
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: EXTENSION OF EXISTING CAR PARK, BURN O VAT VISITOR CENTRE, DINNET

REFERENCE: 10/359/CP

APPLICANT: SNH C/O LAND USE CONSULTANTS

DATE CALLED-IN: 29 OCTOBER 2010

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site for this application is located adjacent to the existing visitor centre and car park at the Muir of Dinnet National Nature Reserve (NNR) (see fig 1). The site is on the B9119 road that traverses through the Reserve linking the A93 with the A97.
2. The existing facility consists of a visitor centre and small rangers base with a public toilet and existing car park, there are a number of picnic benches at the site. The site is the hub for a number of way marked trails, including 2 core paths that radiate out through the reserve, including routes around Loch Kinnord to Dinnet and routes to Cambus O' May to the west. Many of the trails have been formalised and way marked.



Fig. 2- View of existing car park entrance, extension is to rear of car park.



Figure. 3- View of area for extended car park



Figure. 4- Proposals layout drawing (A4 copy at back of report)

3. The site for the proposed extension to the car park can be seen to the rear of the existing car park at figure 2 with a closer view given by figure 3. The existing car park is flat with a plastic geo-grid permeable surface. A small granite boundary wall separates the car park from the grassed verge and roadside. The parking spaces are undefined with the exception of two disabled parking bays at the closest point to the visitor centre.
4. The site for the extended car park is best seen at figure 3. The ground is relatively flat with vegetation consisting of a number of birch trees with a bracken and moss ground cover.
5. The application is submitted with an extensive design statement. The planning proposals can be seen at figure 4 and would consist of an area that is roughly equivalent to the existing car park with 17 spaces to add to the existing 20. The bays would be defined by either granite or recycled railway sleepers and the car park surface would be a grassguard permeable surface. A new access would be formed onto the B9119 with a hard surface in line with the existing access point. The frontage of both the existing and new car parks would be subject to a limited re-design with the existing stone wall being raised in height to 750mm across the frontage of both the existing and proposed car parks, the roadside verge would be raised with a swale incorporated for drainage purposes. The extended car park would provide for 17 additional bays designed in groups of not more than five spaces together. This will allow landscaping wedges between some of the bays.
6. The access would be managed with signage indicating the existing entrance/exit as the entrance to the car park with the new access effectively forming the exit. This would effectively institute a one way system at the car park. In terms of landscaping additional tree planting would take place with grassed areas seeded to match existing grasses in the area.

DEVELOPMENT PLAN CONTEXT

7. Part 2, Section 25 of the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Policy

8. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;

¹ February 2010

- The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
10. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
11. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
12. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
13. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
14. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused,

supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

Strategic Policy

Cairngorms National Park Plan (2007)

15. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
16. Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities.

Structure Plan

North East Structure Plan (NEST)

17. **NEST** sets out a ‘vision’ and ‘strategy’ under headings of working, living, looking after and moving around North East Scotland.
18. **Policy 19 Wildlife, Landscape and Land Resources** considers both international and national designations. Under national designations the policy considers that development which would have an adverse effect on a

² Para. 256.

NNR 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 site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

19. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010 as was Supplementary Planning Guidance on Natural Heritage. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
21. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
22. Policy 2 National Natural Heritage Designations: development that would adversely affect the CNP, a SSSI, NNR or NSA will only be permitted where it has been demonstrated that:
 - (a) Objectives of designation and overall integrity of designation would not be compromised or;
 - (b) Any significant effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance with mitigation of commensurate or greater features.
23. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own

cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

24. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
25. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
26. Policy 34 – Outdoor Access : the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy. Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas) will only be permitted where an appropriate or improved alternative access solution can be secured.

CONSULTATIONS

27. **Mid Deeside Community Council** has no objections to the planning application and considers the plans to be attractive and an improvement upon what is already there.
28. The **CNPA Ecologist** has considered the proposal and information that has been submitted. There are no ecological issues relating to this site and consequently there is no objection to the proposal. In terms of enhancement it is recommended that additional birch trees are planted within suitable areas of the car park and surrounds.
29. Following minor modifications to the drainage arrangements the **CNPA Landscape Officer** is confident that the proposals will complement and

enhance the landscape of the Park. Full drainage details should be sought by condition.

30. **CNPA Senior Visitor Services Officer** notes that the car park is the starting point for Core Paths UDE42 linking to UDE 40 and Cambus O May and UDE 44 linking to UDE 46 and Dinnet. Consequently, the car park is likely to form an important hub for those wanting to visit the NNR and those interested in accessing longer paths. No visitor numbers are provided but the application clearly states that at busy periods the car park is full and parking occurs on the verges. The National Park Plan supports the development of the car park in order to promote more visitors to experience the NNR and to promote greater path use. Visitor Services would encourage the applicant to promote access to the NNR from Dinnet by core path UDE 46 and by use of appropriate signage and interpretation.
31. **Aberdeenshire Council Transport and Infrastructure Roads** consider that visibility of 2.4 metres by 120 metres would be required at the new access which the application provides for. There is no objection subject to conditions that the first 5 metres of the new access are fully paved that the gradient of the first 5 metres of the access does not exceed 1 in 20 and that the visibility splay is formed and maintained as per the 2.4m by 120m requirement. In addition no trees to be planted within 5 metres of the public road.

REPRESENTATIONS

32. No representations have been received.

APPRAISAL

33. This section of the report will consider the proposal in principle against the recently adopted CNP Local Plan. The report then goes on to consider more detailed environmental and technical issues with the proposal.
34. The site itself is part of the Muir of Dinnet National Nature Reserve and a Site of Special Scientific Interest. The CNP Local Plan contains a number of protective policies with regard to natural heritage. In this case a number of checks have been carried out by SNH and considered by the CNPA ecologist. There are no notifiable species contained within the site area for the car park. Checks have been carried out for squirrel dreys and bats, none have been found. The CNPA ecologist has looked at the application and considers there to be no particular issues. The applicant has confirmed that a total of 31 trees would need to be removed, these are almost exclusively birch. The CNPA ecologist has no objection to this but to ensure that the proposals fulfils the requirement to conserve the natural heritage it is recommended that additional birch trees are planted in and around the car park. Well in excess of 31 trees are proposed for planting by the application, more detail on this aspect is to be sought by planning condition. This effectively meets the first principle of the CNP Supplementary Planning

Guidance on natural heritage in that there is no net loss of natural heritage. The proposal is considered to accord with the protective environmental policies of the Local Plan and in particular Policy 2 which seeks to protect the objectives and overall integrity of national designations such as NNR's and SSSI's.

35. Given the location of the site next to the visitor centre landscape is a key concern, some minor amendments have been made to the drainage design and the CNPA Landscape Officer considers that the proposal will conserve and enhance the landscape of the area. The application in part comes about because of what appears to be the increased use of the centre since a number of trails in the area have been formalised and promoted. On busy days in summer it is not unusual to see cars lining the grass verge either side of the entrance to the existing car park. The new proposals will provide additional parking but by constructing a swale and raising the verge will also ensure that verge parking no longer occurs, this will be a positive enhancement to the front of the site.
36. The site is at the hub of a number of footpaths and the CNPA Senior Visitor Services Officer considers that the National Park Plan supports the development of the car park in order to promote more visitors to experience the NNR and to promote greater path use. Accordingly, the proposal complies with Policy 34 of the CNP Local Plan in that it encourages opportunities for responsible outdoor access. However, comment has been made that more should be done to encourage access to the NNR from Dinnet. Legally this cannot be sought by imposing a condition on approval of the car park extension. Consequently, it is addressed by the inclusion of an advice note at the end of the report.

Technical Issues

37. Aberdeenshire Roads has no objection to the proposal recommending standard conditions relating to access surfacing, visibility splays and the gradient of the new access. The design changes to the road frontage will mean that cars will no longer be able to park in the visibility splay and this in itself should improve road safety at the site. Aberdeenshire Roads has no objection to the one way system being implemented at the car park. The detailed locations and design of any signage for this purpose can be dealt with by planning condition.
38. The drainage conditions at the site would be subject to limited alteration given that a permeable surface is proposed; the swale at the front of the site will assist the drainage conditions at the road verge. Detailed drainage proposals are required by condition.

Conclusion

39. Overall, the proposal provides additional parking at the site which will overcome a number of problems, particularly the pressure on parking at the site at busy times in summer. The proposal also ensures that cars will no longer be able to park on the verge at the site which will be an improvement to road safety. The proposals are sympathetic in their design and will contribute towards conserving and enhancing the area and assist peoples understanding and enjoyment of both the Nature Reserve, the local path network and other areas of the National Park. There is no hesitation in recommending approval of the scheme.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

40. The proposal contributes to the first aim of the Park in that it will assist in managing the public as visitors to the Nature Reserve, no notifiable species are present at the site and while a number of trees would be felled, a greater number are proposed for planting, being sourced from within the Nature Reserve. In landscape terms the proposal is considered to conserve and enhance meeting the relevant strategic objectives of the National Park Plan.

Promote Sustainable Use of Natural Resources

41. The proposal focuses on improving the use of an existing well known visitor facility, apart from the permeable surface and the hard surface at the entrance to the site required by the roads department most other hard and soft landscaping materials would be sourced locally.

Promote Understanding and Enjoyment of the Area

42. The car park would assist visitors to use the visitor centre and explore the nature reserve, core paths and way marked trails in the area. The proposal is considered to contribute strongly to achieving this aim.

Promote Sustainable Economic and Social Development of the Area

43. The proposal may have limited relevance to this aim but may provide construction work for local companies.

RECOMMENDATION

44. That Members of the Planning Committee support a recommendation to **GRANT** planning permission for the extension of existing car park at Burn O Vat Visitor Centre, Dinnet, subject to the following conditions:
1. The development to which this permission relates must be begun within three years from the date of this permission.
Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997
 2. Prior to the commencement of the development a landscaping scheme shall be submitted to the CNPA acting as planning authority indicating the species, provenance and size of additional trees to be planted at the site. The landscaping scheme shall be completed during the first planting season following the completion of works. Trees planted

shall where required be protected and maintained. Any trees that are dead or dying in the opinion of the CNPA acting as planning authority shall be replaced with trees of the same type and size unless otherwise agreed.

Reason: To help assimilate the extended car park into its surroundings and to replace the trees to be felled.

3. The maximum gradient of the first 5 metres of the new access must not exceed 1 in 20.

Reason: In the interests of highway safety.

4. No new tree planting to be within 5 metres of the edge of the public road.

Reason: In the interests of highway safety.

5. The first 5 metres of the access (measured from edge of road or back of footway) shall be fully paved in a material to be agreed by the CNPA acting as planning authority.

Reason: In the interests of highway safety.

6. Visibility splays measuring measuring 2.4m by 120 metres to be formed on either side of the junction of the new vehicular access with the public road prior to the commencement of development. The visibility splays so formed shall thereafter be kept free of all permanent obstructions greater than 1 metre in height above adjacent carriageway level.

Reason: To ensure adequate levels of visibility from the new access.

7. Prior to the car park extension first being brought into use details of any additional signage proposed for the site shall be submitted to the CNPA for approval. Any signage on the site shall be implemented in accordance with that approval.

Reason: To enable the CNPA acting as planning authority to assess the design of any signage at the site.

ADVICE NOTE

- I. The CNPA would ask SNH to consider encouraging public access to the NNR from the public car park via core path UDE46 with appropriate signage and interpretation in place to assist members of the public in accessing the site from this location

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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.