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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** MARY GRIER, PLANNING OFFICER  
(DEVELOPMENT CONTROL)

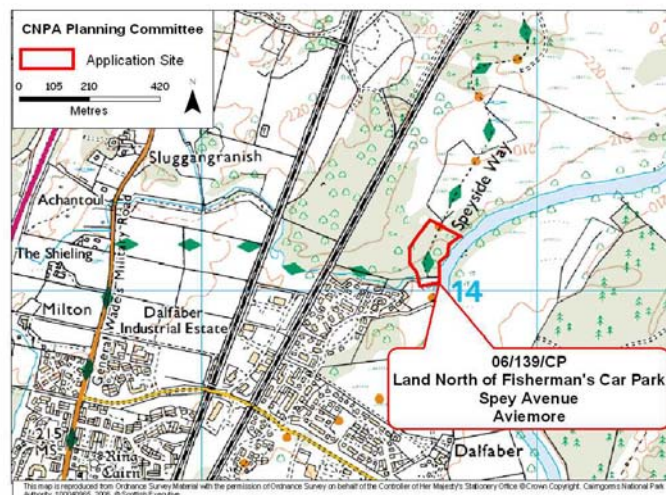
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**DEVELOPMENT PROPOSED:** FULL PERMISSION FOR THE ERECTION OF A MAINTENANCE SHED AND CONSTRUCTION OF AN ACCESS ROAD ON LAND NORTH OF FISHERMAN'S CAR PARK, SPEY AVENUE, AVIEMORE.

**REFERENCE:** 06/139/CP

**APPLICANT:** MACDONALD RESORTS LTD., C/O G.H. JOHNSTON BUILDING CONSULTANTS LTD., WILLOW HOUSE, STONEYFIELD BUSINESS PARK, INVERNESS.

**DATE CALLED-IN:** 5<sup>TH</sup> MAY 2006



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the erection of a maintenance shed on land within the new Spey Valley golf course development at Dalfaber in the north of Aviemore. Permission is also sought for construction of an access road leading into the site from an existing access track. This aspect of the application is retrospective as the access road already exists and extends approximately 40 metres from the southern site boundary into a cleared area at the centre of the site. The site is located on land to the north of a small parking area known as Fisherman's Car Park. The River Spey runs close to the eastern boundary of the site. An existing gravelled access track provides vehicular access from Spey Avenue to the site boundary. The track also serves the aforementioned Fisherman's Car Park, and after traversing through a gated entry the track links into internal paths on the golf course, most of which have been created to facilitate motorised golf buggies. The Speyside Way also traverses through the golf course and runs close to the western boundary of the subject site.



**Fig. 2 : Access track towards the site**



**Fig. 3 : Proposed site, position of proposed maintenance shed to right**

2. The maintenance shed is proposed to be located in an area which has already been cleared and is in active use as a yard associated with the operation of the golf course. The site area, which includes the cleared area and wooded areas to the east and west, is approximately 15,476 square metres (3.82 acres). The gravelled surfaced yard area currently accommodates a number of temporary portacabins and container units. The eastern boundary is flanked by a belt of mature trees adjacent to the riverbank and a well defined informal riverside path interweaves between the trees. The ground rises to a wooded area on the western side of the cleared area. The land is lower lying in a southerly direction, with the track emerging from the yard into a lower lying, open area which merges with the golf course. The north of the site is curtailed by one of the developed areas of the golf course, with the track through the site leading directly towards the second tee.

- The proposed maintenance shed is a large industrial type structure. The exterior finish consists of PVC coated box profile steel sheets. The elongated side elevation incorporates three floor to ceiling height roller shutter doors. The structure has a floor area of approximately 576 square metres and extends to a height of 3.8 metres.

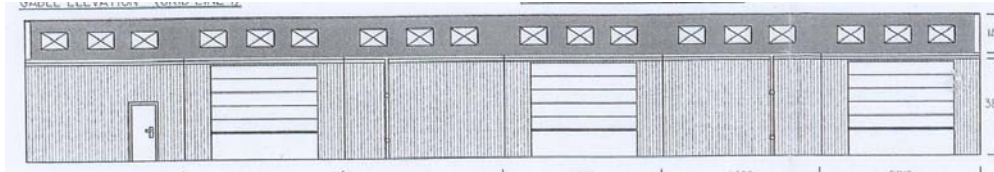


Fig. 4 : western elevation of proposed maintenance shed

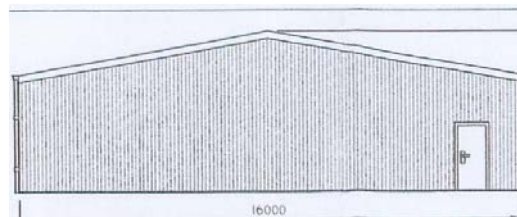


Fig.5 : Southern elevation

- Queries were raised in the course of the application regarding the purpose of the temporary structures currently existing on the site, with the response indicating that the majority of the structures, including the portacabins and metal containers are intended to be removed from the site "on completion of the maintenance shed." A timber shed and water tank are however intended to remain on the site in their existing position to the north of the proposed maintenance shed.



Figs. 6 & 7 : Existing temporary structures on site

- No new boundary enclosures are proposed in the vicinity of the maintenance shed or elsewhere on the subject site. A detailed site layout plan submitted in the course of the application also identifies the extent of the tree canopy to the east and west of the proposed maintenance shed and at the closest point the proposed shed is approximately 4 metres from the identified tree canopy. Supporting information states that there shall be no removal of any existing trees and also suggests that "if necessary some additional trees could be planted to the south of the building to give further screening."

## DEVELOPMENT PLAN CONTEXT

### Highland Council Structure Plan (2001)

6. The maintenance shed is proposed in conjunction with the operation of the golf course in the midst of which it is to be positioned. As such **Policy SR3** of the **Highland Council Structure Plan (2001)** on golf developments is of relevance. The policy states that “golf developments that are consistent with the aims of the Highland Golf Development Strategy and which are accompanied by a satisfactory golf course management plan will be supported.”
7. Further structure plan policies on the topic of ‘Sport and Recreation’ that of relevance to this site relate to informal recreation and access. **Section 2.5.10** of the Plan highlights the importance of informal recreational access to the countryside, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry.
8. In relation to nature conservation, **Policy N1** of the Structure Plan is of relevance, stating that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. In relation to sites and species of international importance the Structure Plan advises that “development 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.” A similar policy applies within sites of national importance where development will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.

### Badenoch and Strathspey Local Plan (1997)

9. The majority of the subject site is identified as ‘recreation / open space’ in the Badenoch and Strathspey Local Plan (1997). A small portion of the southern area of the site is allocated as ‘Amenity Woodland.’ Policy 6.3.9 applies to the recreation / open space land use and refers specifically to the golf course, noting that it consists of “approximately 60 hectares of land north of the Dalfaber resort comprising the flood plain, other areas unsuitable for development and attractive woodlands to the north” allocated for an 18 hole golf course. Policy 6.5.1 applies to the Amenity Woodland designation where it states that it is the Council’s main objective to create a major landscape framework within and adjoining Aviemore in order to achieve extensive and robust improvements to the structure and amenity of the village, and also to achieve better integration with the surrounding environment.

10. **For information purposes only** : The subject site is located outside the settlement boundary of Aviemore as identified in the **Consultation Draft of the Cairngorms National Park Local Plan**. The site is within an area to which General Policy 2 applies with that policy stating that “development will only be permitted where it is demonstrated that there is no overall alternative and
- the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or
  - any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.”

## CONSULTATIONS

11. The consultation response from the CNPA’s **Visitor Services and Recreation Group** makes reference to a well used path that runs north along the banks of the Spey. It is described as a traditional route forming part of the Aviemore Orbital route. It is noted that access is currently taken through the site of the planning application, although it is accepted that this will inevitably change as the site becomes more formalised. Consequently the response stresses that continuing access around the site is of paramount importance. VSRG do not consider that the erection of the shed will impact on outdoor access along the riverside path, “as long as the curtilage of the building is not taken to beyond the rear of the shed.” VSRG advise that the trees to the east of the site should remain as a screen between the path and the shed and that this entire barrier strip, not only the aforementioned path, be protected for informal access and amenity. A further requirement from VSRG is the protection of the route from the placing of any increased barriers, in the form of stiles, locked gates, wicket gates etc..
12. In response to concerns raised in the report from **VSRG** a more detailed site layout plan was submitted clearly identifying the route of the informal path along the banks of the Spey just beyond the edge of the site boundaries. The additional supporting information also confirmed that “there shall be no removal of any existing trees” and that no new boundary enclosures are proposed.



13. Further to an examination of the additional supporting information the CNPA's **Visitor Services and Recreation Group** have confirmed that the proposals are acceptable, acknowledging that the path along the eastern edge of the site boundary has been recognised by the developer and falls outwith the site boundary. Approval is also expressed on the statement that there will be no boundary enclosures and **VSRG** suggest that this should also be stipulated by planning condition. Finally the **VSRG** consultation response clarifies that the line of the Speyside Way falls outside the identified site boundary and "should not be affected."

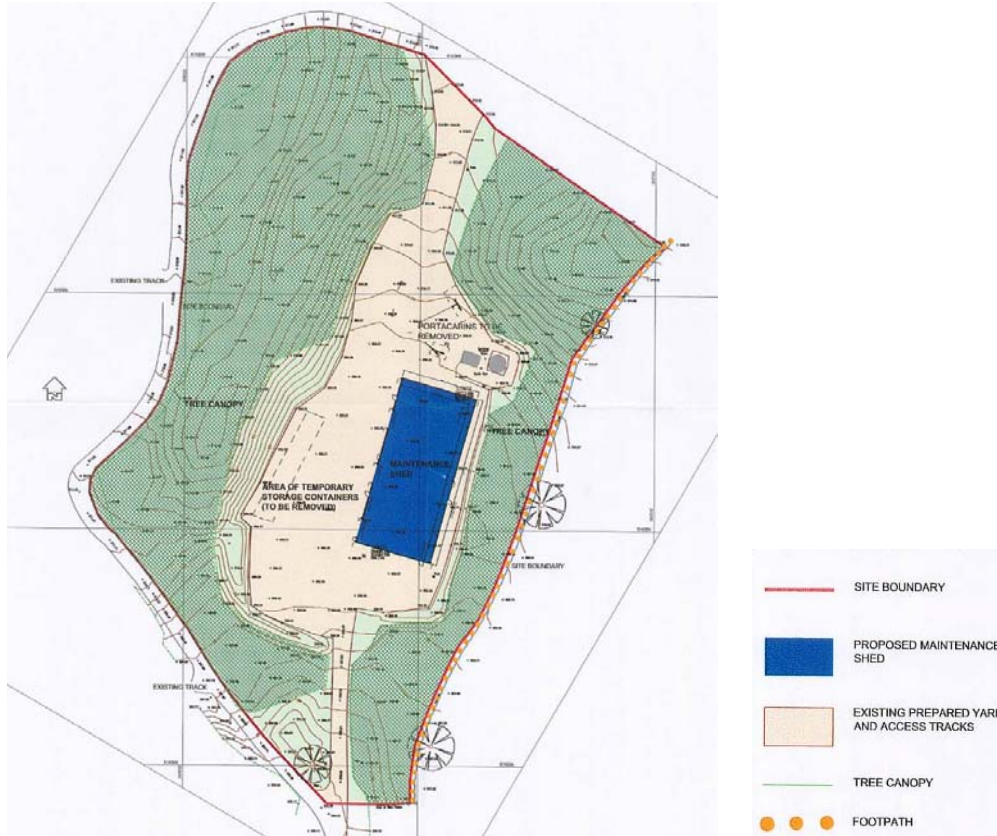


Fig.6 : Proposed site layout plan



Fig. 7 : Informal path through wooded area, with River Spey to the east and subject site to west.

14. **Scottish Natural Heritage** have examined the proposal and note that part of the site lies within the River Spey SAC and SSSI. The River Spey SSI is designated for its populations of Atlantic salmon, sea lamprey, freshwater pearl mussel and otter, and the River Spey SAC is selected for its populations of the same species. **SNH** consider that the proposal is unlikely to have an impact on salmon, sea lamprey or freshwater pearl mussels, "so long as there is no sediment input into the river." **SNH** advised however that the site could be used by otters as a breeding or resting place and consequently required the carrying out of an otter survey.
15. The comments from **Scottish Natural Heritage** also make reference to the site being adjacent to the Cairngorm Mountains National Scenic Area but do not consider that the development is likely to have an impact in view of the fact that it is small scale and outwith the boundary.
16. The initial **SNH** consultation response also provided a detailed commentary on local interests. It refers to the woodland in part of the site and notes that it is zoned as ancient woodland in the 'Inventory of Ancient, Long Established and Semi-Natural Woodland.' The woodland in this area is birch. Outside the Ancient Woodland area there is a stand of mature aspen next to the river. The aspen is regenerating very successfully and **SNH** comment that this is not common in Badenoch and Strathspey.
17. In response to queries raised by **Scottish Natural Heritage** the applicants commissioned the carrying out of an otter survey. The survey was carried out on the riverbank either side of the proposed maintenance shed, for approximately 250 metres upstream and downstream of the site of the proposed shed. Following completion of the survey the report concluded that "otter is present on this watercourse, but there was no evidence of holts or other resting places within the survey area." It also noted that the absence of holts and resting places is probably due to the steepness of the banks and suggested that there would be better opportunities outside the survey area where the banks are less steep and offer better access for the otter. It also stated that otters are mainly solitary and territorial and it is likely that the territory is held by just one otter. The report concluded that the proposed works should not lead to any significant disturbance of otters and in order to ensure this recommended some restrictions to working practices at the proposed site. The recommendation referred to restrictions on working hours in order to reduce noise disturbance at sensitive times for the otter, including (i) no working between sunset and sunrise; and (ii) no bright lights, heavy machinery or loud noise during the period 1 hr before sunset and 1 hr after sunrise. The author of the report also stated that it is his opinion that a license to disturb European Protected Species (otter) would not be required from the Scottish Executive in this case.

18. Further to an examination of the additional information a revised consultation response was received from **Scottish Natural Heritage** stating that “**SNH** has no objection to the proposed development but recommends conditions.” In terms of European interests i.e. the River Spey SSSI and River Spey SAC, SNH consider it unlikely that the proposal will have a significant effect on any qualifying features either directly or indirectly and accordingly an appropriate assessment if not required. Reference is made to the otter survey and the findings are accepted with SNH stating that the development is “unlikely to have an impact on otter.” Two conditions are recommended to be attached in the event of the granting of planning permission and the conditions are similar to those recommended in the otter survey report. Condition 1 requires that there is no working between sunset and sunrise, or between 5pm and 8.30am in winter, while condition 2 states that once the shed is built, no bright lights or heavy machinery which would create a loud noise is used overnight i.e. during the period 1 hour before sunset to 1 hour after sunrise, or 5pm to 8.30am in winter.
19. Further comment is also made on ‘local interests’ and the **SNH** response welcomes the provision of the more detailed site layout plan which shows the existing footpath outside the identified site boundary. The statement made in supporting information regarding the positioning of the maintenance shed clear of the existing trees and that there will be no removal of existing trees is also welcomed and the **Scottish Natural Heritage** recommend that this aspect should made a condition of any planning permission.
20. **Aviemore and Vicinity Community Council** was consulted on the proposal. However no response has been received to date.

## REPRESENTATIONS

21. No representations have been received in respect of the development proposal.

## APPRAISAL

22. The main issues to examine in the course of this application are the planning policies applicable to the site, and the impact of the development on the natural heritage of the area. In terms of policies, as outlined in paragraph 8 of this report the majority of the site area is allocated within the existing Local Plan for ‘recreation / open space.’ The Plan specifically details the use of the land within this ‘recreation / open space’ area as a golf course. The proposed maintenance shed is intended for use in conjunction with the golf course and is the type of facility which is generally accepted as a necessity for the operation of a golf course. Within this context, I consider that the proposed



maintenance shed is compatible with the land use allocation applicable to this area.

23. Members may recall receiving notification of another proposal by the same applicants for a similar type maintenance shed within the Dalfaber Resort Service Compound, approximately 1 kilometre to the south of the subject site (CNPA planning ref. no. 06/051/CP refers), close to the timeshare properties. The application was not called in by the CNPA's Planning Committee and was instead dealt with by Highland Council and planning permission has recently been issued. In the course of this current application the need for two maintenance sheds on the applicants lands within the Dalfaber area was queried. It was confirmed that "the preference of MacDonald Resorts Ltd. is to construct the shed proposed" in conjunction with the operation of the golf course facility. Consideration may still be given to erecting the other permitted shed in order to replace existing containers sited in the vicinity of the timeshare properties. It is my understanding that such containers and their replacement with the permitted shed would be largely, although not exclusively, associated with the operation and management of the timeshare properties and Dalfaber country club, as opposed to being primarily associated with the golf course facility.
24. As regards the actual location and siting of the proposed maintenance shed, it is to be positioned in a relatively unobtrusive position, with a substantial wooded area existing a short distance to the west and immediately to the east of the shed, thereby providing valuable screening of the structure in what could otherwise be perceived as an elevated position, relatively close to the riverbank. However it must be acknowledged that a large proportion of trees in the area are deciduous species (birch and aspen) and as illustrated in figures 7 and 8 below, offer varying degrees of coverage at different times of the year. Nonetheless the details received in the most recent supporting information submitted to the CNPA, which clarified that the maintenance shed is to be positioned beyond the canopy of the existing trees in close proximity to the east and also assurances that the proposal would not necessitate any tree felling in the area, are welcomed and I consider that a condition to ensure the retention of the trees on the site is entirely appropriate in the event of the granting of planning permission.



**Figs.8 and 9 : position of proposed maintenance shed (April 06 and June 06)**

25. Having regard to the proximity of the development site to the River Spey SAC and SSSI consideration of the impact of the development on the natural heritage of the area is extremely important in the overall assessment. As detailed in earlier sections of this report **Scottish Natural Heritage** have examined the proposal in detail and further to the receipt of the required otter survey have altered their position from one of objection to a position of no objection subject to the attachment of a number of conditions in the event of the granting of planning permission. The only qualifying feature of either the SAC or the SSSI which was initially considered likely to be affected in any way was the otter and the survey results, which have been accepted by SNH, indicate that the development is unlikely to have an impact on this species.
26. Potential impacts on aspects of local interest have also been clarified to the satisfaction of both SNH and the CNPA's Visitor Services and Access Group, both of whom had expressed concerns regarding the impact of development on the informal path immediately to the east of the site. There is evidence of frequent use of the informal path which provides a pleasant walk along the riverbank. The path is clearly identified as being outside the boundaries of the subject site and as the development proposal does not include the provision of any boundary treatments at the site, and in conjunction with commitment to retain all the trees within the area, access to the path within this sylvan setting will continue to be maintained in its present form.

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

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

27. The results of the otter survey submitted indicate that the proposed works would not lead to any significant disturbance of otters and the response from SNH also stated that the proposal is unlikely to have an impact on other interests of the River Spey SAC, such as Atlantic salmon, sea lamprey and freshwater pearl mussel. The proposal is not considered to have a negative impact and the natural heritage of the area, nor does it impact on cultural heritage.

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

28. The construction materials proposed do not contribute to the sustainable use of natural resources.

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

29. The proposed development site is relatively well screened and the construction of the maintenance shed would not have a detrimental impact on the Cairngorm Mountains National Scenic Area. In addition, it will not interfere with existing formal and informal pathways in the vicinity of the site and the development is not considered to have a negative impact on the understanding and enjoyment of the area by the general public.

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

30. The development is proposed as part of the overall development of the Spey Valley Golf course at Dalfaber and in this context could be considered to contribute towards the creation of employment opportunities and the economic development of the area.

### **RECOMMENDATION**

31. That Members of the Committee support a recommendation to : **grant full planning permission for the erection of a maintenance shed and construction of an access road on land north of Fisherman's Car Park, Spey Avenue, Aviemore, 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. Working hours at the maintenance shed shall be restricted to ensure
    - (i) that no working occurs between sunset and sunrise, or 5pm to 8.30am in winter; and
    - (ii) that upon construction of the proposed maintenance shed, there are no bright lights, heavy machinery or loud noise overnight i.e. during the period 1 hour before sunset to 1 hour after sunrise, or 5pm to 8.30am in winter.
  3. No fences, walls or boundary enclosures of any manner shall be erected on the site without the prior written consent of the Planning Authority.
  4. No trees on the site shall be uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.

5. No development shall commence on the site until a scheme for the retention and protection of the existing trees on the eastern side of the proposed maintenance shed (prepared in accordance with section 7, BS59837, the Tree Protection Plan), has been submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Forestry Section of Highland Council.
6. All temporary storage containers and portacabins shall be removed from the site within three months of the commencement of development.
7. Prior to the commencement of development a sample of the proposed box profile steel sheeting shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority, and shall either be in the form of a sample or an original copy of the manufacturers catalogue with the proposed colour indicated thereon.
8. All public services for the development including electrical and telephone cables, shall be undergrounded throughout the site.

**Mary Grier**  
**1<sup>st</sup> September 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.