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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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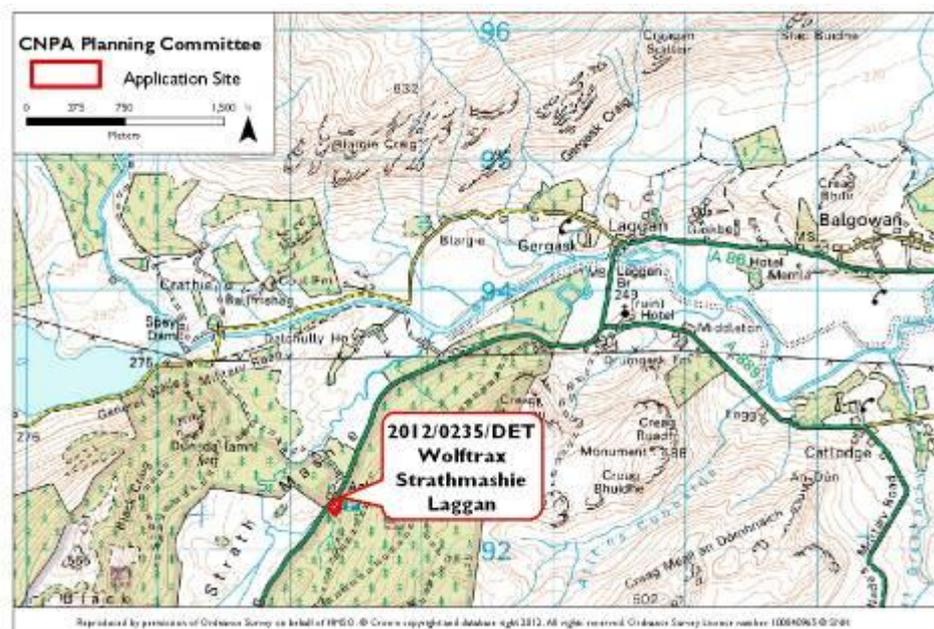
**DEVELOPMENT PROPOSED:** EXTENSION OF TIME PERIOD FOR SITING OF MOBILE UNITS (FOR 3 YEARS TO 2015) AT WOLFTRAX, STRATHMASHIE, LAGGAN

**REFERENCE:** 2012/0235/DET

**APPLICANT:** THE LAGGAN FOREST TRUST  
C/O BENSON ROBERTSON ARCHITECTS LTD.

**DATE CALLED-IN:** 20 JULY 2012

**RECOMMENDATION:** APPROVE WITH CONDITIONS



Grid reference: 259333 792284

Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the extension of the time period for the siting of mobile units on land at the Wolftrax mountain biking complex at Strathmashie, Laggan. The extension of time is sought for a period of 3 years, until 2015. The details provided in support of the planning application refer to the 3 year time period being required in order to allow continuation of the service whilst the design and construction of a new visitor centre is completed on the site.
2. The mobile units were developed on the site in the early stages of the establishment of Wolftrax and have since that time provided a temporary solution to the operational needs of the business. A total of four temporary structures are in place at the site, including a tack shop which is operated as part of the pony trekking business at the site, the 'Basecamp' for the mountain bike trails from where bike hire and bike maintenance is undertaken, the Laggan Forest Trust office and store, and a final structure which accommodates a café and toilet and shower facilities. The four temporary structures are located in the north eastern area of the car park. The structures are wooden, single storey in design and of varying sizes and orientations. The units are screened from view from the public road by the existence of a substantial belt of trees and shrubs on the western side of the site.



Fig. 2: Existing temporary structures

### Site history

3. The mountain biking facility at the site and in the surrounding area dates from 2003,<sup>1</sup> with the extension to the car parking area and the erection of temporary mobile units for ancillary accommodation being the subject of a subsequent Notice of Proposed Development by Forestry Commission Scotland in 2004.<sup>2</sup> The CNPA were consulted in the process relating to the development proposals and there was no objection to the development.

<sup>1</sup> Forestry Commission Scotland submitted a Notice of Proposed Development for the formation of an off road cycle route (CNPA participated in the process as consultees, CNPA ref. no. 03/055/CP refers).

<sup>2</sup> CNPA ref. no. 04/004/CP refers.

4. A planning application was lodged in 2006 for the further temporary siting of three mobile office units as well as the enlargement of existing office unit. The application was not called in by the CNPA, but comments were submitted to Highland Council as Planning Authority, referring to the need to “ensure that any period for which temporary permission is sought is strictly enforced in the event of the granting of planning permission” and also suggesting that “there is also a need to give some thought to the longer term planning of facilities and accommodation on the site.”<sup>3</sup> Highland Council granted permission for a temporary period. Another application was also made in 2006, and determined by the CNPA, in which planning permission was granted for a further extension of the bike trails and the erection of a shelter on one of the trail routes.
5. In 2008, the CNPA called in an application in which Laggan Forest Trust sought outline permission for the erection of a visitor facility at Wolfrax (CNPA ref. no. 08/280/CP refers). The site identified is located immediately to the south of the access route into the complex (and outlined in blue on Fig. 3 below). Indicative plans were submitted showing a two storey structure, which was described as a permanent replacement of the collection of existing facilities in the wider site area.

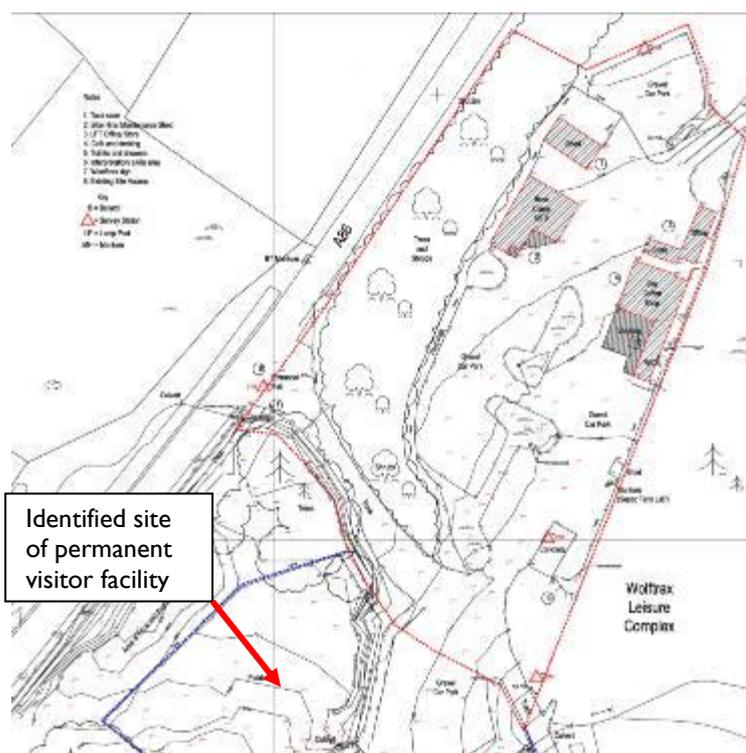


Fig. 3: Temporary structures

6. Indicative details suggested that the building would extend to approximately 420 square metres and would include a café and retail space, a kitchen area, a bike shop, toilet and changing facilities, and office and meeting space. The CNPA Planning Committee resolved to grant planning permission at the meeting of 9<sup>th</sup> April 2009 subject to “a unilateral undertaking by the Forestry

<sup>3</sup> CNPA planning ref. no. 06/096/CP and Highland Co. ref no. 06/0068/FULBS refer.

Commission to the Laggan Forestry Trust and the Cairngorms National Park Authority” pertaining to the removal of the existing buildings, and the provision of landscaping and the reorganisation and drainage of the car park and access road, and also subject to a number of conditions. The unilateral agreement<sup>4</sup> was in the form of a Section 75 legal agreement, which was signed by all parties in July 2010. A decision notice granting outline permission for the visitor facility was subsequently issued in August 2010 and included a condition requiring that a formal planning application for the approval of matters specified in conditions would be submitted within 3 years from the date of the consent. As such, the applicants have approximately 11 months within which to make the required submission in order to advance the development.

### **Justification for proposed time extension**

7. In response to queries raised by the CNPA in the course of assessing the application, background information has been provided to explain why a temporary extension is sought to the duration that the units would be on the site. Details have been provided by the current applicants, Laggan Forest Trust, in which it is acknowledged that a request for a further extension to the time period of the temporary units on the site is “unusual.” It is stated that this “reflects the time taken to establish a development team to take forward the project and carry out community consultation.” Indications have been given on the timescales envisaged to progress the project, including factoring in time to discuss design concepts with partners and interested parties. It is intended, subject to planning approval and successful bids for support from appropriate agencies and trusts, that construction / development would take place to achieve a completion date of March 2014. In the meantime, the retention of the temporary structures on the site is required in order to maintain the provision of existing services and facilities.

## **DEVELOPMENT PLAN CONTEXT**

### **National Policy**

8. **Scottish Planning Policy<sup>5</sup> (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;
  - The system should .....allow 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.

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<sup>4</sup> The unilateral agreement was required in order to cover matters which could not be covered by conditions in the outline permission due to the fact that it involved land outside the identified site boundaries and not in the ownership Laggan Forest Trust as the applicants.

<sup>5</sup> February 2010

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 economic development, 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. Economic development: Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area’s environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
13. 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.
14. 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.

15. *Open space and physical activity*: The planning system has a role to play in helping to create an environment where physical well being is improved and activity made easier. **Scottish Planning Policy** highlights the benefits of open space and physical activity provision, noting that access to good quality open spaces can encourage people to be physically active and aid health and well being. Planning authorities are encouraged to support, protect and enhance open space and opportunities for sport and recreation.
16. **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."

### Strategic Policies

#### **Cairngorms National Park Partnership Plan 2012 - 2017**

17. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
  - A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.

### Structure Plan Policy

#### **Highland Council Structure Plan (2001)**

18. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
  - Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
19. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.

20. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
21. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
22. The Structure Plan recognises that tourism is a vital element of the Highland economy. **Policy T2 (Tourism developments)** supports high quality tourism development proposals, particularly those which extend the tourism season.

#### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

23. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
24. 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.
25. 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.
26. *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.

27. Policy 16 – Design Standards for New Development: this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
  - use materials and landscaping that will complement the setting of the development;
  - demonstrate sustainable use of resources; and
  - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

28. Policy 25 – Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, and supports or extends an existing business. Proposals ‘outwith settlements’ will be supported where they meet certain criteria –
- (i) Is in an existing business park or industrial estate; or
  - (ii) Where it can be demonstrated that there are no more sequentially appropriate sites available.

In addition, developments should have no adverse impact on the existing vitality or viability of the settlement.

‘Other Business Opportunities’ considered under Policy 25 will be supported where they meet the following criteria –

- (i) Support the vitality or viability of a farm, croft or other business in a rural location; or
  - (ii) Is complementary to that current rural business activity; or
  - (iii) Promotes diversification within the business; or
  - (iv) Creates new small scale development which supports the local economy.
29. Policy 33 – Tourism-Related Development : tourism related development which has a beneficial impact on the local economy through an enhancement of the range and quality of tourism attractions and related infrastructure, including accommodation, will be supported provided that the development will not have an adverse impact on the landscape, built and historic environment, or the culture and traditions of the Cairngorms National Park, which in the judgement of the Planning Authority outweigh that beneficial impact. The Local Plan

recognises that a good range and quality of tourist facilities and accommodation is vital to a healthy tourism industry.

30. *Policy 35 – Sport and Recreation Facilities* : developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or the enhancement of existing facilities in terms of quality and design will be supported where (a) they demonstrate best practise in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and (b) they will meet an identified community or visitor need.

#### **Supplementary Planning Guidance**

31. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

#### **Sustainable Design Guide**

32. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
33. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

#### **CONSULTATIONS**

34. Due to the nature of the proposal which is largely procedural, in seeking an extension of time for the retention of the temporary structures on the site, no consultations were necessary.

#### **REPRESENTATIONS**

35. No representations have been received in connection with the development proposal.

#### **APPRAISAL**

##### **Principle**

36. The development of the mountain biking facility and the associated services provided at the subject site has been a growth project in the years since its initial establishment in late 2006. During the course of successive applications, the parties involved in the development – at first being Forest Commission

Scotland and later including the current applicants, Laggan Forest Trust – have clearly outlined the temporary role of the mobile units on the site, pending the progression of a larger project for the development of a permanent visitor facility at the site. The mobile units were accepted in the infancy of the project as a temporary solution to the need to provide services at the ‘basecamp’ area in order to facilitate users of the facility. As such the principle of the units has been accepted on the site, in their existing positions, albeit on a temporary basis.

### **Practical needs**

37. The commitment to the permanent project was evident in the 2008 planning application referred to in paragraphs 5 and 6, in which Laggan Forest Trust sought outline permission for a visitor facility. The details which were recently provided by the applicants, and summarised in paragraph 7, all convey a strong continued commitment to the project and an intention to proceed to seek detailed consent for the facility within a relatively short timescale. March 2014 has been identified as the intended completion date for the new facility. The request to retain the mobile units in place on the subject site for a further 3 years is intended to cover the timescale for project progression and completion, and would also seem to have built in some slippage time.
38. Although it is disappointing that the permanent project has not progressed at a speedier pace, it is necessary to work with the practicalities presented by the current situation. In the event of a refusal of planning permission for the continued temporary retention of the units, it would necessitate the removal of the units, with the result that the existing services provided at the site, such as the café and the bike hire facility, would no longer be available. This could potentially place the mountain biking facility at a distinct disadvantage, as the potential lack of facilities may discourage users. The economic benefits which the mountain biking facility has generated in attracting increased visitor numbers to the area etc. could significantly diminish in the event of that the mobile units were removed from the facility prior to provision being made to provide the services in a new facility on the site. In this context, although accepting the practicalities of the situation and the need to retain continuity of service provision on the site in the existing mobile units, this should not be interpreted as an acceptance in the longer term i.e. beyond the requested additional 3 year period, of the retention of the mobile units. The potential acceptance of the mobile structures on the site for a further 3 year period is closely related to the expressed commitment to progress the permanent project and ensure completion of that before the end of the 3 year period.

### **Conclusion**

39. The retention of the mobile units for a further temporary period of 3 years is acceptable. The current position of the units is relatively inconspicuous, at the northern end of the car parking area. Although the nature of their construction may result in their construction being liable to deterioration in the longer term, their present condition is fit for purpose and they do not detract from the landscape character of the surrounding area. As such, the units could be considered to accord with CNP Local Plan policies pertaining to Landscape (Policy 6) and Design Standards for Development (policy I6). The

continued provision of services which are operated from the units also accords with Policies 25 and 33, which are supportive of business development and tourism developments respectively, and similarly accords with Scottish Government national aspirations to support economic growth and rural development. The services offered in the mobile units, including the café and the bike hire business, are also beneficial in encouraging visitors, and as such also accord with Local Plan Policy 35 – Sport and Recreation Facilities, which is supportive of sport and recreation business related facilities. In considering all of the foregoing, the continued temporary retention of the mobile units, for a maximum period of three years, is acceptable.

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

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

40. The temporary structures are sited within the established car parking area at the mountain biking facility. They are modest in scale and are inconspicuously sited relative to the surrounding area. The existing substantial tree and shrub screening on the western boundary of the subject site assist in minimising the visual impact of the collection of structures. The retention of the structures on the site would not contribute towards conserving or enhancing the natural or cultural heritage of the area. However, given the temporary nature of the structures and the ability to remove them at the end of the relevant period, it can be considered that the current proposal would not adversely impact on this aim.

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

41. Timber is the predominant material used in the existing temporary units on the site and as such it can be considered to contribute towards promoting the sustainable use of natural resources.

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

42. The continued temporary retention of the units would assist in maintaining continuity of services on the site and as such would assist users in experiencing the overall recreational opportunities and the surrounding area.

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

43. The continued temporary retention of the units would assist in maintaining continuity of services on the site. This would assist the operation of the businesses at the site and provided continued employment opportunities. The continued availability of services on the site would also be of benefit in attracting visitors to the overall facility and could assist in encouraging visitor spending in the surrounding area.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT planning permission for an extension of the time period for the siting of mobile units, for 3 years to 2015, subject to the following conditions:**

- I. The permission hereby granted for the siting of mobile units (specifically the tack store, the bike hire / maintenance shed, the LFT office / store, and the café, decking, toilets and shower facilities as identified on dwg no. (SK) 02 – ‘site plan as existing’) is for a temporary period which shall expire on 14 September 2015 or at the time of the first occupation of a permanent visitor facility, whichever is the sooner.

Within a period of one month following the expiry of this temporary permission, or in accordance with the terms of section 2.3 of the Section 75 legal agreement pertaining to CNPA Planning Ref. No. 08/280/CP, whichever is the sooner, all temporary units as identified on dwg no. (SK) 02 – ‘site plan as existing’ shall be removed from the site, and it shall be restored to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** in order to allow the Planning Authority to retain effective control over this development which is temporary in nature and to secure the appropriate restoration of the site.

**Mary Grier**

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**4 September 2012**

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.