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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: DON MCKEE (HEAD PLANNER)**

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**DEVELOPMENT PROPOSED :**

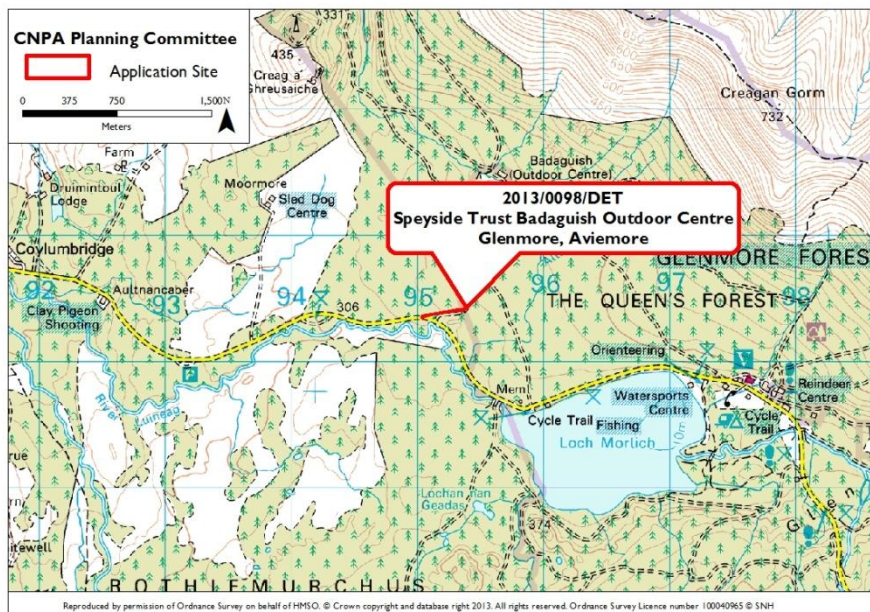
**ALTER DESIGN PROPOSALS TO CARRY OUT APPROPRIATE IMPROVEMENTS TO EXISTING ACCESS ROAD INSTEAD OF PARALLEL TRACK APPROVED UNDER CONSENT 09/295/CP AT BADAGUISH OUTDOOR CENTRE, GLENMORE**

**REFERENCE: 2013/0098/DET**

**APPLICANT: SPEYSIDE TRUST C/O BRACEWELL STIRLING CONSULTING LTD., NESS BANK, INVERNESS**

**DATE CALLED-IN: 25 MARCH 2013**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



**Grid reference : 295211 810390**

**Fig. 1 - Location Plan**

This application was previously considered at Planning Committee on 26 April when it was deferred and agreed that it should be brought back to Committee within two months. Discussions are ongoing with the applicant and an adjacent land-owner with a view to reaching a satisfactory conclusion. An oral update will be given at the Committee meeting.

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application to amend proposals which were approved through a previous application on the land (CNPA ref. no. 09/295/CP refers). The current application site is curtailed to a 300 metre section of the existing private vehicular access track which leads from the Glenmore Road to Badaguish Outdoor Centre. Permission is sought to alter the design proposals in order to carry out improvements / modifications along this section of the existing access road, in order to provide safe dual usage. The works are proposed to be undertaken instead of more extensive development which was permitted in the previous application, and included proposals for a separate walk / cycle track running parallel to the existing access road to the outdoor centre. The land within the identified site boundary is within a number of sites designated for conservation, including the Cairngorms Special Area of Conservation (SAC), Cairngorms Special Protection Area (SPA) and the North Rothiemurchus Pinewood Site of Special Scientific Interest (SSSI).

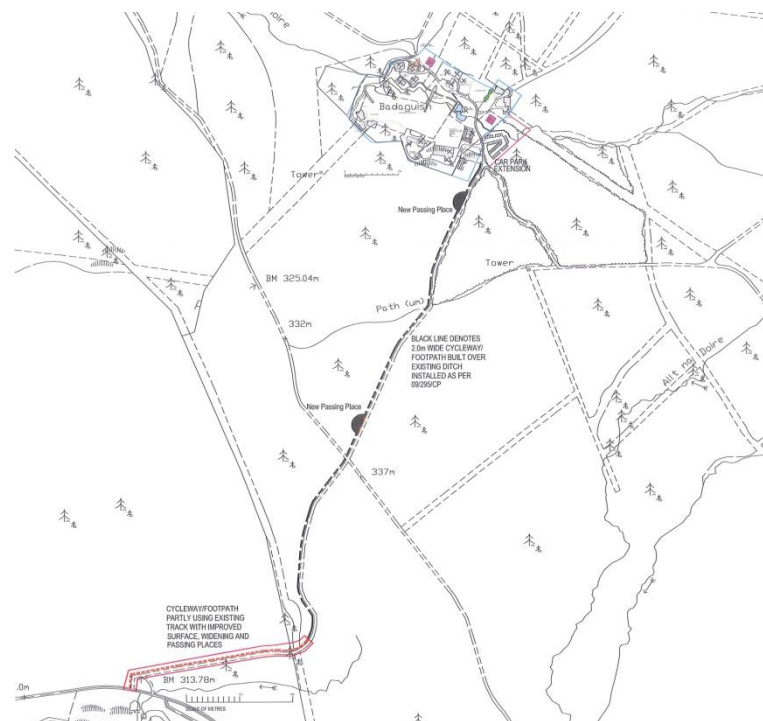


Fig. 2 : The red line boundary identifies the element of the access route which is the subject of the current application

2. The works proposed in this current application pertain to approximately 300 metres of the existing access route at the southern end of the track, from its junction with the public road. It is proposed to create a total of six passing places, at intervals along the side of this section of access road. A total of 10 small 'step off'<sup>1</sup> areas are also proposed along this section of track. The applicant has outlined in a supporting statement that the same objectives as the earlier separate walk / cycleway proposal could be met by the currently proposed modifications. The objectives detailed in the applicants current supporting statement refer to :
- Improving the flow of vehicular and non vehicular traffic;
  - Ensuring that disabled visitors who are using the section nearest Badaguish for recreation are able to get off the road, out of the way of vehicles; and
  - Ensuring that extending the busy season at Badaguish (by the development of a new wigwam area, as approved in CNPA planning ref. no. 2011/0206/DET) will not aggravate the situation for users on the access road.



**Fig. 3 : Section of existing vehicular access route (view from junction with the northern section of the Old Logging Way, looking towards the junction with the public road)**

3. The currently proposed modifications would result in the approved development of the separate walk / cycle track not being taken forward adjacent to the southern section of the existing access road. The applicant suggests in support of the current application that the proposed works would “reconcile what is considered to be over provision / over specification of the current proposal, given the low volume and speed of vehicles using this 300m section”: and “would still ensure that the required objectives are met.” A number of further points have also been made in the supporting statement in order to justify the current position, including :
- (a) That the low volume and low speed of vehicles using the 300m section of access road does not compare with the Glenmore Road;
  - (b) A separate walk / cycleway is not justified as there is no recreational use of this section by Badaguish disabled visitors;

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<sup>1</sup> The proposed step off areas are understood to be small areas which would serve as a type of refuge point for walkers or cyclists to step into in the event of encountering vehicular traffic.

- (c) There is no projected increase in capacity at Badaguish or in the volume of traffic during the main season, arising from the planned replacement of tents with wigwams. Projected increases in visitors would result from extending the season;
- (d) “There is pragmatic evidence that cyclists and walkers will tend to choose to stay on the small tarmac road.” The 300 metre section which is the subject of this current application is described as short and quiet and has good visibility from start to finish. Walkers and cyclists are considered unlikely to cross it to access a separate track;
- (e) Safe and responsible use can be achieved by providing 6 laybys, appropriate signage and 10 sections of hard shoulder and the cutting back of the verge.

#### **Previous permission**

- 4. As noted in earlier paragraphs, the CNPA previously granted planning permission for the formation of a separate 2 metre wide walk / cycleway, extending alongside the entire route of the Badaguish access road, from its junction with the Glenmore Road to the core area of Badaguish Outdoor Centre. The permission was granted in April 2010, and also included permission for the formation of passing places, and the provision of additional car parking. The latter aspect of the proposal is on land within the central area of the Outdoor Centre. A detailed Ecological Survey and Impact Assessment was submitted in support of that planning application.



**Fig. 4 : start of developed walkway**



**Fig. 5 : end of walkway at Centre**

- 5. Work has recently been undertaken to develop a significant portion of the separate walk / cycleway. The walk / cycleway is now in place from the junction of access road and the northern off road section of the Old Logging Way, and extends in an northeasterly direction to its termination close to the core area of the Outdoor Centre. New passing places have also been created on the vehicular access route. The car parking area has not yet been developed, although in the course of a recent site visit it was noted that some tree felling has recently been undertaken on the site.

## DEVELOPMENT PLAN CONTEXT

### National Policy

6. **Scottish Planning Policy<sup>2</sup> (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 should .....allow 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.” 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. 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.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. *Economic development* : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
10. *Rural development* : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is

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<sup>2</sup> February 2010

required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

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

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan 2012 - 2017**

13. 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 term 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)**

14. **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.

15. 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.
16. 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.
17. 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.”
18. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

### **Local Plan Policy Cairngorms National Park Local Plan (2010)**

19. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
20. The Local Plan contains a range of policies dealing with particular interests or types of development. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

21. Policy 1 – Natura 2000 sites : Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. If the assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where (a) there are no alternative solutions and (b) there are imperative reasons of overriding public interest, including those of a social or economic nature.
22. Policy 2 – National Natural Heritage Designations : developments that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it can be demonstrated that (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or (b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
23. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
24. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
  - (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
  - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
25. 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.



26. 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.
27. Policy 34 – Outdoor Access : development that improves opportunities for responsible outdoor access will be encouraged. Development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

#### **Supplementary Planning Guidance**

28. 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**

29. The guide highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. 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.”

#### **Natural Heritage SPG**

30. The guidance document sets out how the natural heritage of the Cairngorms National Park will be taken into account when considering all development proposals. It explains the six key principles that will be used to assess planning applications and also provides an indication of evidence that should be gathered to accompany a planning application.

## CONSULTATIONS

31. A variety of consultation responses were received in connection with the previously approved, more extensive proposal for a separate walk / cycleway. Due to the limited nature and scale of the works proposed in the current application, the consultation process has not been as extensive. However, for background the following paragraph provides a brief summary of consultation responses received in connection with the earlier proposal.
32. - Scottish Natural Heritage (SNH) : no objection, but recommended a number of conditions in order to avoid any adverse impact on designated sites;  
- SEPA : no objection;  
- Highland Council's TEC Services : no objection.  
- CNPA's Heritage and Land Management Group : no landscape objection, although some advice was provided on the need to retain a strip of vegetation between the new walk / cycleway and the existing vehicular access route. Ecology comments and advice focused on the car parking area which formed part of the previous development proposal and there was no objection to the walk / cycleway.
33. In the course of the current planning application, consultation responses were received from Aviemore and Vicinity Community Council and the CNPA's Outdoor Access advisors. Both parties were also consultees in the course of the earlier application, but the following paragraphs provide a summary of their comments in relation to the current proposal.
34. Aviemore and Vicinity Community Council : The response from the Community Council expresses support for the application.
35. CNPA Outdoor Access : It is noted in the consultation response that the larger section of the originally approved walk / cycleway, which lies on Forestry Commission land, has recently been developed, and that the current application pertains to the southern section of the route which lies on land owned by Rothiemurchus Estate. The Outdoor Access Officer considered the points raised by the applicant in justification of the current proposal<sup>3</sup> and commented on a number of those points.
- It is accepted that traffic volumes and speed on the access road is lower than on the public road. However, the Access Officer notes that this was also the case at the time that permission was previously sought for a separate walk / cycleway alongside the entire extent of the access route from the public road to the Outdoor Centre;
  - In response to the applicants suggestion that there is no recreational use of the lower section of the existing access road by the disabled visitors to Badaguish, the Access Officer highlights that a continuation of the separate walk / cycleway would provide disabled visitors with a new off road opportunity to access the Old Logging Way in the direction of Aviemore. In this respect the previously approved walk / cycleway was

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<sup>3</sup> Please refer to paragraph 3, where the points of justification have already been summarised.

- regarded as fitting with Policy 34 (Outdoor Access) of the CNP Local Plan; and
- Where the applicant has put forward the view that walkers and cyclists will tend to choose to stay on the existing tarmac road rather than cross onto a separate track, the Access Officer accepts that this may reflect the behaviour of confident and fast cyclist, but notes however that it is far more likely that less confident walkers and cyclists, and in particular those with small children, would opt to use a separate walk / cycleway.
36. The consultation response from the Access Officer notes the extent of works that are proposed in this current application, including lay by provision and the creation of 'step off' hard shoulder areas, and questions why instead the whole 300 metre stretch should not benefit from the same treatment i.e. the separate walk / cycleway, as the upper section of the route. It is noted that this would result in a consistent standard of off-road route from the public road to the Outdoor Centre.
37. As background information, the Access Officer also refers to the benefit of getting people off road on this section, as it forms part of the Old Logging Way. Background information was also provided on an offer made to the operators of Badaguish Outdoor Centre that should owner consent be given for a path over this section, that the CNPA would seek to incorporate the maintenance of this section into the current maintenance agreement between the CNPA and Rothiemurchus Estate along the whole extent of the route which on that Estate's land.
38. The concluding comments for the CNPA's Outdoor Access Officer in respect of the current proposal note that the proposed increased number of lay-bys would create more opportunities than in the existing access arrangement for non-motorised and motorised users to pass each other safely. In this respect the proposal would be an improvement on the existing situation and would provide a level of increased safety for non-motorised users. However, it is considered to fall short of the ideal solution which was approved in the course of the previous planning application (CNPA ref. no. 09/295/CP).

## REPRESENTATIONS

39. Two letters of representation have been received in response to the parties being notified of the planning application by the applicant / agent as part of the Land Ownership Certificate notification process. Mr. Johnny Grant of Rothiemurchus Estate confirmed that he supports the application.<sup>4</sup> In a submission from Mr. James Higgins on behalf of the Forestry Commission, it is noted that the proposed variation affects only a small area of the national forest estate and that Forestry Commission Scotland is happy to support this new application.

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<sup>4</sup> His letter also notes that this "does not give the estate's permission to proceed" and "that should be applied for once consent has been granted."

## APPRAISAL

40. The principle of undertaking works to improve the safety and flow of vehicular and non traffic on the private access route which leads from the public road to Badaguish Outdoor Centre has already been accepted through the previous granting of planning permission for a separate walk / cycleway alongside the entire extent of the access route (CNPA ref. no. 09/295/CP). The case made at that time regarding the construction of the route being desirable for safety reasons<sup>5</sup> was accepted and the walk / cycleway was considered an appropriate solution and one which would blend into the general surroundings without adverse impact on the special qualities of the area.
41. As detailed in foregoing sections of this report, the current proposal seeks to modify the permitted design proposals over 300 metres of the southernmost section of the route. The measures proposed in the current planning application are far more limited in scale, nature and physical impact than the earlier approved development. As such the principle remains acceptable and it can be determined that the works would comply with Local Plan policies pertaining to natural heritage and landscape.
42. Arising from that acceptance, the key issue to consider in this current application is whether or not the proposed works are sufficiently acceptable in lieu of the more extensive separate walk / cycleway that was previously envisaged and approved. Policy 34 (Outdoor Access) of the CNP Local Plan must be considered. The policy seeks to encourage improved opportunities for responsible outdoor access and discourages development proposals that would result in a reduction of public access rights. In setting aside the matter of the previous permission for a more ambitious development and considering the current proposal entirely on its own merits, it is reasonable to conclude that the proposals would be an improvement on the current access arrangements. This is indeed a point which has been made by the CNPA Access Officer in the concluding comments of the consultation response. The provision of additional lay bys would allow for greater ease of passing of vehicular and non vehicular users along this 300 metre section of access road, and the positioning of 10 'step off areas' at intervals along the route would provide valuable refuges for walkers or cyclists.
43. Finally, in looking at the practicalities of the situation, it is necessary to be aware of potential scenarios that could develop depending on the outcome of this planning application. In the event of a refusal of planning permission, the applicant would continue to have the benefit of the previously approved planning permission for the separate walk / cycleway. A significant portion of that track has already been developed further to the north of the currently identified site area. As development has commenced, the permission remains live and it is a matter for the applicant to decide when the remainder of the

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<sup>5</sup> Reference was made in a submission from the applicant at that time stating that the existing arrangement "has become a safety concern due to accidents resulting from increased use of the access track."

permitted works would be undertaken. In the event of a lengthy delay in the remaining works being undertaken, the access arrangements would remain as existing and the original point of concern regarding the safety of users due to increased interaction between vehicular and non vehicular users would remain unresolved. It is clear from the applicants supporting information in this current application that the preference is now to undertake more scaled down works in order to address this issue. The information provided is sufficiently detailed to conclude that adequate regard has been given to the impact of the works in terms of achieving improved flow of vehicular and non-vehicular traffic, providing an appropriate quality of experience for the general public and considering health and safety implications. While the completion of the originally proposed and approved separate walk/cycle to its full extent, including alongside this final 300 metre section of the access route, would be the desired outcome, the current proposal nonetheless provides an alternative which can be considered acceptable. It is also a solution which is likely to have greater potential to be undertaken within a relatively short timescale, and this would ultimately be to the benefit of users.

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

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

44. Although the currently proposed development would be undertaken within a heavily designated area, the works are sufficiently limited in nature to avoid adverse impacts on the features for which the area is designated. Further detail could be requested through a planning condition to ensure that the lay by positions and proposed small 'step off' areas are appropriately located to conserve vegetation in the vicinity.

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

45. The proposal does not have not any impact on this aim.

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

46. The proposed development would provide more opportunities than the existing access arrangement for non vehicular and vehicular users to pass each other safely on the 300 metre section of access road. This would be of benefit to users and could be considered a means of enhancing their experience of the area. However, as a more limited proposal for improvements than previously approved in CNPA planning ref. no. 09/295/CP, the current proposal would not deliver the same level of benefit to users as would have otherwise resulted from the development of the entire extent of a separate walk / cycleway alongside the existing access road to the Badaguish Outdoor Centre.

## Promote Sustainable Economic and Social Development of the Area

47. The proposal would provide a safer environment than currently available for users of the Badaguish facility, as well as users of the Old Logging Way. As such it could have the benefit of encouraging wider use of the facilities, which would be of overall economic benefit to the area. However, similar to the implications in respect of the third aim of the National Park, as a more limited proposal than previously approved, the works may also discourage some user groups.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION to alter design proposals to carry out appropriate improvements / modifications to provide safe dual usage to the existing access road rather than creating a standalone new parallel cycle track over the section which was proposed under consent 09/295/CP at Speyside Trust Badaguish Outdoor Centre, Glenmore, 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 as amended by the Planning etc. Scotland Act 2006.

2. Prior to the commencement of development a revised site plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show :
  - (a) The precise location of each of the six new lay bys and the grid reference of each;
  - (b) The precise location of each of the 10 'step off' areas and the grid reference of each ;
  - (c) Identification of the extent of each area of trimmed verge between 'step off areas' and laybys;
  - (d) The precise location of existing passing places (formal and informal) on this section of existing access road; and
  - (e) Specific identification of any trees to be felled or vegetation to be disturbed to facilitate the works.

All works shall thereafter be undertaken in accordance with the agreed measures.

**Reason:** In the interests of clarity and in order to ensure that the development is designed to provide the maximum benefit possible to users.

3. Prior to the commencement of development, details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority of the construction of each lay by and 'step off area' (including exact dimensions and specifications).

**Reason:** In the interests of orderly development and to ensure that the proposals are appropriate to their rural surroundings.

4. Prior to the commencement of development details of all proposed signage, the signage content, signage materials, and signage locations shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. Consistent with the terms of condition no. 7 of the associated planning consent (CNPA ref. no. 09/295/CP) any work undertaken on this route shall not be promoted as a new recreational facility in the area. Signage shall be limited to warning signage.

**Reason:** In the interests of advising the public of the extent of works and protect the general safety of users of the area and in order to limit disturbance of the designated features of interest.

5. No development shall be undertaken during the recognised bird breeding period, between April and mid July inclusive, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

**Mary Grier**

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**17 April 2013**

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