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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

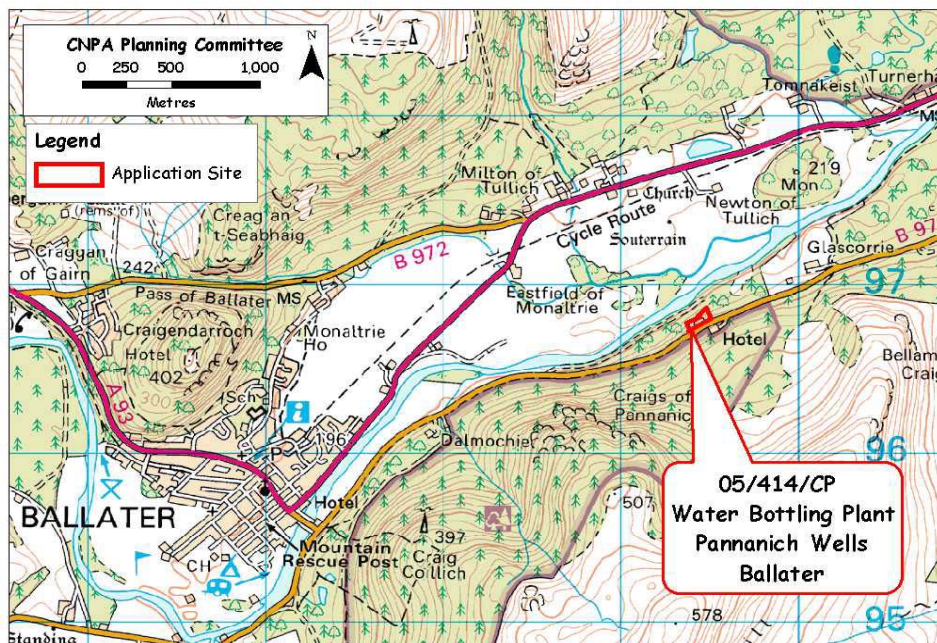
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**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF WATER BOTTLING STORAGE BUILDING, DEESIDE WATER COMPANY LTD. PANNANICH WELLS, BALLATER**

**REFERENCE: 05/414/CP**

**APPLICANT: DEESIDE WATER COMPANY LTD., THE STABLES, PANNANICH WELLS, BALLATER**

**DATE CALLED-IN: 23 SEPTEMBER 2005**



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The premises of the Deeside Water Company are located on the South Deeside Road near to the Pannanich Wells Hotel, approximately 2 miles east of Ballater. The company currently operates out of an existing traditional single storey converted outbuilding which is positioned immediately adjacent to the public road on its north side. The existing building is at a lower level to the road and there are two accesses serving the parking yard which lies on the north side of the building. This yard area is also used for storage purposes with products and materials kept in lorry trailers and in the open. Beyond this on the north side is a steep treed embankment which slopes down from the site. Although there is a more open field area to the east side, the surrounding slopes are mostly wooded. A burn runs down the slope close to the west boundary of the site. Being a tributary of the River Dee, it forms part of the River Dee Special Area of Conservation (SAC). The Pannanich Wells Hotel, which is a Category B Listed Building, is positioned approximately 150m to the east. The Hotel sits within a cleared area in the trees at a higher level to the road on the south side. Photographs of the site are shown below as Figs. 2 & 3.



Fig. 2. Site Viewed from the West

2. Following amendments, the proposal is to construct a new building adjoining the existing building and which is positioned mainly on the levelled yard/access area on the north side. The floor area of the new building extends to 518 sqm. It is rectangular in plan form with a shallow roof pitch which extends to adjoin the ridge of the existing building. The required width of the building means that part of it is required to be supported on columns where it spans over the sloping embankment. The finishing materials proposed are textured profiled metal cladding of two colours (sepia brown/terracotta) and stained vertical timber cladding with open joints. The building has been designed to retain HGV access by allowing vehicular passage through the building. In this respect there are two large “doors” either end. Some trees will be removed on the north slope.



Fig. 3. Site Viewed from the East

3. The new building is to provide covered storage for empty bottles and packaging materials, and the finished product. In addition it will provide covered loading facilities for the despatch of the finished product. The applicants have provided some supporting information. This states that water for the bottling plant in the existing building flows from the wells at Pannanich to the existing building where it is filtered and stored in tanks which feed the bottling line. There is limited storage space and as such they use four trailers located on site to store empty bottles, packaging materials and the finished product. A new bottling line has been installed in the existing building which produces up to 25,000 litres of finished product in a production day. The line has a pre-bottling rinser, filling machine, capper, capsuler, labeller, and shrink wrapping and pallet wrapping machines. It requires 5 staff to run it plus a production manager and fork lift driver to feed the bottles at the start of the line and remove and store them at the end of the line.
4. The applicants have also stated that the business started operating on a very limited scale in 1996 and moved to the present building in 1998 when a small bottling line was installed. Listings for Deeside Water were achieved with Safeway, Sainsbury, Tesco, Waitrose and Asda and the production facility has been upgraded to cope with the additional volumes. It is also stated that negotiations are nearing completion with two major export customers which will lead to a further increase in the level of storage required. The award of these contracts depends on the company upgrading the storage facility as proposed. One of these customers requires water in glass bottles as well as in plastic and they do not have sufficient storage at present to satisfy this demand. The company has invested £150,000 in the new bottling line to meet these requirements and is prepared to invest further in the new storage facility. At present only 7% of the product is exported but they expect this to increase to around 30%. The company at present has three full time employees plus two on job share and a further three part-time. On completion of the proposed facility they expect this to increase to ten full time and three part time.

5. In February 2002, Aberdeenshire Council's Marr Area Committee considered an officer recommendation of approval on a planning application for the construction of a detached building at this site. This application, which was for a larger building (1215sqm floor area), positioned on the slope on the north side was to allow for the relocation of the bottling line, the provision of storage space and the relocation and increase of office and staff accommodation. The Marr Area Committee approved the application and the permission was issued on 14 February 2002. **This permission remains extant.**

## DEVELOPMENT PLAN CONTEXT

### National Planning Policy

6. **SPP15 (Planning for Rural Development)**, emphasises the importance of the planning system for facilitating business development and enhancing quality of life. Planning Authorities should support a wide range of economic activity in rural areas and seek environmental enhancement through development at every opportunity.

### Regional Planning Policy

7. **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST), Policy 3 (Other Employment Opportunities)** advises that proposed employment uses on unallocated sites shall be considered acceptable providing they respect relevant structure and local plan policies and reasonable account is taken of certain criteria. These include; the proposal being well integrated with the existing pattern of land use and not adversely affecting the amenity of neighbouring land uses; the need for access and infrastructure; the proposal making use of derelict, unused and under used land or buildings; and the proposal demonstrating a proven economic need. **Policy 19 (Wildlife, Landscape and Land Resources)**, states that development which would have an adverse effect on International or National designations shall only be permitted where there are no alternative solutions, or there are imperative reasons of over-riding public or national interest. Development that will have adverse effects on an Area of Landscape Significance will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest. **Policy 20 (Built Heritage)**, states that the built heritage of the north east will be conserved and promoted as a valuable resource. As such protection is given to the integrity and setting of Listed Buildings.

## Local Planning Policy

8. **The Finalised Aberdeenshire Local Plan, Policy Env\1 (International Nature Conservation Sites)** states that development likely to have a significant impact on a site designated as a Special Area of Conservation (SAC) and not directly connected with or necessary to the conservation management of the site, must be the subject of an Appropriate Assessment. It will only be permitted where the Appropriate Assessment indicates that it will not adversely affect the integrity of the site; or there are no alternative solutions; or there are imperative reasons of over-riding public interest. **Policy Env\5 (Areas of Landscape Significance)** states that development within an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape. In all cases the highest standard of design will be required. Within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area where there is conflict between the aims. **Policy Env\18 (Listed Buildings)** states that all listed buildings will be protected against works which would have a detrimental effect on their listed character, integrity or setting. **Policy Emp\3 (Employment Development in the Countryside)** provides general support for new employment development in the countryside subject to meeting certain criteria. **Policy Inf\4a (Foul Drainage Standards)** requires developments to be served by public or private infrastructure for foul drainage where it is demonstrated that there are no negative impacts on amenity, public health, and the environment. **Policy Inf\4b (Surface Water Drainage Standards)** states that development will be approved in principle if surface water is dealt with in a sustainable manner. **Policy Gen\2 (The Layout, Siting and Design of New Development)**, sets out criteria for the layout, siting and design of new development and requires it to be in accordance with the guidance contained in Appendix 1(The Design of New Development in Aberdeenshire).

## National Park Policy

9. **For information purposes only,** the recently published **Draft Cairngorms National Park Plan: Priorities for Action 2007-2012** sets out 7 priorities for the National Park. One of these is "Conserving and Enhancing the Park's Biodiversity and Landscapes". Work within this priority includes enhancing the Park's landscapes, identifying and enhancing habitat networks, enhancing the condition of designated sites within networks, and protecting biodiversity. Another priority is "Making Tourism and Businesses Sustainable". Work within this priority includes supporting strong businesses with high quality standards, managing the impacts of tourism and business, improving environmental performance, and supporting entrepreneurship and business development. **Please note the Draft Park Plan is not a**

land use development plan and carries no material weight at this stage.

10. **For information purposes only**, in the **Consultative Draft Cairngorms National Park Local Plan**, the site lies within a **General Policy 1 area**. This states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. **Policy 4 (Landscape)** states that development that is likely to have an adverse impact on the special landscape qualities of the National Park including, landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character, will not be permitted. **Policy 6 (Listed Buildings)** states that development that would affect a Listed Building or its setting will only be permitted where it is demonstrated that the proposals seek to preserve the building, its setting and any features of special architectural or historic interest. **Policy 35 (Proposals for Business & Economic Development)** advises that outwith settlements proposals for business development will be favourably considered where they are for a specific operation relative to that site, or where no suitable sites are available within settlements. Business proposals should maintain and enhance the vitality and viability of the local community, local business centre (where appropriate) and the local economy of the Park.

## CONSULTATIONS

11. **Aberdeenshire Council Transportation and Infrastructure Service.** They have advised that the layout of accesses at the location is not ideal but given the topography of the site and the B976 no practical improvement is possible. The proposed development will not significantly increase vehicle movements and should not be detrimental to the surrounding public road network. They therefore have no objections to the proposal.
12. **Aberdeenshire Council Principal Environmental Health Officer.** He has no observations.
13. **CNPA Economic and Social Development Group.** They have stated that Ballater is an area heavily dependent on tourism, and the diversification of non-tourism businesses should be welcomed. Manufacturing businesses are relatively rare in the east of the Park and offer alternative employment opportunities to those offered by tourism businesses. The expansion of this business will also help mitigate any future adverse impacts on the area if disasters such as 9/11 or Foot and Mouth disease are repeated. From previous unrelated discussions with the owner the expansion of the bottling plant is likely to help safeguard existing jobs and create new ones. The application adds to existing buildings immediately adjacent to a quiet section of road across the Dee River from Ballater with the only neighbouring business

being a hotel. It is unlikely that there will be a negative affect on existing businesses in the area. There is likely to be a rise in traffic movements, but the A93 is only 1 mile away from the site. Deeside Water is an increasingly well known brand of bottled water and is distributed throughout major supermarkets in Scotland. It is a "Green" business making good, sustainable use of local resources. They therefore welcome the proposal.

14. **SEPA.** It is proposed to drain foul water to a new septic tank and soakaway positioned below the proposed building on the north side. Trial pits and percolation tests were carried out at the time of the previous application in 2002. The applicant's agent has advised that whilst the location and size of the proposed building has now changed, the location of the soakaway has remained the same. SEPA accepted the proposals previously and they have now confirmed that they have no objections to the current foul water proposals. In relation to surface water proposals, SEPA have requested further details. They note that as soil conditions on site appear to be suitable for infiltration, the applicant could consider draining surface water to a soakaway via a partial soakaway to an adjacent watercourse. A Drainage Impact Assessment has been submitted which proposes a partial soakaway with overflow to the burn the size of which is calculated on the surface water discharge area of the roof of the proposed building. This has been found to be acceptable.
15. **Aberdeenshire Council Natural Heritage Planner.** She advises that the extension will not result in a significant loss of trees or habitat. The main issue is one of visibility and landscape impact. If the proposal is acceptable in other respects additional planting to the north and east using predominantly Scots Pine, would soften the impact in time. From the south and east the existing backdrop of trees should be sufficient provided the colour finish is suitable.
16. **SNH.** Initially they objected on the basis that there was insufficient information to ascertain if there is likely to be a significant effect on the interests of the adjacent River Dee SAC. They stated that there is a risk of silt entering the stream 4m to the west of the site during the construction phase. This stream flows into the River Dee SAC and siltation may have an effect upon salmon and freshwater pearl mussel. In this respect they advised that a construction method statement be submitted. In addition, they also raised an objection about the potential negative landscape and visual impacts of the proposal. This was taking account of its sensitive location within the National Park and where it is visible from the nearby hotel, South Deeside Road and the A93 tourist route. They viewed the design of the proposed storage building as not in keeping with the size and character of the existing building. They suggested amendments, such as lowering the height, use of pitched roofs, details of colour, and landscaping. They also suggested that any trees to be felled be surveyed for nesting birds and

that consideration be given to incorporating nest boxes into the design of the building.

17. **SNH continued.** Following the submission of a construction method statement, they advise that the CNPA are required to undertake an Appropriate Assessment of the implications of the proposal for the site, in light of the submitted information. **They state that if the CNPA's Appropriate Assessment concludes that there will be no adverse impact on the integrity of the SAC, their objection can be considered to be withdrawn (see Para. 18. below).** In addition, on receipt of the amended drawings, they have withdrawn their objection on potential negative landscape and visual impacts. However, they state that they remain concerned by some aspects of the design – size and bulk of the storage unit in relation to the existing building, and the colour. They suggest that further consideration be given to removing the section through which vehicles will be driven.
18. **CNPA Natural Heritage Group.** Their initial response advised that they had concerns about the detail of the proposal but not the principle. Their comments on the potential impact on the River Dee SAC during construction coincided with those of SNH. They felt that there is potential for significant quantities of silt and other sediment to be released into the adjacent burn because of the proposal's proximity to the tributary. They agreed that it was necessary for an Appropriate Assessment to be carried out by the CNPA and sought further information in relation to construction methods. In terms of landscape impact, the NHG advised that they welcomed moves to replace existing external storage areas which are unsightly and highly visible. However, they agreed that the proposal could have negative landscape and visual impacts and that design alternatives should be examined. They also suggested that further landscaping opportunities be promoted.
19. **CNPA Natural Heritage Group continued.** Following the submission of the construction method statement, the NHG have carried out an Appropriate Assessment. This assessment concludes there may be effects on fresh water pearl mussel and salmon but not otter. The construction method statement provides information on precautionary actions to reduce the risks of silt and pollutants getting into the adjacent burn and the River Dee. It covers matters such construction traffic and storage of materials being restricted to specific areas, the erection of fencing and placing of straw bales to provide barriers, delivery of bulk concrete ready mixed and the mixing of concrete at specific locations on site, storage of sand/cement under cover, and the imposition of these requirements in the contractors tender documents. **The conclusion is that provided these measures are incorporated into appropriate conditions and properly followed, there will be no adverse impact on the qualifying features or the site integrity of the SAC. On this basis, the objection from SNH detailed in paragraphs 15 & 16 above is now withdrawn.** In addition, the



CNPA's Landscape Advisor has added some comments about the submitted landscape plan. He suggests that some amendments to the plan, in terms of proposed tree species and positioning, would help make the plan more successful.

## REPRESENTATIONS

20. The application was advertised by Aberdeenshire Council as a "Proposal Affecting the Character and Setting of a Listed Building". **No representations have been received.**

## APPRAISAL

21. The issues that this proposal raise include the principle of the development in relation to planning policy, the impact of the development on natural heritage designations, and the balance of design, landscape and visual impacts against economic and business development.

### Principle of Development in Relation to Planning Policy

22. The site lies in a countryside area. Business, industrial or employment related proposals within such areas need to be carefully considered in terms of their appropriateness in such rural locations. Planning policy contained in the Structure and Local Plans for the area require certain criteria to be met but there is general support for this form of development. National planning policy, as encompassed in SPP15 (Rural Development) recognises the importance of economic activity to sustaining countryside areas, including those not traditionally related to land management or tourism. Clearly though, large scale industrial or business development may not be appropriate where it would have significant adverse impacts. In such cases, locations on existing industrial or business parks within or near to main settlements, and close to major transport corridors is clearly considered to be the most appropriate option.
23. In this instance, I would not describe the applicants business as of such a significant scale, even with the proposed expansion, that it needs to be located on an industrial estate within a settlement. However, of more relevance is the fact that the business is reliant on a natural resource which is specific to this rural location. Part of the success of the business seems to be that the water produced is bottled at source. The Deeside Water Company has been in operation since 1998 at this location and the fact that they sought permission for an additional building back in 2001 and are now wishing to pursue an alternative expansion option, which includes additional employment opportunities makes it clear that the business is successful and continues to thrive. It has been described, by the CNPA's Economic Development Officer, as a "Green" business making good, sustainable use of local

resources. In this respect therefore, it would seem entirely logical but also supportable to agree the principle of retaining and expanding this business in this rural location. In principle, it would not cause any conflict with planning policy.

### **Impact on Natural Heritage Designations**

24. As discussed in the consultation section of this report, the site lies immediately adjacent to a stream which is designated as part of the River Dee Special Area of Conservation (SAC). There has been concern from SNH and the CNPA's Natural Heritage Group about the potential impact of construction works on the adjacent watercourse. However, following the submission of the construction method statement, and the completion of the required Appropriate Assessment, the conclusion is that provided the methods stated in the construction statement are implemented, there will be no adverse impact on the qualifying interests or the integrity of the SAC. SNH no longer have an objection. In this way, the proposal complies with planning policy in relation to conservation of natural heritage interests.

### **Design, Landscape and Visual Impacts and Economic Development**

25. The issues surrounding building design and potential landscape and visual impacts, in my mind, are the most important considerations in this instance.
26. The starting off point is the existence of the previous permission. Having been granted in February 2002, on a standard time condition of 5 years, it remains extant. It could still therefore be implemented. This permission granted the construction of a much larger but detached building built off the slope on the north side and which extended in front of the existing building and further eastwards towards the more open area closer to the hotel. The current proposal is considerably smaller in floor area, width, length and bulk and although located further up the slope it would be of the same height as the previous one in relation to the height of the existing building. To help compare the two proposals, a sectional drawing through the site, indicating both proposals, was requested and subsequently received. **A copy of this is attached to this report as Fig. 4.** My opinion is that, because of the considerable reduction in size, when viewed from across the valley to the north (A93), the new proposal, will have less of an overall impact than the previous one.
27. Following on from this though, consideration has to be given to the impact of the proposed building when viewed from the approaches along the S. Deeside Road. Like some of the consultees, I have been concerned about the visual impact of the new structure from this side but also, its compatibility in terms of size, scale, and design, with the existing traditional former steading building. At my request, sketch perspective and 3 dimensional drawings (axonometric) have been

submitted. **The axonometric drawing is attached to the report as Fig. 5.** The original scheme showed the new building “abutting” the existing building with a vertical wall. I took the view that this accentuated the differences in size, scale and type between the two structures and that it would be of benefit, from a design point of view, to separate them. However, following further discussions, and an explanation of the functional requirements of the new building, and the constraints of the site, an amended design was submitted. This did not separate the buildings but changed the roof configuration where it adjoins the existing building. There was also the introduction of some timber cladding. It was made clear that there is a need to allow vehicular access through the site for HGVs and that there is a requirement for a minimum of 5m on either side for forklift access. By the nature of the material of the bottles they require to be stored under cover and the process of unloading empty packs of bottles and loading pallets of filled bottles also requires to be covered. These operational requirements, along with the restricted amount of useable space for manoeuvring on the site (because of the slope), have resulted in the requirement to link the two buildings and their internal processes.

28. There is no doubt that the structure proposed is of a functional, industrial character, appearance, and scale and is considerably different to that of the existing building. However, having accepted that the principle of expansion is supportable in policy and locational terms, taking account of the difficulties of the site, the operational and functional requirements, and the viability in terms of cost of alternatives, I take the view that a degree of incompatibility between the existing building and the proposed building is inevitable. The amendments to the design have helped reduce concerns in this respect and the fact that the proposal will allow for the removal of the need for unsightly external storage of materials and products, and the inappropriate siting and usage of lorry trailers must also be considered. While I accept that there are still some negatives in terms of the impact of the proposal on the character of the existing traditional building and therefore on the cultural heritage of the area, I feel this has to be balanced with the potential adverse impact of finding the proposal unacceptable, on the ability of the business to further fulfil its economic potential. I do not feel that any adverse impacts created in this regard are so significant that they should outweigh the potential economic benefits that permitting the proposal will allow.
29. Looking at further issues, the use of colours is important, and I feel that provided the colours are appropriate, the two tone walls, will provide some mitigation. Samples of colours can be conditioned. In addition, while the applicant’s agent has provided some details of new tree planting in areas surrounding the new building, the CNPA’s Landscape Advisor has asked that modifications be made to help mitigate further perceived landscape impacts. Again this can be conditioned. In terms of impact on the setting of the adjacent Listed hotel, the proposal is now located further away than the previous proposal (now a distance of

over 60 metres). From the A93, views of the hotel will still be unobstructed and being at a higher level than the proposal, I do not feel that there will be a significant adverse impact on the setting of this Listed Building. No objections have been received in this regard.

## **Conclusion**

30. **Taking account of all the factors, including the previous permission, I find that the benefits of the proposal in terms of supporting a successful and well known business in this part of the National Park and beyond, outweigh any continued concerns about visual impact of the design. It is accepted that there are some negatives in this regard but I do not believe that these are of such significance or represent departures from planning policy, to recommend anything other than conditional approval.**

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

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

31. It is accepted that there are some negatives in terms of the impact of the development on the natural and in particular cultural heritage of the area. However, other factors require to be taken into account.

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

32. The business is reliant on the use and promotion of a natural resource in this specific part of the National Park. I view the proposal is generally positive in terms of this aim.

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

33. There are no direct implications for this aim.

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

34. The proposal involves the expansion of an existing thriving business on Deeside. It will help the business meet the requirements demanded by potential customers and it will allow for additional local employment opportunities. The proposal is positive in terms of this aim.

## RECOMMENDATION

35. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission for the Erection of Water Bottling Storage Building at Deeside Water Company Ltd. Pannanich Wells, Ballater, 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. Notwithstanding the details submitted the landscaping and tree planting proposals are hereby not approved. Prior to the commencement of works on site, a modified scheme for the landscaping and tree planting on the site shall be submitted for the further written approval of the CNPA acting as Planning Authority.
3. The development shall be landscaped and maintained in accordance with the scheme approved under Condition No. 2 as follows:-
  - a. Completion of the scheme during the first planting season following the completion of the development, or such other date as may be approved in writing with the CNPA acting as 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 CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. The construction of the development hereby approved shall be carried out strictly in accordance with the procedures stated in the method statements (Prevention of Construction Contamination of Watercourse & Prevention of Silt Contamination of Existing Watercourse) submitted by the Grampian Design Associates dated 25/04/06.
5. In addition to the requirements of Condition No. 4, on completion of the works and prior to the removal of the straw bales, any soil or other material washed against the bales, shall be removed using hand tools and disposed of thereafter away from the adjacent watercourse. This requirement shall be added to the method statements and included in the pre-tender contractor documents.

6. That the method of on-site disposal of surface water and foul water drainage shall be implemented and maintained in accordance with the details provided in the submitted Drainage Impact Assessment dated 20/03/06 (McAdam Design Partnership).
7. That prior to the commencement of works on site, exact details and specifications, by way of samples, of the proposed external finishing materials and their colours, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
8. Following completion and occupation of the development hereby approved, no external storage of products and materials associated with the business operation, or any siting of lorry trailers, shall be permitted outwith either of the buildings.
9. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, no external lighting on the building hereby approved shall be permitted.
10. That prior to the commencement of any works to fell any trees on the site to allow the construction of the building hereby approved, if felling is carried out during the bird breeding season, the trees shall be surveyed for nesting birds. If any active nests are found, then no felling shall take place until such time as the CNPA acting as Planning Authority and SNH have been consulted and a method for felling and mitigation has been agreed.

**Neil Stewart**  
**25 May 2006**

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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.