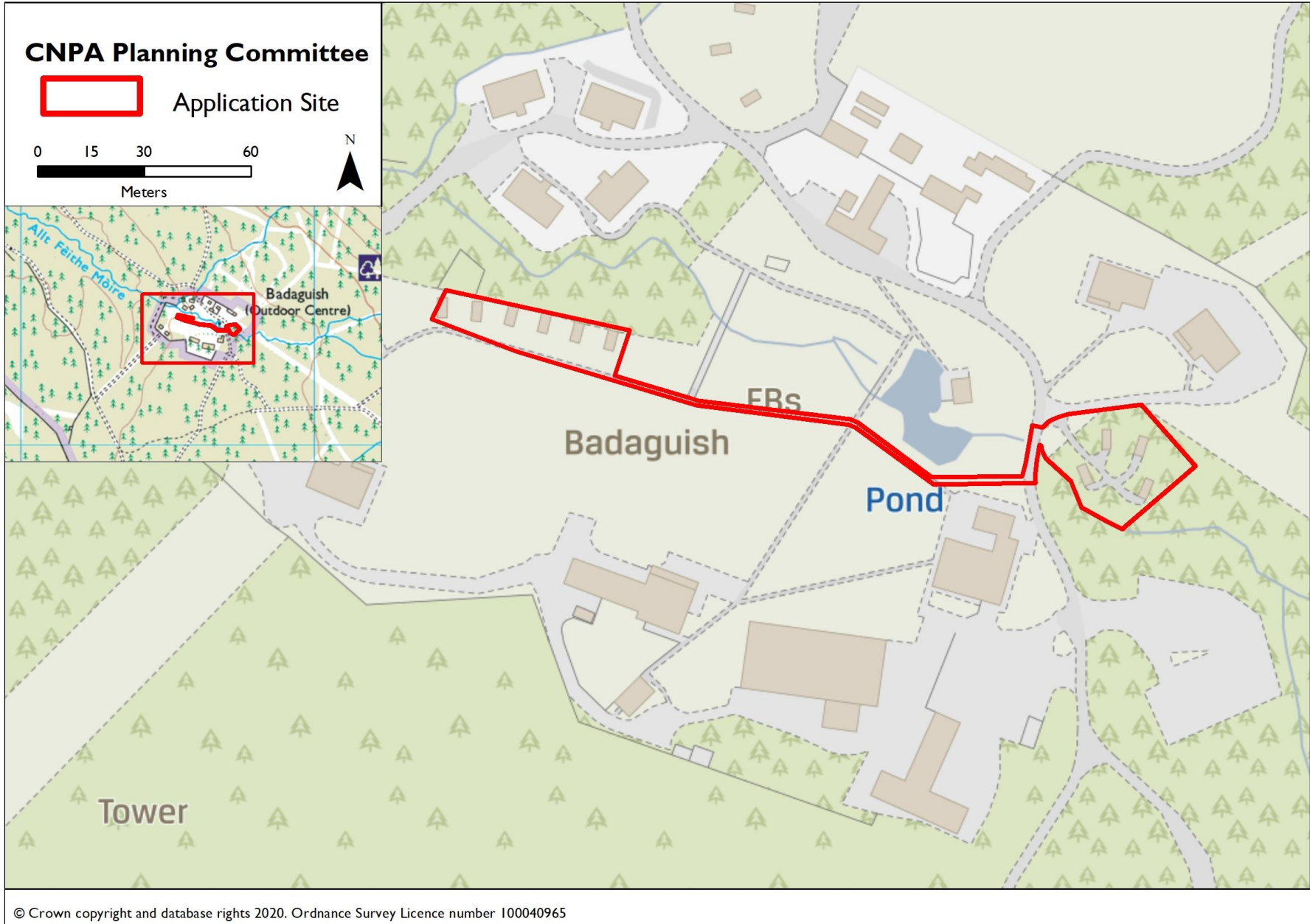


CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Retention of ten wigwam accommodation units at Speyside Trust
Badaguish Outdoor Centre Glenmore Aviemore Highland PH22 1QU

REFERENCE: 2023/0210/DET
APPLICANT: Speyside Trust
DATE CALLED-IN: 22 May 2023
RECOMMENDATION: Approve Subject to Conditions
CASE OFFICER: Ed Swales, Monitoring and Enforcement
Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located at Badaguish, 6km to the east of Aviemore, along the road commonly known as the ski road towards Cairngorm Mountain. This is an established outdoor education centre with numerous existing facilities on site (offices, toilet/shower block, lodges, café, play area, camping, wigwams, paths etc.) in a woodland setting.
2. Land to the south of the Badaguish complex is designated as a Special Protection Area, SSSI, and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.

Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6NXT1SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Existing Site Plan		01/11/22	17/05/23
Location Plan		01/11/22	17/05/23
Overall Proposed Site Plan		01/11/22	17/05/23
Wigwam Site Photos	4111-002		30/03/20
SUPPORTING INFORMATION			
Supporting Statement			17/05/23

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

4. The proposal is for the continuation of use for a further three years for 10 wooden wigwams. These are located on two different sites within the wider complex. These wigwams were granted temporary planning permission in 2015 as part of the wider development of the site for 35 wigwams and overall upgrading of the existing infrastructure. Plans of the proposal can be found at **Appendix 1**.

History

5. Temporary planning permission was granted for the siting of the 10 wigwams in 2010 by the CNPA Planning Committee (10/107/CP). In 2012 this permission was extended to the end of 2014 (2012/0107/DET).
6. This permission expired and a subsequent retrospective application (2015/0375/DET) was granted permission to retain the wigwams for a further year.
7. In 2017 a further temporary permission was granted for the retention of the 10 wigwams for a period of 3 years (2017/0008/DET), this was then extended in June 2020 for a further 3 years (2020/081/DET).
8. The wider site has a lengthy planning history. In 2011 an application (2011/0206/DET) was approved for the erection of 35 wigwams, site activity area and mountain bike free ride trail. It was later deemed that this permission had been breached and a section 33a notice was served requiring the resubmission of the applications to remedy the breaches of planning control. These were submitted and approved in 2015 (2015/0133/DET and 2015/0132/DET).
9. In 2016 an application for planning permission (2016/00092/ DET) was granted permission for the erection of cooking and toilet facilities. This was later amended to become accommodation for a 24-hour warden service (2017/0325/DET).

Habitats Regulations Appraisal

10. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the potential effects of the proposal on the Cairngorms Special Protection Area. A copy of the HRA can be found at **Appendix 2**. The HRA concludes that capercaillie numbers have been verified as remaining stable for the last three years and as such the approved Visitor Management Plan remains an appropriate level of control as there is no effect either direct or indirect on the conservation objectives of the Cairngorms SPA.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045
POLICY 3	Biodiversity
POLICY 4	Natural Places
POLICY 6	Forestry, Woodland and Trees
POLICY 14	Design, Quality and Place

POLICY 21	Play, recreation and sport	
POLICY 30	Tourism	
Strategic Policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

11. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

12. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	Housing Supplementary Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Design and Placemaking Non-Statutory Guidance	X
Policy 4	Natural Heritage Non-Statutory Guidance	X

Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Obligations Supplementary Guidance	

CONSULTATIONS

Summary of the main issues raised by consultees

13. **NatureScot** are satisfied with the conclusions of the HRA concludes that there will be no effect on site integrity of the Cairngorms SPA.
14. **CNPA Ecology Officer** confirms that capercaillie numbers in the vicinity of the development have remained stable during the past three years so no changes to the Visitor management Plan for the site are considered necessary and the conclusions of the Habitats Regulation Appraisal that there will be no effect on site integrity of the Cairngorms SPA remain accurate.
15. **CNPA Landscape Officer** states there are no changes in a landscape context and therefore has no comments.
16. **Aviemore and Vicinity Community Council** offered no comment on the application.

REPRESENTATIONS

17. One objection has been received in relation to this development focusing on the wider site, its impact with Capercaillie and the visitor management plan that has been in place since 2015.

APPRAISAL

Principle

18. The principle of recreational development at Badaguish is well established and fits well with the existing activities on site. Planning permission has previously been granted on a number of occasions for temporary wigwams in the current location. The issue to be considered now is whether it is appropriate to continue to permit the retention of these wigwams, again on this site until such time as the site to the north is more fully developed to a stage when these 10 wigwams may be relocated.

19. If the application were to be refused, the wigwams would have to be removed from their current locations and the ground restored, however, the wigwams could be relocated to other sites within the area as the wider development is built out.
20. **Policy 30: Tourism** of NPF4 states that development for new or extended tourist facilities or accommodation will be supported. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 states that development which enhances formal and informal tourism and leisure related infrastructure facilities including accommodation will be supported where it has no adverse environmental impacts on the site and adds to or extends the core tourist season. The development fits well within its woodland setting allowing a year-round outdoor learning experience as well as accommodation. The continued retention of these wigwams allows the centre to generate income until such time as further funding becomes available for the wider development. As such the proposal complies with Policy 30 of NPF4 and Policy 2 of the Cairngorms National Park Local Development Plan 2021.
21. **Policy 21: Play, recreation and sport** of NPF4 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. **Policy 8: Open Space, Sport and Recreation** of the Cairngorms National Park Local Development Plan 2021 also supports the provision of this type of facility where they are sustainably designed, do not introduce any environmental impacts and contribute to an identified visitor need. The retention of these wigwams will extend the outdoor season for the centre and given they are already in place, create no additional adverse environmental impacts. As such the proposal complies with Policy 21 of NPF4 and Policy 8: Open Space, Sport and Recreation of the Cairngorms National Park Local Development Plan 2021 and
22. The principle of retaining the 10 wigwams is acceptable subject to compliance with policies relating to design, servicing, landscape and environmental impacts.

Design and Servicing

23. **Policy 14: Design, quality and place** of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that a design statement must accompany all development proposals to demonstrate how the proposal has been designed to use materials and landscaping that will complement the setting of the development. The 10 wigwams have been on site for a number of years now and have bedded into their surroundings and relate well to the existing buildings and infrastructure. A supporting statement has been submitted

which states the extension of the permission will allow a smooth transition to the later phases of development. The proposal therefore complies with both Policy 14 of NPF4 and Policy 3 of the Cairngorms National Park Local Development Plan 2021.

24. **Policy 14: Design, quality and place** of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 states that all development should have no significant adverse impact on existing or private water supplies or wastewater treatment services and that they should be connected to the public sewerage network unless it is in a small settlement where there is a limited collection system. The centre is a pre-existing standalone development, and these facilities discharge to the existing sewage treatment plant which is regulated by the Scottish Environment Protection Agency (SEPA). Access arrangements and waste management provision will remain the same. Given the above it is considered that the proposal complies with Policy 14: Design, quality and place of NPF4 and Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Environmental Issues

25. **Policy 4: Natural Places** of NPF4 and **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 states development that would have a significant adverse effect on protected species will not be permitted unless the development will not be detrimental to the species concerned at a favourable conservation status in their natural range. The key potential environmental impact relates to any impacts upon the Cairngorms Special Protection Area (SPA) in terms of any impacts upon capercaillie in the SPA. It is necessary to fully consider these impacts and this has been done through the Habitats Regulation Assessment (**Appendix 2**). This was undertaken during the previous assessments of this application in 2017 and 2020 following advice from NatureScot. The information and within and conclusions of the HRA remain accurate and there will be no effects on site integrity of the Cairngorms SPA. The proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.
26. **Policy 3 Biodiversity of NPF4** and **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 states that the proposal should be based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats. The wigwams are proposed to be retained in place until a permanent solution is sought. As stated above the conclusions of the Habitats Regulation Assessment and Visitor Management Plan has been effective at controlling

the visitors in the context of the capercaillie habitat locally and that capercaillie numbers have remained stable during the previous 3 years which this development has been approved. As such the proposal complies with Policy 3 of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Landscape

27. **Policy 4: Natural places** of NPF4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions whereas **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 states there will be a presumption against any development that does not conserve and enhance landscape character and special qualities of the Cairngorm National Park. The wigwams have been on site for a number of years and relate well within their context and woodland setting. As such the landscape impact of these structures has lessened and is insignificant now. Furthermore there is a wider Visitor Management Plan which ensures all landscaping is carried out and any dying trees are replaced. Landscaping of the wider site remains controlled through conditions on the previous permissions and as such the proposal complies with Policy 4 of NPF4 and Policy 5 of the Cairngorms National Park Local Development Plan 2021 and.

Other Issues Raised in Consultations and Representations

28. One objection has been received in relation to this development focusing on the wider site, its impact on capercaillie and the visitor management plan that has been in place since 2015. The objection focuses on a lack of signage and an allowance of dogs on the site. Officers have been on site and confirmed there are signs in place on site that advise visitors of their responsibilities and the need to keep dogs on leads. Officers are also satisfied that the Visitor Management Plan for the site is being applied and note that capercaillie numbers in the vicinity of the development have remained stable during the previous three years.

CONCLUSION

29. It is considered that this proposal to retain ten wigwams on this site at Badaguish, until such time as the larger wigwam site to the north is in a suitable condition to relocate them is acceptable on its own merits in land use planning terms. Servicing impacts from the development are limited and any landscape impacts and environmental impacts upon NATURA interests can be controlled by planning conditions requiring adherence to the existing Visitor Management Plan. It is important to ensure there are no more than 35 wigwams in total on the wider site as it is on that basis that the application has been assessed. It is therefore recommended that a planning condition be attached requiring relocation or removal of the ten wigwams into the main

site within 3 years or as soon as there are 25 wigwams on the main site, whichever is the sooner.

30. On this basis the application is considered to comply with policies with both NPF4 and the adopted Local Development Plan and approval is recommended subject to the recommended planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the retention of existing established 10. no wigwam accommodation and associated landscaping (Renewal of permission 2020/0081/DET (20/01190/FUL)) at Speyside Trust, Badaguish Outdoor Centre, Glenmore, Aviemore subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. Notwithstanding the approved supporting statement the wigwams hereby approved and any supporting platforms shall be removed from site within 3 years of the date of this permission or before more than 25 wigwams are erected on the land to the north which is the subject of planning application references 2015/0132/DET, 2015/0133/DET and 2011/0206/DET, whichever is the sooner, and the ground restored to its previous condition prior to the erection of the wigwams.

Reason: To ensure the development is controlled to that applied for as environmental impacts have been considered in relation to a total of 35 wigwams in compliance with Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 as well as Policies 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

2. No more than 35 wigwams shall be located on the entire site, as outlined in blue on the approved location plan (4111/LOC) at any given time.

Reason: To ensure the development is controlled to that applied for as environmental impacts have been considered in relation to a total of 35 wigwams in compliance with Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 as well as Policies 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

3. The development hereby approved shall be operated in accordance with the approved Visitor Management Plan Version 5 dated November 2015. Ongoing monitoring shall be undertaken in accordance with the recommendations of the approved Visitor Management Plan throughout the

lifetime of the development hereby approved. The results of monitoring (together with details of any mitigation carried out) shall be submitted on an annual basis to the Cairngorms National Park Authority acting as Planning Authority, starting from January 2024 (and then every January thereafter).

Reason: To ensure the development conserves and enhances the natural heritage of the area and does not adversely affect the Cairngorms Special Protection Area in terms of impacts upon capercaillie from the users of the site and complies with Policy 3: Biodiversity of NPF4 as well as Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

4. The wigwams shall be used only as short-term tourist accommodation. No single period of occupation shall exceed two months in any calendar year unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. Occupation shall be restricted to use by persons staying in the area for recreational purposes.

Reason: To ensure that the units are used for recreational purposes in connection with the operation of a tourist facility in accordance with Policy 30: Tourism of NPF4 and Policy 2: Economic Growth of the Cairngorms National Park Authority Local Development Plan 2021.

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.