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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNER, DEVELOPMENT CONTROL)

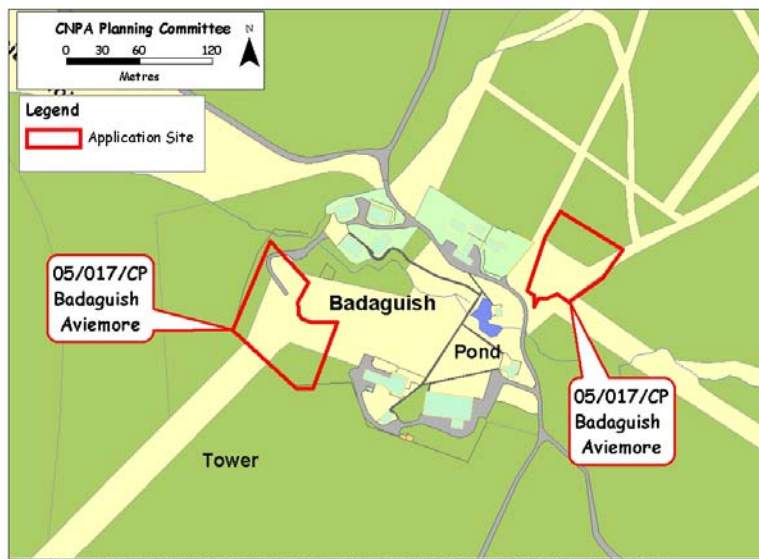
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**DEVELOPMENT PROPOSED:** ERECTION OF FOUR RESIDENTIAL LODGES, AT BADAGUISH OUTDOOR CENTRE, GLENMORE, near AVIEMORE (FULL PLANNING PERMISSION)

**REFERENCE:** 05/017/CP

**APPLICANT:** BADAGUISH OUTDOOR CENTRE, PER BRACEWELL STIRLING ARCHITECTS, 5 NESS BANK, INVERNESS

**DATE CALLED-IN:** 28 JANUARY, 2005



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. **Members of the Committee will recall that this application was reported to the Planning Committee on 6 May 2005 at Kirriemuir. The application was deferred in order to allow investigation into a number of issues that had been raised by the Committee.**
2. The proposal is for the erection of 4 new lodges in 2 pairs at 2 separate locations at the Badaguish Outdoor Centre site, which is located within the Glenmore Forest to the east of Aviemore. Four similar lodges were approved by Highland Council in 2000 and were constructed in a single group on the site. The Lodges, which match those already built, will be finished with timber cladding on the walls and have dark grey roof tiles. Drainage is to the existing private treatment works which serves the Centre. On the site there are various other buildings relating to the outdoor centre operation, including a toilet block, wardens house, a bunkhouse, a “respite chalet”, a sports building, a converted bothy and the site office. These buildings are arranged around a central open grassed amenity area and an obstacle course. Maturing trees surround the site providing a natural setting for the Centre.
3. Both locations for the Lodges are on the edges of woodland, largely maturing Sitka and Norway Spruce, and Lodge Pole Pine, where there are gaps in the woodland for overhead power lines. Some Scots Pine and Juniper are also located in these areas. The development will involve the removal of some non-native trees from the development sites.
4. Each new lodge is one and a half storeys in height. Each Lodge has the same design, with 2 floors of accommodation. On the ground floor there are living/dining/kitchen areas, 2 double bedrooms and showering and toilet facilities, all designed for all abilities. On the upper floor a further 2 double bedrooms and 2 single bedrooms are provided, with bathroom facilities (some en suite). There is an external staircase from the upper floor, on a gable end of the building. Each building has vehicular access to it, with parking spaces provided adjacent.
5. The proposal is part of a joint initiative by Highland Council, the Northern Constabulary and Speyside Trust to develop their capacities to engage with young people. Highland Council Education Department wish to offer outdoor education activities at Badaguish to primary and secondary schools, youth and community groups, initiatives for youths at risk and social inclusion, and for staff development. The Northern Constabulary wish to enhance their existing youth services by joint development of courses encapsulating adventure, citizenship and education. Speyside Trust wish to develop activities to employ, train and provide high quality work experience for disabled and disadvantaged people as stakeholders in managing and delivering services at the centre.

6. Both Highland Council and the Northern Constabulary have funding available to invest in the project which will diversify and expand the operation of the centre. Speyside Trust are seeking EC Objective 1 European Funding. It is proposed that Highland Council will lease the existing lodge accommodation and bunkhouse on the site. The new lodges therefore represent replacement accommodation.

## DEVELOPMENT PLAN CONTEXT

7. In the **Highland Structure Plan (approved March 2001), Policy H3 (Housing in the Countryside)** states that new housing will generally be within existing and planned new settlements. The proposed development, although residential in nature, is for short term commercial "hostel" accommodation for visitors/users of the centre, rather than 'housing' in the general meaning. In this respect, **Policy B7 (Business Development in Rural Areas)** supports small-scale business development or extensions to existing indigenous industries. **Policy T2 (Tourism Developments)** supports high quality tourism development proposals, which extend the tourism season, provide wet weather opportunities, spread economic benefits, are accessible by means other than private vehicles and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage. **Policy T3 (Self Catering Tourist Accommodation)** supports tourist accommodation proposals on the basis that they are not used for permanent occupation.
8. **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 N1 (Nature Conservation)**, requires new developments to seek to minimise their impact on the nature conservation resource and enhance it wherever possible. For sites and species of international importance, developments which would have an adverse effect on the conservation interests for which a site has been designated, will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. **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).
9. The site lies within the area covered by the **Glenmore Corridor**, in the **Badenoch and Strathspey Local Plan (September 1997)**. This does not provide specific policies for the Badaguish area but there is a general policy for the "Corridor" area (**Policy 4.14.1, Development**) which accepts reasonable consolidation and improvement of established businesses in principle, but has a strong presumption

against other further new development. In **Policy 4.14.3, (Other Land Use and Conservation)** it is stated that every encouragement will be given to active conservation measures where these are aimed at sustaining the natural heritage interest and restoring or enhancing the underlying fauna, flora, scenery and man-made heritage features of each transitional zone.

10. **Policy 2.2.9 (Tourism and Recreation)** states that these activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities and accommodation is balanced with protecting the areas exceptional scenic and heritage resources. **Policy 2.2.10 (Tourism)** encourages the development of tourist accommodation and facilities at suitable sites within or adjoining communities. Development potential in parts of the countryside is limited by amenity and servicing factors. Priority will be given to, amongst others, expansion of existing facilities. **Policy 2.5.4 (Woodlands and Trees)** indicates that existing trees will be protected, including small groups of trees and granny pines which are important landscape, wildlife and amenity features of the countryside. The policy also states that generally development should not be sited within 20metres of the trunks of large or mature trees, and careful consideration will be given to the effect of related access and services on their stability.

## CONSULTATIONS

11. **Highland Council Planners**, under delegated powers, comment that there is no difficulty with the development in principle, insofar as it is consistent with the Local Plan Policy which specifies “reasonable consolidation and improvement of established businesses”. Any consent granted for additional lodges should be subject to a suitably worded condition prohibiting their use as dwellings. The details of the siting of the lodges are not fully supported, with a preference for grouping the new lodges closer together. Other matters raised include the access roads to the lodges, and green transport issues (links to the Aviemore Railway Station either through a dedicated bus link using the public bus service – possibly with joint ticketing).
12. **SEPA** have commented that the development is acceptable, provided that the developers can demonstrate that the drainage works can accommodate the additional foul drainage from the new development without compromising the quality of the treated effluent.
13. Although not a formal consultee, as owners of the land to which the application relates, **Forestry Commission Scotland** has stated that they have no comments on this proposal. However, they wish to bring to our attention the potential cumulative effects of increased expansion on the forest environment at the location. They also suggest that any

future development is accompanied by a professional assessment of any Environmental Impacts.

14. **SNH** has no objection to the proposed development and considers that there will be benefits for Natura interests, including pine woodland and capercaillie on and adjacent to the nearby Natura sites. The development site is adjacent to Glenmore Forest Site of Special Scientific Interest (SSSI), Cairngorms candidate Special Area of Conservation adopted by the European Commission as a Site of Community Importance (SCI), and Cairngorms Special Protection Area (SPA). The interests in these special areas include pine woodland, bog woodland, capercaillie and Scottish crossbill. SNH comments that it is unlikely that any of the special features will be affected significantly either directly or indirectly.
15. SNH does not consider that the development will have any adverse impact on the Cairngorms National Scenic Area. A Natura appraisal has been completed to the satisfaction of SNH and it is likely that positive benefits to the pine woodland interest will occur by the removal of non-native pine species, thus reducing their potential to spread further into pine woodland. As part of the development, 2 short sections of overhead power line will be under grounded, which would be beneficial to capercaillie by reducing the likelihood of power line strike casualties. SNH recommends that all amenity planting of trees associated with the proposal is of native species that are appropriate to the location. The applicants should also demonstrate a commitment to the removal of regenerating non-native tree species at this location.
16. The **CNPA's Natural Resources Group** support the findings of SNH but add that it would be better for capercaillie and the integrity of the European designated site if a current non-functioning deer fence adjacent to the site, is removed rather than repaired and marked, as proposed by the applicant.
17. The **CNPA's Social Inclusion Policy Officer** supports the proposal and has commented that the development is relevant to one of the CNPA's corporate themes, ie to develop a "*Park for All, which is accessible and able to be enjoyed by everyone, and not just for the fit and the few or the better off*". In particular, the development is in line with the approved "Developing a Park for All - Social Inclusion" CNPA Board Paper of August 2004.
18. **Highland Council's Environmental Health Officer** has no objections to the proposal.

## REPRESENTATIONS

19. None received.

## APPRAISAL

20. The main issues for this application are to do with the principle of the use and type of development in this location, the details of siting and design, and the impact on designated areas.
21. The location is detached from any recognised settlement and within a sensitive locality. However, the development is related to an established outdoor recreational centre where new and expanding facilities have been developed for some years now. The site is obviously inappropriate for new permanent housing, but the residential lodges will be related to a facility where special groups from a wide area within and outwith the Park, can come to train and experience some of the special qualities of this part of the Park. Planning policies at national, regional and local level generally support developments which seek to consolidate and expand rural businesses and tourist opportunities. The proposal will allow the investment opportunities already identified by the supporting agencies, to move positively forwards. The principle of the development therefore conforms with planning policy and the National Park aims in this respect, particularly when you consider the social benefits that will accrue. A planning condition is recommended which would restrict the residential use to short-term accommodation associated with the Outdoor Centre. This is in line with policy.
22. **The Committee expressed some concern about the use of the existing lodges for purposes not directly associated with the core activities at the Centre and whether or not there is scope to “tighten up” existing conditions. Following discussions with Highland Council’s Planning Officer, the condition that exists on the four existing lodges is “*Unless otherwise approved in writing by the Planning Authority, the residential buildings hereby approved shall be used for purposes pertaining to the operation of the Badaguish Outdoor Centre.*” It is useful to note that, following requests from the applicant (due to VAT difficulties), the original condition was amended to the above. The original condition read as “*The chalets hereby approved shall not be used as permanent residential accommodation; they shall be used as holiday accommodation only; unless otherwise approved in writing with the Planning Authority “Use as Holiday Accommodation” shall be taken to mean occupancy for more than 28 days in any calendar year by any individual or group of individuals.*”**
23. **The applicants have stated that Badaguish is open for booking by any organised and pre-booked groups of people. Currently accommodation at Badaguish is used for residential respite care, adult day care, holiday playschemes and childcare activities, family outdoor holidays, schools, clubs, youth and community residential and outdoor activity courses, vocational training in**

hospitality, tourism skills, and specialist training courses for social work and other staff. They state that it is all directly associated with the purposes of the charity and that marketing is guided by the charitable aims and objectives, which is monitored by the Board of Trustees, their local management group and Auditors. The operation, it is stated, is fully compliant with Charity Commission, Inland Revenue and Customs and Excise Regulations and that the level of "family groups" is currently less than 10%. It is also stated that the usual length of stay in these lodges is between 3-7 days and that Highland Councils Education Service, who will lease and operate their outdoor programme on a long term lease, will use the lodges primarily for primary schools, secondary schools and youth and community groups. It is expected that the use and pattern of use will be very similar to the existing situation.

24. The above information demonstrates the existing situation. However, in planning terms, the important issue is how the use of the proposed lodges will be controlled and how the occupancy condition on the existing lodges relates to the current proposal. Following the variation of the original condition, it seems to me that its wording is very "loose", and that it would be very difficult to determine what would constitute an actual breach of its terms. For example, there is no time restriction for period of stay and it would be difficult to argue that someone employed at Badaguish could not use one of the lodges as their sole or main dwellinghouse. There are no easy ways of trying to impose "tighter" control through the mechanisms of the current application. However, I feel that, since Highland Council's Educational Service are to take over the use of these lodges, for purposes clearly related to the purposes for what they were originally built for, this provides a degree of comfort and security in terms of their appropriate future use. The new lodges are to be owned and operated by the applicants for the purposes mentioned in Paragraph 23 above and they are content with the proposed restriction on occupancy and use that I propose in Condition No. 2. In my view, considering that the new lodges are seen as being compliant with planning policy in principle, the fact that Highland Council will operate the use of the existing lodges and that the terms of the proposed occupancy condition are more "restrictive" than what exists at present, the proposal provides the safeguards on pattern of use that the Committee have been concerned about.
25. The Outdoor Centre is close to specially designated areas. The site lies within the Glenmore Forest Park and within the Cairngorms National Scenic Area. The locality is an important natural, scenic and recreational area, and the site is close to, but detached from other recreational and tourist facilities in the Glenmore Corridor. Planning policies require any acceptable developments to be carefully designed

in relation to the natural environment, and well absorbed visually by landform or trees. The applicants have submitted an Appropriate Assessment, which examines whether the proposal is likely to have a significant effect on a European site. The conclusion of this study, as agreed by SNH and the CNPA Natural Resources Group, is that there are no significant negative impacts, but some minor potentially positive effects – the under-grounding of short lengths of overhead power lines, and the removal and replacement of some non-native tree species.

26. The core of the Outdoor Centre site is an open amenity area, encompassing the obstacle course and pond and as such all of is of value for formal and informal recreational purposes and overall amenity. The existing pattern of development at the site is for scattered buildings around these open areas. While there is some logic to grouping all the buildings together, as a means of consolidating rather than encroaching into areas not yet developed, there is some value in not creating a small “suburban” grouping of buildings in such a rural location. The spacing of the lodges around the central open area provides a more rural feel to the overall development. This is enhanced by setting the new buildings into spaces in the existing treed areas around the site. While some trees will have to be felled (not strictly in compliance with Local Plan Policy 2.5.4.(Woodlands and Trees)) to allow the new buildings to be incorporated into the landscape, the majority of the trees will be non-native species – originally planted for their commercial value, and now nearing maturity. There is the opportunity to retain some Scots pine and one Granny Pine and also to carry out some new planting – preferably enhancing the native tree species appropriate to the area. SNH have confirmed that this can enhance the biodiversity of the area. The joint initiative proposes to allow different operators and users of the site. There are therefore practical advantages for the overall functioning of the site, for siting the proposed lodges at locations detached from the existing lodges. Taking account of all factors, I am satisfied that the siting of the proposed developments is acceptable.
27. **The Committee raised the issue of the potential for commercial tree felling around the site by the land owners (Forestry Commission) which would in turn “open up” views to the site. I have consulted further with the Forestry Commission and it has been confirmed that there is no active Forest Design Plan for Glenmore Forest Park at present. The most recent plan was produced in 1994 and they expect to have an update ready in 2006/7. This former plan proposed that felling next to Badaguish was likely to be necessary around 2022-2026, with a small area in 2007-2011. However, they state that during the forthcoming redevelopment of the Forestry Design Plan, it should be possible to redesign the felling to ensure that an adequate level of screening can be maintained around the buildings to lessen impacts on the surrounding areas and the National Scenic Area. I am content that these are the appropriate mechanisms for**



**ensuring continued screening for the Badaguish site and the proposed development.**

28. The construction of the buildings follows the style and materials of the other lodges built on the site, and the accommodation provides well for all abilities, particularly on the ground floors, where wheelchair users can access and use all the facilities on their own, or if necessary accompanied. There is vehicular access to all of the lodges, and adjacent parking. Whilst this necessitates the construction of some new access roads to, and parking areas at, each of the lodges, subject to sensitive design and finishes, they will allow full access around the site and to each of the lodges for the disabled. I am satisfied that the designs will complement the treed setting and not create any adverse landscape impacts while meeting the needs of the proposed occupiers.
29. **Assurances were sought about the applicant's awareness of the recent implementation of the Scottish Outdoor Access Code (SOAC) and how this may affect the on-going management of the whole site. The CNPAs Visitor Services Group have confirmed that currently people definitely take access to the forest beyond, through the site. Assurances were sought that nothing that the applicants propose in terms of the new lodges and their use and occupation, will lead to pressure or proposals for restricting or making more difficult the current situation and that if at any time in the future, the applicants felt there was a need to control access, alternative routes would need to be provided with associated signage. The proposed lodges do not impact directly on any routes through the site, the applicants have confirmed that they are aware of the SOAC and that access will not be affected by the development. I am satisfied that this issue has been brought to the applicants attention and that they aware of the issues. As stated by the CNPAs Visitor Services Group it would not be appropriate or necessary to impose a condition relating to something that is covered by the SOAC legislation.**
30. **The CNPA Natural Resources Group felt that it would be appropriate to remove the dilapidated deer fence around the site, rather than repairing and marking it as proposed. This was in the interests of reducing potential capercaillie collisions. The applicants have advised that the fence does provide an essential function. It allows management of the number of known points of entry and exit from the site. It is part of their Health and Safety Risk Assessment for management and supervision of children and adults with profound learning disabilities and challenging behaviour. They also state that their proposals for repairing and marking the fence have been agreed with SNH. SNH have certainly not raised a concern in this respect. It would appear that the fence does provide some functions other than just marking the boundary of the site. It had been my intention to provide an "advice" to the applicants on this matter. However, further to the**

Committee's previous thoughts, a condition is added at Condition No. 8.

31. **The final issue raised by the Committee related to the on-going situation regarding the provision of temporary staff accommodation at Badaguish. Further to discussions with the applicants, they have stated that it is their current management policy not to accommodate full or part-time staff on site other than the residential warden. The new lodges will not therefore be used for staff accommodation of this type. They have no funding available at present which could be used for other staff accommodation. The type of staff accommodation they do require is for temporary short term volunteer placements who require work experience eg. social work students. They are usually resident for 2-3 weeks (sometimes longer) but they cannot usually stay for longer as they only receive very limited expenses. These placements require considerable equal opportunity induction training and supervision and it is stated that this fulfils a charitable objective but has no other tangible benefit to the organisation. The provision of temporary staff accommodation remains an issue for the applicants but it appears that this proposal does not provide the long term solution to this problem. Nevertheless, it is not reasonable to use this as a reason for resisting an otherwise acceptable proposal.**
32. **To conclude, the development can be supported. It does not offend any planning policies. There are no negative impacts on the nearby designated areas and there are clear benefits for the sustainable social and economic development of the area in general. The issues previously raised by the Committee have been discussed above but there are none which lead me to alter my original recommendation which is one of conditional approval.**

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

33. **Some trees will be lost from the edge of the site, but the development has been planned to minimise the loss of non-indigenous trees from the site. There are potential positive implications for capercaillie by the undergrounding of the electricity lines. The new buildings will be set against the backdrop of the maturing trees around the site.**

### **Promote Sustainable Use of Natural Resources**

34. **The main building material for the construction and finishing of the lodges is timber.**

### **Promote Understanding and Enjoyment of the Area**

35. The Outdoor Centre's main purpose is to improve understanding and enjoyment in the local environment for many different groups of visitors. The development will have positive implications for this aim.

### **Promote Sustainable Economic and Social Development of the Area**

36. The centre aims to promote and develop the benefits of outdoor activities and youth work, through participation in high quality outdoor programmes and training. This provides a practical opportunity for young people, of all abilities, to develop a personal interest in activities which will contribute to an active healthy lifestyle. This development will help facilitate the joint initiatives for developing these socially inclusive aims.

### **RECOMMENDATION**

37. **That Members of the Committee support a recommendation to: Grant Full Planning Permission for the Erection of 4 Lodges at the Badaguish Outdoor Centre, Glenmore, subject to the following conditions;**

1. The development to which this permission relates must be begun within 5 years from the date of this permission.
2. That the 4 lodges hereby approved shall be used as short-term residential accommodation ancillary to and associated with the Badaguish Outdoor Centre, and shall not be used by a tenant, lessee, owner or occupier as their only or principal dwellinghouse. Occupation shall be restricted to use by persons requiring to stay at the Badaguish Outdoor Centre for recreational or vocational purposes only.
3. That prior to the commencement of development on site, the applicants shall demonstrate, by the submission of detailed information, to the satisfaction of Cairngorms National Park Authority acting as Planning Authority, and in consultation with SEPA, that the existing private waste water treatment plant at the site has the capacity to accommodate the proposed new development and that there will be no detrimental impacts on the quality of the treated effluent.
4. That prior to the commencement of development on site, the line of the new access roadways and parking areas and the exact positioning of the 4 lodges, hereby approved, shall be clearly marked out on the ground. In addition, the trees required for removal shall be marked, all for the inspection and further written approval of the Cairngorms National Park Authority acting as Planning Authority. Only those trees that are agreed to be removed shall be felled and the trees adjacent to the developments, which are to be retained, shall be protected by

fencing around the extremities of the crowns in accordance with BS5837 (Trees in Relation to Construction), all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority.

5. Tree planting, of a species and variety (native), and height and number, in accordance with a scheme to be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority, shall be undertaken in the areas immediately surrounding the development hereby approved, during the first planting season next following the completion of the development.
6. That prior to the commencement of development on site, exact details and specifications for the construction, design and finishing of the new access roads and parking areas hereby approved, shall be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority.
7. That the stain for the external timber cladding for the lodges hereby approved, shall match that used on the existing lodges on the site.
8. **That unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of works on site, the existing deer fence around the whole site shall be removed completely or if repaired it shall be appropriately marked, all to the satisfaction of the Cairngorms national Park Authority acting as Planning Authority.**

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27 June 2005

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