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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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**DEVELOPMENT PROPOSED:** Temporary use of land for siting of 10 Wigwams (Retrospective application) at Badaguish Outdoor Centre Glenmore Lodge Road Glenmore Aviemore

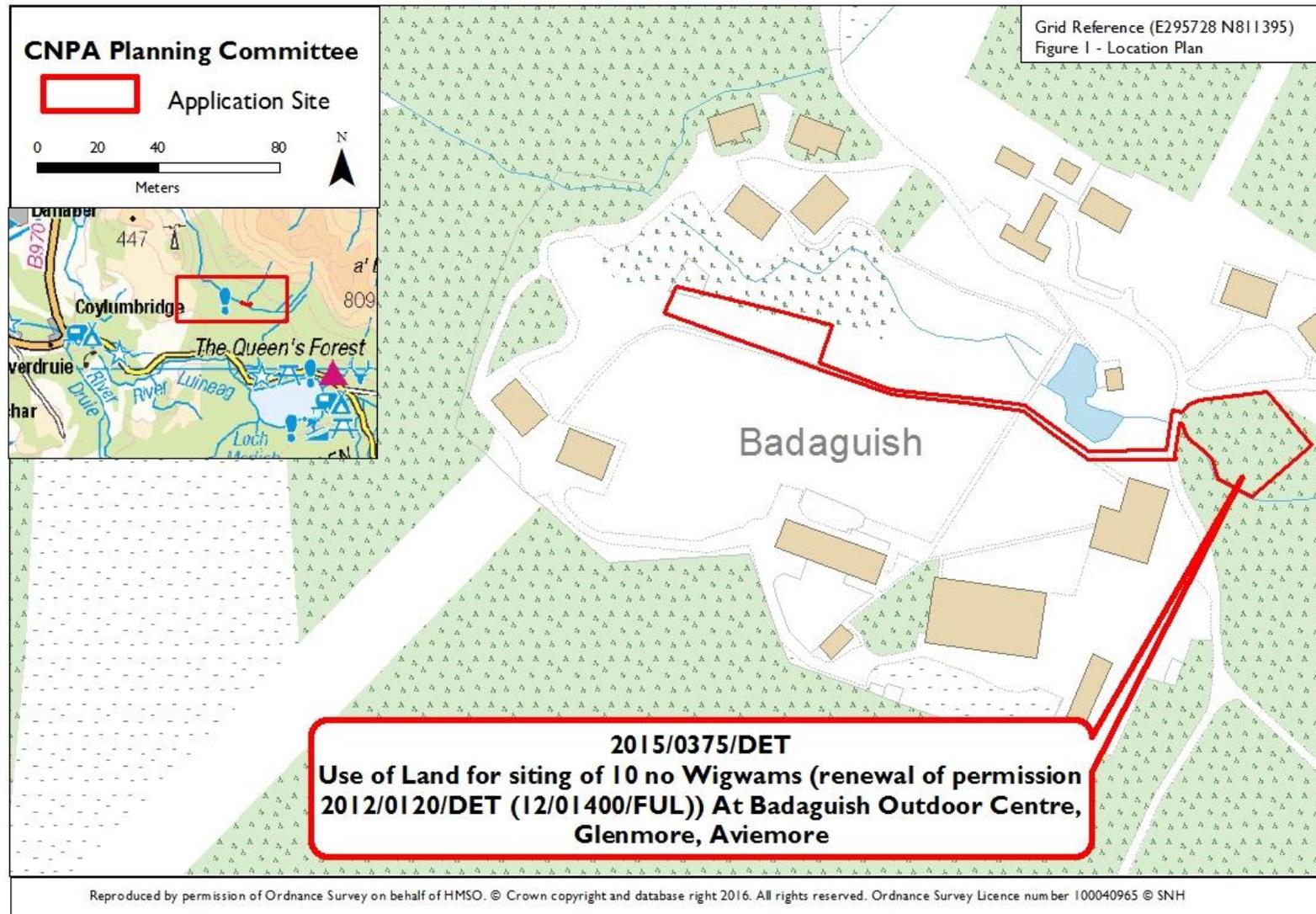
**REFERENCE:** 2015/0375/DET

**APPLICANT:** Speyside Trust

**DATE CALLED-IN:** 23 November 2015

**REASON FOR CALL IN:** The proposed development is directly related to applications previously determined by the Cairngorms National Park Authority at Badaguish and raises issues of potential significance to the collective aims of the National Park in terms of social and economic well-being, visual and environmental impact, and the enjoyment and understanding of the National Park.

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS



## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

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

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

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>	<b>Date Received</b>
Location Plan	4111/LOC	Nov 15	
Site Layout	4111/O62 Rev A	Dec 15	
Wigwam Design document by Bracewell Stirling Consulting	-	undated	
Wigwam Site photos	4111/002	undated	
Visitor Management Plan Version 5	-	18/11/15	
Application supporting statement	-	undated	23/11/15

### **Site Description**

2. The application site is located at Badaguish, some 6km to the east of Aviemore. This is an established recreational site offering an environmental and outdoor education service for youth and community groups with numerous existing facilities on site (offices, toilet/shower block, lodges, café, play area , paths etc.) It takes access of the Glenmore road via a private road and it is situated in a woodland setting. Land to the south of the Badaguish complex is designated as a Special Protection Area, SSSI, and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.

### **Development Proposal**

3. This application seeks retrospective consent for the continued siting of ten wigwams on land within the Badaguish complex. When the application was submitted to the Highland Council it was described by the applicants' agents as follows "Use of land for siting of 10 no Wigwams (renewal of permission 2012/0120/DET(12/01400/FUL))" This description was incorrect as the planning consent had in fact expired in December 2014. Accordingly this current application cannot be considered as a "renewal," but rather it is a retrospective application seeking permission to continue to site ten wigwams at this site.
4. It is also noted that the agent has worded the supporting statement to indicate that consent is sought to vary the planning condition of the previous consent and extend the time period for siting of wigwams or to relocate these ten wigwams as part of the next phase of the larger approved wigwam site for 35 wigwams at Badaguish into that site which lies to the north. Clearly, as the previous permissions have all expired for these ten wigwams it is not possible to vary any planning conditions and this is a fresh application for the retention of the siting of the ten wigwams.

5. In this respect, the agents have outlined that to date only 12 of the approved 35 wigwams to the north have been located on site and that this larger site is being developed in terms of its infrastructure and landscaping. Until such time as these works are further developed and an attractive site for more wigwams is created the applicants wish to retain the ten wigwams and relocate them into the larger site at a later date. They estimate that it will be a further three years before they will be in a position to relocate these ten wigwams.
6. The rationale for retaining these ten wigwams is economic, as their continued use brings in an income for the wider site which can also be used to invest in the development, including landscaping, of the larger 35 wigwam site. Furthermore these 10 “pilot” wigwams are now well established and their retention will enable a smooth transition when the larger site becomes established.
7. The development involves the siting of these ten wooden wigwams over two different locations at Badaguish. The sites of the wigwams lie within this Badaguish complex – 6 wigwams are located in the western part of the site looking over a central grassed area. The remaining 4 wigwams are located in the eastern part of the site, to the north of the existing car parking area closely related to existing chalets to the north. This layout is shown in **Appendix I** with the wider site layout and relationship to the approved 35 wigwam development to the north also shown in **Appendix I**.
8. The design of the wigwams is as shown in **Appendix I**. They can sleep up to five persons. The electricity connection is existing and there will be no new water or drainage connection with existing on site facilities continuing to be used. Surface water from the wooden wigwams will discharge to the grass around the individual sites in the same way as canvas tents operate.
9. Supporting information has been provided with the application as follows:
  - (a) Supporting statement – explains the background and rationale for the development
  - (b) Visitor Management Plan which was been developed following ongoing discussion with this Service and Scottish Natural Heritage (SNH) on earlier applications in 2015 at Badaguish.

This plan sets out how visitors will be managed in way to complement the aims of Badaguish to provide a sheltered and supportive setting. It explains that the main purpose of Badaguish is to provide a central residential base for off-site activities and attractions in the surrounding area, with some exceptions as follows:

- (1) disabled respite care visitors who require staff with skills and training, and spend more time at the centre
- (2) larger organised events which utilize trails in surrounding area and which are the subject of consultation with Forest Enterprise Scotland who own the surrounding land and

(3) limited use of facilities by day groups arranged by pre booking or membership scheme.

Projected annual visitor numbers at the overall site are around 13,000, with 5,300 being related to wigwam camping. The plan outlines how these visitors will be managed in order to minimise any environmental disturbance e.g. encouraging visitors to keep to designated paths and trails, preventing creation of informal new trails, and ensuring dogs are controlled (with no dogs permitted in the wigwams). Management of visitors will be achieved through provision of information, signage and monitoring as well as landscaping to provide screening and to discourage visitors to attempt to access surrounding area. Ongoing liaison will continue with Forest Enterprise Scotland and outdoor activity providers in order to manage visitors by offering positive information and guidance. Forest Enterprise Scotland previously confirmed they were signed up to the principles of this plan.

- (c) Response to Representations – the applicants’ agents submitted a letter responding to points made in representations received to this application. This is attached as **Appendix 2** and explains that the applicants regret previous breaches of planning control and are working hard to regularise these. It highlights that although at present there are 22 wigwams available for letting at Badaguish (10 subject to the current application and 12 sited in the larger approved sit to the north) these 10 are more popular due to their established setting and usage. It is not intended that there be more than 35 wigwams in total at the site whereby drainage loading remains unchanged. It is also noted that the wigwams are not all intended to be wheelchair accessible but some are, along with the other facilities at the centre, offering the camping experience to persons who may not otherwise be able to cope with conventional camping. Finally, it is noted in terms of ecological impacts that the site is part of the long established landscaped gardens of the centre and there are measures in place to manage visitors to avoid impacts on protected species and capercaillie.

## Site History

10. There is a lengthy planning history at Badaguish. Since 2003 there have been numerous planning applications approved for various developments including chalets, accommodation lodges, shower block, footpaths, antennae and conversion of bothy to form coffee shop and restaurant, and formation of walk/cycle way adjacent to the access road to the site, passing places and additional car parking.
11. On the application site itself temporary planning consent was granted in 2010 by the CNPA Planning Committee for the siting of ten wigwams (10/107/CP.) An application to extend this time period to the end of 2014 was approved in 2012 (2012/0107/DET) and this consent has therefore expired although the wigwams remain in place. This breach was investigated by CNPA staff which resulted in submission of the current application.

12. Members may also recall other recent retrospective planning applications at Badaguish which were considered at the November 2015 Planning Committee. At this time retrospective consent was granted for:
- (a) altering the location of 12 timber wigwam camping units out of 35 originally consented units (moving them closer to the existing on site facilities (2015/0133/DET), and
  - (b) changing the configuration of the bike trail and camping area of the originally approved layout (2015/0132/DET)

These applications related to changes which were carried out to the approved layout for the erection of 35 wooden wigwams, on site activity area/canvas tent area and mountain bike free ride trail dating from 2011 (2011/0206/DET). This larger site lies on cleared woodland to the north of the current application site for ten wigwams.

13. Also related to this original 2011 consent was application 2013/0096/DET. This application was submitted in March 2013 under Section 42 of the Planning Act, and sought to vary condition 3 of the 2011 consent in order to allow work to start on site without compliance with this condition. Condition 3 required the footpath alongside the access road, passing places and car parking to be completed before work started. It was approved at the June 2013 meeting of the CNPA Planning Committee. Revised wording was agreed to allow work to start, but that none of the facilities approved by the 2011 consent (wigwams, bike trail, camping site) were permitted to be brought into use until these access/footpath works were completed. The footpath, passing places and car parking have provided.

## DEVELOPMENT PLAN CONTEXT

### National policy

14. **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.
15. 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.
16. Scottish Planning policy introduces a presumption in favour of development that contributes to sustainable development. It also highlights that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.
17. Enforcement Advice from Scottish Government is set out in **Planning Circular 10/2009: Planning Enforcement and the 'Planning Enforcement Charter - A guide to enforcing planning controls'**. Guidance on enforcement charters explains that a breach of planning control is not a criminal offence. The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. In addition, any action taken has to be appropriate to the scale of the breach.

## Strategic Policies

### Cairngorms National Park Partnership Plan (2012-2017)

18. 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.
19. 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.

20. Also of particular relevance in this case is Policy I.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. Furthermore, 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.

## Local Plan Policy

### Cairngorms National Park Local Development Plan (2015)

21. 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>

22. Key policies relevant to the proposed development are summarised below:
23. **Policy 2: Supporting Economic Growth - Policy 2.2 Tourism and Leisure development** seeks to support development which enhances formal and informal recreation facilities; tourism and leisure based business activities and attractions; tourism and leisure related infrastructure including accommodation; and improved opportunities for responsible outdoor access where there is no adverse environmental impacts on the site or the neighbouring areas, and it makes a positive contribution to the experience of visitors and adds to or extends the tourist season
24. **Policy 3: Sustainable Design** sets out that all new development should be sympathetic to the character of the area and use materials and landscaping that will complement the setting of the development, makes sustainable use of resources; improve to or add to existing public or amenity open space; be appropriately accessed, create opportunities to further biodiversity, protect amenity of neighbours as well as promoting sustainable transport methods and reducing the need to travel.
25. **Policy 4: Natural Heritage** seeks to ensure that the outstanding natural heritage of the Cairngorms National Park is conserved and enhanced. *Specifically Policy 4.1* seeks to ensure that development which is likely to have a significant effect on a Natura 2000 site demonstrates that there will be no adverse effect on the integrity of the site.
26. **Policy 5: Landscape** states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, and seeks to ensure that any adverse effects are minimised and mitigated through appropriate siting, landscaping and design.
27. **Policy 8: Sport and Recreation** provides support for developments of sport and recreation facilities subject to best practise in design and no adverse impacts, as well as maintaining and maximising opportunities to link into existing path network.

28. **Policy 10: Resources** seeks to reduce consumption of resources. Specifically **Policies 10.1: Water Resources and 10.3: Connection to Sewerage** seek to ensure that surface water is appropriately treated, and that sewage does not pose or add to a risk of detrimental effects.

### Supplementary Guidance

29. 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 natural heritage (supplementary planning guidance), landscape (non-statutory planning guidance) and Supporting economic growth (non-statutory planning guidance).

### Other Relevant Material/Guidance

30. **The Cairngorms National Park Planning Enforcement Charter** sets out how the CNPA approaches enforcement in the National Park and is based upon Scottish Government guidance. It explains that the CNPA has statutory powers to investigate breaches of planning control and to take formal action where a satisfactory outcome cannot be achieved by negotiation. It reiterates the Scottish Government's Circular 10/2009 advising that the purpose of planning enforcement is to resolve the problem rather than punish the mistake and any action taken has to be appropriate to the scale of the breach. It highlights that enforcement is a discretionary power and that the CNPA must consider if it is in the public interest to take enforcement action. Therefore, even if a breach occurs, if it does not cause significant harm then no action can be taken. Furthermore, when considering whether to take formal action, one assessment is whether the works would be granted planning permission when assessed against planning policy and other material considerations.
31. **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, SportScotland, Seafield 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.
32. **Glenmore and Cairngorm Strategy** In 2014, the CNPA, Highlands and Islands Enterprise, SNH, Forest Enterprise Scotland, and The Highland Council formed a partnership to develop a long term strategy for management of this important area of publicly owned land in order to; enhance the visitor experience to match the quality of environment, enhance habitat and species

conservation on a landscape scale, support and enhance the regional economy, and create outdoor learning opportunities for all. The draft strategy has been developed through partner, business and community stakeholder engagement and formal public consultation on the strategy is now underway.

## CONSULTATIONS

33. **Scottish Natural Heritage** was consulted to advise on any implications for Natura sites, Sites of Special Scientific Interest, and National Nature Reserves. They have noted in their consultation response that they previously provided advice on capercaillie interests of the Cairngorms Special Protection Area (SPA) with a related earlier application to alter the location of wigwams within the originally consented site to the north (2015/0133/DET). This history is described earlier in this report. SNH advise that this current application for retention of ten wigwams raised similar issues with respect to the SPA whereby their advice is the same with this submission.
34. To summarise SNH's previous advice noted the development was close to the Cairngorms Special Area of Conservation (SAC) and the Cairngorms Special Protection Area (SPA) which is classified for its capercaillie interest. The status of these sites means that the "Habitats Regulations" apply whereby the CNPA is required to consider the effects of the proposal before the development could be consented (Habitats Regulations Appraisal).
35. SNH considered that the development is likely to have a significant effect on the capercaillie interests of the Cairngorms SPA whereby the Cairngorms National Park Authority is required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interest. They further advised that in their view, based on the information provided, the proposal will not adversely affect the integrity of the site.
36. Their appraisal considered the impact of the proposals with regard to disturbance to breeding capercaillie caused by recreational users from the Badaguish centre. They assessed the detail contained within the applicants' Visitor Management Plan and concluded that the development proposal will not adversely affect the integrity of the site for the qualifying interest.
37. **Scottish Environment Protection Agency (SEPA)** note that they previously provided advice on foul drainage proposals at this site and that the private treatment plant is regulated by SEPA here. The proposed development is below the threshold where SEPA would provide a bespoke response and they refer to their standing advice for planning authorities. However, in this particular case they advise that, whilst they have no comments from a planning perspective, they have provided further regulatory advice to assist.
38. The agency has confirmed that the site currently has an authorisation under the Water Environment (Controlled Activities Regulations) for a design population equivalent = 120 Number for discharge from a treatment plant to a

watercourse. They also note that there will be no more than 35 wigwams at Badaguish at any time. They have highlighted that further to correspondence in 2015 they await information on the current and potential future population equivalent capacity at the overall site and this should be submitted to SEPA to ensure compliance with the CAR license here.

39. Following receipt of this advice, CNPA officers contacted SEPA to advise that information relating to capacity had been previously provided to the agency who had duly advised that the private treatment plant was working the required standard and that any breaches would be dealt with by SEPA who would be able to require any upgrading necessary under their legislation. SEPA has now confirmed that this is indeed the case and they have no further comments to make.
40. **CNPA Landscape Advisor** has no comment from a landscape perspective
41. **CNPA Ecology Advisor** notes that there will be no more than 35 wigwams on site at any one time and that the ten wigwams are existing, sited within the centre's main development area. No changes are proposed which would affect the ecology here. Following advice from SNH a Habitats Regulation Appraisal was carried out on previous applications for the larger wigwam site here to the north in order to assess the impacts on capercaillie and the Cairngorms SPA. Due to the provision of a Visitor Management Plan no adverse effects on the integrity of the site were identified.
42. A Habitats Regulation Appraisal has also been carried out for this current proposal following advice from SNH and this is attached as **Appendix 3**. This screened the likely significant effects of the development and also considered any in combination effects.
43. Likely significant effects were found in relation to the Cairngorms SPA in terms of potential impacts upon capercaillie. Consequently an Appropriate Assessment (AA) was undertaken to assess the implications for the conservation objectives of the SPA. The Appropriate Assessment concluded that with the measures outlined in the Visitor Management Plan there will be no adverse effects on the conservation objectives of the SPA.
44. **Inclusive Cairngorms** has been consulted and has not provided any comments to date. With the previous applications for the 35 wigwam site they had no comments to make.

## REPRESENTATIONS

45. **Aviemore and Vicinity Community Council** has been consulted and have not provided any comments to date.
46. One representation has been received and is attached as **Appendix 4**. This raises the following key concerns. The objectors have also requested to be **heard** at Committee.

- a) Long history of planning breaches at site which has significant implications for conservation priorities including at an international level
- b) Supporting information is misleading as it indicates that the wigwams are for restricted use which is not the case with the applicants' website is promoting all year round use
- c) CNPA uncritically accept applicants' statements
- d) Applicants' case that 35 wigwam site is less attractive due to lack of landscaping is misleading, as it is the applicants' responsibility to carry out landscaping
- e) Wigwams are not wheelchair accessible
- f) Key concern relates to drainage capacity with consequent impacts of increased bedspaces upon drainage capacity and potential significant adverse impacts on Natura interests at Glenmore.
- g) Increased disturbance to capercaillie from recreational disturbance given site location some 300 metres from designated site. Other sensitive species and habitats at Glenmore may also be impacted upon from increased recreational disturbance.
- h) Visitor Management Plan based on improbable assumptions regarding visitor behaviour.

Note – the applicants' agents have provided a response to these representations as noted earlier in this report and attached as **Appendix 2**.

## APPRAISAL

### Principle

- 47. The principle of recreational development at Badaguish is well established and fits well with the existing activities on site. Planning consent has previously been granted for temporary "pilot" wigwams on the current application site. The key issue to be considered now is whether it is appropriate to permit the retention of these wigwams on this site until such time as the site to the north is further developed to a stage when these 10 wigwams may be relocated.
- 48. Local Development Plan Policy 2.2: Tourism and Leisure Development offers strong support for the principle of this type of development subject to satisfying other relevant planning policies on landscape, heritage and servicing. Policy 8: Sport and Recreation also supports the provision of such facilities.
- 49. It is also important to note that the fact that this is a retrospective application should have no bearing upon the consideration of the development. The Planning Authority is required to consider all applications on their planning merits, and Scottish Government advice makes it clear that the planning enforcement system is not to be used for punitive purposes. Consequently whilst, as noted previously at Committee, there is a disappointing history of breaches of planning control at this site this is not a material planning consideration. The acceptability or otherwise of the development is the issue

for consideration and this will now be considered in terms of the detail of the submission.

## **Servicing**

50. There are no changes to the servicing arrangements for this development with surface water to be disposed of on site. The overall load on the foul sewage treatment plant, which is currently operating to the satisfaction of SEPA, will not alter as a result of the development (providing a total of 35 wigwams for the entire Badaguish site is controlled), with no new foul drainage facilities proposed in relation to the new wigwams. Access to the site remains unchanged. Waste management provision will also be as per existing arrangements with a refuse and recycling collection point located beside the toilet/shower block.
51. With regard to access for disabled persons, this group are a key customer of the applicant's business and it is noted that Inclusive Cairngorms have had no comments to make on other wigwam applications at Badaguish.
52. In these overall circumstances the development is considered to comply with Policy 3: Sustainable Development and Policy 10: Resources in respect of ensuring that new development is satisfactorily serviced.

## **Landscape Impact**

53. The development is located within the existing developed complex at Badaguish, relating well to existing buildings and infrastructure. As such the landscape impacts are insignificant, with the wooden wigwams fitting in well to their setting and of a design wholly appropriate to the woodland setting.
54. The development is therefore considered to comply with Policy 5: Landscape.

## **Environmental Impacts**

55. The proposed development has little direct ecological impacts, being located within the developed complex at Badaguish on land of limited ecological value. It is therefore considered to comply with Policy 4: Natural Heritage with no adverse ecological impacts.
56. However, the key potential environmental impact relates to any impacts upon the Cairngorms Special Protection Area (SPA) in terms of any impacts upon capercaillie in the SPA. It is necessary to fully consider these impacts and this has been done through the Habitats Regulation Assessment and appropriate assessment (**Appendix 3**) undertaken by the Heritage Team following advice from SNH. This concludes that any potential impacts may be satisfactorily mitigated by the implementation of the visitor management plan provided by the applicants in connection with previous applications and applied to this current submission now too.

57. There was no Visitor Management Plan in place with previous consents for this 10 wigwam development and so the current submission provides the opportunity for a better context and monitoring regime, and takes account of current understanding of capercaillie. Accordingly, it is considered that adherence to the submitted plan will help ensure that there are no adverse impacts upon NATURA interests and thus compliance with Local Development Plan Policy 4: Natural Heritage. It is therefore important to ensure this is effectively implemented and the fact that Forest Enterprise Scotland, a key partner in managing visitors here, previously signed up to the principles of the Plan gives further confidence that this will be achieved.

### **Other Issues Raised by Objector**

58. Issues relating to environmental impacts and servicing have been covered in this report, whilst concerns regarding the increase in numbers of wigwams at Badaguish are generally unfounded given that the overall total of 35 approved wigwams at Badaguish is not set to rise as a result of this application and can be controlled by planning condition. The objectors' concerns regarding the planning history at Badaguish are noted, but this does not form a land use planning reason to resist the development, all as outlined earlier.
59. Finally, concerns regarding the accuracy of information submitted are also noted. CNPA does not have any reason to dispute the information provided and would highlight that any issues surrounding capacity of the drainage system with regard to the number of potential users may be readily addressed by the appropriate regulatory authority (SEPA) should any problems arise.

### **CONCLUSION**

60. It is considered that this development to retain ten wigwams on this site at Badaguish, until such time as the larger wigwam site to the north is in a suitable condition to relocate these ten wigwams onto, is acceptable in land use planning terms. Landscape and servicing impacts from the development are limited and the environmental impacts upon NATURA interests may be controlled by planning conditions requiring adherence to the Visitor Management Plan.
61. However, it is crucial to ensure that at no time there are more than 35 wigwams on the overall Badaguish site at any given time and that planning conditions are imposed to this end, particularly given that the application and its impacts have been assessed on this basis. The applicants have indicated that they are likely to be in position to have landscaping for the wider site established within three years in order to create a good setting for the development and thus relocate the wigwams at that point into the main site to the north. As implementation of this landscaping is a requirement of the recent consents for revisions to the original 2011 consent, work should be commencing on landscaping in this planting season. This should help deliver progress on provision of the required landscape setting. It is therefore recommended that a planning condition be attached requiring relocation or removal of the ten wigwams into the main site within 3 years or as soon as there are 25 wigwams

on the main site, whichever is the sooner. This will help ensure that there are no more than 35 wigwams in total on site.

62. On this basis the application is considered to comply with Local Development Plan policies and approval is recommended subject to those appropriate planning conditions. As noted with previous cases at Badaguish, CNPA Monitoring and Enforcement Officer time will be required to be directed to ensuring full compliance with planning conditions.

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

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

63. The proposed development supports this aim, by providing satisfactory mitigation for environmental impacts through provision of a robust visitor management plan to help manage impacts on wider environmental interests. Landscape impacts are minimal.

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

64. The proposed development supports this aim, by retaining existing structures on site with no new materials required.

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

65. The proposed development readily supports this aim, providing visitor and recreational facilities within the National Park to enable people to visit, enjoy and stay in the area, whilst the visitor management plan makes provision to promote understanding of the area.

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

66. The proposed development readily supports this aim by enhancing the facilities at an established recreational facility which makes provision for all abilities use and supports inclusion in outdoor activities.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL planning permission for Temporary use of land for siting of 10 Wigwams (retrospective application) at Badaguish Outdoor Centre Glenmore Lodge Road Glenmore Aviemore subject to the following planning conditions:**

1. The wigwams hereby approved and any supporting pads shall be removed from site within 3 years of the date of this consent or before more than 25 wigwams are erected on the land to the north which is the subject of planning application references 2015/0132/DET, 2015/0133/DET and 2011/0206/DET, whichever is the sooner.

Reason: To ensure the development is controlled to that applied for and considered, as environmental impacts have been considered in relation to a total of 35 wigwams to ensure compliance with Local Development Plan Policies 4: Natural Heritage, and Policy 10: Resources.

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

Reason: To ensure the development is controlled to that applied for and considered, as environmental impacts have been considered in relation to a total of 35 wigwams to ensure compliance with Local Development Plan Policies 4: Natural Heritage and Policy 10: Resources

3. The development hereby approved shall be operated in strict accordance with the approved Visitor Management Plan Version 5 dated November 2015, with signage installed in accordance with this plan by 18 May 2015. Ongoing monitoring shall be undertaken in accordance with the recommendations of the approved Visitor Management Plan throughout the lifetime of the development hereby approved. The results of monitoring (together with details of any mitigation carried out) shall be submitted on an annual basis to the Cairngorms National Park Authority acting as Planning Authority, starting from January 2017 (and then every January thereafter).

Reason: To ensure the development conserves and enhances the natural heritage of the area and does not adversely affect the Cairngorms Special Protection Area in terms of impacts upon capercaillie from the users of the site, and complies with Local Development Plan Policy 4: Natural Heritage.

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

Reason: To ensure that the units are used for recreational purposes in connection with the operation of a tourist facility in accordance with the Local Development Plan policy on Supporting Economic Growth

**Informatives:**

1. It is noted that the existing toilet facilities on site at the Badaguish Centre will be used to service the wigwams hereby approved. These facilities discharge to the existing sewage treatment plant which is regulated by the Scottish Environment Protection Agency (SEPA) and caters for design capacity of 120 persons. This will be monitored by SEPA and any changes will require the consent of the Agency.
2. 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. CNPA staff 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 provision of materials.

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.