

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the construction of a pond on land adjacent to the B9152 public road, in the north of Aviemore. A dipping platform, picnic table and seating is also proposed as part of the proposal. The identified site is part of a larger field, which is often used for the grazing of ponies and horses. The land at the site is marginally lower than the adjacent road level and has a generally marshy appearance, in part due to the proximity of a small burn on the eastern boundary of the site. The land to the north and west rises. Development in the vicinity of the proposed site includes Scottish Natural Heritage's Achantoul property to the north, the Lochan Mor residential development on the opposite side of the road to the east, and a residential property¹ on land to the south. The larger field area comprises the land immediately to the west, which gradually rises uphill from the site of the proposed pond. A section of the Aviemore orbital path also runs adjacent to the northern boundary of the identified site.
2. The development is proposed by Aviemore Community Council and the proposal has been put forward as "an opportunity to provide the community of Aviemore with an area that can thrive with added natural diversity." The site is considered to offer an opportunity to provide an "attractive addition to the landscape" at the northern entrance into Aviemore. The proposal was submitted following earlier discussions with and advice from an SNH area officer and the CNPA Biodiversity Officer. The proposal seeks to create benefits in terms of wildlife, aquatic life, educational, landscape and recreation.



Fig. 2 : Proposed site plan

3. The largest area of open water in the pond would be maintained at a deeper pond depth (of 1.2 metres maximum). This would extend from north to south

¹ Lairig View.

in a relatively central position within the pond. The area of deeper water would be approximately 20% of the overall surface area of the pond. Shallower water (0.5 metres and 0.3 metres) would surround the deeper water. Water levels are expected to rise and fall between winter and summer and due to the varying moisture levels on the ground, there is expected to be a high degree of land to water transition. During the summer months it is anticipated that 4 permanent smaller pools would form around the main water body, as well as a further 6 semi permanent. Due to increased water levels in winter, a larger cohesive pond area would form. The proposed development also includes the formation of a small island to the west of the deepest area of water, with the island proposed as a feature that would provide a safe area for waterfowl nesting sites and would also have the potential to create areas of shelter on the water.



Fig. 3 : Artists impression of proposed pond (looking southwards)



Fig. 4 : Proposed pond location

4. A wooden boardwalk is proposed to extend in a U shape into the northern area of the pond. The boardwalk would also include 4 'pond dipping platforms'. The boardwalk would be accessed from the Aviemore Orbital Path. Seating and a series of interpretative panels is also proposed adjacent to the boardwalk, although the exact detail of this has not been included amongst

the application documentation. New landscaping is also proposed – the tree planting strategy is intended to complement existing young birch stands in the vicinity and generally replicate the type of woodland found in the surrounding area. In addition to birch trees, other species including willow, alder and aspen would be planted.

5. A small burn / drainage ditch currently flows adjacent to the east of the proposed pond. It ultimately flows into the River Spey. As such the applicant considers this as a linking aquatic corridor for plants and wildlife. However, it is not envisaged that the burn / drainage ditch would be required to 'feed' the new pond. The water body would be fed by groundwater.

POLICY CONTEXT

National policy

6. **Scottish Planning Policy² (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the "aim is to achieve the right development in the right place."
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are

² February 2010

applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

10. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
11. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

12. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

Structure Plan Policy

Highland Council Structure Plan (2001)

13. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.

14. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
15. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
16. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

Local Plan Policy

Cairngorms National Park Local Plan (2010)

17. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
18. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
19. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

20. Policy 5 – Biodiversity : development which would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan, or by the Scottish Ministers through the Scottish Biodiversity List, will only be permitted in a limited number of special circumstances, including where the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species.
21. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
22. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and consider the impact on the environment, economy and community. Policy 16 requires that all proposals are accompanied by a design statement which sets out how the requirements of the policy have been met. The design of all development is encouraged to :
- Reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and materials;
 - use materials and landscaping that will complement the setting of the development;
 - demonstrate sustainable use of resources; and
 - be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

Supplementary Planning Guidance

23. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

Sustainable Design Guide

24. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

25. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

CONSULTATIONS

26. **SEPA** : The proposal has been considered by SEPA and the consultation response indicates that there is no objection to the development in the context of planning.
27. **Highland Council TEC Services (Roads)** : Some concern is expressed at the outset of the consultation response in terms of road safety “given the close proximity of the development close to the B9152, the standard of the Aviemore orbital footpath crossing point of the B9152, vehicle speeds and the likely increase in pedestrian use of the footpath crossing of the B9152.” A number of conditions have been recommended to be attached in the event of the granting of planning permission. The recommended conditions include requirements to provide and maintain visibility splays on each side of the existing crossing points either side of the B9152,³ works to upgrade the existing Aviemore orbital footpath crossing points either side of the public road,⁴ and the provision of improved advance warning road signage and appropriate road markings on the B9152 public road at the Aviemore orbital footpath crossing point.



Fig.4 : Aviemore orbital path – western access from B9152 public road

28. *Applicant response* : A representative of Aviemore Community Council has responded, as the applicant, on the requirements set out in the consultation response from TEC Services. The response states that the present standard of the Aviemore orbital footpath is “down to Highland Council, who have a lease of the ground for the path.” Comment is also made that the Community

³ Aviemore orbital path crossing points.

⁴ The response points out that removal and / or cutting back of roadside vegetation and realignment of the existing roadside fences would be required in order to provide the required visibility and crossing point arrangements.

Council has raised safety issues with Highland Council in the past and no action has been taken other than moving the 30mph restriction further out of the village. Other points raised include the Aviemore Orbital Crossing being within the 30mph zone and that the zone is well signposted with countdown markers and 30mph signs.

29. The applicant also suggests that the works which are being recommended by TEC Services to be undertaken in conjunction with the development proposal are “works that should have been done by the Highland Council some time ago.” It is pointed out that the proposed pond and seating area are beside a path which already exists and which is currently in use by both locals and visitors (estimates suggest in excess of 500 people per month use the path). The applicant is of the view that the provision of the pond will not result in any significant increase in the number of pedestrians using the existing crossing point. It is suggested in the submission that they are being “asked to make up for the Local Authority’s failings.” Finally, Aviemore and Vicinity Community Council point out that the cost of the improvements recommended by TEC Services will be out of proportion to the cost of the project and would affect its viability.
30. **Highland Council Forestry Officer** : Reference is made in the consultation response to the existence of groups of semi-mature birch trees within the site and it is suggested that the construction of the boardwalk and dipping platform would require the removal of one of the larger groups of trees. The relocation of the built element into a more open area to either the east or west would avoid the need to fell trees.
31. The proposal to plant a variety of species of native trees around the pond is welcomed. It is recommended that details are provided to confirm the number, species, size of planting stock, means of protection and a maintenance programme for the planted trees. The Forestry Officer is agreeable to this being a condition of planning permission.
32. **CNPA Landscape Officer** : The Landscape Officer notes in the consultation response that the area to the north of Aviemore is characterised by a scattering of small lochans, which generally occupy kettleholes in the fluvial glacial deposits and are surrounded by scattered birch wood pasture. Given this characteristic of the area, the principle of the location is considered acceptable. However, it is noted that the form of the proposed pond differs substantially from local kettle hole lochans. Concern is also expressed at the potential that all but the deepest section of pond could vegetate up over a period of years. It is recommended that consideration is given to keeping the proposal as a water feature which would contribute to both landscape enhancement and habitat creation over a sustained period.
33. In order to address the concern that the proposed design of the ponds “risks non-delivery on the landscape enhancement potential of the project,” the Landscape Officer recommends that a number of mitigation measures are undertaken. The recommended works include amendments to the pond shape and depth, rounding off the form of the pond and expanding the deepest area,

in order to give it more longevity as a water feature as opposed to a wetland area; the use of material excavated from the pond to be sculpted into naturally appearing landforms around the pond in order to create the impression that the water body appears to nestle into the landform; and the sourcing of the necessary quantities of native pond edge species prior to excavation works being undertaken, in order to keep the establishment phase and visual disruption as short as possible.

34. **CNPA Ecology Officer** : The Ecology Officer has assessed the natural heritage implications of the development proposal. The consultation response commends the applicant at the outset for intending to create a valuable pond habitat which would also be available for educational purposes. The Ecology Officer considered the potential impacts of the development, and identified impacts on breeding lapwings on the current site and the potential positive impacts to biodiversity of pond creation.
35. On the subject of lapwings, reference is made to information provided by staff in the SNH office adjacent to the subject site, which indicates that the site has supported pairs of nesting lapwings (a Cairngorms LBAP priority) for the past few years. The Ecology Officer suggests that the alteration of the habitat brought about by the proposed pond may impact on the nesting lapwings. However, it is also suggested that any potential reinstatement of grazing in the nearby field could allow lapwing pairs displaced by the proposed development to be accommodated there, so “there need not be a net loss of nesting habitat for lapwings.” The Ecology Officer also notes that the fringing habitat of the pond may create feeding habitat for wading birds, including lapwings and oystercatchers.
36. Other points raised in the ecology response include the need to ‘kick start’ a pond eco-system and in order to achieve this it is recommended that water, vegetation and sediment from an established pond in the Aviemore area should be translocated to the proposed pond. It is also noted that little information has been provided on the design and installation of the proposed sand martin bank and it is suggested that this should be designed with input from both the CNPA’s Biodiversity Officer and Landscape Officer. Proposals to plant various native tree species are welcomed. However, it is recommended that dwarf birch is removed from the suggested planted species, as this would not be typical of such a lowland site.
37. The final point raised is in relation to the potential use of the site by wildfowl, noting that such species would be encouraged through a flight corridor, as well as on the proposed island for nesting. The Ecology Officer is concerned that the pond would become home to a significant population of mallards, and their activities could significantly reduce the potential ecological value of the pond. In order to avoid this, it is recommended that the proposed island is omitted from the pond design. It is also suggested that the pond should not be stocked with fish as this would also be likely to reduce the ecological value of the pond. In considering all of the foregoing points and the recommended actions, the response from the Ecology Officer concluded that the development would

have a minor impact on ecology, but this has the potential to be addressed by appropriate mitigation measures.

38. *Applicant response* : The applicant has considered the points raised by the Ecology Officer and has submitted a response on a number of matters : -
- Reference to the pond being designed in accordance with SEPA and SAC guidelines “which point to the desirability of an island being included”;
 - The applicant does not consider that the ‘flight corridor’ or inclusion of the island is going to encourage any more mallards to use the pond;
 - Confirmation is provided that the pond would not be stocked with fish and that dwarf birch will not be included in the landscape species mix;
 - The applicant has a design for a sand martin bank (which was originally developed for another site on which it did not progress) which was developed in conjunction with the CNPA’s Biodiversity Officer;
 - Aviemore and Vicinity Community Council (the applicant) will only have a lease on the land area identified in the planning application and will not have control over grazing in the remainder of the field or adjacent fields;

Background information has also been provided detailing that the project was “born out of comments made by SNH at a regular meeting held with local representatives.” It was suggested at that meeting that a wildlife pond in the location applied for would be “an asset and increase the biodiversity of the location and provide a greatly enhanced experience for people using the Aviemore Orbital Path.” It is also pointed out that SNH were aware of lapwings at the time of that suggestion.

REPRESENTATIONS

39. The planning application was advertised in the Strathspey and Badenoch Herald on the 14th March 2012. One representation has been received, from Scottish and Southern Energy (SSE). It refers to the site being crossed by a low voltage overhead line and states that no part of any building should be within 9 metres of the outside conductor. It also recommends that the applicant contact SSE prior to carrying out any site preparation in case the overhead line requires deviation.

APPRAISAL

40. The issues to consider in assessing this application include the principle of the development proposal, its compliance with planning policy, and other issues raised by consultees including landscape and ecology considerations and associated mitigation measures, and also the advice of Highland Council’s TEC Services section.

Principle and planning policy

41. The introduction of a suitably designed new landscape feature, at a key entry point on the northern approach to Aviemore, is acceptable in principle.

Planning policies (such as SPP's Landscape and Natural Heritage, Highland Council's Structure Plan Policy L4 – Landscape Character and the CNP's Local Plan Policy 6 on Landscape) all support developments which would enhance the landscape and setting of locations. The introduction of an appropriately designed pond, with carefully chosen planting, and the development of the adjacent dipping platform and picnic / seating area, all have the potential to significantly enhance the appearance of the field from its present marshy condition. A number of relatively minor measures / modifications have been suggested by the CNPA's Landscape Officer in order to ensure that the development blends into the landscape and reflects the general form of other waterbodies of this scale at various locations to the north of Aviemore. The requirements, as detailed in paragraph 34, such as the expansion of the deepest part of the pond and the rounding off of the pond edges, are not considered onerous and compliance with those requirements should not present difficulties.

Ecological issues

42. A range of planning policies at national, Structure Plan and Local Plan level in relation to natural heritage and ecology, are detailed in the policy section of this report. Ecology related policies share a common theme of requiring developments to minimise their impact on nature conservation resources and seek to provide enhancement wherever possible. The consultation response from the CNPA's Ecology Officer, as outlined in paragraph 35, is generally supportive of the development proposal but highlights a number of factors which have the potential to give rise to some adverse impacts and therefore need to be resolved. The omission of the island feature for example would resolve potential concerns relating to negative impacts on the ecological value of the pond which could arise from attracting significant populations of mallards. Whilst addressing the ecological concern, the omission of the island would not negatively impact on other factors, such as the overall aesthetic value of the pond or the potential for the general public to enjoy the recreational and amenity value of the pond.
43. Highland Council's Forestry Officer noted, as outlined in paragraph 31, that the construction of the boardwalk and dipping platform would require the removal of one of the larger groups of trees and this could be avoided by the repositioning of this built element a short distance to either the east or the west. This is a sensible suggestion, which would not detract from the recreational enjoyment benefits that would result from the provision of the boardwalk and platform, but would also allow the retention of the existing vegetation in this location. Given the relatively minor changes that would be warranted to this aspect of the proposal, it was not considered expedient or necessary to request the applicant to provide amended plans to demonstrate the new position in advance of the determination of the planning application. It is a matter which could be required and agreed through the use of a planning condition in the event of planning permission being granted.

Infrastructure issues

44. The consultation response from Highland Council's TEC Services has been detailed in paragraph 28, and includes a number of recommendations for

improvements to the crossing points of the adjacent Aviemore Orbital Path, on the eastern and western side of the B9152 public road, as well as the provision of signage on the approaches to the crossing points. The recommended works to improve visibility at the Orbital Path public road crossing points relate to land which is outwith the identified site boundaries and which is not in the ownership or control of the applicants.

45. The recommended roadside works could be considered unrelated to the development proposal which is the subject of this current planning application. The development would be undertaken within a field adjacent to the public road. It would not involve any new openings onto the public road and would not have any element of vehicular access. Non vehicular access would be taken from the existing adjacent Aviemore Orbital Path no works are proposed to that path. Given the relatively small scale of the development proposal, its use and recreational benefits are likely to be experienced by similar numbers of people who currently use the area, and specifically the Orbital Path. The nature of the development is highly unlikely to become a destination in itself. Details have been provided by the applicants of the estimated numbers of path users at present (in excess of 500 per month) and the point made by the applicants that the provision of the pond will not result in any significant increase in the number of people using the existing path crossing, is considered to be realistic and relevant in balancing up the onerous suggestions of TEC Services. The applicant has also pointed out that Highland Council have a “lease of the ground for the path.” Taking into account all of the foregoing factors, it is not considered appropriate or proportionate to require the applicants to undertake works associated with visibility improvements at the existing Orbital Path crossings or the provision of signage relating to the crossing. To stipulate such requirements could potentially jeopardise the applicants ability to comply (being on land outside their control) and in practical terms could threaten the viability of the project, which is essentially a community initiative to enhance the northern entrance to Aviemore.



Fig. 5 :identified site boundary, which does not extend to the roadside

Conclusion

46. In overall terms, the creation of the proposed pond feature and the associated boardwalk and dipping platform features constitutes relatively minor landscape works, which would offer significant benefits in terms of improving the visual attractiveness of this location, and would provide a pleasant recreational experience for the community and visitors alike to experience and enjoy. In addition, subject to compliance with the relatively minor amendments recommended by the CNPA's Landscape Officer and Ecology Officer, as well as Highland Council's Forestry Officer, the development would also enhance the ecological value of the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

47. The proposed development would introduce a new pond feature into the landscape, in a general area where waterbodies of a similar size are typical landscape features. Together with the associated landscaping it has the potential to become a positive landscape feature at the northern entrance to Aviemore. The introduction of the pond also has the potential to create a valuable ecological habitat. The development would assist in conserving and enhancing the natural heritage of the area. It would not have any impact on the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

48. The development of a pond would involve the use of natural resources. In addition to the pond creation, the built element of the development proposal i.e. the dipping platforms, would be constructed of timber, which is a sustainable natural resource. The development accords with this aim.

Promote Understanding and Enjoyment of the Area

49. The proposed development would introduce a landscape feature which has the potential to enhance the landscape setting of the northern entrance to Aviemore. The pond and associated boardwalk and dipping platforms have the potential to provide recreational enjoyment for the community and visitors alike and could also be used to educate people about the ecological habitat that would be created. The development has the potential to assist the general public's understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

50. The proposed pond and dipping platforms would provide a new recreational amenity for the community and visitors to experience and enjoy. The development could therefore be considered to be of assistance to the social development of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the construction of a pond, including dipping platform, picnic table and seats on land 65 metres north of Lairig View, Aviemore, subject to the following conditions :

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of development, revised proposals shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to show the following :

- (a) The omission of the island feature from the pond area;
- (b) Proposals to extend the deepest area of the pond;
- (c) Proposals to use material excavated from the pond area will be sculpted to create naturally appearing landforms around the pond;
- (d) A detailed plan to demonstrate the rounding off of the form of the pond; and
- (e) Detailed proposals for the design and installation procedure for the sand martin bank.

The development shall thereafter be carried in accordance with the agreed measures.

Reason : in the interests of clarity and in order to ensure that the development does not give rise to any adverse ecological impacts.

3. Prior to the commencement of development the following details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority :

- (a) A revised site plan to show the boardwalk / dipping platform and associated seating area into a more open area to either to east or west, in order to minimise the extent of felling of existing semi mature trees in the vicinity;
- (b) Details of all proposed seating / picnic table facilities and the precise location of such features.

The development shall thereafter be carried in accordance with the agreed measures.

Reason : In the interests of clarity and in order to minimise the extent of tree felling in the vicinity.

4. The Aviemore Orbital Path shall remain free from obstruction at all times, including during the course of development activity, and at all times thereafter unless otherwise agreed in writing by the Cairngorms National Park Authority. In the event that a temporary diversion is necessary in order to construct the

development, the detail of this diversion and all signage measures shall be agreed in advance with the Cairngorms National Park Authority.

Reason : In order to ensure that access provision is maintained in the area and in the interests of the general amenity of the area.

5. Prior to the commencement of development the following landscaping details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority –
- (a) A detailed landscaping plan, including details of all species, numbers, size of planting stock, and the means of protection for all planted trees;
 - (b) A maintenance schedule that secures the form, stability and longevity of the planting; and
 - (c) Identification of all trees to be felled.

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

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

Advice notes :

- (A) The applicant is encouraged to discuss the development with the CNPA's Landscape Officer, Ecology Officer and Biodiversity Officer prior to submitting details to comply with condition no's 2 and 3 of this consent;
- (B) The applicant is encouraged to develop the pond by translocating water, vegetation and sediment from an established pond in the Aviemore area, in the interests of 'kick starting' a pond ecosystem;
- (C) Prior to any work of excavation and surfacing starting within 2 metres of the public road edge, a road opening permit shall be obtained from the Roads Authority.
- (D) The site is crossed by a low voltage overhead line. The applicant is advised to contact Scottish and Southern Energy to discuss any potential implications prior to carrying out site preparation.

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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

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Paper I 20 July 2012

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