
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: CREATE A NEW CEMETERY WITH ACCESS FROM THE PUBLIC ROAD

REFERENCE: 2012/0015/DET

APPLICANT: MORAY COUNCIL

DATE CALLED-IN: 30 MARCH 2012

RECOMMENDATION: APPROVE WITH CONDITIONS

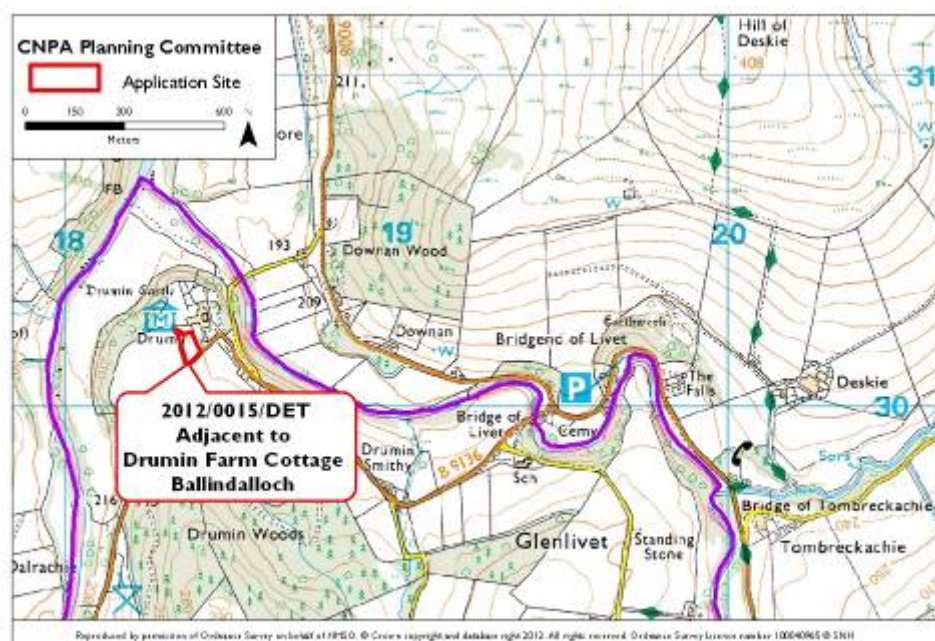


Fig. 1 – Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for a new cemetery immediately to the south west of Drumin Castle (Scheduled Ancient Monument) and Drumin Farm Cottage in Glenlivet. In terms of its use the site is currently an agricultural field, though there are signs that the site has been used as part of an extended yard for a number of agricultural buildings. The area covered by the application is 0.080 of a hectare. The eastern boundary is to the curtilage of Drumin Farm Cottage, the northern boundary is to existing farm buildings, the western boundary is to an agricultural field and the southern boundary is to the B9136. The site is generally flat, though there is a small drop from the public road to the site which crosses a small ditch.



Fig. 2- Site from B 9136 (Drumin Castle behind)



Fig. 3- View of site showing neighbouring cottage

2. A new vehicular access and associated car parking area is proposed immediately off the B9136. The main frontage of the site is approximately 42 metres in length and a car park with a total of 30 spaces would be provided from an access road mid way along this frontage. From this car park a driveway heads northwards on flat ground into the centre of the site with a turning head.
3. A total of 410 lairs are proposed on the site and landscaping is indicated to the boundaries (see plan at back of this report).
4. The Moray Council has been investigating a site for a new cemetery for a number of years because of capacity issues at the nearby Downan Cemetery and had contacted the CNPA some time ago about a number of potential sites. The CNPA had suggested that an extension into a field adjacent to the Downan Cemetery should be considered. However, it is understood that the Council had been advised against this due to the proximity of the river. A number of other sites had been investigated but this was the only that was considered suitable.

DEVELOPMENT PLAN CONTEXT

National policy

5. **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;
 - 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.
6. 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."
7. 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.
8. *Rural development:* The aim is to enable development in all rural areas which supports sustainable communities whilst protecting and enhancing environmental quality. Planning authorities are encouraged to support and promote opportunities for environmental enhancement in rural areas. Para. 97 focuses on prime agricultural land, advising that this is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need.
9. *Historic Environment:* The historic environment is recognised as being a key part of Scotland's cultural heritage. Development management decisions are noted as one of the ways in which planning authorities can assist in safeguarding historic assets. The historic environment includes ancient monuments, archaeological sites and landscape and also comprises both statutory and non statutory designations.

¹ February 2010

10. **Scottish Planning Policy** includes a specific section on ‘Scheduled Monuments and Designed Wrecks.’ It clarifies that scheduled monuments are archaeological sites, buildings or structures of national or international importance and that “the purpose of scheduling is to secure the long term legal protection of the monument in the national interest, in situ, and as far as possible in its existing state and within an appropriate setting.” It is advised in para. 118 that development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.
11. *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.
12. **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)

13. The Cairngorms National Park Partnership Plan sets out basic principles and themes including; conservation and enhancement of the environment; ensuring the Park is accessible to everyone; innovation; tourism and visitor management; climate change and effective partnership working.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. 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.

16. 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.
17. *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.
18. *Policy 8 – Archaeology*: There will be a presumption in favour of preserving in situ Scheduled Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting.
19. *Policy 11 – The Local and Wider Cultural Heritage of the Park*: there will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local wider or cultural historic significance, or its setting.
20. *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. 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.

Supplementary Planning Guidance

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

Sustainable Design Guide

22. 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.

23. 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

24. **SEPA:** Initial response objection due to lack of information to demonstrate that the proposal complied with groundwater protection policy. Further test pits have been dug and information submitted to indicate that sand and gravel is present from 0.4m- 2.9m and no standing water has been encountered in the 3 trial pits, consequently there will be at least 1 m of sand and gravel below the burials. Further information has shown that there are no private water sources within 250m of the development. On the basis of this further information and investigation SEPA have no objection.
25. **Scottish Natural Heritage:** The site is close to the Rivers Livet and Avon (approx 150 metres). Both rivers are tributaries of the River Spey Special Area of Conservation and are part of the designation. SNH staff advise that SEPA are consulted upon the application as they have the staff to advise on water quality impacts.
26. **Scottish Water** has no objection to the application but their investigations have indicated that there may be a requirement for the customer to carry out works to the local network. The applicant should make direct contact with Scottish Water.
27. **Moray Council (Roads):** No objection subject to conditions covering: maximum gradients, first 5 metres of access road to be to adoptable standard. Ditch fronting the site to be piped, access radii, visibility splay of 2.4 by 120 metres to south west and 2.4 by 90 metres to the north east, minimum of 30 car parking spaces to be retained for the life of the development.
28. **Moray Council Environmental Health:** The application should be approved unconditionally.
29. **Moray Council Contaminated Land** has no objection to the application.
30. **Glenlivet and Inveravon Community Association:** The Association has been searching for a site to complement the graveyard at Downan-which is now reaching capacity for more than 7 years. Many sites were proposed and tested but none until now have met the strict regulations. The site at Drumin fulfils the criteria and has been endorsed by the community at Open Community Association Meetings. The CNPA call-in reason refers to the new cemetery as being adjacent to Drumin Castle. The Community association

point out that castles and forts are often seen in association with graveyards. The full letter is appended at the back of this report.

31. **The Archaeology Service:** There are three known archaeological sites within the vicinity of the site. Taking into consideration the sites noted and the topography of the land in relation to the river, there is potential for unknown buried archaeological remains to exist within the development boundary and as such a 5% archaeological evaluation should be undertaken on site prior to commencement of works.
32. **CNPA Landscape Officer:** The site is close to the boundary of the National Park within the Glenlivet Landscape Character Area. The area possesses a natural layering of natural, cultural and historical landscape features which contribute to the special qualities of the area. Drumin Castle is a 14/15th Century tower house. The proposed development respects the scale and pattern of land use and the fact that there is a tradition of cultural built elements in the area. The proposed hedging picks up on the agricultural aspects of the wider landscape but the boundary, gateway treatment and planting do not reflect the character and experience of Drumin. The proposed parking area would have an adverse impact, open to views from the public road. The proposed cemetery should fulfil its potential to act as a peaceful and special place and a positive enhancement to the landscape character of its setting. To assist with this a range of measures are suggested below.
 - Hedge should be beech and holly and not hawthorn
 - Tree planting should pick up on species in the area
 - Car Parking should be partially screened from the public road
 - Inner northern part of the car park should be contained by gateway feature

REPRESENTATIONS

33. The application has been advertised in the Northern Scot, no representations have been received.

APPRAISAL

Principle

34. There is an absence of planning policy relating directly to the development of cemeteries. However, in considering it in the context of policies relating to rural development and landscape, the proposal is acceptable. The change of use of this agricultural ground to a cemetery would be a relatively low key development. The main engineered elements, such as the new access and car parking area, would be confined to the southern boundary of the site with the public road. It must also be recognised that this application represents the culmination of a long search, where a number of options for an alternative site to the existing cemetery at Downan have been explored.

This is the only site not to have been discounted from that search. The proposal is also supported by the local Community Association.

Natural and cultural heritage

35. Other than landscape considerations, the proposed cemetery expansion does not raise any particular natural heritage issues being on what is currently agricultural land. SNH point out that the site is within 150 metres of the SAC but providing SEPA have been consulted, SNH raise no particular concern. The change of use of the agricultural field does not present any ecological concerns. The area is important in cultural terms and part of that attraction is the local landscape and nearby Drumin Castle which is a Scheduled Ancient Monument. However, the site is divided from the Castle and its grounds by a number of high agricultural buildings and yards as well as mature trees. The cemetery would not be visible from the castle being some 140 metres away from the nearest part of the site. In any case, as pointed out by the Community Association cemeteries are often associated with historic settings.
36. In terms of landscape the CNPA Landscape Officer has provided advice that will help the proposal fulfil its role as a tranquil and peaceful place. The advice includes using beech and holly hedging which will provide a more permanent green boundary for the site and specific advice is also provided to soften the entrance the car park and also to provide a clear division between the car park and the cemetery. A specific landscaping plan is requested by planning condition to cover the elements as suggested. In terms of cultural heritage the Archaeologist notes that there is potential for buried remains at the site and it is recommended that an archaeological survey is carried out of 5% of the site. Subject to these issues being covered by conditions the proposal is considered to comply with Policy 6 Landscape and Policy 11 which covers the Local and Wider Cultural Heritage of the Park and Policy 8 Archaeology.

Technical issues

37. In considering the technical issues associated with the proposed cemetery expansion, the car parking arrangements and access are considered acceptable. Moray Roads has no objection subject to conditions on the access, parking and visibility splays. The Landscape Officer has recommended the partial landscaping at the front of the site along the public road. There appears to be space on site to accommodate this without jeopardising access or visibility splays.
38. The main technical concerns came from SEPA who had concerns about whether the application as originally submitted could comply with their groundwater protection policy. However, further test pits to a depth of 3 metres have shown that the underlying material is suitable for the use proposed. In addition the applicant has provided information on the location of private water supplies and on the basis of the information submitted SEPA were able to withdraw their objection in July.
39. In terms of neighbouring amenity there is a single cottage to the east of the site set in its own grounds. The house faces directly towards the road with a gable

elevation facing the site. There is some landscaping between the house and cemetery and this will be enhanced by means of the landscaping being recommended by the Landscape Officer. The proposal is not considered to result in any loss of amenity that would justify rejecting the proposals and is considered to comply with Policy 16 Design Standards for Development in this respect.

Conclusion

40. In conclusion, the proposal for a cemetery is considered to comply with the detailed policies of the CNP Local Plan and is recommended for approval subject to the conditions at the end of the report.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

41. The proposed development is not considered to raise any ecological issues and the enhancement of the proposed landscaping as per the advice of the Landscape Officer will contribute to the setting of the site in both landscape and cultural terms.

Promote Sustainable Use of Natural Resources

42. The proposal does not have any particular impact on this aim.

Promote Understanding and Enjoyment of the Area

43. The proposal is of limited relevance to this aim, though the proposal would not detract from the historic setting of the area and could provide some additional car parking for people visiting the castle and using local walks.

Promote Sustainable Economic and Social Development of the Area

44. Cemeteries are necessary to serve communities in the National Park and this application will contribute to this in an area where the existing cemetery is nearing capacity.

RECOMMENDATION

That Members of the Committee support a recommendation to **GRANT** planning permission for the creation of a cemetery and access from the public road, land adjacent to Drumin Farm Cottage, Ballindalloch, 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 or amended by the Planning etc. Scotland Act 2006.

2. No changes are to be made the ground levels of the cemetery unless otherwise agreed in writing by the CNPA.

Reason: To ensure that the site is adequately accessibility for all user groups.

3. Prior to the commencement of development the following landscaping details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority –
 - (a) A detailed landscaping plan pertaining to all areas identified for ‘soft landscaping.’ The landscaping strategy shall include a mix of large growing trees together with smaller trees and shrubs, boundary hedges to be holly/beechn mix not hawthorn;
 - (b) A planting specification that ensures a high level of establishment and good early growth. The specification shall include details of timing, ground preparation, fertilising and watering;
 - (c) Details of all boundary treatments, and in particular proposals for a boundary/containment feature between the car park and burial area.

The landscaping works shall be undertaken thereafter in accordance with the agreed measures. The landscaped areas shall be maintained in perpetuity in accordance with a detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: in the interests of visual amenity and to enhance the natural heritage value of the area.

4. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works to cover 5% of the site area in accordance with a written scheme of investigation which shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Archaeology Service. Thereafter, the agreed programme of archaeological works shall be fully implemented to ensure that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Cairngorms National Park Authority.

Reason: to safeguard and record the archaeological potential of the area.

5. The following roads related conditions shall be complied with prior to the cemetery coming into use :
 - (a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20;
 - (b) the first 5 metres of vehicular access (measured from the edge of the road) shall be fully paved;
 - (c) off street parking for 30 cars, shall be provided within the site on a surface to be agreed with the CNPA acting as Planning Authority.

Notwithstanding the detail on the approved drawing there shall be a minimum of 3 clearly identifiable disabled user spaces.

- (d) Visibility splays of 2.4 x 90 metres to the north and 2.4 x 120 metres to the south west shall be provided unless otherwise agreed.
- (e) Ditch at roadside to be piped, using a suitable diameter pipe to a self cleansing gradient.

Reason: in the interests of traffic safety and public safety.

Advice notes:

1. Adequate precautions shall be taken to protect any Statutory Undertaker's plant which may be affected by the works / development;
2. Adequate provision shall be made for internal surface water drainage to ensure that surface water does not run into the site or onto the public road or vice versa;
3. In the event that signage regarding 'No dogs' is to be placed on the cemetery gates, it should include details to clarify that this does not pertain to assistance dogs.

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8 August 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.