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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

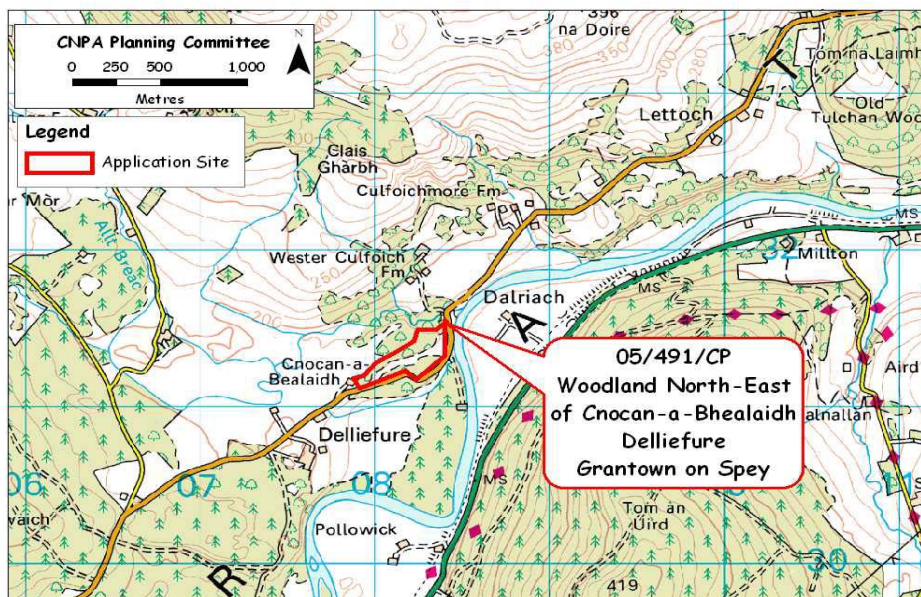
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**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR USE OF LAND AS A NATURAL BURIAL SITE, AND CONSTRUCTION OF ACCESS AND CAR PARK, WOODLAND NORTH-EAST OF CNOCAN-A-BHEALAIDH, DELLIEFURE, GRANTOWN-ON-SPEY**

**REFERENCE: 05/491/CP**

**APPLICANT: NATIVE WOODLAND LTD., 64B, THE CAUSEWAY, DUDDINGSTON VILLAGE, EDINBURGH**

**DATE CALLED-IN: 2 DECEMBER 2005**



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This countryside site is located on the B9102 road approximately 5km to the north east of Grantown-on-Spey. The site extends to approximately 8.22ha (20.3 acres) and comprises an open uncultivated roughly grassed field area, flanked to the north and south by mature silver birch woodland. The open “glade” area is generally flat but the ground on the northern side rises quite steeply to a wooded plateau. Beyond the eastern boundary there is a steep wooded embankment down to the level of the B9102 where it curves northwards, adjacent to the River Spey. The B9102 also runs along the south east side of the site. One house (“Cnocan-a-Bhealaidh”) is positioned close to the west end of the site but at a higher level. Views from this house to the site are partially screened by the birch woodland.



Looking north east into site



Looking south west within site

2. The proposal is to create a natural burial site, incorporating a series of 7 burial glades within the open central field area and the birch woodland on the south side. Some of the burial glades in the central area will extend into the lower slopes of the birch woodland on the north side. Access to the site will be from a new gate directly off the public road within the woodland area on the south side. A new unpaved access road will then serve a car parking area catering for a maximum of 18 cars. An information board will be erected on an angled wooden plinth at the north-east corner of the car park. Another unsurfaced road will run north-eastwards along the edge of the south woodland for approximately 160m to a turning area (hearse turning). Thereafter it will turn into a footpath. New structure planting will be created to screen the car parking area and increase habitat diversity. There will also be designated areas of commemorative planting which will help define areas set aside for burials. (Site plan attached).
3. The application is accompanied by an Environmental Statement which covers matters such as the development proposals (site design, burial practices, frequency, pets, vehicle movements and maintenance) environmental parameters (land use, ecology, archaeology, soils, geology, and hydrology) and impacts (aesthetics, road safety, ecology, archaeology, surface water and ground water).

4. With reference to the development proposals, in addition to the physical proposals described above, it is stated that there will be no burials within 60m of the River Spey and no embalmed or preserved bodies will be accepted. Pet burials are not permissible at this stage, (additional Waste management Licence from SEPA would be required) and all caskets, shrouds or pods must be of natural untreated, biodegradable materials. No headstones will be permitted in grassland areas and in woodland areas graves may only be marked by a small unpolished roughly hewn stone laid flat at the head of the grave. Initially within the 7 burial glades, ten plots will be marked by stout oak posts driven into the ground. Standing 300-400mm above ground, each post will have a small numbered disc for reference and each stake marks the centre of the head of a grave. After use the stake and disc is removed and stored for future use. All plots are referenced through triangulation measurement to permanent ground markers installed during site establishment. These markers are in turn referenced to OS benchmarks.
5. All Rights of Burial will be governed by a purchase agreement which stipulates the restrictions on burial practices. It is estimated that the maximum frequency of burials will be 24 full-plot and 12 ashes plots, in the fourth year of operation. It is also estimated that the maximum number of vehicle movements by year 5 would be 960. Families will be encouraged to hold services and receptions off-site in order to keep those accessing the site to a minimum. The site will be maintained via the implementation of an agreed maintenance plan with the landowner, the Reidhaven Estate. The Reidhaven Estate will be responsible for on-going maintenance and it is stated that site security will be checked daily. On a weekly basis, signs will be cleaned, and cut flowers, memorial tokens and litter will be removed. Safety checks on all fencing, gates, woodland and paths will be carried out monthly. On a seasonal basis, or as required, there will be provisions for strimming weeds and thistles in the grassland area and repairing roadways after winter frosts.

## DEVELOPMENT PLAN CONTEXT

6. In the **Highland Structure Plan 2001, Policy G2 (Design for Sustainability)** states that proposed developments will be assessed on the extent to which they, amongst other things; impact on individual and community residential amenity; contribute to economic and social development of the community; impact on resources, (including pollution and discharges), such as habitats, species, landscape, scenery, freshwater systems and cultural heritage; and impact on non-renewable resources such as mineral deposits of potential commercial value, and prime quality or locally important agricultural land. **Policy N1 (Nature Conservation)** states that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. This refers to sites and species of

international, national and local importance. **Policy L4 (Landscape Character)** states that regard will be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy B7 (Business Development in Rural Areas)** states that small-scale business development or extensions to existing indigenous industries will be encouraged in rural areas.

7. In the **Badenoch and Strathspey Local Plan 1997**, the site is located in a countryside area outwith any settlement. The treed areas on the north and south flanks of the site are identified as woodland/forestry. The far north east corner of woodland is shown within an area covered by **Policy 2.5.6. (Nature Conservation – part of the Culfoich-Lettoch Woodland)**. This states that regard will be had to the local nature and conservation value of nominated areas when considering future proposals for development or interpretation. One of the Local Plan's principle "landward" objectives is stated as being protecting the area's exceptional scenic, nature conservation, wildlife and landscape resources and heritage. **Policy 2.2.1 (a) (Economic Development)** seeks to encourage and attract new economic development where this is consistent with the maintenance of a clean environment. **Policy 2.2.1.(b) (Agricultural Diversification)**, provides encouragement for diversification, innovative land management and development schemes embracing specialised farming and other businesses, small woodlands, tourist and recreational provision. **Policy 2.5.4. (Woodlands and Trees)** seeks to protect existing trees and established woodland areas including small groups of trees or individual granny pines which are important landscape, wildlife and amenity features of the countryside. These include significant areas of ancient and semi-natural woodlands. **Policy 2.5.10. (Landscape Conservation)** seeks to conserve areas of landscape importance including waterside land, open areas and scenic views particularly over open water from the main tourist routes. Development proposals will be considered carefully in respect of their impacts on conservation and the environment.
  
8. For information purposes only, the CNPA Consultative Draft Local Plan identifies all but one part of the site (far north east corner) under **General Policy 1**. This policy states that development will be permitted if it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. The far north-east corner of the site is identified under **General Policy 2**. This is because of the woodland at this location is identified on the Ancient Woodland/Semi-Natural Woodland Inventory. The policy states that development will only be permitted where it is demonstrated that there is no alternative and the aims of the National Park or objectives of the designation and the overall integrity of the areas, features or interests will not be compromised. **General Policy 5 (Sustainable Development)** sets out sustainable development criteria against which development proposals will be assessed. **Topic Policy 4 (Landscape)** states that development that is likely to have an adverse impact on the

special landscape qualities of the National Park including; landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character of parts of the National Park, will not be permitted.

## CONSULTATIONS

9. **Highland Council's Area Roads Manager** recommends approval, subject to conditions relating to the formation of a formal bell mouthed access, surfacing of the first 6m of the access and the positioning of any gates at a distance of 12m from the road. In addition, visibility splays and parking and manoeuvring space are required. Also, burial glades shall not be located within 15 metres of the public road such that any future road widening or realignment would be compromised. The Roads Manager has however confirmed that there are no proposals for a road realignment at this location in the foreseeable future.
10. **Highland Council's Environmental Health Officer** has no objections.
11. **SEPA** accepts the findings of the Environmental Statement produced and considers the risk of pollution to local groundwater and the River Spey to be low. They therefore have no objections. **For information**, they have also advised that they do not consider the burial of corpses to be a waste disposal activity, but recognise that it is an activity which may lead to the input into groundwater of substances listed under the Groundwater Regulations 1998. In the event of a clear and serious risk to groundwater or surface water being identified as a result of burials, SEPA can prevent or control activity using their Policies or the Control of Pollution Act Prohibition Notices. In addition they recommend that the landowners maintain records relating to dates, locations and numbers of burials.
12. **The CNPA's Economic Development Officer** has stated that the project provides some short-term economic gain in the establishment of this facility. There is also likely to be demand for such an unusual service from outside the area, so visitor days and overnight stays are probably going to increase slightly, benefiting local accommodation providers. The site is located away from areas of population and is unlikely to impact on them. It is expected to require little on-going maintenance, but the possibility exists for some economic benefit. There appears to be little environmental impact, and managed areas such as this often improve landscape management therefore reducing the possibility of associated negative economic effects due to environmental degradation.

13. **SNH** has advised that the site lies close to the River Spey SSSI and SAC. However, they consider that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. In their opinion, there is therefore no requirement for an appropriate assessment. They also have no comment to make in relation to other natural heritage interests.
14. **The CNPA's Natural Heritage Group** considers that the natural heritage value of the site can be adequately conserved and enhanced by the proposed development. They therefore do not consider that the proposal is in conflict with the aims of the Park. They welcome the use of indigenous tree and shrub species for commemorative planting and consider that these should also be used for screen planting in order that the native woodland character of the locality is maintained and enhanced. They advise, however, that some of the species scheduled should not be considered for planting at the site as a result of doubts of their nativeness to the area. They therefore have put forward suggested alternative species of trees and shrubs. They suggest that all tree, shrub and flower specimens should be of local origin. This is to eliminate the risk of invasive, non-native flora being introduced to the site. In this respect, they recommend that a list of flower species for the commemorative planting areas is provided for further approval. In relation to tree removal, NHG note that dead or dying trees will be replanted. As dead or dying trees are an important part of any woodland ecosystem, they urge that they are not removed unless they pose a significant risk to human safety. Furthermore, during the construction of the access track and the laying out of the burial plots, the number of trees to be removed is minimised in order that the woodland character of the site is not compromised.

## REPRESENTATIONS

15. The application was advertised by Highland Council under Section 34 of the Act (Bad Neighbour Development). Support for the development has been received from the **Cromdale & Advie Parish Church**. It is stated that funerals within the parish are usually followed by either a cremation or burial in one of the established graveyards, but that it is known that there are people who would have been delighted to use the proposed facility.
16. **Mr. Iain Hay (Cnocan-a-Bhealaidh)** has raised some concern about road safety in the area because of the layout and configuration of the road at this location. He suggests that if the proposal goes ahead, then graves should not be positioned too close to the road such that they would preclude any proposals for straightening and widening of the road. In addition, in a letter to the applicant (and copied to us), he raises matters relating to signage and a desire to have further structure planting to screen views towards the site from the rear of his house.

The applicant has responded directly to the representee and it has now been confirmed that there is no longer any concern.

17. **Copies of these letters are attached for consideration.**

## **APPRAISAL**

18. The key issues in the consideration of this proposal are the principle of this type of development in this location in terms of planning policy and the aims of the Park, the environmental impacts and mitigation measures, and the general impact on the area, in particular on the landscape, the residential amenity of the adjacent house and road safety.

### **Principle**

19. The site lies within an area of countryside where policies would generally restrict significant new development, in particular housing development. However, the proposal is for a low impact non-residential use with a limited amount of new physical works. The whole concept of a "green" burial site is to provide an alternative choice for burial in a tranquil countryside area away from settlements. The objective is to maintain the landscape and the rural environment in its natural form. Indeed, part of the concept is to try and enhance the quality of the natural surroundings. By providing an alternative choice for people, which in principle seeks to further general "green" objectives, I find that the proposal has generally positive implications for the aims of the National Park. There are no specific planning policies in the development plans for this area, which relate to this specific type of development. However, there are general policies which support the appropriate fostering of new business type development and agricultural diversification in rural areas. While there appears to be no significant direct economic benefits from the development, the CNPA's Economic Development Officer has provided his general support, stating that there would be no associated negative economic implications and that there may be some slight localised economic gain. I therefore can find no imperative reason, in policy terms, for not supporting the principle of a natural burial site, as a new land use, at this location. Nevertheless, this is dependent on a more detailed assessment of the on site implications.

### **Environmental Parameters and Mitigation**

20. The submitted Environmental Statement (ES) provides a detailed examination of the environmental parameters on this site and the impacts that the proposal may have. It is stated that the land, dating back to the mid 1800s has been used for general agricultural activity. However, there are no potentially significant features of this use on the

site and there is no evidence of existing intensive agricultural activity on the land at present.

21. The applicants have researched through consultation with the Highland Biological Record Group, the **ecology** of the site. The results are that there is the potential for one endangered plant species and five other vulnerable plant species occurring on the site. In terms of protected mammals, 8 species (including water vole, pipistrelle bats, brown long-eared bats, red squirrel, brown hare, wild cat, badger and pine marten) could be present. Protected species of birds which could also be present include skylark, linnet, reed bunting, spotted flycatcher, bullfinch and song thrush. As stated above the concept of a “green” burial site is to maintain and enhance the biodiversity of existing sites. Since there is little in the way of physical intrusion, there will be no material change to existing habitats. In wooded areas, trees will be preserved and protected from harm by limiting the size and depth of burial excavations (a standard specification is stipulated). Reidhaven Estate’s forester is to advise on a continuous basis on tree protection, thinning etc. and additional trees will be planted to replace any dead or dying trees. Bird and bat boxes will be strategically placed in trees to promote diversity. In the grassed areas, the existing grassland habitat and biodiversity is to be maintained and enhanced by ensuring strict compliance with the restrictions on burial techniques and creating new structure planting to increase the woodland habitat.
22. There are no natural heritage designations on the site and SNH have not raised any concern about the proposals in respect of Natura Interests nor any other natural heritage resource. The CNPA’s Natural Heritage Group consider that the development will adequately conserve and enhance the natural heritage value of the site. Their request to amend the proposed schedule of species for tree, shrub and flower planting is welcomed by the applicant and this can be conditioned. While the far north-east corner of the woodland part of the site is indicated as Ancient Woodland/Semi-Natural Woodland, there are no proposals to have burial glades in this location. It will remain unaffected. Provided all the measures and procedures promoted in the ES for the continued protection and enhancement of the ecological habitat value of the site are carried through, there are no unacceptable impacts in this respect.
23. The ES also details the **archaeological** history of the site. There are no Scheduled or Unscheduled Ancient Monuments on the site. Three sites (unroofed buildings associated with previous agricultural use) have been identified within 300m of the boundary of the proposed site but are unaffected. Highland Councils Archaeology Service has advised that, although the wider area appears to be favourable for prehistoric settlement, little physical evidence has been identified. From a cultural heritage point of view, the proposal does not raise any concerns but the applicant has confirmed that a watching brief will be



maintained during any excavations and that if anything is found, work will stop immediately and the archaeology service informed.

24. In relation to **soils and hydrology**, extensive trial pit, borehole and percolation testing has been carried out. The evidence from these investigations is that the groundwater table is at a depth of over 25m. Detailed information and analysis about the likelihood of pollution from the products of decay, and taking account of the detailed site and ground characteristics, size of site and operating procedures, are contained in the ES. The conclusion is that the proposed use of the site will have no adverse impact on local or regional groundwater quality. SEPA have reviewed the contents of the ES and have confirmed that they have no objections in this regard. In addition, they have also advised, that in the unlikely event of some pollution arising, they would be able to control the activities through their legislation.

### **General Impact on Landscape, Road Safety and Residential Amenity**

25. As stated above, the proposal is low impact. The concept is to retain the natural appearance and character of the area. There is no doubt that the site has a very tranquil and attractive natural character and appearance, where levels of human activity is low key. However, it is not completely isolated or remote. The adjacent public road is a popular route and there is one house located in reasonable proximity to the south west boundary of the site. The proposal will undoubtedly increase the amount of people accessing the site. However, the level of visits will be generally sporadic and the nature of activity inobtrusive. The only new work of any scale is the formation of the access, car park and service track. These will introduce new elements to the landscape but efforts have been made to mitigate any visual impacts. The position of the new access from the public road is within existing trees and where it forms into a car park (which is deliberately modest in size), new structural tree planting will provide natural screening. The service track runs along the side of the tree belt and is therefore not set out in the open. The tracks and car park will all be designed to rural specifications (Forestry Commission). The proposed information board will remind visitors of the sensitivity and objectives of the site. Again provided the measures and procedures promoted in the ES are carried through, I do not believe that there will be any significant or unacceptable **landscape or visual impacts**.
26. Highland Council's Area Roads Manager has confirmed that he does not believe that the level of new traffic movements created by the proposal will have a detrimental impact on **road safety**, provided the new access is constructed in line with normal requirements. The representee has raised some concern about the safety of the road at this location and suggests that future widening and/or realignment should be considered or certainly not compromised by the proposal. A condition is suggested to this effect (maximum distance from road to burial glades). The issue of signage would be one for consideration

through the submission of a further application for Advertisement Consent. However, the applicant has confirmed that it would be his intention to seek the siting of official roads signage, in conjunction with Highland Council.

27. Finally, the representee has requested that consideration be given to increasing structural screen tree planting in an area close to his boundary but within the site. The applicant has no objection to this but wishes to consider exactly what may be required when all other infrastructure works have been completed. While, from a planning point of view, I do not see that there is a significant adverse impact from the development on the residential amenity of the owners of "Cnocan-a-Bhealaidh", it would clearly be of benefit to provide some additional screening to overcome their concerns. A condition is proposed.

### **Conclusion**

28. In conclusion, I support this proposal. I submit that it is positive in terms of the aims of the Park and that it does not compromise any planning policies. Provided the measures and procedures promoted in the submitted ES are carried through, I am content, as are consultees, that the development will complement this rural location.

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

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

29. The concept of the proposal is to provide a development which is appropriate to its rural setting and which protects the natural heritage of the area. Subject to compliance with the mitigation measures and procedures proposed, there will be no negative implications for natural or cultural heritage. Indeed, it is envisaged that the proposal will, in many instances, provide the opportunity to enhance the natural heritage resource at this location.

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

30. The proposal is to provide a "green" burial site. The concept and the manner in which it will be developed and controlled promotes the sustainable use of natural resources and meets overall sustainability objectives.

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

31. There are no direct issues for this aim. However, the proposed information board will supply information about the development, its objectives, and the sensitivity of the area in terms of its natural heritage value.

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

32. The development will provide an alternative service to established burial services in the area. The local church is supportive of this. This is positive in terms of promoting the social development of the area. There may also be some localised economic benefits to the community.

## **RECOMMENDATION**

33. That Members of the Committee support a recommendation to:

### **Grant Full Planning Permission for Use of Land for Natural Burial Site, and Construction of Access and Car Park, at Woodland North-East of Cnocan-A-Bhealaidh, Grantown-on-Spey, subject to the following conditions;**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the development hereby approved shall be carried out, and thereafter operated and maintained for all time coming, in accordance with all the proposals, details, procedures and mitigation measures, stipulated in the Environmental Statement (Native Woodland Ltd.) dated 30 November 2005.
3. Notwithstanding the details hereby approved, a revised schedule for the proposed "permitted" tree and shrub planting for the commemorative and structural screen planting areas shall be submitted for the further written approval of the CNPA acting as Planning Authority. Such a revised schedule shall include species of a local, native, Strathspey origin only, and no other species shall be permitted to be planted thereafter.
4. The areas of structural screen planting around the approved car park, shall be landscaped in accordance with a detailed scheme which shall be submitted to and approved by the CNPA acting as Planning Authority, prior to commencement of development on site. The scheme shall indicate the siting, numbers, species (in line with the revised schedule required by Condition No. 3 above) and heights (at the time of planting) of all trees and shrubs to be planted. The landscaping of these areas shall be completed during the planting season next following the completion of the car park works, or such other date as may be agreed in writing the CNPA acting as Planning Authority, and they shall be maintained in perpetuity, with any trees or shrubs removed or dying being replaced by trees or shrubs of similar size and species to those originally planted.

5. That prior to the commencement of works on site a detailed schedule for the proposed “permitted” flower planting for the commemorative planting areas shall be submitted for the further written approval of the CNPA acting as Planning Authority. Such a schedule shall include species of a local, native, Strathspey origin only, and no other species shall be permitted to be planted thereafter.
6. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, within 2 months of the date of the completion of the approved car park, access and structural screen planting works, additional screen tree planting shall be carried out within the site in the woodland area to the rear of the house known as “Cnocan-a-Bhealaidh”. Prior to the carrying out of the required tree planting, a scheme, which shall include siting, numbers, species (in line with revised schedule required by Condition No. 3 above) and heights (at the time of planting) shall be submitted for the further written approval of the CNPA acting as Planning Authority.
7. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, no burials shall take place outwith the burial glades marked on the approved Site Plan Drawing No.1, or;
  - a. within 60m of the River Spey;
  - b. within 15m of the B9102; or
  - c. within the north-east corner of the site (area marked in blue on the approved Site Plan Drawing No.1 – Ancient Woodland/Semi-Natural Woodland Inventory).
8. That prior to the construction of the approved access track from the B9102, the route of the access track shall be marked on site and all trees which are required to be removed to allow construction shall be identified for the inspection and further written approval of the CNPA acting as Planning Authority.
9. That prior to the construction of the approved access tracks, footpath and car park, exact details and specifications for the construction, finishing and drainage of these proposals shall be submitted for the further written approval of the CNPA acting as Planning Authority.
10. That prior to the commencement of the use of the development hereby approved, the car park shall be completed and be operational, all to the satisfaction of the CNPA acting as Planning Authority, in consultation with Highland Council’s Area Roads Manager.
11. That prior to the commencement of the use of the development, the access track from the B9102, shall be completed and be operational thereafter to the following requirements, all to the satisfaction of the CNPA acting as Planning Authority, in consultation with Highland Council’s Area Roads Manager;
  - a. creation of a bell mouth with edge radii of at least 6 metres and a throat width of at least 5 metres;

- b. construction for at least the first 6 metres from the nearside edge of the B9102 consisting of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on a minimum thickness of 350mm Type 1 sub base, all on a sound formation;
- c. any gates provided set back at least 12 metres from the nearside edge of the B9102;
- d. provision and maintenance of visibility splays of not less than 3 metres by 120 metres in either direction from the point of intersection between the new access and the B9102, with no obstructions greater in height than 1 metre in height; and
- e. no surface water discharging onto the B9102.

**Neil Stewart**  
**20 February 2006**

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