

AGENDA ITEM 6

APPENDIX 2

2014/0311/DET

HABITAT MITIGATION AREA PLAN

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26th March 2015

Dear Simon,

Re – Planning application; 2014/0311/DET - Wigwams at Tomintoul

Further to my letter of 19th February 2013 and our subsequent discussions, I enclose details of an alternative proposal to address the tree planting requirements identified in the consideration of this planning application.

I appreciate the necessity to give the appropriate assurances to meet planning requirements and the potential difficulties with our previous proposal in relation to land subject to an agricultural tenancy.

The alternative proposal relates to the Habitat Mitigation Area extending to 0.64 Hectares shown hatched red on the first of the attached plans ("the HMA"). The Habitat Mitigation Area is in-hand forest land, owned by the Crown Estate and not subject to any tenancy or other management restraints. As a consequence The Crown Estate can give an absolute assurance that the proposed planting and restructuring works will be completed as mitigation for the removal of trees carried out by this development, should it proceed.

I can also confirm that the Habitat Mitigation Area will be identified as 'long term retention' in the Glenlivet estate forest plan and the current plan amended to reflect this. We have spoken to Forestry Commission Scotland and they have confirmed we can amend the existing long term forest plan to reflect this through an exchange of letters. The most recent review of the Glenlivet Estate long term forest plan was approved by Forestry Commission Scotland on 16th July 2013. The next full review is due 10 years thereafter in July 2023 and this will be open to public scrutiny and consultation.

The Crown Estate also undertakes to ensure the Habitat Mitigation Area will be maintained and managed to ensure establishment of the woodland area following any planting and restructuring work. This will ensure that the area will be maintained as amenity woodland not subject to any future clearfelling operations or other non-forest use. This obligation will be incumbent on any future owner of the land should there be a change in this respect. The Crown Estate acknowledges that the planning permission to be issued under reference 2014/0311/DET will impose the planning conditions specified in the undernote to this letter on the Habitat Mitigation Area. The Crown Estate confirms it is satisfied with these conditions. The Crown Estate also confirms that the Habitat Mitigation Area can be included

under the control of the applicants for the planning permission, Wigwam Holidays, for the purposes of Section 41(1) of the Town and Country Planning Scotland Act 1997.

I hope this provides the assurances you require and the proposed scheme satisfies the requirements identified by the planning committee. If you require any further details please do not hesitate to contact me.

Yours sincerely,



Andrew Wells
Head of Countryside Management

Draft Planning Conditions:

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION to Erect 24 wigwam holiday camping pods and associated works including access track drainage and water supply at Land south of Main Street, south-east of Crown Estate Office, Tomintoul, Moray, subject to the following conditions:

1. No development shall commence unless and until it has first been demonstrated in writing, to the sole satisfaction of the Cairngorms National Park Authority acting as planning authority, that the applicant has control of the Habitat Management Area extending to 0.64 hectares and shown hatched red on the first of the attached plans to the letter of assurance, dated 26th March 2015, from Andrew Wells of The Crown Estate to Simon Harrison at the Cairngorms National Park Authority.

Reason: To ensure that appropriate habitat mitigation can be delivered in accordance with development plan policy.

2. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This should include:

a) Details of how trees and associated areas of habitat will be protected during construction, consistent with BS 5837:2012.

b) Works undertaken must take heed of SEPA PPG 5 'Working near or in a watercourse' to prevent any pollution incident in the watercourse which borders the site.

The development shall be implemented in full accordance with the approved Construction Method Statement.

Reason: To ensure that the construction of the development will not adversely affect the existing woodland and nearby watercourse, in the interests of safeguarding the environment.

3. No development shall commence until an objective-based maintenance and management plan for the woodland detailing long term management has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This should seek to enhance the diversity and attractiveness of the woodland for site users and for the public in the wider landscape.

The development shall be implemented in full accordance with the approved maintenance and management plan.

Reason: To safeguard the future of the woodland and ensure that the development has no adverse effects thereon, in the interests of safeguarding the environment and safeguarding the amenity of the area.

4. No development shall commence until details of the proposed larch cladding have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be implemented in full accordance of those approved details.

Reason: To ensure that the development blends with the woodland setting, in the interests of visual amenity.

5. No development shall commence on site until a scheme of compensatory planting has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The compensatory planting should only be provided on the Habitat Mitigation Area extending to 0.64 hectares and shown hatched red on the first of the attached plans to the letter of assurance, dated 26th March 2015, from Andrew Wells of The Crown Estate to Simon Harrison at the Cairngorms National Park Authority. Any trees removed will require compensatory planting on a three to one basis. Species to plant would include Aspen *Populus tremulus*, Birch *Betula pubescens*, Scots Pine *Pinus sylvestris* and Holly *Ilex aquafolium*. The development shall be implemented in full accordance with the scheme of compensatory planting.

Reason: To compensate for the removal of trees and red squirrel habitat in association with the development, in the interests of safeguarding the biodiversity and amenity of the area.

6. Prior to the occupation of any wigwam on site, the first 15 metres of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the development access.

7. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

8. A minimum of one parking space shall be provided for each wigwam prior to the occupation or completion of the development, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for visitors/others in the interests of an acceptable development and road safety.

9. The foul water links from individual wigwams to the main connecting drain under the track should follow the line of each individual wigwam path.

Reason: To minimise further disturbance to trees, in the interest of safeguarding the amenity of the environment.

10. The hot-tubs shall be clad in larch to match the wigwams with dark/recessive covers, steps and associated features.

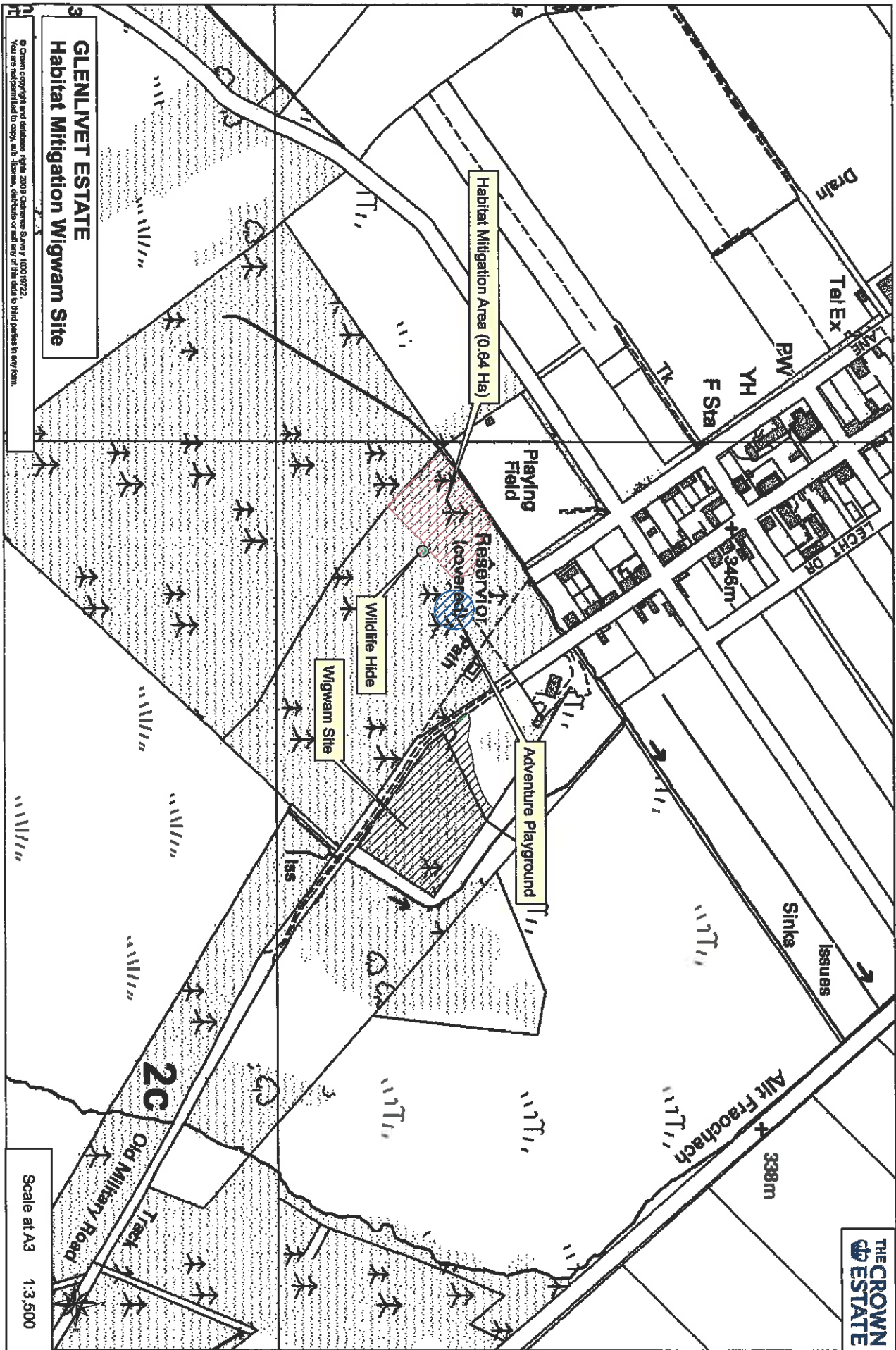
Reason: To ensure that the development blends with the woodland setting, in the interests of visual amenity.

11. No wigwam shall be occupied until a minimum of ten bird boxes and ten bat boxes have been provided on the site, in accordance with a plan that has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The 20 boxes shall thereafter be maintained and retained in perpetuity, with replacements being provided on a one for one bases should any boxes be damaged or removed.

Reason: To compensate for the removal of trees in association with the development, in the interests of safeguarding the biodiversity and amenity of the area.

Informatives:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. All construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays and there shall be no work or deliveries of materials on Sundays and Public Holidays.
3. Tree removal and ground preparation should be undertaken outwith the bird breeding season (April to July) otherwise a pre-construction check will be required.



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