
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ERECTION OF CHEESE MAKING DAIRY, SITE TO THE SOUTH OF CRANNACH HOUSE, THE OLD SAWMILL, CAMBUS O MAY, BALLATER (FULL PLANNING PERMISSION)

REFERENCE: 08/378/CP

APPLICANT: MR ALEXANDER REID

DATE CALLED-IN: 14 NOVEMBER 2008

RECOMMENDATION: APPROVAL SUBJECT TO WITHDRAWAL OF SEPA OBJECTION, PLANNING GAIN AND CONDITIONS

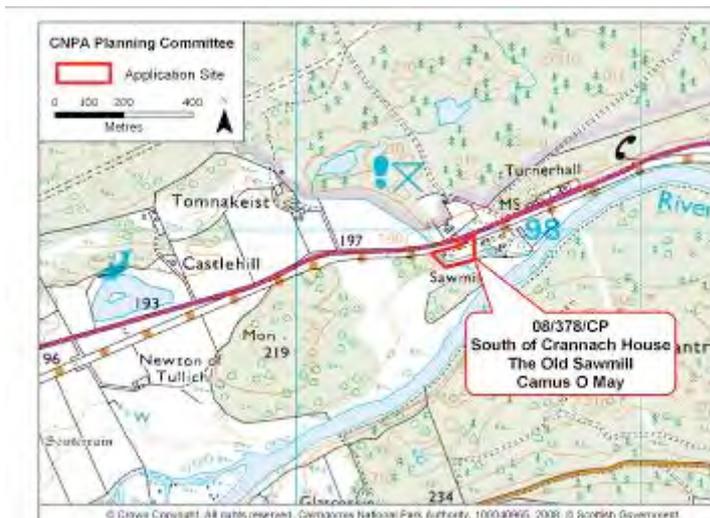


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This proposal seeks full planning permission for the erection of a dairy. The site is located to the south side of the A93 opposite Crannach House bakery and tea room (see fig 1 location plan & fig2). The site is bounded to the north by the Deeside Way path to the west and south by the Culsten Burn and to the east by birch woodland. This area to the east hosts a sawmill and is subject to a separate planning application for a house from which the applicant would run the business being applied for here. This application will be presented at a future date.
2. The general character of the site is birch woodland and there is a mill lade running through the southern part of the site which leads to the old sawmill. There is an old timber building in the north west corner of the site which is to be retained.



Fig 2 A93 showing access to site in centre of photograph



Fig 3 Access to site from A93



Fig 4 site for milking parlour showing timber building to be retained



Fig 5 Car parking area with site for dairy building



Fig 6 Area for access track to site (Deeside Way in foreground)

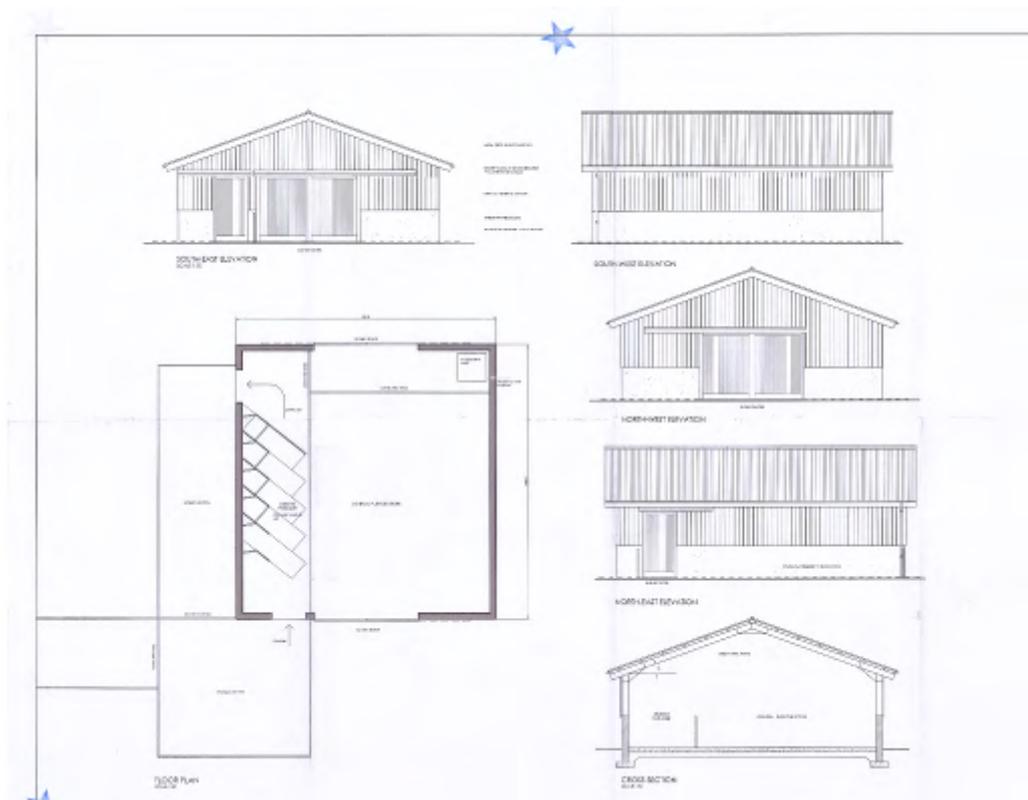


Fig 9 Proposed Milking Parlour

3. The access to the site would be direct from the A 93 crossing the Deeside Way (see fig 7 layout). The access track would then lead westwards for approximately 60 metres to the dairy building which would measure roughly 20 by 14 metres. Behind the dairy would be a milking parlour measuring approximately 8 by 8 metres. Beyond this cattle bridges would cross the mill lade and Culsten Burn to provide access to the parlour for the cattle. The parking/turning area is located to the north of the buildings with the service yard facing east.
4. A number of trees would be removed to accommodate the development and while no formal Environmental Impact Assessment is required the applicant has produced an Environmental Assessment Report to support the application given the proximity of the River Dee Special Area of Conservation (SAC). Consideration has been given to otter, freshwater pearl mussels and salmon as the qualifying interests of the River Dee SAC. The report also covers such issues as woodland management, impact and mitigation upon the SAC and landscape. While a number of birch and sycamore trees are to be lost additional planting of well over 200 trees is proposed for this application site and surrounding area consisting of a range of species such as birch, rowan, cherry, holly and oak.
5. The milking parlour (fig 9) would have a render base wall with vertical timber boarding and timber sliding doors and a pitched roof to be of a corrugated steel material. There would be a small external holding pen for cattle and a 5 bay portable milking unit within the building.
6. The dairy building (fig 8) would utilise similar materials. The original design had an industrial character and considerable improvements have been negotiated resulting in the building seen at figure 8. The building would be finished in a

combination of timber, render with a corrugated steel roof. Windows would be timber. The latest design incorporates more glazing with a projecting entrance feature.

7. The proposal has been submitted with a full range of supporting information including business plan, site investigation report and flood risk assessment.
8. The plan is to set up an artisanal cheese making business and a range of professionals and specialists have been brought together as part of the project. The products would go back to a more traditional hand finished form of cheese making and the business aim is to offer high quality products locally, nationally and internationally. The main business plan is confidential but a summary of the plan is attached at the back of the report. Milk will be sourced within Aberdeenshire with milk from the applicant's own herd being used for the higher quality (longer maturing) cheeses.
9. Water will be sourced from the mains system with foul drainage to a treatment plant then reed bed to exclude discharge into the Dee SAC. An underground slurry tank would be provided at the milking parlour with an underground storage tank for whey.

DEVELOPMENT PLAN CONTEXT

National Guidance

10. **Scottish Planning Policy 15 Planning for Rural Development** considers that in less populated areas there should be greater scope for more innovative planning policies. Scottish Ministers see considerable potential for encouraging diversification, distinctiveness and individuality promoting new ways of working from home, using renewable energy technologies, delivering tourism and recreation projects and developing activities such as aquaculture, equestrianism and many others. SPP15 goes on to note that diversification of the rural economy should be encouraged. Para 15 considers that diversification is often most successful where activities are complementary and carefully targeted. In many cases a new enterprise will be connected to an existing business. It will likely be linked with local suppliers and markets and have strong ties with the community in terms of employment and service delivery.

North East Structure Plan

11. **Policy 3 of the North East Structure Plan (NEST)** 'Other Employment Opportunities' considers that employment uses on unallocated sites shall be considered acceptable providing they respect relevant structure and local plan policies; are well integrated with existing pattern of land use; proposal takes account of access infrastructure needs; proposal is located close to an existing population; the proposal makes use of derelict, despoiled or under used land and buildings where appropriate; proposal demonstrates a proven economic need; the proposal minimises the impact of any pollution generated.

Aberdeenshire Local Plan June 2006 contains a range of relevant policies.

12. **Policy Env 1** relates to International Nature Conservation Sites (of which the Dee SAC is one). The policy considers that development likely to have a significant impact on a site designated or proposed under the habitats or birds directive and not directly connected with or necessary to the conservation management of the site, must be the subject of an appropriate assessment for the implications for the site's conservation objectives. It will then only be permitted where the assessment indicates that: it will not adversely affect the integrity of the site; OR there are no alternative solutions; AND there are imperative reasons of over-riding public interest, including those of a social or economic nature. Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological or geomorphological interest.

13. **Policy Emp3 Employment Development in the Countryside** considers that new employment development and the conversion of an existing building in the countryside will be approved, in principle, if: a) the developer demonstrates that there is an economic need and that the benefits to the community outweigh any environmental impacts; b) the development respects the natural and built environment and protects the character and amenity of the surrounding area ensuring there is no significant adverse impact upon nature conservation, landscape character or amenity value; c) the proposal is as close as possible to the existing population in order to provide employment opportunities close to homes; d) proposal takes account of infrastructure needs; e) proposal has regard to proximity of transport corridors; e) reasonable account has been taken of the possibility of using disused derelict buildings or locating to brownfield land.

14. **Policy Gen1 Sustainability Principles** considers that development will be assessed against sustainability indicators and seeks demonstration from proposals that they are concerned with the long term sustainable use and management of land, well related to existing settlements, reduce the need to travel in private cars, protects and enhances any valuable natural resources, does not damage cultural heritage resources, does not impact negatively on the character of the area, is efficient in terms of energy use, does not prejudice future development patterns, reduces the production of waste.

15. **Policy Gen2 Layout Siting and Design of New Development** considers that new development will be approved in principle if: a) it can be laid out successfully into the site; b) its scale massing density are appropriate; c) it respects existing natural and built features; d) it respects the characteristics of the landscape; e) it has an environmentally friendly layout; f) respects important public views

Cairngorms National Park Plan 2007

16. The Cairngorms National Park Plan includes strategic objectives under conserving and enhancing which seek to ensure that distinctive landscapes across the park are maintained and enhanced and that development complements and enhances the landscape character of the Park. Strategic objectives for economy and employment include objective a) which seeks to create conditions conducive to business growth and investment that are consistent with the special qualities of the Park. Objective d) seeks to promote opportunities for economic diversification across all areas of the Park and objective f) seeks to raise the profile and excellence of local produce and services.

CONSULTATIONS

17. **Scottish Natural Heritage (SNH)** has considered the proposal in detail. It is noted that the site lies within 10 metres of the River Dee SAC (Culsten Burn). SNH objects to the proposal as submitted as it is likely to have significant effects upon the SAC. However this objection can be considered removed providing conditions are attached to any consent covering the following issues. With respect to otter conditions should be applied that no construction works to take place 2 hours before or after dawn/dusk and that no lights should be directed onto the Culsten Burn once the dairy is in operation.
18. **SNH** advise in relation to Atlantic Salmon and Fresh Water Pearl Mussel that the proposal is likely to have a significant effect as there is potential for silt or sediment to be released into the Culsten Burn during construction. However, provided that works are undertaken in accordance with the method statement, and in addition, the following issues are addressed in planning conditions this significant effect can be avoided: any silt that accumulates beside the straw bales must be removed prior to disposal of the bales in order to prevent silt entering the burn and any topsoil removed as part of the construction must not be stored between the mill lade and the Culsten Burn.
19. **SNH** provided further advice on the woodland assessment and management proposals. A number of birch and sycamore trees are to be felled which would have an impact upon the landscape. However, a selection of native species is proposed to be planted to create woodland glades. SNH would recommend that the planting plan includes wych elm which is a locally important biodiversity action plan species. SNH endorse the retention of fallen trees and deadwood as outlined in the Environmental Assessment.
20. **SNH** recommend that tree felling where trees may contain nests is carried out outside of the bird breeding season (1 March-31 August) and that this is made a condition of planning consent.

21. **SEPA** has commented on the proposal with regard to the flood risk assessment provided. SEPA has objected to the proposal based on the flood risk assessment due to lack of certain information contained within it. Specific information was sought with regard to the flow estimates for the Culsten Burn and that all cross sectional extracts used in the hydraulic model are supplied. SEPA note that the highest flood level is predicted to be in the order 188.17mAOD whilst the lowest level on site is at least 1 metre above the flood level. As such it is SEPA's opinion that recommended changes in the modelling approach would not result in flooded areas on the development site, but would like to receive further information from the author's on the FRA nonetheless. An addendum to the existing report would suffice containing information on modelling audit trail, derivation of flood flows on Culsten Burn, clarification on flow data for Culsten Burn and inclusion of missing cross sections.
22. **Aberdeenshire Council Flood Prevention Unit** note that the applicant has provided a comprehensive flood risk assessment (FRA) and are pleased to see that a range of sensitivity analyses have been carried out on the model. Additional information is requested (note this information corresponds with that requested by SEPA). **An amended FRA has now been received and the information contained is satisfactory.**
23. **Aberdeenshire Council Environmental Health** has no objection to the proposal.
24. **Aberdeenshire Council Archaeology** has no objection subject to a planning condition requiring a survey of any buildings on the site to be removed.
25. **Aberdeenshire Council Economic Development** considers that the business plan is detailed and covers the production of a range of artisan cheeses. As such the proposal appears to fit well with Aberdeenshire Council's economic development objectives. The focus is on local and new food product development in a rural area and for adding value with sales made to a range of potential outlets including markets in the UK and for export. The sale of the product outside the North East will help to expand and diversify the economy of West Aberdeenshire and the Cairngorms National Park and offers rural employment opportunities as stated. Some additional information had been requested which has subsequently been supplied. Overall, the proposal is considered to be a good fit for the Council's economic development objectives.
26. **Aberdeenshire Council Contaminated Land** note that the site is within the boundary of a former sawmill. However, a satisfactory site investigation report and additional supporting information has been provided. There is no indication from the information provided of any significant sources of contamination which would pose a risk to the proposed development and no further site investigation is required. However, a planning condition is requested that should any contamination be found the Planning Authority should be notified immediately.
27. **Aberdeenshire Council Roads** has no objection to the application subject to a conditions that the access to be as shown on drawing, max gradient of 1 in 20 for first 5 metres edge of public road, access not to be surfaced with loose material

for at least the first 11 metres. Half barriers to be erected on the Deeside Way, off street parking for a minimum of 7 cars and visibility splays measuring 2.4 by 215 metres to be formed either side of the vehicular access.

28. **Aberdeenshire Council Planning Gain Co-ordinator** has negotiated a planning contribution towards art and affordable housing. This will be likely to be received by upfront payment prior to any decision notice being despatched. Otherwise a Section 75 Agreement would be required to cover the payment.
29. **CNPA Heritage and Land Management (Ecology)** Comment with regard to the tree planting plan that sessile oak, hazel and aspen should be included within the plan with species to be of local origin. With regard to the proposed reed bed it is essential that aquatic or marginal native plant species are used, this can be conditioned as part of the landscaping plan. A method statement regarding potential flooding from the reed bed and where this water would go is also required by planning condition. It is also recommended that ponds are not stocked with fish. Care should be taken to avoid the introduction of non-native species to the site. It is recommended that the applicant considers the potential for incorporating nesting opportunities for bats, swifts, house martins and barn owls.
30. **CNPA Heritage and Land Management (Landscape)** raise some concerns regarding the design of the factory and whether it is appropriate to the area at what is a highly visible site. It is noted that some trees will be removed to facilitate the replanting of woodland species; this is difficult to understand given that some of the replacements are the same as those being removed. A more carefully designed landscape scheme is required with a full planting plan including planting locations, densities and size of trees. The schedule mix shown is broadly acceptable but aspen should be included as a significant component of the mix. All trees within the development area, marked for retention, should be fully protected and any works under the canopies of the trees should be carried out in accordance with British Standards.
31. **CNPA Economic and Social Development** Comment that the proposal for the cheese making facility is an exciting and novel business development within the CNP that should be supported. It has the potential to meet three particular outcomes in the National Park Plan 6.2i 'A diverse viable and productive land management sector will continue to provide high quality primary produce such as food' 6.5v 'A greater percentage of business will meet the quality standards and environmental management criteria of the Park brand and achieve commercial advantage through its use' 6.5vi 'There will be an increase in local suppliers and produce'.
32. The business plan is a challenging one but it appears to be underpinned by substantial professional expertise and financial backing. The provision of 4 full time posts and additional part time posts after 4 years should provide welcome new employment opportunities for the local community particularly if recruitment aims are to support school leavers and the younger generation.

33. **CNPA Visitor Services and Recreation** make detailed comment on the intersection of the access road and the Deeside Way and that in particular any baffles on gates should be positioned so as to allow cyclists to cross without dismounting.

REPRESENTATIONS

34. **Ballater and Crathie Community Council** are very much in favour of any activity which will provide employment and economic development in food processing to the area, but there are some concerns relating to: potential foul drainage discharge to River Dee if Klargester system fails, would a reed bed system work in these temperatures, how is it possible to prevent leakage into the burn from cattle moving up to the milking parlour and waiting in holding pens, difficulties in preventing cattle from breaking banks of burn debris would not assist attempts to increase salmon spawning, what happens to the whey how effective will straw bales be against parlour and concrete washings, concrete is not considered to be a stable substance in low temperatures which may cause cracking and future percolation, with supplies and products in and out there could be concerns about fast traffic in the vicinity (response attached at the back of the report).

APPRAISAL

35. This appraisal section of the report will first consider the principles of the development proposed and how it 'fits' with planning policy and the aims of the Cairngorms National Park. Subsequently, natural and cultural heritage issues will be considered followed by more detailed design, access and technical issues such as flood risk, drainage and highways.

Principle

36. The proposal has been submitted after pre-application discussions with Aberdeenshire Council and the CNPA. This application for a cheese-making dairy has been submitted alongside a proposal for the applicant's house on a site to the east which incorporates part of an old sawmill. The applicant has requested that this proposal be presented to the July committee regardless of the status of the application for the house which is still the subject of further work. Subject to permission being granted the applicant is keen to start up the business at Cambus O May and move the project forward. Indeed, the applicant has started an initial small scale cheese making enterprise for trial cheeses and limited production at the former Craigmyle Creamery, Torphins to the east of the

National Park. This provides an indication of the applicant's strong commitment to developing the business.

37. The key planning policy test is whether the proposal meets the detailed requirements of Aberdeenshire Local Plan Policy Emp\3 "Employment Development in the Countryside" and the spirit of SPP15 which provides general guidance on rural development. The scheme must also accord with the principles of the Cairngorms National Park Plan.
38. The general strategy of the Aberdeenshire Local Plan is to meet employment needs within settlements. However, the existence of Policy Emp\3 recognises the need for sensitive business development in countryside areas. The business plan supplied demonstrates a need and market for the development and this is clearly supported by the consultation responses from both Aberdeenshire and the CNPA's economic development specialists. There are impacts upon natural and cultural heritage and these will be considered in the next section of the report. However, they are not considered to be of a significance that would be fatal to the principle of the scheme and the proposal is submitted with plans to improve the environment at the site. Consultees on natural heritage aspect of the proposal raise no principle objections.
39. Policy Emp\3 requires that countryside employment proposals are sited as close as possible to existing populations and take account of availability of public transport corridors. While outside of any settlement the dairy is located immediately adjacent to land where the applicant's cattle would graze so in part there is a locational justification. It must also be recognised that the site is immediately adjacent to the A93 which is a public transport corridor and there is a bus stop nearby which can be accessed from the Deeside Way. This provides opportunities for cycling to work from either Ballater or Dinnet.
40. Scottish Planning Policy 15 applies throughout Scotland and welcomes innovative business proposals where appropriate in the countryside. The guidance recognises that such proposals can feed off existing business enterprises creating gravity for a particular product market in an area. While in a countryside location the site sits well in relation to the Crannach Bakery, immediately opposite the site on the other side of the A93 where an artisanal bread making business already exists. There is also a smokery at Dinnet and the applicant has been in discussions on how the proposed dairy and these businesses can interact and complement each other. In my view, the proposal complies, in principle, with Emp\3 and is a clear and innovative example of the type of development that both SPP15 and several of the outcomes in the National Park Plan are seeking to foster. This is provided that the proposal satisfies natural and cultural heritage issues.

Natural and Cultural Heritage

41. While the site itself is not covered by any natural heritage designations the edge of the site is approximately 10 metres from the River Dee Special Area of Conservation (SAC) at the Culsten Burn. Scottish Natural Heritage provides statutory advice on this and considers that the proposal has potential for

significant impacts upon otter, freshwater pearl mussel and Atlantic salmon. This results in an objection from SNH but it is pointed out that providing the recommended mitigation as discussed in the consultation section of this report is applied to any consent by planning conditions then this objection can be considered removed as the proposal would not be likely to result in any significant effects upon the interests of the SAC. The recommendations of SNH have been incorporated at the end of the report so the objection can be considered as removed. This ensures that the proposal complies with Policy Env\1 International Conservation Sites of the Aberdeenshire Local Plan.

42. Advice on other natural heritage issues is supplied by the CNPA Heritage and Land Management Group. While there is no fundamental objection, there is some concern about tree loss, subsequent landscape impact and the exact species proposed for planting. There will be considerable tree loss but the majority of this relates to self seeded birch trees that are growing in a relatively dense manner. The proposal comes with a landscape and woodland management plan. There is some concern from both CNPA and SNH advisors that additional species of aspen, wych elm and sessile oak should be included in the planting plan and that details should be provided of the locations densities and size of trees to be planted. These are all reasonable requests that can be dealt with by planning conditions attached at the end of the report.
43. Requests have been made by the CNPA Ecologist regarding the potential of the proposal to increase biodiversity and planning conditions are attached to seek provision of bat, swift, house martin and barn owl roosting/nesting opportunities.
44. There are cultural heritage aspects to this site but these will be retained. Aberdeenshire Council Archaeologist has asked for a survey of any buildings to be removed. The mill lade which runs through the southern area of the site will be retained. There is also a timber building in the corner of the site. I am not aware of the cultural heritage value of this building but the proposal retains it on site in any case. Consequently, there is no requirement for a survey. There are positive cultural aspects given the small scale production of some of the cheese from a local herd.

Design and Access

45. The proposal consists of a cheese making building and a milking parlour. The milking parlour will be almost exclusively finished in timber with a pitched corrugated roof. This building will be screened from the Deeside Way by intervening trees and the cheese making building.
46. The design of the cheese making building is a significant improvement upon that originally submitted. Materials include vertical timber panelling, render and a red corrugated roof. The building has an open appearance to the parking area which faces onto the Deeside Way and the A93. This elevation incorporates full length windows and has a canopy area supported by log style pillars to reflect traditional detailing elsewhere on Deeside. While not being an open visitor attraction in itself due to hygiene regulations the idea is that the full length windows would allow any visitors a viewing opportunity of the cheese making area. A small

speaker would be incorporated into the canopy allowing the cheese maker to provide a commentary to any visitors looking on. Disabled parking space is provided at the nearest point to the entrance and will be delineated by means of paving. The main access from the A93 will provide access to the site for people using the Deeside Way.

Technical Issues

47. The application raises a number of technical issues, the key one relating to flood risk. SEPA requested a Flood Risk Assessment (FRA) and this was supplied to both SEPA and Aberdeenshire Council Flood Prevention Unit. While generally satisfied with the findings of the FRA both bodies sought further information regarding the methodologies behind the FRA. Additional cross sections in relation to the Culsten Burn were also sought. Aberdeenshire Council Flood Prevention Unit are now happy with the amended FRA and at the time of writing SEPA's final comments are still awaited. However, the key point to note is that the highest flood level anticipated is still 1 metre below the lowest level on the site. The recommendation at the end of this report is subject to final confirmation that SEPA are willing to formally withdraw their objection on flood risk grounds.
48. Aberdeenshire Council Roads have no objection to the proposal provided that suggested conditions are met. An element of the visibility splay requirements is on land outside of the ownership of the applicant. However, letters have been received from the two other landowners that they are happy for the splays to be formed and maintained over land in their ownership. Some concern was raised regarding the interaction of cycle users of the Deeside Way with the site access. However, the comments of the CNPA Access Officer have been taken into account and a revised drawing has been provided in line with his comments removing the need for a planning condition.
49. Some concerns have been raised by Ballater and Crathie Community Council regarding the drainage systems and storage of whey and how it will be disposed of. The planning system is concerned with the principles of land use and whether a land use is appropriate to a particular site. In this case, it is considered appropriate and statutory and non statutory consultees have raised no objection to the proposal, in principle. If there was a fundamental problem with the siting of this proposal in relation to the Dee this would have been raised by SNH or SEPA. The proposal does require the construction of a tank for slurry and one for whey. With regard to disposal of whey the applicant has been in discussion with a local brewery and pig farmers both of whom use whey. There is an issue that cattle would be in close proximity to and crossing the Culsten Burn which could result in additional debris entering the burn when there is an emphasis on protection of potential salmon spawning grounds in the area. However, the number of cattle that graze the field adjacent to the burn will actually be reduced on the number that currently graze the field, therefore reducing any potential debris/run-off to the burn. I am recommending a specific planning condition requiring the detail of the cattle bridges to ensure that they can be of a design that does not add debris to the burn. Some concerns are raised regarding traffic. However, Aberdeenshire Roads are satisfied with the proposal subject to

planning conditions and I must rely on their advice on this aspect. With regard to the foul drainage system statutory consultees have raised no concerns and SEPA positively encourage the use of reed beds. However, the agent for the proposal has pointed out that the klargester system is a sealed unit, if the electricity fails a warning is generated to the user and the system shuts down. The reed beds are designed with attenuation capacity for just such emergencies.

Conclusion

50. The application is considered an innovative and positive proposal which meets planning policy and the aims of the National Park. It has been submitted with a wide and detailed range of supporting information and I am of the view that if granted the proposal will be held up as a good example of the kind of rural economic development that planning policy is seeking to foster. I have no hesitation in recommending approval subject to the caveats and conditions at the end of the report.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

51. The proposal has been submitted with a range of environmental information including woodland management plans and a site investigation report. The proposal has been carefully assessed and there are no significant effects upon natural or cultural heritage. SNH have assessed the implications of the proposal for the River Dee SAC and these are found to be acceptable subject to planning conditions. There will be some loss of trees but a number of replacements of native origin are proposed, some additional species have been recommended and this will be reflected in planning conditions. The proposal may have potential to provide nesting/roosting opportunities for a number of species.

Promote Sustainable Use of Natural Resources

52. The proposal results in a strong connection between local land use and what will be marketed as a local food product. While not within a settlement the site is located within cycling distance of both Dinnet and Ballater via an off-road cycling route. There is also a bus stop adjacent to the site.

Promote Understanding and Enjoyment

53. The site is adjacent to the Deeside Way which is a well known recreational route used by residents and tourists. The main building would be partly visible from this route but the front elevation has been designed with an open aspect. Provision will be made for passers-by on the route to view the cheese making process.

Promote Sustainable Economic and Social Development

54. The application performs particularly well in relation to this aim and is strongly supported by both Aberdeenshire and CNPA Economic Development advisors. This is a particularly innovative proposal that will capitalise on its location within the Park by producing a high quality food product. The proposal also has a synergy with the adjacent Crannach Bakery and the new smokery at Dinnet.

RECOMMENDATION

That the Planning Committee support a recommendation to **GRANT** Full Planning Permission for the erection of a cheese making dairy, site to the south of Crannach House, The Old Sawmill, Cambus O May, Ballater subject to the following:

A. Provision of Planning Gain contribution to Aberdeenshire Council

B. Formal withdrawal of SEPA objection on flood risk

C. The following conditions:

1. The development to which this permission relates must be begun within 5 years from the date of this permission.
2. No part of the development hereby approved shall be first brought into use until a landscaping scheme has been submitted to and approved in writing by the CNPA acting as planning authority; such a scheme to include the planting of native species of where possible local origin. Species shall include wych elm, sessile oak and aspen in addition to those indicated by the woodland management plan accompanying the application. The landscaping shall be carried out in the first planting season (November-March) after the completion of the development unless otherwise agreed in writing by the CNPA acting as planning authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing with the CNPA acting as planning authority.
3. Prior to the commencement of above ground construction works samples of external timber, window frame, roofing and wall render shall be submitted to and approved by the CNPA acting as planning authority.
4. No part of the development hereby approved shall be brought into use until a detailed plan indicating methods and location of all foul drainage infrastructures has been submitted for the approval of the CNPA acting as planning authority.

The measures shall be in place prior to the development first being brought into use.

5. Prior to the construction of any cattle bridges across the Culsten Burn and Mill Lade details of those bridges shall be submitted for the approval of the CNPA acting as planning authority. The details shall include measures to ensure that as far as practicable debris from cattle does not enter the mill lade or the Culsten Burn. The cattle bridges shall be in place prior to the development first being brought into use unless otherwise agreed by the CNPA acting as planning authority.
6. During construction works (including groundworks) no works shall take place 2 hours before or after dawn/dusk or during the hours of darkness.
7. Once the dairy is in operation no lights shall be installed and directed onto the Culsten Burn.
8. The proposal shall be constructed in accordance with the submitted method statement. In addition to that statement any silt that accumulates beside the straw bales must be removed prior to the disposal of the bales in order to prevent the risk of silt entering the Culsten Burn. In addition, any top soil removed as part of the construction must not be stored between the mill lade and the Culsten Burn.
9. Should any contamination of the ground be discovered during development the CNPA acting as planning authority shall be notified immediately. The extent and nature of any contamination shall be investigated and a suitable scheme for the mitigation of any risks arising from the contamination shall be agreed and implemented to the satisfaction of the CNPA acting as planning authority.
10. The access to the A93 shall be constructed as shown on approved drawing No 101 Rev C
11. The access shall have a maximum gradient of 1 in 20 for the first 5 metres from the edge of the public road carriageway within the site.
12. The access with the public road shall not be surfaced in loose material, i.e. at least the first 11 metres to be fully paved, to the south of the Deeside Way.
13. Prior to the first use of the development hereby approved half barriers are to be erected on the Deeside Way in accordance with the requirements of Aberdeenshire Council Roads and CNPA Access Officer.
14. Off-street parking for a minimum of 7 cars shall be provided within the site surfaced in hardstanding materials. The parking places shall be finished and available for use prior to the development first being brought into use.
15. Visibility splays, measuring 2.4 metres by 215 metres shall be formed on the verge of the public road at a location to be agreed with Aberdeenshire Council Roads and constructed in accordance with Aberdeenshire Council's standards for

road construction and adoption. Splays to be in place prior to the development first being brought into use.

16. Details of cycle parking facilities shall be submitted to and approved by the CNPA acting as Planning Authority. The agreed facilities shall be in place prior to the development first being brought into use.
17. Prior to the commencement of the development hereby approved a scheme to incorporate nesting/roosting opportunities for bats, swifts, house martins and barn owls shall be submitted to and approved by the CNPA. Agreed measures to be in place prior to the building first being brought into use.
18. Tree felling shall be carried out outside of the bird breeding season (1 March-31 August) unless otherwise agreed in writing by the CNPA acting as planning authority.

ADVICE NOTE

1. All works within the limits of the public road to be carried out in accordance with the requirements of Aberdeenshire Council Transport and Infrastructure, and application should be made for a road opening permit prior to the commencement of works. For information and application forms telephone 01569 768455.
2. The CNPA would advise that the reed bed/pond is not stocked with fish and that care should be taken to avoid the introduction of non-native invasive species of plants during construction works.

Andrew Tait
16th July 2009

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