
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Case Officer: KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Erection of house and outdoor horse livery (resubmission of 14/03246/FUL) at land east Of B970 opposite Balliemore, Nethybridge

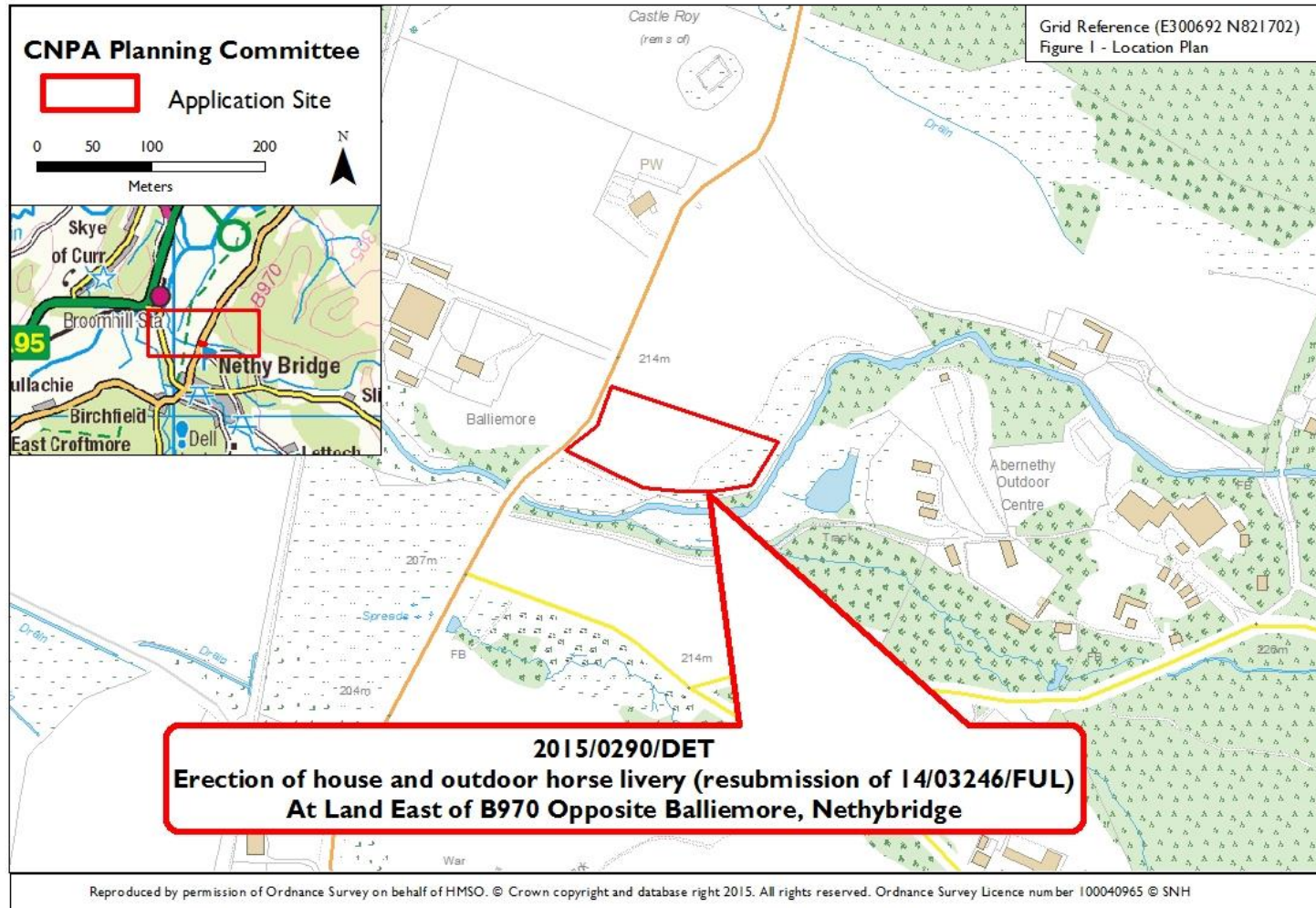
REFERENCE: 2015/0290/DET

APPLICANT: Mr & Mrs Alistair & Ingrid Kendal

DATE CALLED-IN: 7 September 2015

REASON FOR CALL IN: The proposal is in a prominent location outside Nethy Bridge and has potential to affect the landscape setting of Abernethy Kirk and Castle Roy and the approach to Nethy Bridge. It raises issues of significance linked to the first aim of the National Park due to its potential effects on landscape character and cultural heritage of the Park.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



SITE DESCRIPTION, PROPOSAL AND HISTORY

1. **This application was deferred at the 19 February 2016 Cairngorms National Park Authority Planning Committee meeting to enable members to undertake a site visit.**
2. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise. Some documents are noted as sensitive.

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan
Location Plan	SF21775.1.LPI Revision A	Dec 15
Stable	Kendal Stable 1.1	May 13
House Proposals	SF21775.1.1	May 13
Site Plan	SF21775.1.SPI Revision E	Jan 16
Supporting letter from Applicants		01.10.15
Design Statement		undated
Nethybridge north and south bound traffic information		March 15
Proposal to build livery yard, equestrian centre and dwelling Business plan (SENSITIVE INFORMATION)		Undated
Outline Landscape Plan	SF21775.1.SPI	May 13
Otter Survey by Corcoran Associates (SENSITIVE INFORMATION)		30 Nov 15
Otter Species Protection Plan by Corcoran Associates (SENSITIVE INFORMATION)		8 Dec 15

Site Description

3. The application site is located beside (to the east) the public road leading from Nethybridge to Grantown on Spey, around 500 metres to the north of the village, within an agricultural field currently used for horse grazing. It is slightly sloping, with banking leading down to the south and east to the Allt Mhor Burn with woodland to south and east. This burn is part of the River Spey Special Area of Conservation. The applicants control the banking and riparian planting to the burn as shown in **Appendix I** where land outlined in blue is under the applicants' control and land outlined in red is the application site. They also control the fields to the north.
4. It is situated to the north of the Abernethy Golf Course and to the west of the Abernethy Outdoor Centre. To the immediate west on the other side of the

public road is Balliemore Farmhouse, an imposing stone and slate farmhouse, set back from the public road within its own grounds. The Abernethy Old Parish Church and graveyard (category C listed building of architectural and historic importance) is located to the north west of the site some 200 metres away with Castle Roy, a scheduled ancient monument, located some 300 metres to the north west. This area is prominent on the approaches to Nethybridge with fine views to the Cairngorm Massif experienced as you approach the village from the north, with the historic buildings and Balliemore Farmhouse being key features in this landscape.

5. To the far north (some 370 metres) of the site are the Craigmore woods, another designated site being a Special Protection Area designated for its capercaillie interests. A core path runs to the north of the fields from the public road back into Nethybridge – the LBS90 Castle Roy Loop.

Development Proposal

6. This application seeks full planning permission to erect a new house and horse stables at a site in the countryside outside Nethybridge in order to establish a full horse livery business. The applicants currently operate a “do it yourself” grass livery from their landholding, and have done so for 9 years. This involves persons keeping their horses on the land and looking after the horses themselves, with two loose boxes and caravan provided on their landholding in accordance with an earlier planning consent. The applicants now wish to build permanent stables and live on site in order to provide a full livery service with stabling for 6 horses in response to local demand. It is proposed that grass livery for 3 horses will continue. The applicants explain that it is necessary to live on site in order to properly care for and supervise the horses when providing a full livery service, it being necessary to check the horses three times a day and to be on site for any emergencies as well as for security. With grass livery the owners are responsible for checking and looking after their horses and the prices reflect this different level of responsibility.
7. One of the applicants has operated an equestrian business called Alvie Stables at Alvie Estate by Kincaig for 20 years catering for the tourist trekking market, as well as riding instruction and a saddle club for children. This business employs the applicant on a full time basis with one part time employee and up to four full time equivalent employees during the busy summer season. In setting up the proposed new business at Nethybridge an existing employee at Alvie will require to be upgraded from part time to full time to cover the workload there, with it being envisaged that a further part time job will be created at the Nethybridge facility. It is hoped that this increased employment may be delivered by way of a structured apprenticeship.
8. Within the business plan the applicants explain the local credentials and experience of the applicant in terms of the horse business and outline how the development will contribute to sustainable rural development by enabling them to stay, and work, in the local area as well as providing recreational and employment opportunities for others in accordance with the Cairngorms

National Park Partnership Plan. The statement explains how the applicants consider the development to comply with other policies of the Partnership Plan.

9. The applicants have outlined in their supporting statement/outline business plan and associated financial forecasts, how the business would operate in financial terms, based upon the applicants' considerable experience in this field. This details a three year plan building up to increasing profitability, predicting that the business will be able to support one of the applicants and one part time employee. The information also explains the demand for this type of livery facility, with insufficient land or stabling at Alvie to meet this demand, also highlighting that the demand is experienced at this eastern end of the Strath, in the Nethybridge/Boat of Garten area. It is also noted in respect of other full livery facilities in the area that these are located at Laggan and Glenferness, both some distance away, whereby they cannot fulfil the demand that the applicants are aiming at.
10. The applicants also propose to break and train horses on site. No new facilities such as formal outdoor or indoor school are proposed in this regard and would require formal planning consent if sought in the future. The breaking and training of horses is a profitable area of the business and this is reflected in the applicants' financial forecasts. In their supporting letter they also identify an opportunity to provide stable management courses in the evenings supporting local learning opportunities.
11. It is proposed to erect a stable block building in the eastern part of the site containing 6 loose boxes, small hay barn, and tack room within a pitched roof building of timber and corrugated iron roof construction, measuring some 13.5 metres long by 11.5 metres wide (including covered lean too element) and just under 6.5 metres high to pitch of roof. The proposed traditional design is shown in **Appendix I**.
12. Adjacent to this, to the west, it is proposed to erect a new 3 bedroom, one and a half storey T shaped house of traditional design and proportions with slate roof, harled walls, timber pitched roof front porch feature and traditional dormer windows. The proposed house type is also illustrated in **Appendix I**. An external wood storage facility is proposed close to the house for the wood burning stove.
13. Access is proposed via a new access point onto the B970 public road to the west of the site, close to the Allt Mhor bridge. There is presently a field access to the applicants' landholding directly opposite the Abernethy Church. It is proposed to retain this field access point as it is understood that some of the applicants' land is used for overspill parking for the Church on occasions such as large funerals or weddings. Horse movements between the applicants' fields and the proposed new livery stables will be by way of an internal fenced corridor/walkway in their fields rather than by walking along the public road with horses. This is shown on the proposed site plan (see **Appendix I**)
14. Car parking and turning space will be provided between the two buildings as shown the site plan. (see **Appendix I**) Servicing as stated will be by way of a

new access point and service bay onto the B970 road leading from Grantown to Nethybridge which bounds the site to the west. Drainage is proposed by means of private treatment plant for foul sewage and soakaway drainage for surface water, with connection to public water supply proposed.

15. In their supporting material the applicants explain how the footprint of the house has been restricted and the house designed and sited to fit into the landscape and sit against a backdrop of trees, taking into account previous planning decisions on the wider landholding here. (see planning history section of this report)
16. The applicants have also provided an Otter Survey Report together with Otter Species Protection Plan in support of the application. The otter survey was requested in view of the proximity of the site to the Allt Mhor Burn which runs to the south and east of the site and is part of the River Spey Special Area of Conservation (designated for its otter, sea lamprey, freshwater pearl mussels and Atlantic salmon interests), it being necessary to establish whether there would be any impacts upon otter in the area. The otter survey demonstrated that the watercourse and associated tributary was well used by otter, with many old and fresh spraints found as well as a holt (resting place). These were not on the site itself but in the wider environs.
17. As a result of the survey findings the applicants were asked to submit a Species Protection Plan to consider how the development could be constructed and operated to ensure there would be no disturbance to the otter. The submitted Species Protection Plan details the mitigation measures to be taken including timings of working, control of lighting, ramping of excavations to enable easy exit, capping of culverts/pipes, control of working near to banks of Allt Mhor, and marking of protection zone around the otter holt. The Plan also outlined the need to continue spot checks for otter during construction to ensure that no new holts have been established.
18. A design statement has also been submitted outlining how the design is considered to reflect the local character, with traffic survey information in respect of traffic on the adjacent B970 road also provided to show type and volume of traffic. Following ongoing discussion the applicants have also provided an outline landscape plan to show how the site could be landscaped to provide a landscape setting and biodiversity benefits, incorporating advice from the CNPA Heritage Team. This is attached in **Appendix I**.

Site History

19. Some Members may recall that an application was refused by the CNPA Planning Committee at their meeting of April 2005 to erect a new house, stable block, and use of land as an equestrian centre (which included trail riding and accommodation for riders as well as menage/outdoor schooling area) on the fields opposite Balliemore (Reference 04/109/CP) The application had been deferred at a previous Committee meeting in May 2004 to enable a site visit to be undertaken and the application was amended to re-site buildings further north into the north eastern corner of the field. Access was to be provided

opposite Abernethy Old Kirk. With this original application the proposed house site was situated some distance to the north of the current site with paddocks and menage located to the immediate east of the Abernethy Old Kirk.

20. The application was refused as being contrary to national, regional and local planning policy which restricted new housing in the countryside unless there were particular circumstances or special land management needs; detrimental impact upon Castle Roy and Abernethy Church when viewed across Strathspey, with approval acting as an unacceptable precedent for further development in a restricted countryside area; and inadequate protection for capercaillie in Craigmore woods. A subsequent appeal to the Scottish Government Directorate of Environmental and Planning Appeals was dismissed in November 2005.
21. Following on from this decision the applicants submitted a planning application in 2009 for the siting of horse shelters and caravan on land in the north east portion of the field. (09/00174/FULBS) This application was approved by the Highland Council and consent was granted in July 2009 and led to the relocation of existing shelters within the fields to the approved position.
22. In 2012 pre application advice was provided by CNPA Officers on a revised proposal for house and livery, located in the southern part of the overall landholding. This informal advice explained the requirements to provide a robust business case for any new development should an application be submitted and made some comment on the proposed design and siting to assist in submission of any future application.
23. Following on from this, in 2015 an application to erect a new house and outdoor livery was submitted to the Highland Council (14/03246/FUL) This application was not called in by the CNPA and it is understood it was withdrawn to enable the applicants to provide more information on traffic and visibility issues. The current application is a re-submission of that proposal.

DEVELOPMENT PLAN CONTEXT

National policy

24. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
25. The SPP sits alongside four other Scottish Government planning policy documents:

- a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.
26. Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development, encouraging rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The need for development plans to set out spatial strategies to guide new development and to include provision for small scale housing is highlighted along with the need to not impose occupancy restrictions. (reference paragraph 83)
27. **Scottish Government Circular 3/2012 on Planning Obligations and Good Neighbour Agreements** is also relevant. This highlights the limited role for obligations restricting the use of land or buildings, noting that such restrictions have historically been used in respect of housing in rural areas and should generally be avoided, being intrusive, resource intensive and difficult to monitor/enforce, introducing unnecessary burdens or constraints. The Circular highlights that in determining an application it may be appropriate to consider the need for the development and, as appropriate, to ask the developer to make a land management case or other business case. However if the Authority is satisfied that an adequate case has been made it should not be necessary to use a planning obligation as a formal mechanism to control occupancy or use.
28. Also relevant is **Historic Environment Scotland** advice and circulars on the historic environment, which seek to protect and conserve designated buildings and their settings.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

29. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
30. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;

- b) A special place for people and nature with natural and cultural heritage enhanced; and
- c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

- 31. Also of particular relevance in this case is Policy 1.1 which seeks to grow the economy of the Park by strengthening the existing business sector as well as supporting business diversification and start-ups highlighting the need to slow outward migration of young people. Policies 2.4 and 2.5 seek to conserve and enhance habitat quality and connectivity and the species for which the National Park is most important

Other Relevant Material/Guidance

- 32. **Capercaillie Framework** -The Cairngorms National Park is now the remaining stronghold for capercaillie, with at least 80% of the national population here. The Capercaillie population is in decline, and the CNPA has led on the development of a Capercaillie Framework with guidance from a team comprising the Royal Society for the Protection of Birds), Scottish Natural Heritage, Forestry Enterprise Scotland, Sport Scotland, Seafeld Estates and Game and Wildlife Conservation Trust. The main purpose of the Capercaillie Framework is to better co-ordinate management for habitat, recreation and development at a landscape scale, to best effect for capercaillie conservation. This project is now in phase 2, where delivery of the recommendations put forward from the initial work is under way.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

- 33. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

- 34. The application site lies outwith the settlement boundary of Nethybridge as defined in the Local Development Plan, situated some just over 500m to the north of the settlement boundary beyond the golf course, which also lies outwith the settlement boundary. The settlement statement for Nethybridge within Chapter 28 of the LDP notes that it is an intermediate settlement where development should meet the needs of the local community, and undertaken in

a way which complements the sensitive woodland setting and enhances the character and appearance as tourism centre.

35. Settlement objectives for Nethybridge include ensuring that development contributes to a clear definition between settlement and countryside, protecting those parts of the village that are important to its setting and character and facilitating appropriate economic growth which supports a thriving community. General design guidance includes the need for new development to ensure the quality of surrounding woodland and sensitive valuable habitats is not compromised, including improvements to the woodland setting and structure of the village. The need to provide sufficient information with planning applications to enable the authority to consider impacts upon designated sites in the area is highlighted.
36. Finally the settlement statement highlights that there are a number of notable historical sites, listed buildings and structures as well as a designed garden within the area, specifically mentioning Castle Roy , a 13th century enclosure castle on a circular mound, and noting that all such heritage will be protected and enhanced.
37. Key Local Development Plan policies relevant to the proposed development are summarised below.
38. **Policy 1: Housing – Policy 1.3 Other Housing in the Countryside** is considered to be the most applicable in this case, as the site is not considered to form part of a rural grouping (Policy 1.2) due to distances from other buildings. Policy 1.3 supports new housing where it will reinforce the existing pattern of development and is necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside. Further detail on how to demonstrate compliance with housing policy is contained in non-statutory planning guidance on new housing development. **Policy 1.4: Contribution towards Affordable Housing Provision** also applies which sets out the requirement for all new housing to make a contribution towards affordable housing provision – in the case of developments of less than four houses this can be by way of a cash payment towards meeting housing need in the local area.
39. **Policy 2: Supporting Economic Growth - Policy 2.2 Tourism and Leisure Development** supports development which enhance tourism and leisure based business activities and attractions and improved opportunities for responsible outdoor access providing there are no adverse environmental impacts on the site or neighbouring areas, and the proposal makes a positive contribution to the experience of visitors and adds to or extends the core tourist season. Of more direct relevance to this application is **Policy 2.3: Other Economic development** which supports development which supports or extends the economy providing it meets other policies of the plan, is compatible with existing business activity in the area, and supports the vitality and viability of the local and broader economy of the Park. Supporting text stresses the importance of ensuring that existing and proposed uses are complementary. Non statutory planning guidance on Supporting Economic

Growth outlines the need for supporting information to be proportionate and relevant to the scale and nature of the business development.

40. **Policy 3: Sustainable Design** sets out the need for new development amongst other criteria, to be satisfactorily serviced, sympathetic to the character of the area, make sustainable use of resources, be appropriately accessed, protect the amenity of neighbours, promote sustainable transport methods and links to existing path networks, and create opportunities to further biodiversity and promote ecological interest.
41. **Policy 4: Natural Heritage: Policy 4.1: International and National Designations** (in respect of potential impacts upon the River Spey Special Area of Conservation and the Craigmore Woods Special Protection Area) **Policy 4.2: National Designations** (in respect of the National Park); **Policy 4.4: Protected Species** and **Policy 4.5: Other Biodiversity** and **Policy 4.6 All Development**. These policies set out how any heritage interests should be considered, protected, mitigated and enhanced with the key objective of ensuring that all development conserves and enhances the outstanding natural heritage of the National Park, protecting against adverse development.
42. **Policy 5: Landscape** presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park. Where these requirements are not met development will only be permitted where any significant adverse effects are outweighed by social or economic benefits of national importance and all adverse effects have been minimised and mitigated.
43. **Policy 9: Cultural Heritage**, and specifically policy **9.1 National Designations** (in respect Castle Roy and Abernethy Old Kirk) seeks to ensure that development affecting scheduled ancient monuments and listed buildings should have no adverse effect on a structure, conserve and enhance the structure and enhance its character and the contribution it makes to the cultural heritage of the National Park.
44. **Policy 10: Resources: Policy 10.1: Water Resources; Policy 10.2: Flooding; and Policy 10.4: Waste Management and Minimisation** which set out how new development should ensure the reduction in use of resources, ensure development is free from flood risk, ensure there is no deterioration in ecological status or unacceptable impacts on the water environment and be satisfactorily serviced in terms of drainage.

Supplementary Guidance

45. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support the delivery of the Plan. Key topics in this case are guidance on Housing, Natural Heritage, Resources, Landscape, Sustainable Design and Supporting Economic Growth

CONSULTATIONS

46. **Historic Environment Scotland (HES)** was consulted in view of the proximity of the site to Castle Roy a scheduled Ancient Monument, and also to the Old Parish Church of Abernethy and burial ground, a category C listed building of architectural and historic importance. They have provided a detailed analysis of the impacts and relationship to Castle Roy which is noted as being of national importance as being a rare example of an early, little altered castle dating from the later 12th or earlier 13th century, making a significant contribution to our understanding of the development of castles and high status dwellings in medieval Scotland
47. The setting of Castle Roy is noted as being characterised by its dominant location on a small, but prominent mound near the base of Craigmore Hill and its strategic position overlooking the valley of the Spey to the south, west and north. The close physical relationship between the Castle and the Old Kirk of Abernethy, and graveyard forms a particularly strong element of its current setting with the Church sitting below the castle, located with reference to it.
48. HES highlight that Scottish Planning Policy states that permission for developments with the potential to have an adverse effect on a scheduled monument or the integrity of its setting should only be granted in exceptional circumstances. This is reflected in local and national park plan policy.
49. It is against this background that HES have assessed the impact of the development in terms of its effect on the setting of the monument. Three key elements were considered:
 - a) The dominance of the monument - concluding that the new development, some 300 metres to the south, will not challenge this dominance
 - b) Its position in a strategic location on the south side of Strathspey – concluding that in view of the location and design of the new development it would not affect the ability to understand this strategic relationship between the castle and its surroundings
 - c) Its visual relationship with Abernethy Old Kirk- note that the proposed development would be visible in views from Castle Roy towards the Kirk and may also appear in views towards both buildings from the west and north, it is intended in both design and location to fit in with the existing settlement and land use pattern. Whilst it will be visible from Castle Roy it should not seem out of place or obtrusive within the current setting of the castle and they do not consider its impact to raise significant concerns.
50. They conclude that whilst the development will have a visual impact on the setting of the monument they do not consider that impact to be significantly adverse and do not consider that it raises issues of national significance and do not object.
51. **Scottish Natural Heritage** was consulted in relation to any impacts upon designated sites in the area. They have noted that the site lies close to the River

Spey Special Area of Conservation (SAC), designated for its otter interests and to Craigmore Woods Special Protection Area (SPA) classified for its capercaillie interest. Accordingly under the Habitats Regulations requirements the Planning Authority must consider the effect of the proposed development on the SAC and SPA before it can be consented.

52. SNH have considered the likely impacts of the proposed development upon natural heritage interests and conclude that it is unlikely to have a significant effect upon the otter interests of the SAC or the capercaillie interests of the SPA. This assessment follows on from consideration of the applicants' otter survey and species protection plan. They also consider that there is no evidence to suggest any significant change of existing horse use within Craigmore Wood as a result of the proposal and they have concluded there will be no significant effect on the capercaillie qualifying interest.
53. **The Highland Council Forestry Officer** has noted that there are no trees within the application site, but that there are a strong belt of trees along the southern side of the site, mainly alder and hawthorn with one mature sycamore. Some landscaping proposals are shown which is welcomed and it is recommended that additional landscaping be provided to help contribute to the character and setting of the development.
54. Accordingly the Officer has no objection to the proposal and recommends that conditions be attached to ensure protection of existing trees and provision of planting and maintenance plan.
55. **Scottish Water** has been consulted in terms of availability of public water supply and no response has been provided to date.
56. **The Highland Council Conservation Officer** was consulted for comments in relation to the impacts on the Abernethy Old Kirk and has now advised that there are not considered to be any direct impacts on the setting of the listed building. The officer has raised some concern regarding the fit in the landscape. This point is fully considered by the CNPA Landscape Officer.
57. **The Highland Council Road's Service** with the original withdrawn application asked for speed survey data (amongst other information requests) in order to establish a suitable design standard for a new access onto the B970. That application was withdrawn in order to address this request and the revised submission was supported by speed survey data. The Service having considered this information sought additional information in respect of dimensioned drawings to show the applicant could provide the necessary visibility splays, together with details of service layby and turning provision within the site suitable for the proposed commercial use. They also wished confirmation as to how horses would be moved between fields and that the applicant would reposition any signage within the visibility splay.
58. Although raised as a concern by an objector, the Road's Service has confirmed that there had been only one reported police accident along this stretch of the

B970 road over the past five years. However, they recommend that “slow” road markings and “road narrows” signs be provided at the applicants’ cost.

59. The Service confirmed that they could support the application if all of the above points were addressed. Following submission of additional information and confirmation that the applicants would pay for any required signage etc the Service advised that they have no objection to the application noting that one of the signs which lies within the visibility splay will required to be replaced, not simply re-located, due to its poor condition.
60. **CNPA Ecology Advisor** notes that the site comprises semi-improved grassland used by grazing horses, which is species poor due to the history of heavy grazing, with its loss considered to be negligible given the type of habitat. Compensation and mitigation for this loss could be achieved by enhancing the quality of the retained grassland. This would be achieved by introducing a species rich flower mix on land within the application site boundary, and planting native woodland around the development and down the burn embankments to the Allt Mhor burn, which runs some 20 metres from the site boundary to the south. This burn forms part of the River Spey Special Area of Conservation and has riparian woodland alongside it whereby any planting on the site would increase connectivity.
61. The Advisor further notes that the Craigmore Woods Special Protection Area lies some 400 metres to the north designated for its capercaillie interest. As there may be potential for increased use of the woods for horse riding it is recommended that SNH be consulted to provide advice on any impacts and any requirement for habitat regulation appraisal.
62. It was also noted that there was potential to impact upon the River Spey SAC in terms of potential disturbance to otter and an otter survey was sought together with improved drainage treatment proposals to ensure no impacts on the SAC.
63. Finally, the Advisor considered the potential for impacts upon bats (which have been recorded in the area) and advised that whilst construction activity would not directly impact upon bats (with a bat survey not required) there was potential for impacts from lighting on site as light pollution can disrupt bats feeding patterns and cause them to move away to find darker areas. Accordingly it was recommended that the design of lighting be controlled by planning condition in order to avoid light spillage.
64. Following consideration of these comments, the applicants provided an Otter Survey and Species Protection Plan together with an outline landscape plan which took on board comments regarding compensatory planting. This material has been considered by the Ecology Advisor who is satisfied with the information provided, noting that the otter species plan is comprehensive. The Advisor has highlighted that a suitably qualified person should perform any checks for otter as referred to in the Plan during construction and also that there should be no works in the watercourse.
65. **CNPA Landscape Advisor** has noted that the site is located within the Boat of Garten to Craggan landscape character area and directly adjacent to the area

identified as the landscape setting of Nethybridge. This area forms part of an attractive, intimately scaled approach to Nethybridge marked by riparian woodland, the small stone bridge over the Allt Mhor and the historic features of Castle Roy, Abernethy Church and the fine building of Balliemore House. The farmed landscape maintains the openness which allows views to the dramatic backdrop of the Cairngorms massif. This is a striking view on approaches from the north with the area and the views exhibiting a number of the special landscape qualities for which the National Park was designated.

66. It is considered that the proposed location of the development on the river terrace on the south side of the Strath reflects the existing pattern of settlement in this part of the Strath with the scale and design appropriate to the prevailing landscape character. Combined with some large growing trees, hedging, woodland and stone walling at the entrance, the development could conserve and enhance the landscape.
67. However, the location is in the middle of a high quality view whereby there will be significant effects which would be exacerbated by overhead lighting. This effect could be lessened by extensive planting along the northern edge of site and provision of low level lighting whereby over time (around a decade) the view could regain a natural treed foreground. The advisor has noted that consideration of the impacts upon the historic assets in the area will require to be made by an appropriately qualified person.
68. In conclusion it is considered that the proposed development would meet the landscape character element of Policy 5 Landscape. However, even with mitigation it could not meet the special qualities element of this policy for some years during which time it would impact upon the public's appreciation of a very high quality view. It is recommended that there is also consideration of the impacts on the historic assets here, submission of photomontage, landscape plan and outdoor lighting plan.
69. In response to these comments the applicants advised that lighting would be restricted and provided an outline landscape scheme based upon the detailed comments of the Landscape Advisor. Their agent was unable to produce a photomontage whilst the impact on the historic asset of Castle Roy has been fully considered by Historic Environment Scotland as noted earlier. The Landscape Advisor has confirmed that the outline landscape scheme is satisfactory in principle.
70. **CNPA Economic Development Manager** was consulted in relation to economic impacts and the applicants' business case. The officer notes that the applicants have identified a business opportunity for the proposed livery stables and have 20 years of experience in the equestrian field, whereby there are no concerns regarding management of the business. The proposed development will create additional employment (0.5 full time equivalent directly and a further 0.5 full time equivalent indirectly) as well as a possibility of an apprenticeship along with the opportunity to develop stable management courses.
71. The pricing structure for the business is considered to be reasonable, with scope to increase charges if costs increase. The officer advises that the financial

information appears to be conservative and shows a healthy gross profit with the horse breaking and schooling element being crucial to maintain this level of profit. However the business would still be profitable without this element and it is concluded that this would appear to be a sustainable rural business. There is no evidence of demand provided to evaluate or mention of how the initial capital costs will be financed and serviced and this may impact on profitability.

72. Based on the information supplied the Officer concludes that the proposed business is low risk and has potential to provide some training and employment benefits in a small rural economy.

REPRESENTATIONS

73. **Nethybridge Community Council** has no objections as long as all effluent and road safety visibility regulations are met.
74. The application was advertised in the local press and a total of 31 representations received: 20 letters objecting to the application (from 18 separate parties) and 10 in support, plus a petition signed by 77 parties supporting the proposed development. One representation (RSPB) offered neither objection nor support. These representations are attached as **Appendices 2 (a) Objections, (b) Support and (c) Comments only**. Two parties (Badenoch and Strathspey Conservation Group and Abernethy Old Kirk Association) have requested to be **heard** at Committee, as has the applicant.
75. The key concerns of **objectors** to the proposal are summarised as follows: (these include the chairmen of the Castle Roy Trust and the Abernethy Old Kirk Association):
- a) Adverse impacts on landscape setting of Nethybridge contrary to the conclusions of the public inquiry in 1994 on the Badenoch and Strathspey Local Plan which highlighted public concern regarding housing along the B970, concluding that it was important to protect the setting of Nethybridge from development. This preceded the applicants' ownership of the land
 - b) Contrary to Local Development Plan Policy 5: Landscape - as the development will not conserve and enhance the landscape, nor meet the objectives of the settlement statement for Nethybridge, which seeks to ensure that development contributes to a clear definition between settlement and countryside and protects those parts of the village important to its setting and character
 - c) Contrary to economic development policies as development is not compatible with or complementary to existing business activities but rather will detract from them (Castle Roy, Abernethy Church). Supporting business information has not been made available to the public who cannot therefore make informed comments.
- Note: in this regard supporting business cases frequently contain financial information whereby it is usual practise to retain this information as sensitive.*

- d) Contrary to housing in the countryside policies and if approved could lead to further new housing in the area, particularly as the business and residential components may not remain linked in future
- e) Contrary to road safety as access will be close to hazardous bend near bridge over Allt Mhor and on a road where speeds are high and safety concerns aggravated by type of use (i.e. horses on road and slow moving vehicles) Concern also raised that traffic survey information related to March when road is less busy. Also that the development may generate up to 60 extra traffic movements per day. Concern is also raised that the road is subject to pluvial flooding
- f) Adverse impact on the important spiritual and cultural corridor of Abernethy Old Kirk, Balliemore Farmhouse and Castle Roy, (as well at the Allt Mhor Bridge) and the important views from these historic buildings and their settings, contrary to Local Development Plan and aims of National Park
- g) Adverse impact on setting of Abernethy Old Kirk with disturbance from equestrian activities affecting both funerals and weddings, and future potential use as film location as well as the 4000 plus visitors each year to this important cultural site
- h) Development would also detract from the archaeological significance of this area which should be designated as a Conservation Area in view of its importance
- i) Type of use will result in ancillary structures and visual intrusion such as jumps, horse boxes etc. again detracting from landscape setting
- j) Site not suitable for use, and does not reinforce existing pattern of development as required by policy. Alternative sites should be considered
- k) Increased horse riding in Craigmore Woods will result in disturbance to capercaillie interests for which the woods are designated as a Special Protection Area. It is further noted that the woods are already in unfavourable conservation status and no appropriate assessment has been carried out in respect of impacts of the proposed development or consideration of cumulative impacts with other development . Accordingly the development is contrary to Local Development Plan policy 4- Natural Resources
- l) Increased pollution of Allt Mhor watercourse from drainage and increased horse numbers/horse dung will adversely affect the Special Area of Conservation
- m) Previous application for development further north was the subject of an unsuccessful planning appeal in 2005. Much of Reporter's decision applies to the current proposal, with attention drawn to comments made in respect of impacts upon the Craigmore woods
- n) No environmental surveys have been carried out on this large site which may contain habitats and species of importance
- o) No otter survey has been carried out despite proximity to Allt Mhor watercourse
Note: an otter survey and species protection plan has been provided as noted earlier – it contains sensitive information so has not been published on the website.
- p) Septic tank drainage and presence of horses could adversely impact upon the Special Area of Conservation and habitat of freshwater pearl mussels
- q) Intensive use of fields may impact upon bats using riparian corridors as fields may become less productive for insect prey

76. An additional late comment from one of the objectors queried the accuracy of the Roads Service conclusion that there had only been one accident on this stretch of road, citing other examples where accidents attended by the police and ambulance services have taken place. The Roads Service have checked this situation and confirmed that the accident statistics they work from are compiled by the Police, noting there may be incidents which have not been reported.
77. A further late letter of objection was received. This did not raise any additional issues not already covered by other parties
78. Comments from the Royal Society for the Protection of Birds (RSPB) **neither oppose or support** for the development but noted the proximity of the site to the Craigmore Wood which is a Special Area of Protection (SPA) for breeding capercaillie and part of the RSPB's Abernethy reserve. The RSPB were unclear as to whether the development would result in increased use of the woods and thus the potential for a likely significant effect on the SPA. Accordingly they highlighted the need for the CNPA to carry out an Appropriate Assessment of the impacts and to consult the RSPB on this.
79. Following consultation with Scottish Natural Heritage, CNPA officers advised the RSPB that there were not considered to be likely significant effects in this case, and also advised the RSPB that the applicant was happy to agree horse riding routes within the woods with them and to display/hand out educational material at their yard in respect of capercaillie interests and how to minimise any disturbance. Accordingly officers suggested that the RSPB discuss this matter direct with the applicants. The RSPB have now confirmed that they have discussed the case with SNH and are satisfied that SNH do not consider an Appropriate Assessment to be required in this case. They are also happy to open a dialogue with the applicants regarding horse use of the woods as suggested. They also consider that it would be a good idea to provide leaflets and interpretive material at the stables to remind users of the sensitivity of capercaillie etc.
80. Key points made by those parties **supporting** the application are as follows:
- a) Development will have minimal impact upon views or setting of historic buildings in area, being sufficiently far away, and may help support these facilities by providing extra visitors
 - b) Applicant is hard working, local person who will create a positive, sustainable business in line with National Park aims
 - c) Proposal will replace sorely missed equestrian facility (stables and equestrian training) in Nethybridge, with local demand for livery premises.
 - d) Development will bring people and jobs into area supporting local shops, hotels and facilities, and creating local job opportunities, as well as providing work experience for school pupils.
 - e) Good to see empty field being used for animals, appropriate in a forest village
81. A further 3 letters were received supporting the application, but did not provide full addresses so cannot be acknowledged. Finally a further 3 representations were received outwith the time period for commenting and again offered

support for the proposal. These largely raised points already covered by other writers. However, it is worth noting that one late representation was from the proprietor of another equestrian establishment in the area and this offered full support for the proposed development highlighting that there is a demand for high quality horse livery services for horse owners in the Strathspey area. It also highlights that the CNPA supports horse riding access

82. Another late representation was from the British Horse Society (BHS) setting out the welfare, safety and security case for on yard surveillance, referring to the “Scottish Government Code of Practice for the Welfare of Equidae” which makes the case for 24 hour supervision. The BHS also notes the applicants intend to have the livery yard BHS approved should it gain planning consent.

APPRAISAL

Principle of development

83. Policy I.3: Other Housing in the Countryside supports new housing in the countryside where the development will reinforce the existing pattern of development and is necessary for or improves the operational and economic viability of an active business which has a locational requirement directly linked to the countryside. The fit of the building in the landscape will be considered later in this report when considering the detail of this submission, but at this stage it is important to consider the principle of a new house here.
84. A horse livery business clearly has a locational requirement directly related to the countryside given that grazing land is essential for such a business to operate. It is considered that there is a form of active business on site at present in relation to the grass “do it yourself” livery provided by the applicants on this field where horse owners keep and look after their own horses, with limited stabling and caravan facility provided. The applicants are seeking to expand this business to a full livery and horse breaking business which is proposed to provide a living for one of the applicants and a part time employee.
85. This fits well with the requirement of Policy I. 3 to improve the operational and economic viability of an active business and it is considered that the applicants have made a clear case as to why it is necessary to have a house on site in order to set up a successful horse livery business. This case relates to security, supervision and attractiveness to potential clients who will know that there will be suitably experienced people on site to look after their horses. One of the applicants has an established track record in the equestrian field, already running an equestrian business at Alvie Stables but not controlling land there to build a house and expand the business. Alternative sites for the proposed development have been considered previously on the applicant’s current land holding and the current application site is considered by the applicants to represent the best opportunity in landscape and siting terms.
86. It is considered that in principle this proposal also complies with the spirit and intent of Policy 4 on Supporting Economic Growth developments in that a

satisfactory business case has been made for the proposed development. This case has been assessed by the CNPA Economic Development Manager who supports its conclusions. It is also interesting to note that the applicant's case that there is a demand for this type of horse livery business has been borne out by the late representation referred to earlier in this report from another equestrian business in the area. Given the proximity to other economic development /tourism sites (Castle Roy and Old Kirk of Abernethy) it is important to fully consider any detailed impacts upon these important historic assets.

87. It is also important, in order to comply with housing and economic policies, to ensure that the stables are built as well as the house to make sure the economic benefits and the reason for the house are delivered. With this in mind, if the application were supported, a planning condition requiring the stables to be built prior to occupation of the house is considered to be important. However, it is not recommended that occupancy conditions or restrictions are attached given that Scottish Government guidance is clear that Planning Authorities require to firstly establish whether there is a robust business case for development, and thereafter not seek to restrict or control this through occupancy conditions.
88. Also, in relation to the principle of the development is the relationship to Nethybridge itself. Whilst it is important to maintain a distinction between the settlement and the surrounding countryside, this does not mean that there cannot be development around Nethybridge. There is no planning policy to this end within the Local Development Plan. The ability to ensure that the setting of the village is not eroded can be achieved through consideration of the requirements of Local Development Plan policies on design, siting and landscape.
89. In these overall circumstances, it is concluded that the principle of the proposed development complies with Local Development Plan Policy 1: Housing and Policy 2: Supporting Economic Growth. The detail of its impacts must however be fully considered in relation to other adopted planning policies.

Landscape Impact and Design

90. A key issue with this application is the impact upon the landscape character of this important approach to Nethybridge and the special landscape qualities of the National Park, which as noted in the Landscape Adviser's comments are exhibited in this approach to Nethybridge. As well as contributing to the setting of Nethybridge there are fine views to the Cairngorm massif experienced here.
91. There is an existing development pattern of housing, crofts and other buildings alongside the B970 road leading into Nethybridge whereby the proposed new development would not be at odds with this pattern given its siting against a backdrop of trees, set well back from the road and sufficiently far from other buildings to avoid creating a built up character. The indicative landscape scheme gives comfort that a good landscape setting could be established for the development over time to enhance and tie into the existing riparian planting alongside the Allt Mhor burn, with the indicative scheme showing how this may be achieved in a manner that may deflect the viewer's eye over the new

development to the hills beyond, and providing the necessary level of landscaping along the northern boundary to do this.

92. The proximity to outdoor uses such as the Abernethy Outdoor Centre and the golf course is also considered appropriate in land use terms, with the proposed development similarly being a land use appropriate in the countryside. Accordingly it is considered that the proposed development will over time comply with the requirement of Policy 5: Landscape.
93. The design of the proposed development will also assist in ensuring compliance with Policy 3: Sustainable Design, being of a traditional style for both house and outbuilding which is again capable of enhancing the landscape setting through its design, siting and finishes set well back from the road whereby it will not “compete” visually with the other historic buildings in the area nor indeed with Balliemore Farmhouse. The layout would allow for parking of vehicles to be contained within the courtyard type area formed by the new buildings and over time the landscaping will also contain the development site.
94. However, given the nature of any equestrian business it is important to retain some control over any ancillary development that may accrue here over time and if the application were to be supported, control over any “permitted development” rights would have to be considered, including fencing, to avoid the development “spilling” northwards. It should however be borne in mind that any proposals on the associated fields will require permission, for example for horse shelters, menages etc.

Cultural Impact

95. Associated with the landscape impacts described above is the impact upon the very important cultural heritage here. In this respect the impacts upon the scheduled ancient monument of Castle Roy as well as the impacts upon the category C listed Old Kirk of Abernethy need to be fully considered to ensure compliance with Policy 9: Cultural Heritage.
96. Accordingly, Historic Environment Scotland (HES) was consulted as noted in the consultations section and they have confirmed that they do not consider there is an adverse impact upon Castle Roy. This is an important conclusion as Historic Environment Scotland is the technical expert in this field and their advice is of significance.
97. It is considered that overall the distances and visual relationship between the historic assets and the application site help to ensure that there should be no adverse impact whilst the future landscaping should over time help to enhance the setting by providing a well-designed and sited new development which is visually subservient and sufficiently distant from these sites. With regard to the Old Kirk of Abernethy it is considered that its setting and important visual relationship with Castle Roy will remain unimpaired.

98. It is appreciated that, as highlighted by objectors, the existing historic assets of Castle Roy and Abernethy Old Kirk are significant tourism attractions and as such it is essential that this value is not adversely affected. Indeed if this value were adversely affected the proposed development would not have complied with Policy 2 Supporting Economic Growth which seeks to ensure that new development is compatible/complementary with existing business activity in the area.
99. In this regard given the physical relationship and orientation of these buildings, which dominate the area, it is considered that this development which is proposed some distance to the south set against a treed backdrop will relate to that backdrop and the riparian banks of the Allt Mhor rather than to the historic buildings and will not detract from their setting. Whilst it is appreciated that numerous parties consider that the setting of the cultural heritage will be damaged by the proposed new development, it is considered that this type of small scale development is appropriate in a rural area such as this with care being taken with the siting and design to minimise any impacts. It is also appreciated that the Old Kirk Association and Castle Roy Trust consider that the applicants' equestrian activities will detract from the peaceful setting here, it is considered that there is no particular reason why equestrian activities should be of a disturbing/conflicting nature being a use typically viewed in a rural landscape.
100. In these overall circumstances it is concluded that the proposed development does not conflict with Policy 9: Cultural Heritage.

Environmental Impact

101. In respect of the River Spey Special Area of Conservation sufficient information has been submitted to demonstrate that any impacts upon otter (one of the qualifying interests) using the Allt Mhor burn can be appropriately mitigated, with both SNH and the CNPA Heritage Team confirming satisfaction with the material provided. In the event of the application being supported appropriate planning conditions would require to be attached to ensure implementation of the Species Protection Plan.
102. The drainage arrangements are also considered to be satisfactory in principle utilizing a treatment plan with soakaway whereby there should not be any adverse impacts upon water quality. Concerns raised by objectors regarding equine use of the land may be controlled by other regulatory regimes (e.g. SEPA) if there is any impacts on the watercourse given their remit to ensure that agricultural (or similar) practises do not impact on the environment. Accordingly it is concluded that there are no likely adverse effects on the SAC.
103. The other key natural heritage issue here is any impacts upon the Craigmore Woods, a Special Protection Area designated for its capercaillie interests. Previous proposals on this land involved the potential for pony trekking in these woods. The current submission is simply for livery stables as opposed to organised treks. Whilst horse owners may of course ride in the woods, as they

do now from the DIY livery, SNH have highlighted that there is no evidence to suggest any significant change to horse use within the woods and conclude there will be no significant effect on the capercaillie qualifying interest. Accordingly there is not a requirement to undertake a Habitats Regulations Appraisal in this case.

I04. As noted earlier the applicants are happy to provide information to their clients regarding the qualities of the woods and in the event of the application being approved this may be attached as an information note. CNPA officers are able to help provide educational material which should be to the benefit of all parties.

I05. Finally in relation to natural heritage it is noted that the loss of habitat here will be confined to some horse grazing land. There will be considerable enhancements achieved through additional landscaping as well as retention of woodland around the site in the applicants' control and provision of additional riparian planting.

I06. In these overall circumstances it is considered that the proposed development, subject to attaching appropriate planning conditions regarding otter mitigation measures and planting, complies with Policy 4: Natural Heritage.

Servicing

I07. The site can be satisfactorily serviced in terms of access. The Roads Service have confirmed that the proposals for a new access onto the B970 road are satisfactory subject to planning conditions being imposed to ensure that the access is constructed as per the details provided with adequate service bay, parking and turning provision along with visibility splay provision.

I08. It is noted that objectors have raised concerns regarding speed of the existing users of this road into Nethybridge which means that there is likely to be conflicts with equine use and that road safety concerns will be aggravated. Conduct of other road users is not a matter over which the applicants have any control, and they have ensured that their proposed access is itself safe for the anticipated usage and that has been achieved to the satisfaction of the appropriate authority. In addition the Roads Service has asked the applicant to pay for road markings to warn users to slow down and that the road narrows ahead. The applicants are agreeable to this and to pay for relocation/replacement of any road signage within their proposed visibility splays. These matters can be covered by planning conditions and it is considered that the provision of road markings will help address concerns regarding speed of traffic on the public road here.

I09. In addition satisfactory arrangements for disposal of surface and foul drainage can be achieved within this large site.

I10. Accordingly, the application is considered to comply with the requirements of Policy: 3 Sustainable Design and Policy10: Resources as it can be satisfactorily serviced.

Affordable Housing Provision

111. The applicant is willing to make the necessary contribution towards affordable housing provision in the locality as required by Policy 1.4: Contributions towards Affordable Housing. Consequently in the event of the application being approved it will be necessary to secure an up-front payment or a legal agreement before any planning permission could be released.

Other Issues: Representations Received

112. Concerns raised by objectors have been considered fully throughout this report, with concerns relating to road safety, environmental impacts and the relationship to the cultural heritage assets of Castle Roy and Abernethy Old Kirk being the main focus of concern.
113. Aside from these main concerns a number of objectors have highlighted the planning history here with a new house refused, with this decision upheld at appeal in 2005. This history is fully acknowledged. However the applicants have sought to address the reasons for refusal by repositioning the site some 150 metres further south, further from Castle Roy and the Old Kirk; changing the design to a more traditional style; new access point with road safety improvements included; and amending the nature of the equestrian enterprise. In addition the application is now being considered against the policies of the recently adopted Cairngorms Local Development Plan 2015 which do not presume against development in this area. It is therefore considered that the reasons for refusal of the original submission have been satisfactorily addressed with this current application.

CONCLUSION

114. In conclusion it is considered that this proposed development, subject to implementation of satisfactory landscaping, adherence to road safety requirements, and implementation of otter species protection plan, complies with Local Development Plan policies. It will provide a suitably designed and located house and sustainable business venture appropriate to the countryside with no adverse impacts upon the natural and cultural heritage of the area. Approval is therefore recommended subject to conditions to ensure compliance.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

115. Providing suitable landscaping is implemented at the site and mitigation measures followed for otter, it is considered that the development has potential over time to conserve and enhance the natural heritage. It is not considered to detract from the cultural heritage of the area due to the relationship to and distance

from historic buildings, and the proposed siting and landscape potential of the application.

Promote Sustainable Use of Natural Resources

116. The proposed development involves new build so will inevitably use natural resources. However, it incorporates timber finishes in the stable design and by enabling the applicant to live and work in the same location may over time reduce use of resources whilst proposed biodiversity and landscape planting will also over time benefit usage of natural resources.

Promote Understanding and Enjoyment of the Area

117. The development supports this aim insofar as users of the livery facility will be able to enjoy the area by way of their horse riding activities and similarly the breaking and training of horses will provide a local facility for horse training to support others to enjoy the wider area on their horses once trained. The development also offers an opportunity to provide educational material to horse owners on the qualities of the designated areas of the National Park.

Promote Sustainable Economic and Social Development of the Area

118. The development supports this aim, supporting a local business, enabling the applicants to live and work in the area, and with potential to create local jobs. It may also help to support the local economy if products/horse feed etc. are locally sourced. If developed in accordance with the recommended planning conditions it is not considered that the development will detract from the economic and social development of existing attractions nearby such as Castle Roy and Abernethy Church; indeed it has potential to support use of the Church by providing overspill parking in the applicants' fields.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION FOR the erection of house and outdoor horse livery (resubmission of 14/03246/FUL) at land east of B970 opposite Balliemore, Nethybridge, subject to:

- (a) the applicants entering into an appropriate legal agreement or making an up-front payment towards provision of an affordable housing contribution in accordance with Local Development Plan policy and non-statutory planning guidance**
- (b) the following planning conditions:**

- I. No development shall commence on site until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall be based upon the principles set out in the approved site plan (Drawing No. SF21775.1.SPI Revision E) and include the following information and at a recommended scale of 1:200:
 - a) Planting areas to be keyed or annotated
 - b) Full specification of planting in tabular form including plant name, numbers/density, height/size
 - c) Drawing notes to include information on ground preparation, fertilising, and protection from herbivores such as voles and rabbits as well as larger animals
 - d) Details of protection of existing trees
 - e) Details of natural stone dyke at site entrance
 - f) Details of surfacing of the access road and turning/parking areas
 - g) Landscape management plan covering maintenance and management for a period of 5 years

All landscaping shall be implemented in strict accordance with the approved scheme in the first planting season following the stables being brought into use or the house being occupied, whichever is the sooner, and maintained and managed thereafter in strict accordance with the approved details.

Reason: To ensure that the development fits into the area, conserves and enhances the landscape character and environment and the setting of cultural heritage in the area in accordance with Local Development Plan Policy 3: Sustainable Design, Policy 4: Natural Resources, Policy 9: Cultural Heritage, and Policy 5: Landscape.

2. No development shall commence on site until details of the:
 - (a) replacement of the roads signage which is located within the visibility splays at the proposed access point onto the public road; and
 - (b) installing of “slow” and “road narrows” road markings.

have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Roads Service.

These works shall thereafter be completed in strict accordance with the approved plans before the stables are brought into use or the house occupied, whichever is the sooner.

Reason: To ensure that the development is provided with a safe access in accordance with Local Development Plan Policy 3: Sustainable Design.

3. No lighting shall be installed on site until details (position, type, and intensity) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The details shall reflect the requirement that any lighting is directed away from watercourses. Details of timing of lighting (e.g. use of sensors) must also be included. The lighting, if being provided, shall be installed and operated in strict accordance with the approved plans.

Reason: To ensure that the development does not adversely affect European Protected Species and the qualifying interests of the River Spey Special Area of Conservation (otter) in accordance with Local Development Plan Policy 4: Natural Heritage.

4. The house hereby approved shall not be occupied until the stables hereby approved are completed in accordance with the approved plans.

Reason: To ensure that the development complies with Local Development Plan Policy I: New Housing Development by ensuring that the complete development is delivered upon which the locational requirement has been based.

5. The development hereby approved shall be used for horse livery purposes and the breaking and schooling of horses only. Instruction of horse riders shall be confined to those parties keeping their horses at the site or the owners of horses being broken and/or schooled at the site. Guided trekking or hacking from the premises shall not be permitted and in particular the development shall not operate as a riding school.

Reason: As the impacts of the development have been considered in relation to the submitted application in terms of impacts upon Craigmore Woods Special Protection Area from equine activities, in accordance with Local Development Plan Policy 4: Natural Heritage.

6. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, no trees under the applicant's control (i.e. within the landholding as outlined in blue on the approved plans) shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged.

Reason: To ensure that trees which form part of the landscape are protected during construction and operation in accordance with Local Development Plan Policy 5: Landscape.

7. The stables shall not be brought into use or the house occupied, until the surface and foul water drainage arrangements have been implemented in strict accordance with the approved site plan Drawing No. SF21775.I.SPI Revision E.

Reason: To ensure the development does not adversely affect the River Spey Special Area of Conservation or watercourses in the area, and is satisfactorily serviced in accordance with Local Development Plan Policy 4: Natural Heritage and Policy 10: Resources.

8. No work shall commence on the construction of stables or house until details of their external finishes have been submitted to and approved in writing with the Cairngorms National Park Authority acting as Planning Authority. Unless otherwise agreed, these details to reflect the following principles:

- a) Slate roof, wet dash harled walls and timber porch detailing on house
- b) Wooden walls and corrugated steel roof on stable block
- c) Timber windows and doors throughout
- d) Black rainwater goods

The development shall thereafter be constructed in strict accordance with the approved details.

Reason: To ensure that the development fits into the area, and conserves and enhances the landscape character and environment in accordance with Local Development Plan Policy 5: Landscape.

9. The stables shall not be brought into use or the house occupied, until the site access, service bay, parking and turning areas have been formed and surfaced in accordance with the approved site plan (Drawing No. SF21775.I.SPI Revision E) with the gates on the access road set back a minimum of 15 metres back from the edge of the public road carriageway. Thereafter (a) the parking and turning areas shall be kept free for this purpose (b) the horse access point between fields shall be retained for this purpose in accordance with the approved plan, and (c) the visibility splays at the junction point onto the public road shall be maintained free from obstruction in accordance with the approved plan- all throughout the lifetime of the uses granted through this planning permission.

Reason: To ensure that the development is provided with a safe access in accordance with Local Development Plan Policy 3: Sustainable Design.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent amendments to this legislation) all boundary enclosures shall be in

the form of stockproof post and wire or post and rail fencing and natural stone dyke at the access point. Any other boundary enclosures shall require planning permission.

Reason : To ensure that the development fits into the area, conserves and enhances the landscape character and environment, and the setting of cultural heritage in the area in accordance with Local Development Plan Policy 3: Sustainable Design, Policy 4: Natural Resources, Policy 9: Cultural Heritage and Policy 5: Landscape.

11. Construction and operation of the proposed development shall be undertaken in strict accordance with the mitigation measures detailed in the approved Otter Species Protection Plan by Corcoran Associates dated 8 December 2015. This is subject to the additional requirement that a suitably qualified person shall perform any checks for otter as referred to in the Plan during construction, and also that there shall be no works undertaken in the watercourse.

Reason: To ensure that there is no disturbance to otter in the vicinity, and that the development does not adversely affect European Protected Species or the qualifying interests of the River Spey Special Area of Conservation (otter) in accordance with Local Development Plan Policy 4: Natural Heritage.

12. There shall be no construction works during the hours of darkness at any time and construction works shall not commence until one hour after sunrise and cease one hour before sunset in any day.

Reason: To ensure that there is no disturbance to otter in the vicinity, and that the development does not adversely affect European Protected Species or the qualifying interests of the River Spey Special Area of Conservation (otter) in accordance with Local Development Plan Policy 4: Natural Heritage.

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. The developer should note that a license from Scottish Natural Heritage will be required in respect of any disturbance to otter.
3. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at

any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area. However, these timings will require to be amended as necessary dependent on time of year to take into consideration the need to ensure that works commence after sunrise and finish before sunset to ensure no disturbance to otter as required by the planning conditions of this permission.

4. The Cairngorms National Park Authority recommends that the opportunity be taken to provide educational and interpretive materials to the users of the site regarding the special qualities of the National Park and in particular the capercaillie interests of Craigmore Woods. CNPA officers would be happy to work with the developer on this and suggest contact be made to our Grantown Office (telephone 01479 873535) for further advice and the provision of materials.
5. The developer should note the comments of the Highland Council Roads Service (available on CNPA website) regarding the need to obtain appropriate permits from the Roads Authority before starting any works within, or alongside, the public road. Application forms and guidance are available on the Highland Council website.
6. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development@ Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997
7. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

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