the balance of evidence supplied and the likelihood that this evidence bears out an applicants assertions that a building has been used for the particular use that it seeks a certificate for. The kind of evidence sought to bear out an assertion of an existing use of land or a building would include separate council tax documentation, separate utility bills, contracts showing occupants over a given period and bills for work carried out to a property. While this application is not being considered as an application for a certificate of lawful use this gives members an indication of the magnitude and the kind of documented evidence that would be required to positively prove that an asserted use is actually the lawful use of a building or piece of land for the purposes of land use planning. It is my view that this evidence is unlikely to be in existence for the bothy and has not been presented with this application.
28. Another material consideration relates to the letter attached at the back of this report from the former Area Manager for Planning and Building Control for the Badenoch and Strathspey Area. The applicants for this proposal have, quite understandably taken some comfort from the letter which gives limited encouragement to the proposal. The letter does, however point out that the area is one where the Council would normally seek to safeguard amenity but considers that policy is not an insurmountable obstacle. While the letter could be considered to offer some encouragement it is by no means a 'green light' and implies that considerable justification may be required to surmount the policy background of restraint, no reference is made in the letter to the replacement dwelling issue/policy. No special justification has been submitted with this application to surmount the policy of restraint. It must also be recognised that the CNPA are now the determining authority for this application, are not bound in any way by this letter and must endeavour to determine the proposal against the existing development plan. The letter attaches some weight to the fact that the site is garden ground. However, in my view this is not a relevant factor and planning policies in the Structure and Local Plan do not make any distinction between garden and other ground. Given this, and the fact that the letter cannot be considered as unqualified encouragement for the development it is my view that the letter as a consideration does not provide sufficient weight for setting aside a prevailing policy of restraint in this area.

Precedent

29. Given the above it is my view that granting the application would set a precedent, encouraging further applications for the replacement of buildings within existing curtilages that have ancillary residential use, this would set an undesirable precedent and undermine a prevailing policy of restraint. Indeed, it is important to note that when ancillary buildings are granted in the gardens of existing houses they are for good planning reasons almost always tied to the main house by use of Section 75 Agreements, or conditions to ensure that they do not have an independent dwelling use.

Siting and Design

30. The house is sited within the flat garden ground of the Dell set back behind the existing bothy that would be demolished (although there is no need to demolish it to accommodate the proposed dwelling in physical terms). There are a number of large trees around the site but since the pre-application letter the position of the dwelling has changed and these would all be retained. Two smaller trees on the lawn where the house is proposed would have to be removed but their loss is not considered to be significant and replacements can be sought elsewhere on the site. The site has some existing boundaries and is well screened from surrounding areas. Given this, the general siting of the house is considered acceptable. The subdivision of the garden ground of the Dell may be considered as a planning issue but the main house still retains a large garden on the plot given over to the new house relates well in terms of the relationship between the footprint of the house and the plot. Neither should the subdivision of the plot be of concern as a precedent because the subdivision of large gardens to accommodate housing in policy compliant areas with a minimal environmental impact as existing plot boundaries, screening, landscaping and services can be utilised.
31. **Policy G2 of the Highland Structure Plan** sets out a range of criteria with regard to the design of new buildings. In this instance the dwelling proposed is located within the grounds of an existing large country house that was at one time a hotel, a range of outbuildings around the site are understood to have been demolished in previous years. The applicants have received pre-application advice from officers at Highland Council on both the principle and the design of the building proposed by the original application (see figs 4 & 5). On considering the previous application, and after much debate, members appeared to accept that the bothy could be considered as a dwelling and a new dwelling effectively a replacement in principle. However, concerns were raised about the general scale and design of what was proposed and that any replacement should go further in reflecting the modest nature of the bothy to be replaced. A new design is put forward here based upon an 'L' shape. The design is less grand with two bedrooms

being incorporated into the roofspace without the need for dormers, there is also a third bedroom on the ground floor. The earlier proposal also incorporated an integral garage which has been removed from this latest scheme. Overall the design of this dwelling is more modest than previous resembling a single storey dwelling. I have no particular concerns about the design hereby proposed. However, if members wish to ensure that the house remains of a modest scale in terms of affordability then a planning condition should be applied removing permitted development rights to ensure that the building cannot be further extended without specific permission being sought.

Technical Issues

32. In terms of technical details the bothy is served by a public water supply and no objection has been raised by Scottish Water in relation to this. Drainage is to be via a septic tank and percolation tests have taken place and an appropriate soakaway system has been indicated on the drawings. In terms of highways the Area Roads Manager has no objection to the proposal it is suggested that provision for 2 parking spaces is designed so that cars can enter and leave the site in forward gear are incorporated. The layout plan shows this.
33. Since the last application was refused SEPA's Flood Risk Maps have been published and SEPA objected to the scheme this time around unless a Flood Risk Assessment (FRA) was carried out. The applicants went to the considerable expense of carrying out a full FRA. SEPA visited the site and have now removed their objection in relation to any flood risk.

Conclusion

34. The key question with this application relates to the principle of a new house in this location. The proposal has been appraised against policy and balanced against this are a range of material considerations. The key issue is that the analysis would indicate that the proposal cannot be fairly considered to be a replacement for the existing bothy at the site in planning terms. Because of this, the proposal is effectively an application for a new house in an area where policy clearly indicates against. The aims of the Park are also a material consideration but there is nothing here beyond the provision of a single open market dwelling (that could be sold off as a second home) that would make a significant contribution to the aims of the Park. The whole of the Scottish planning system is based upon the Town and Country Planning (Scotland) Act 1997. Section 25 of the Act requires that planning applications are determined on the basis of the development plan unless material considerations indicate otherwise.

35. **My recommendation is one of refusal as per the previous application for the reasons stated above. However, I am mindful that the Planning Committee appeared to support the principle of the proposal being a replacement house at the December meeting and considered the submission of a new application may be a way forward. To avoid a need for the application to be brought back before members an annexe to my recommendation contains the suggested terms of a resolution with conditions should the Planning Committee wish to approve the application. One issue however, relates to the potential cultural heritage value of the old bothy which it is proposed to demolish. At the last consideration members considered that the new dwelling may be a replacement for the bothy. It is important to note from the site plan that the access to the new house does not appear to require the outbuilding to be demolished. The building has some, if only limited cultural heritage value. In addition, its demolition may result in the applicants requiring more storage elsewhere on the property. If members chose to grant permission an option would be to ensure that any separate residential use on the bothy is extinguished by applying a condition to this consent that it be used solely in connection with and ancillary to the applicants own house. This would secure the building for cultural heritage reasons and also allow the building to continue to provide storage for the applicants.**

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

36. The proposal has little direct effect upon natural heritage within the site apart from the removal of two small trees. However, this proposal sets a precedent in terms of allowing a house without a land management justification within an area recognised for restraint in the Badenoch and Strathspey Local Plan. Over time such proposals would lead to cumulative impacts, particularly in terms of landscape upon the natural and cultural heritage of the area. In terms of cultural heritage the Committee need to consider the value of the bothy and the plan submitted would appear to show that the new access proposed could retain the building which could continue to be utilised for storage.

Promote Sustainable Use of Natural Resources

37. There is no indication regarding the source of the materials to be used. However, the site could be accessed on foot from the public transport route along the Glenmore Road.

Promote Understanding and Enjoyment of the Area

38. The proposal is not relevant to this aim.

Promote Sustainable Economic and Social Development of the Area

39. The proposal would provide an additional house in the area which may be of some limited benefit to the local economy. However, there is no indication regarding the intentions for occupation of the house and given that this is a single house proposal there is no policy support for applying a condition limiting its occupation to ensure that it is not a second home. Therefore, it is not possible to assess whether the proposal would contribute to the social development of the area.

RECOMMENDATION

40. That Members of the Committee support a recommendation to: **REFUSE** Full Planning Permission for the Demolition of Cottage Bothy and Erection of Dwelling, Garden Ground, Dell of Rothiemurchus.
1. The proposed development is contrary to Highland Structure Plan (2001) Policy H3 (Housing in the Countryside) Highland Council Development Plan Policy Guidelines on Housing in the Countryside and Badenoch and Strathspey Local Plan (1997) Policies 1.6, 5.2 & 5.3 which seek to safeguard the area from residential development unless there is an acceptable land management justification. These policies state a strong presumption against the development of houses in countryside areas except where a house is essential for the management of land, and related family and occupational reasons, or where the development of a house can fairly be considered a replacement house. In this instance, there is no direct land management justification for a house on the land in question, and the site is not located in an area where a Local Plan has identified a need for housing development to support a rural community.
 2. To permit the proposed development would set an undesirable precedent for further unplanned development in an area where the local plan indicates development restraint to protect the setting of existing and proposed (Cambusmore) settlements in the area and to provide a buffer between them. This form of unplanned development in the area is considered to directly conflict with development plan policies in the form of the Badenoch and Strathspey Local Plan (1997) Policies 1.6 Cambusmore , 5.2 Parkland & 5.3 Village Edges. The issue of precedent may also encourage further un-planned development resulting in cumulative landscape impacts that would be detrimental to the natural and cultural heritage aim of the Cairngorms National Park.

Annex

41. Should members wish to **Grant Full Planning Permission** for the Demolition of Cottage Bothy and Erection of Dwelling, Garden Ground, Dell of Rothiemurchus, it is recommended that it be subject to the following conditions:
1. The development to which this permission relates must be begun within five years from the date of this permission.
 2. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
 3. No extensions whether or not permitted by virtue of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, shall be erected without the prior written approval of the CNPA acting as Planning Authority.
 4. Exact details and specifications of all proposed external finishing materials (including roofing materials and surfacing/engineering details of driveway) shall be submitted for the further approval of the CNPA acting as Planning Authority before any work commences on site.
 5. From the date of this permission no trees shall be loped topped or felled on the application site without the prior permission of the CNPA acting as Planning Authority. Prior to the commencement of the development hereby approved a tree protection plan shall be submitted to and approved in writing by the CNPA acting as planning authority. Protection fences agreed in the plan shall be in place prior to any works taking place on the site.
 6. The bothy shall be retained as part of the proposal and shall only be used for purposes ancillary to the main house known as the Dell.

7. Adequate space shall be incorporated to allow two car parking spaces and adequate space for both vehicles to leave the site independently in forward gear.

Andrew Tait
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23 May 2007

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.