

AGENDA ITEM 7

APPENDIX 4

DRAFT CULTURAL HERITAGE NON-STATUTORY GUIDANCE

PLANNING

Cairngorms National Park

Local Development Plan 2020

Non-statutory guidance: Policy 9 – Cultural Heritage



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How to use this guidance

This non-statutory guidance forms part of the Cairngorms National Park Local Development Plan 2020 and applies to all planning applications within the Cairngorms National Park. The Local Development Plan is available via <https://cairngorms.co.uk/planning-development/local-development-plan-2020/> and should be read alongside this guidance.

This guidance should be used during the preparation and assessment of planning applications to ensure that the requirements of Policy 9 are met.

Introduction and context

Policy 9 of the Local Development Plan¹ applies to all development and provides the framework for how consideration of cultural heritage interests should be incorporated into development proposals.

¹ Note, policy wording may change following the examination of the Proposed Plan.

Policy 9 – Cultural heritage

9.1 Listed buildings

Development affecting a listed building or its setting should:

- a) preserve the special qualities of the building or structure; and
- b) enhance its character, and the contribution it makes to the cultural heritage of the National Park.

The layout, design, materials, scale, siting and use of any development must be appropriate to the character and appearance of the building and its setting.

There is a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.

Where development would result in a significant adverse impact, the proposal must:

- a) demonstrate that less intrusive options have been considered;

- b) demonstrate that the impacts are clearly outweighed by social and economic benefits; and
- c) minimise and mitigate any adverse effects on the asset or its setting through appropriate siting, layout, scale, design and construction.

Any proposals for the demolition of a listed building will be expected to provide evidence to demonstrate that:

- a) the building is not of special interest; or
- b) the building is incapable of repair; or
- c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Enabling development will be considered favourably where it provides a means of providing funds to secure the preservation of a listed building which is in serious risk of collapse or irrevocable decay. Such development should be used only after all alternative means of funding or enabling have been exhausted. Any such development will be the minimum required to secure the building's restoration.

9.2 Cultural and historic designations

Development affecting a scheduled monument, inventory garden, designed landscape and/or battlefield should:

- a) have no adverse effect on a structure or other remains of human activity or their setting. This may require remains to be preserved in situ, within an appropriate setting; and
- b) conserve and where appropriate, enhance any structure or other remains; and

- c) enhance its character, and the contribution it makes to the cultural heritage of the National Park.

Development affecting a scheduled monument should require remains to be preserved in situ and in an appropriate setting unless exceptional circumstances can be demonstrated to the satisfaction of the authority.

Development affecting an inventory battlefield should be designed to conserve and, where appropriate, enhance the key landscape characteristics and special qualities of the designation.

9.3 Conservation areas

Development in or affecting a conservation area should:

- a) preserve or enhance its character and appearance; and
- b) use design, materials, scale, layout and siting appropriate to the site and its setting.

There will be a presumption against development which would result in the loss of a building within a conservation area which makes a positive contribution to its character. Proposals for demolition should demonstrate that attempts for the building's retention, restoration or sympathetic conversion to another compatible use have been considered.

Given the importance of design matters planning permission in principle will not be considered appropriate.

9.4 Other cultural heritage

Development affecting a site, feature or use of land of local or wider cultural, historic or archaeological significance or its setting should:

- a) conserve and enhance the feature and its setting in situ where possible; or
- b) take reasonable measures to avoid, minimise and mitigate any adverse effects.

The cultural heritage of the National Park is an integral part of what makes the Park special. All development proposals must demonstrate how they have avoided adverse effects on cultural heritage features and interests. The following sections of this guidance provide advice on what needs to be considered and provides links to useful sources of information.

In addition to using this guidance, cross reference to other Local Development Plan policies and their guidance (where present) will be required to ensure that relevant issues are considered. For example, Policy 3 design and placemaking, Policy 4 natural heritage and Policy 5 landscape may apply.

Safeguarding cultural heritage - general principles

Cultural heritage consists of structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes. It includes buildings, structures,

landscapes, archaeology as well as features such as wells, veteran trees, traditional meeting places, ancient routes (figure 1) and places mentioned in folk lore.



Figure 1 – Cateran trail near Glen Isla in Angus, following ancient tracks & drove roads

Some cultural heritage interests have official recognition and legal protection, for example listed buildings, conservation areas and scheduled monuments. These interests require special consent from the planning authority before other permissions (such as planning permission) can be sought. More details about special consents can be found in the

Cultural heritage interests in the Park section of this guidance.

Part of the first aim of the National Park set out in the founding legislation is to conserve and enhance cultural heritage. The key to conserving the cultural heritage of the Park is managing change in an appropriate way. Cultural heritage interests should therefore be safeguarded in a way that conserves their qualities, enhancing where appropriate, with a view to ensuring the long term future of the cultural heritage interest for the benefit of the current and future generations.

The best way to conserve a building or structure of cultural significance is to keep it in active use. Every effort should be made to find solutions that allow unused buildings or structures to come back into use, or to be adapted a similar use without damage to their character and that of the wider area. If re-use is not feasible, re-development to an alternative purpose may be appropriate where the works are compatible with the conservation and enhancement of the wider cultural heritage in the area. Replacement should only be considered when other options have been exhausted (figure 2).

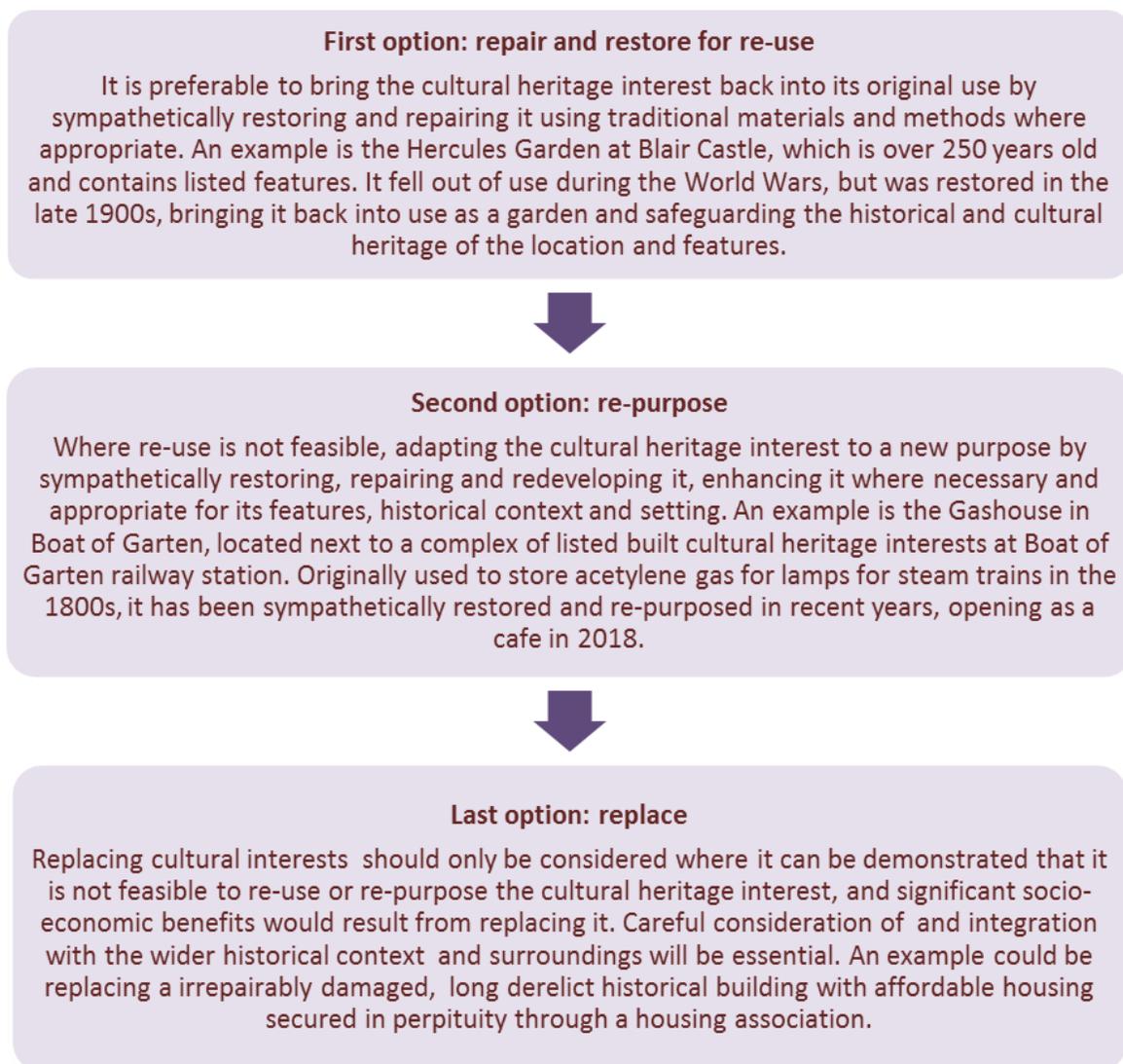


Figure 2 – options flowchart

Some cultural heritage interests will require a mix of interventions to secure their long term future. An example is the extensive restoration and rebuild of the Royal Station in Ballater following extensive fire damage in 2015², which houses several businesses as well as the tourist information office. All interventions must be compatible with the historic context, not overwhelm or impose on it. They must be planned with a thorough understanding of the historic context and provide a reasoned justification for their need.

In advance of any works, evaluation and recording of the existing structure should take place. Where necessary, this analysis should be carried out by a suitably qualified specialist. This allows changes or developments to be informed by the original structure, while ensuring that nothing of importance to the cultural heritage of the structure or feature will inadvertently be damaged or destroyed.

² See <https://construction.morgansindall.com/case-study/ballater-old-royal-railway-station>.

Repair works, alterations, re-development and replacement should be undertaken to the benefit of the cultural heritage interest and those in the surrounding area. The highest standards of materials and workmanship will be required. Materials and techniques used must respect traditional practice, unless modern substitutes are proven to provide a significant and sustainable advantage.

Processes that are reversible, or substantially reversible are encouraged. This allows for correction or future alteration should the need arise. Proposals that are reversible but otherwise physically or aesthetically inappropriate are unlikely to be acceptable.

Where repairs, alterations, re-development or replacement may have an adverse effect on cultural heritage interest(s), the planning authority will consider:

- the relative importance of the cultural heritage interest;
- the scale of the impact of the proposals on the interest and surrounding

cultural heritage interests;

- whether there are other options that would ensure a continuing beneficial use with less impact on the special qualities or features of the interest;
- whether there are significant socio-economic benefits that justify a departure from the presumption against works that adversely affect the cultural heritage interest or its setting.

The planning authority may also be required to consult Historic Environment Scotland, for example on proposals affecting legally protected cultural heritage interests or other interests recognised in legislation.

Repair and restore for re-use

Where practical and realistic, the first option (figure 2 options slowchart) for proposals affecting cultural heritage interests is to repair and restore them back to their original form and function. This should enable the interest to be brought back into use and their future to be secured for the long term (figure 3). The

Engine Shed, part of Historic Environment Scotland, provides information about traditional materials and methods via <https://www.engineshed.scot/building-advice/>.

Repairs and alterations should not normally be disguised or artificially aged, nor should they be obtrusive. Inappropriate materials should not be used to provide a dramatic contrast. The aim should be to retain the visual integrity of the building or structure, while leaving a clear history of the works undertaken in a way that does not confuse the historical record that of the building or structure.



Figure 3 – perhaps the most infamous repair project in Scotland, painting the B listed Forth rail bridge (now done on a ~20 yearly basis)

Re-purpose

If repairing and restoration to enable re-use is not practical or realistic, the second option of re-development (figure 2 options flowchart) to enable the structure to be brought back into use for a different purpose may be considered.

Alterations and re-development should only be considered where proposals are compatible with and necessary to further the conservation and enhancement of the interest and the wider cultural heritage in the area. Proposed change should be managed to protect the particular features and qualities of the cultural heritage interest(s), while enabling it to be brought back into or remain in active use (figure 4).

Continuation of the original use that for the building or structure was been designed for will be encouraged. If this is not practical, applicants will be required to show that efforts have been made to continue its original or present use. Where changes of use are proposed, preservation of the architectural features, original plan form and layout will be required.

The historic value and setting of the original interest should not be adversely affected. Unsympathetic alterations and unnecessary loss or damage to historic fabric should be avoided.



Figure 4 – Ballater old station, partially repaired, re-purposed and replaced after fire

Replace

If repairing, restoration or re-development to enable re-use or re-purposing is not practical or realistic, replacement of the cultural heritage interest may be considered as a last resort (figure 2 options flowchart). However, permission to demolish a listed building, building within a conservation area, or other

feature of designated or feature of local cultural heritage importance will not normally be granted unless it can be demonstrated that there is no viable alternative. Historic Environment Scotland will be notified by the planning authority of all proposals to demolish listed buildings, and also non-listed buildings in conservation areas.

Demolition may require special consent from the relevant planning authority to avoid committing a criminal offence. It is the applicant's responsibility to ensure that all relevant consents and permissions are in place before any works start.

Replacements do not necessarily have to replicate their predecessor or those of the surrounding area. They should be sited and designed to respect, enhance and have a positive effect on the site and surrounding.

Proposals should take advantage of opportunities that exist for economic, community and environmental enhancement. Advice on this can be found in the Historic Environment Scotland guidance New Design in Historic Settings,

available via

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=9b50b83c-1e60-4831-bc81-a60500ac5b29>.

Cultural heritage interests in the Park

The main types of cultural heritage considerations in the Park are identified in the following sections, along with links to sources of information about them.

Some cultural heritage interests have official recognition and legal protection, for example listed buildings, conservation areas and scheduled monuments.

Other cultural heritage interests play an important part in the history and landform of the Park, and require careful consideration as part of the planning process to ensure they are safeguarded for the benefit of the current and future generations.

Scheduled Monuments

There are 110 nationally important sites, buildings and other man-made features (figure 5) in the Park given legal protection under the Ancient Monuments and Archaeological Areas Act 1979.

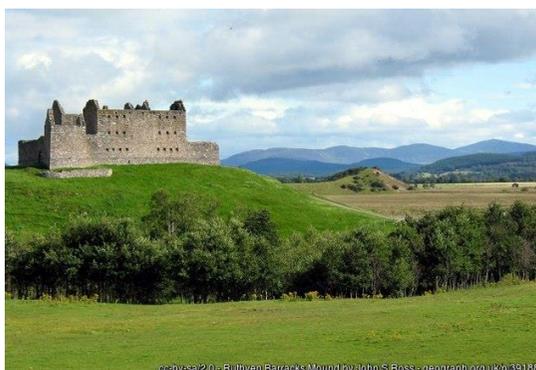


Figure 5 – the Ruthven Barracks scheduled monument and setting, near Kingussie

It is a criminal offence to carry out unauthorised works, or to allow unauthorised works to be carried out, on a scheduled monument. Scheduled Monument Consent is required from Historic Environment Scotland (in addition to and in advance of any planning or other permissions required). Applicants are

encouraged to consult Historic Environment Scotland prior to submission for any application for Scheduled Monument Consent so that they can advise on proposed works.

Planning applications must demonstrate how the development will preserve known and formally recognised, or scheduled, archaeology in situ, as well as ensuring no adverse effect on the setting occurs. The planning authority will notify Historic Environment Scotland who will have an input into the decision made on the application.

More information about Scheduled Monuments can be found via <https://www.historicenvironment.scot/advise-and-support/listing-scheduling-and-designations/scheduled-monuments/>.

Scheduled monuments may also be within or in proximity to other cultural heritage interests, such as inventory gardens and designed landscapes or listed buildings. Therefore other consent procedures and considerations will apply where relevant.

Conservation Areas

Conservation areas include buildings and architectural features as well as open space and trees that combine to give the area a particular character.

There are five conservation areas (Ballater, Blair Atholl, Braemar, Grantown on Spey and Inverey – figure 7 overleaf) in the Park, which are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Applicants must give six weeks notice to the planning authority of any intention to cut, lop, top, uproot, damage or destroy a tree in a conservation area. This is separate to any other permissions or consents that may be required.

It is a criminal offence to demolish a building in a conservation area without consent from the relevant planning authority.

Historic Environment Scotland will be notified by the planning authority of all proposals to demolish buildings in

conservation areas. A condition of consent will be applied requiring applicants to arrange for features to be recorded that would be destroyed by proposed works.

All planning applications with the potential to affect conservation areas must demonstrate how proposals make a positive contribution to the character of the conservation area and are consistent with the relevant conservation area appraisal and/or management plan. Proposals should protect any trees on the site, unless relevant notification procedures to the planning authority have been made and completed.

General information and advice about conservation areas, consents and other requirements can be found via: <https://www.historicenvironment.scot/advice-and-support/your-property/owning-a-traditional-property/living-in-a-conservation-area/>

Ballater, Braemar, and Inverey conservation areas are covered by an added level of protection. Aberdeenshire Council can advise on what the additional

protection means. More information on these conservation areas can be found via <https://www.aberdeenshire.gov.uk/planning/building-heritage/conservation-area/>.

Information about the Grantown on Spey conservation area (figure 6) can be found via: https://www.highland.gov.uk/info/192/planning-listed-buildings-and-conservation-areas/167/conservation_areas/2.



Figure 6 – tree lined and lawned centre of Grantown on Spey conservation area, and category B listed war memorial

Information about the Blair Atholl conservation area can be found via: <https://www.pkc.gov.uk/conservationareas>.

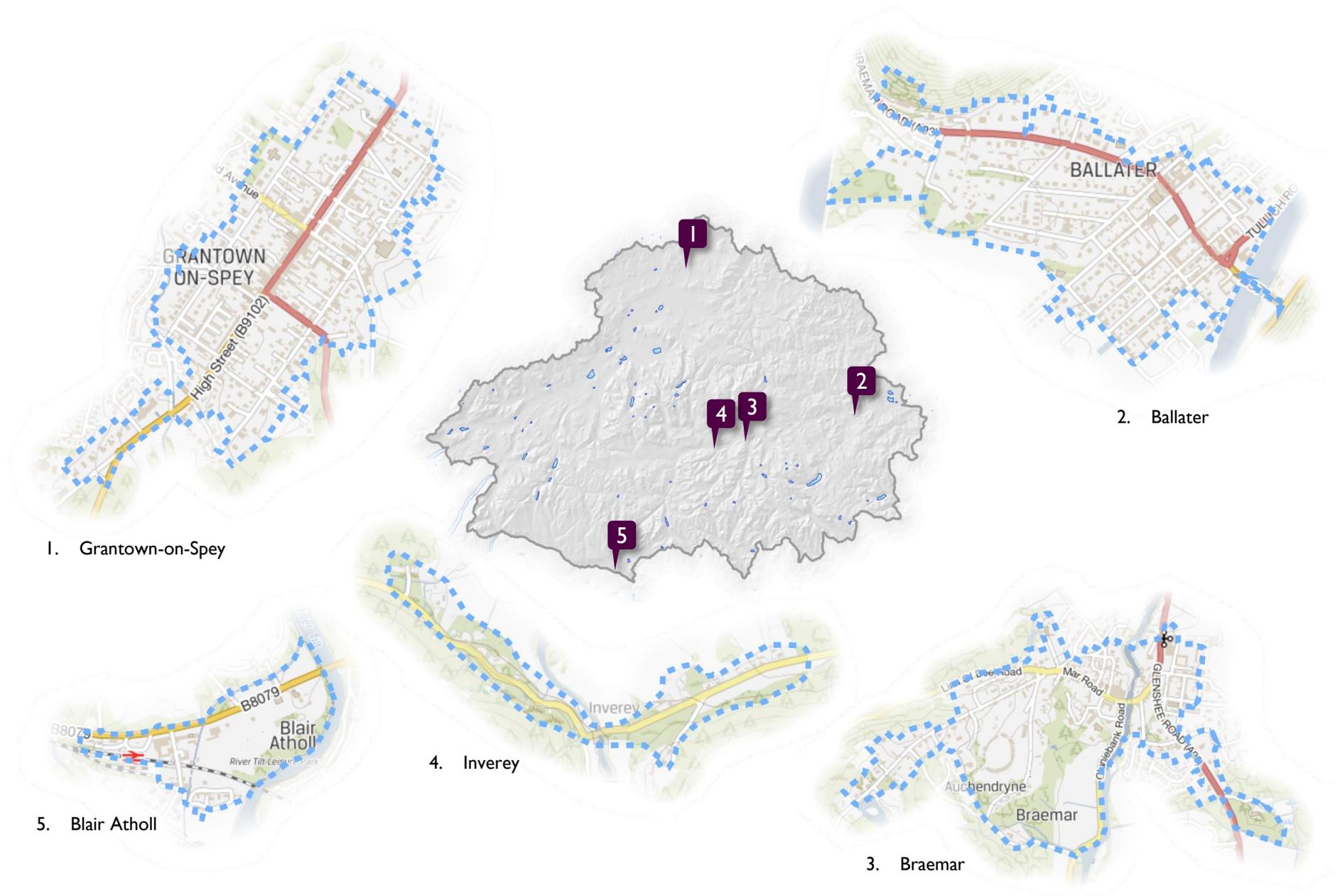


Figure 7 - Conservation areas in the Park. See Local Development Plan for detail.

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Conservation areas may also contain listed buildings, be within planned towns or contain other cultural heritage interests. Therefore other consent procedures and considerations will apply where relevant.

Listed buildings and structures

There are around 753 buildings or structures of special historic or architectural interest in the Park that are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Alterations, extensions and demolition works to listed buildings or structures are likely to require listed building consent from the relevant planning authority. This is separate and additional to any other consents or permissions that may be required, such as planning.

Consent is not normally required for like-for-like repairs. However if repairs involve alterations that could affect the character of the building, consent is likely to be required. Advice from the relevant planning authority should be sought.

It is a criminal offence to materially alter, extend or demolish a listed building or structure without consent from the relevant planning authority. Historic Environment Scotland will be notified by the planning authority of all proposals to demolish or significantly alter listed buildings. A condition of consent will be applied requiring applicants to arrange for features to be recorded that would be destroyed by proposed works.

All planning applications with the potential to affect a listed building must demonstrate how the proposals protect and enhance of the listed structure(s), ensuring no adverse effect on the structure(s), curtilage (where relevant) and setting. Where possible the development should have a positive effect on the listed structure(s).

General information about listed buildings including information and advice about consents and other requirements can be found via:
<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/>.

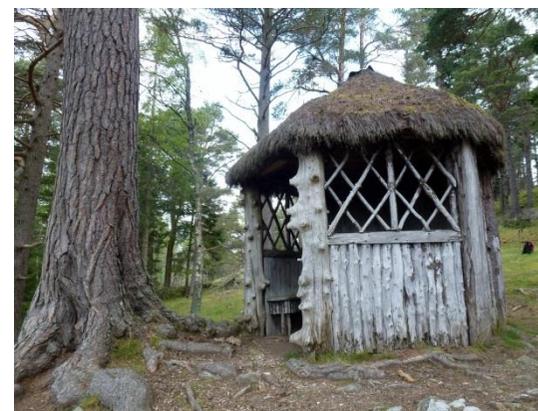


Figure 8 – category C listed summerhouse within Invercauld garden and designed landscape, near Braemar

Listed structures may also be within conservation areas, planned towns or inventory gardens and designed landscapes (figure 8). Therefore other consent procedures and considerations will apply where relevant.

Planned towns

There are five planned towns in the Park (Ballater, Blair Atholl, Tomintoul, Grantown on Spey and Kingussie) important for their historical and architectural interest.

These towns contain listed buildings, and parts of Ballater (figure 9) and Grantown on Spey are also conservation areas. Listed buildings and/or conservation area consent procedures will therefore apply.

However the planned sections of the towns outwith these designations are still important to the cultural heritage of the Park and should be safeguarded for the future. Planning applications in planned towns should demonstrate what efforts have been taken to retain the structures and features that contribute to the character of the planned town.



Figure 9 – Bridge Street in Ballater, part of the planned town, containing listed buildings and in the conservation area

Proposals should make a positive contribution to the character of the planned town (and other cultural heritage interests) for the long term.

More information about the planned towns can be found via:

- Ballater, Blair Atholl, Grantown on Spey: see the links provided for conservation areas
- Kingussie: <https://canmore.org.uk/event/1000629>
- Tomintoul: <https://canmore.org.uk/site/107409/tomintoul-general>

Inventory Gardens and Designed Landscapes

Eleven gardens and designed landscapes are listed on the Inventory and given legal recognition under the Ancient Monuments and Archaeological Areas Act 1979. More information about inventory gardens and designed landscapes can be found via <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/gardens-and-designed-landscapes/>

[ce-and-support/listing-scheduling-and-designations/gardens-and-designed-landscapes/](https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/gardens-and-designed-landscapes/)

The relevant planning authority is required to consult Historic Environment Scotland on planning applications that include landscaping or redesign works affecting gardens and designed landscapes.

Sufficient information will need to be provided with planning applications about the potential effects on the particular features of the Inventory listing. The landscape and visual effects on gardens and designed landscapes could be considered as part of a landscape and visual impact assessment – see the Policy 5: Landscape non-statutory guidance **link to be added once published** for further information and advice.

Inventory gardens and designed landscapes may also contain or be in proximity to listed buildings or other cultural heritage interests (for example Hercules Garden, shown in figure 10). Therefore other consent procedures and considerations will apply where relevant.



Figure 10 – Hercules garden near Blair Atholl, a B listed walled garden also on the Inventory Gardens and Designed Landscapes

Battlefields

There are two battlefields (Cromdale and Killiecrankie) in the Park that are identified on the Inventory of Historic Battlefields, maintained by Historic Environment Scotland. However not all battlefields are listed in the Inventory, for example the sites of the battles of Invernavon and Culblean.

Planning applications should demonstrate how the battlefield landscape and its individual elements have been taken into account during the siting and design

process, and how damage has been avoided.

Planning applications must include sufficient information to allow a full assessment of the impact of the proposal on the battlefield. An archaeological appraisal may be required to support planning applications.

If archaeological remains are discovered during ground investigations or during development works, the planning authority must be informed immediately. Appropriate mitigation measures must be implemented to ensure appropriate excavation, reporting and analysis if preservation in situ cannot be achieved. Failure to notify the planning authority is likely to result in a temporary stop notice being issued.

More information about battlefield sites can be found via <https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/battlefields/>.

Battlefield sites may also contain or be in proximity to listed buildings or other cultural heritage interests (figure 11). Therefore other consent procedures and considerations will apply where relevant.



Figure 11 – Claverhouse's stone, a scheduled monument, at the site of the battle of Killiecrankie

Archaeology and National Monuments Record sites

There are numerous historical records showing the pattern of human activity across the Park, providing an indication of where past human activity has occurred in the past.

If archaeological remains are discovered during ground investigations or during development works, the planning authority must be informed immediately. Appropriate mitigation measures must be implemented to ensure appropriate excavation, reporting and analysis if preservation in situ cannot be achieved. Failure to notify the planning authority is likely to result in a temporary stop notice being issued.

Planning applications should demonstrate how National Monument Record sites and other archaeological interests have been taken into account during the siting and design process, and how damage has been avoided. Planning applications must include sufficient information to allow a full assessment of the impact of the proposal on the how National Monument Record site and/or other archaeological interests where present. An archaeological appraisal may be required to support planning applications.

More information about National Monument Record sites can be found via <https://canmore.org.uk/>

Information and advice about archaeology in the five planning authority areas in the Park can be found via:

- Aberdeenshire Council (also covering Moray as part of north east Scotland) <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>
- Angus Council https://www.angus.gov.uk/planning_and_building/conservation/archaeology_and_scheduled_monuments
- Highland Council https://www.highland.gov.uk/info/20004/local_history_and_heritage/509/archaeology/2
- Perth and Kinross Heritage Trust for Perth and Kinross Council <http://www.pkht.org.uk/resources/information/>

Buildings at Risk Register (BARR)

Properties of architectural or historic merit considered to be at risk or under threat, usually (but not always, figure 12) a listed or unlisted building within a conservation area. BARR does not include all buildings at risk, just those that have been reported to or identified by Historic Environment Scotland.



Figure 12 – BARR listed derelict farm at Upper Tullochgrue, near Aviemore

More information about the Buildings at Risk Register can be found via <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/buildings-at-risk-register/>.

BARR buildings may be listed, within conservation areas, and/or may be within or be in proximity to other cultural heritage interests. Therefore other consent procedures and considerations may apply where relevant.

Features of local importance

Landscapes shaped by human activity and other features can be of particular local importance. The Park Authority, in combination with local communities, has identified some of these (figure 13).

Information is available via

<https://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/>

An understanding of past ways of life, housing and culture can help identify what features may be of local or wider importance. Information provided by the Park Authority and the Highland Folk Museum is available via

<https://cairngorms.co.uk/caring-future/cairngorms-landscapes/cairngorms-special-landscape-qualities/special-landscape-qualities-culture-history/> and

<https://www.highlifehighland.com/highlandfolkmuseum/collections/>.



Figure 13 –community garden at Boat of Garten, identified during community consultation as a feature of local importance

If a proposal affects a building, structure or feature considered to be of local cultural heritage importance, or its setting, this should be highlighted in the planning application. The application should demonstrate what measures have been taken to conserve and enhance features and structures of local cultural significance, including their setting. Where this is not possible, the application should detail the measures that have been taken to minimise and mitigate adverse effects.

Evidence may need to be included on how the local importance of the structure or feature was assessed. Specialist survey work or additional detailed investigations are unlikely to be required, unless initial surveys reveal information that the interest is of greater importance than anticipated (particularly if that may lead to its formal recognition as a formally designated site). In such situations, the advice of the relevant planning authority should be sought.

Features of local importance may be within conservation areas, and/or within or in proximity to other cultural heritage interests. Therefore other consent procedures and considerations may apply.

Supporting information for planning applications

Figure 14 shows how different cultural heritage consents interact with the planning process. It is the applicant's responsibility to ensure that all relevant consents and permissions are in place before any works start.

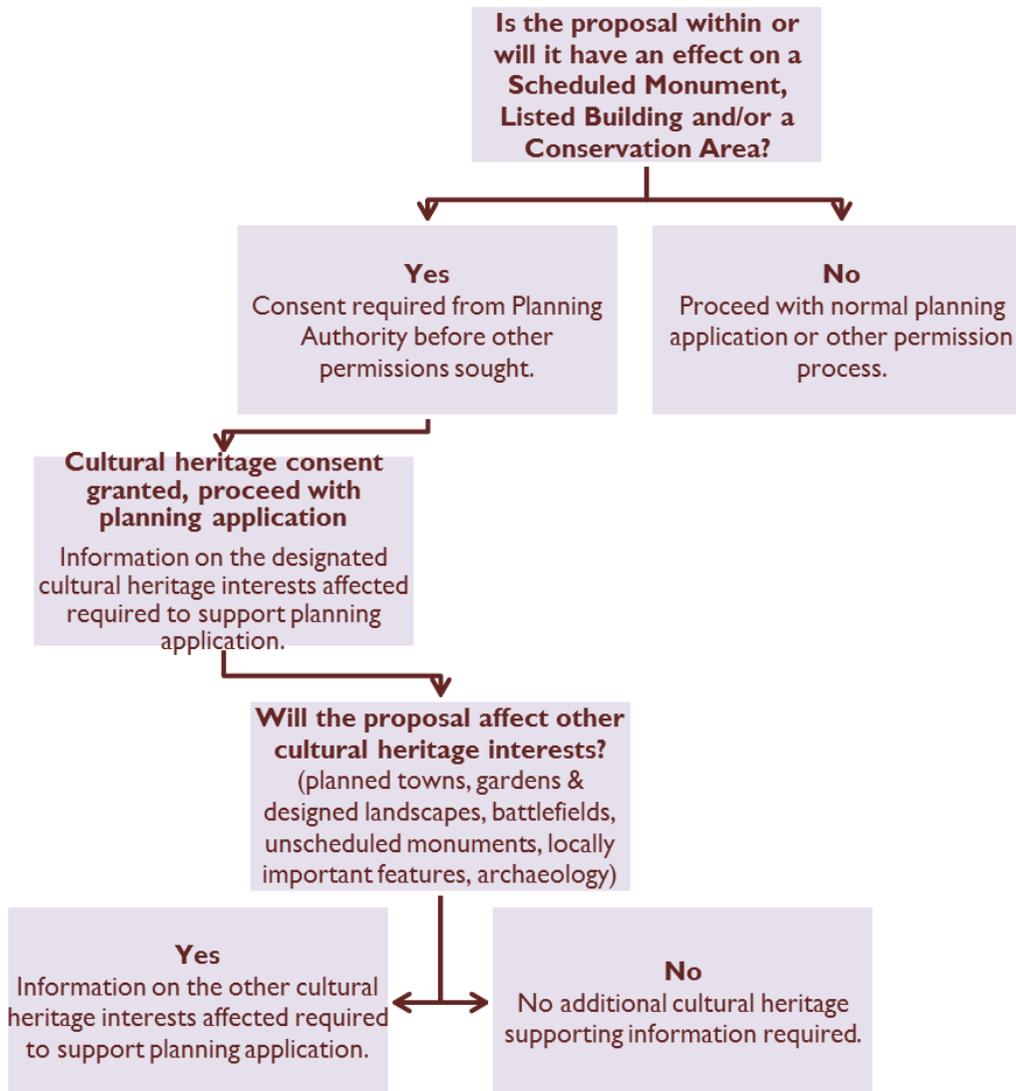


Figure 14 – consents and supporting information flowchart

Some or all of the information used to support applications for cultural heritage consents is likely to be suitable to support planning applications.

Applications for replacement structures must include supporting information detailing the re-use and re-purposing options explored and the reasons they are not being taken forward. As part of the supporting information, a structural survey of the existing building or feature to be replaced may also be required.

If proposals requiring a planning application have the potential to affect a scheduled monument, category A listed building, inventory battlefield or gardens and design landscapes and/or their setting, this must be highlighted in the planning application. The planning authority will notify Historic Environment Scotland who will provide advice.

Where planning applications are required, the applicant should prepare supporting drawings and other related documents as appropriate.

The scope of the information required will vary depending on the circumstances of the case, but may include:

- drawings illustrating the relationship of the proposal to its setting
- evidence of the structural condition of the building/structure
- a repair schedule
- specification of materials
- proposed restoration techniques
- annotated photographs
- historic records of building/structure

Advice from the relevant planning authority should be sought as to the type of assessments, information and level of detail required to support both cultural heritage consents and planning applications for works affecting cultural heritage interests. Information can be found on the relevant planning authority website:

- Aberdeenshire Council
<https://www.aberdeenshire.gov.uk/planning/planning-applications/check-if-you-need-planning-permission/>
- Angus Council
https://www.angus.gov.uk/planning_and_building/planning_permission_and_applications/how_planning_permission_works
- Highland Council
https://www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels
- Moray Council
http://www.moray.gov.uk/moray_standard/page_82231.html
- Perth and Kinross Council
<https://www.pkc.gov.uk/doineedplanningpermission>

Other considerations

Buildings and other structures can provide places for legally protected species such as

bats and breeding birds, while changes to landform and the built environment can affect landscape and placemaking interests.

Therefore, other assessments may be required to support planning applications. The non-statutory guidance on Policy 3: Design and Placemaking, Policy 4: Natural Heritage and Policy 5: Landscape should be referred to, available via:

Design and placemaking ***link to be added once published***

Natural heritage ***link to be added once published***

Landscape ***link to be added once published***

Cairngorms National Park Local Development Plan 2020
Non-statutory guidance
Policy 9 – Cultural Heritage

This document is available in large print on request. Please contact the Cairngorms National Park Authority on 01479 873535. It is also available to view at www.cairngorms.co.uk

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