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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

New car park to accommodate 61 vehicles, located 50m from the end of the public road, at the northern end of Loch Moraig. Grid Ref NN 90535 67064

**REFERENCE:** 2021/0207/DET

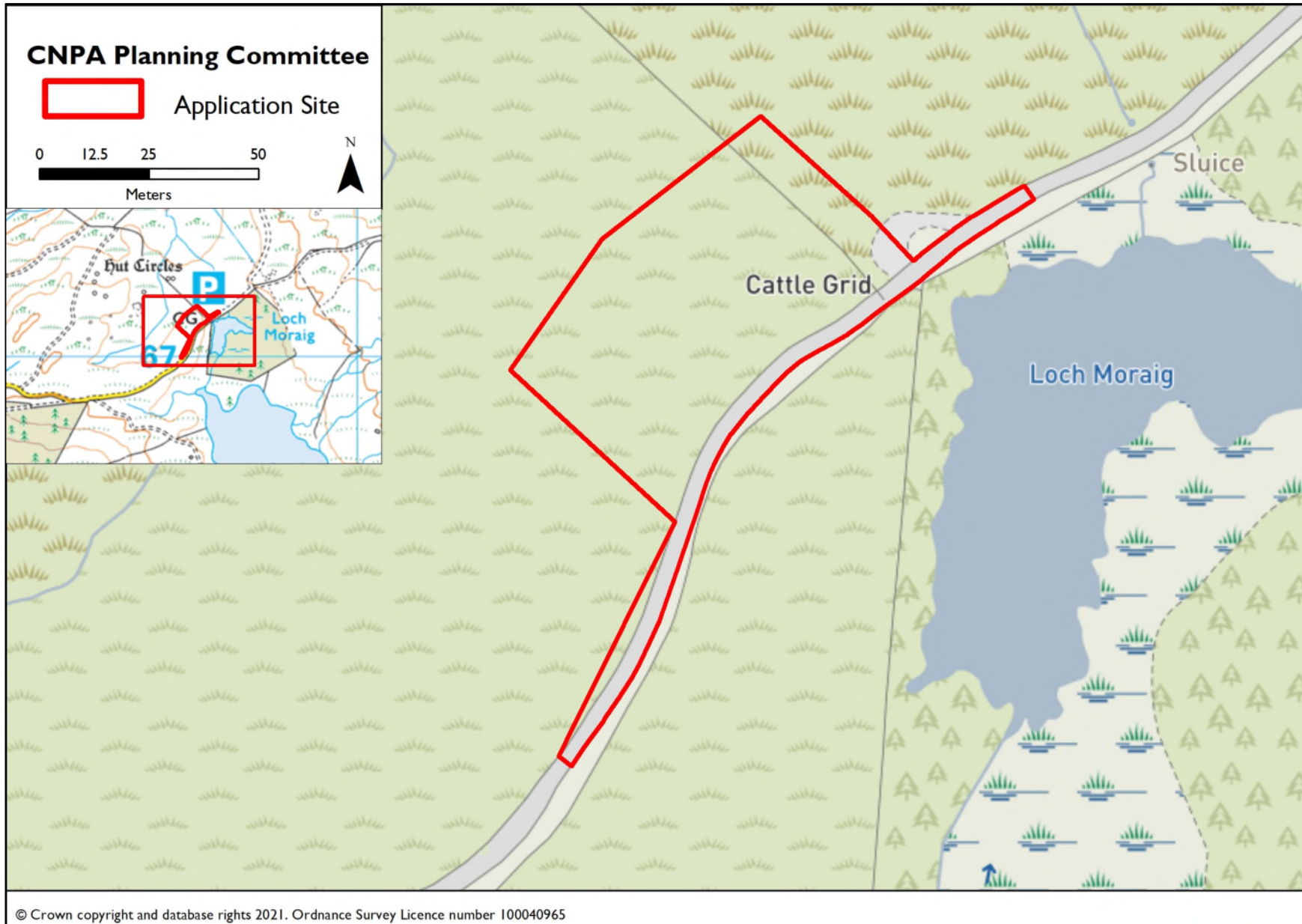
**APPLICANT:** The Outdoor Access Trust

**DATE CALLED-IN:** 21 June 2021

**RECOMMENDATION:** Approve Subject to Conditions

**CASE OFFICER:** Alan Atkins, Planning Officer

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site lies 50m from the end of a minor public road (UI69 from Fenderbridge), and is directly adjacent to the northern end of Loch Moraig. The site is currently an undulating area of grassland that slopes generally to the southeast and northeast. There is existing, informal car parking adjacent to where the proposed car park is to be sited.
2. The site lies within the Tulach Hill and Glen Fender Meadows Special Areas of Conservation (SAC), with the Cairngorms Massif SPA lying approximately 160 metres north east of the site. The site lies within the Glen Fender Meadows SSSI boundary and is adjacent to the Loch Moraig SSSI.

### **Proposal**

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise: <http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQXS4VSI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Plan - Location Plan	20-11/04	08/05/21	21/06/21
Plan – Existing site plan	20-11/05	08/05/21	21/06/21
Plan – Location and Boundary	20-11/03	08/05/21	21/06/21
Plan –Car Park Layout	20-11/01 REVC	08/05/21	21/06/21
Plan – Car Park Sections	20-11/02REVB	08/05/21	21/06/21
Other – Design Statement			21/06/21

\* Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.

4. Planning permission is sought for the provision of a new car park to accommodate parking for walkers to access Beinn a' Ghlo. Currently there is an informal car park for a small number of cars and, when full, visitors park on the road verge and / or on an area of level ground adjacent to the road. This damages vegetation, and can block the public road for residents and emergency vehicles.
5. The proposed car park will accommodate 61 cars and will be a Pay and Display facility. The undulating ground of the site will be re-profiled to create an even surface but retain the existing slopes toward southeast and northeast. The car park will be constructed, maintained and managed by the Outdoor Access Trust. The parking will be accessed by a minor public road, which terminates 50m beyond the site.

6. The application is supported by the following documentation:
  - a) **Design Statement** – this outlines the background and site details and the design principles and perceived landscape impacts.
7. Plans of the proposal are included within **Appendix 1**.

## History

8. There is no relevant planning history for this site.

## Habitats Regulations Appraisal

9. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the Tulach Hill and Glen Fender Meadows Special Areas of Conservation (SAC) and the Cairngorms Special Protection Area (SPA). The full appraisal is attached at **Appendix 2**.
10. In terms of the Tulach Hill and Glen Fender Meadows SACs there will be no likely significant effects as there are no qualifying interests present within the site. The appraisal goes on to conclude that as the proposed car park is located approximately 130m to the south west of the closest part of the Cairngorms Massif SPA, and given the site is currently being used for parking in an area that already experiences a significant amount of human recreational activity, there will be no likely significant effects on golden eagle, either on habitats relied on by the eagle, or their prey species, or disturbance to breeding eagles.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

11. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:  
<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

## Planning Guidance

12. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance (2015)	

## CONSULTATIONS

### Summary of the Main Issues Raised by Consultees

13. **Perth and Kinross Transport Planning Team** has not provided any formal comments on the application.
14. **Perth and Kinross Council Flood Risk Management Team** has not provided any formal comments on the application.
15. **Perth and Kinross Heritage Trust** state that the site is in close proximity to an archaeological rich landscape. It is evident that the majority of archaeology in the locality has remained fairly well preserved and there is still potential for unknown, buried archaeological remains to exist within the development site. As such, it is recommended that any consent issued should include a condition that a programme of archaeological works should be undertaken, in accordance with a written scheme of archaeological investigation to be submitted for the approval of CNPA in consultation with the Perth and Kinross Heritage Trust.
16. **NatureScot** are supportive of a more formal car park at this location, to help manage the increasing visitor pressure from walkers and help reduce damage to the sensitive natural heritage designations of Glen Fender Meadows SSSI. They advise that a fit for purpose Construction Method Statement (CMS) is submitted to ensure that

there is no damage to the designated features of the SSSI during construction. This statement should include details such as the storage of materials off the SSSI and access routes to the site for site machinery (which should be from the roadside wherever possible, to reduce tracking to the rest of the sensitive habitats).

17. In terms of the Tulach Hill and Glen Fender Meadows SACs, the grassland on site does not form part of the qualifying features and therefore the proposal will have no likely significant effect. The proposed site is separated from the Loch Moraig SSSI by the road and provided best practice is followed and appropriate pollution prevention mitigation and safeguards are in place, there should be no negative impacts on special features of the SSSI.
18. **CNPA Ecology Officer** agrees with the advice from NatureScot and that a Construction Method Statement (CMS) will be required to include measures to safeguard the loch and neighbouring habitats.
19. A drainage statement is required, including a surface water drainage plan. This should include a description of the existing drainage characteristics of the site, including general topography, proposed drainage arrangements, and an identification of all likely permeable, non – permeable areas. The requested drainage statement will help provide some clarity on the amount of expected run off. The applicant should provide revised plans to show how SUDS will be incorporated without increasing the footprint of the car park. Maintenance details for the drainage arrangements/SUDS and confirmation on planting species and the long term maintenance will also be required.
20. Regarding the designated sites, a Habitats Regulations Appraisal has been undertaken which confirms that there will not be an adverse effect on the site integrity of the Cairngorms Special Protection Area subject to the mitigation measures as outlined within the HRA being implemented.
21. **CNPA Landscape Officer** states that it has become apparent that the landscape, and visual effects of the scheme will be strongly influenced by the scale, extent, and layout of the proposed car park in direct relation to the local landform, undulations, ridges and depressions. Further assessment would be assisted by the submission of a detailed topographical survey of the site. This should show contours, spot heights and existing landscape features, such as the stone walls, road and cattle grid. The survey area should include extend to a minimum of 10m from the outer edge of the proposed car park.
22. **CNPA Outdoor Access Officer** states that given there are no substantive changes, or impacts, on the existing non – motorised access conditions in the location concerned, there are no comments to make regarding public access.
23. **Blair Atholl Community Council** have not provided any formal comments on the scheme.

## REPRESENTATIONS

24. There have been no representations received.

## APPRAISAL

25. The main planning considerations are considered to be: the principle of development; the impact upon the landscape; environmental impacts; and servicing and access.

### Principle of Development

26. **Policy 2.3:** Other tourism and leisure developments of the Cairngorms National Park Local Development Plan 2021 permits development which enhances formal and informal recreation and leisure facilities; tourism and leisure-based business activities and attractions; and improved opportunities for responsible outdoor access will be supported where:
- a) It has no adverse environmental or amenity impacts on the site or neighbouring areas;
  - b) It makes a positive contribution to the experience of visitors; and
  - c) It supports or contributes to a year-round economy.
27. This application is for a car park to accommodate 61 cars. The proposal seeks to address the lack of suitable parking within the area which is consistently used by the public for accessing Glen Tilt. The application aims to improve the management of and ease the growing pressure of vehicles visiting this particular spot. It is anticipated that new, formalised parking provision will be seen as more appealing to visitors and will lead to the avoidance of unmanaged parking on site and within the local area.
28. On this basis, the principle is considered to accord with **Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021** subject to compliance with other relevant Local Development Plan policies.

### Landscape Impacts

29. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
30. The landscape of the site, and the immediate surrounding area is characterised by grassland divided by dry stone dykes and sporadic planted shelter belts. This gives a strong, agricultural pattern to the landscape. The car park will cover an area of approximately 57m x 40m, and will accommodate 61 cars. It is set in a wide, open landscape, characterised by farmed grassland. Given this large scale landscape, the car park will be unlikely have any significant impact on the existing landscape character. The car park will be visible as visitors approach the site up the minor road, but the sloping ground, adjacent stone wall and tree planting will help to screen the car park from wider views, including from walkers on the track approaching Cairn Liath. The simple layout will angle the parking bays to follow the existing general slopes of the site. This will ensure that any views of the car park from the public road will be predominately obscured. The positioning of the cars behind the existing wall will

further reduce the visual impact of the existing parking, adjacent to the Cairn Liath track.

31. There is a small element of cut and fill proposed, but the resulting new surface will generally follow the existing topography, allowing the development to blend into the surrounding landscape. Furthermore, existing turf and soil / sub soil will be retained and reused to create a low bund around the car park, and for any green spaces within the car park. This will reduce the visual impact of the cars parked in the car park, as well as stopping cars over – running the grass areas. The turf will also be used to form a neat edge to the gravel surface.
32. The proposed car park, will be designed and constructed using material that will not have an adverse impact on the character of the surrounding area. Furthermore, the design and proposed materials for the development are in keeping with those that might be expected to be found in this locality and therefore the proposal will have minimal impact on the setting of the site.
33. The development is unlikely to introduce any significant detrimental change to the character of the site and immediate area, and subject to the recommended conditions, the proposal is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

### Environmental Impacts

34. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity.
35. The proposal is to formalise existing car parking provision on the site. In terms of the potential impact of the proposal on designated sites, a Habitats Regulations Appraisal has been undertaken (**Appendix 2**). This concludes that all the conservation objectives of all the designations will be met and therefore there will not be an adverse effect on site integrity of the Tulach Hill and Glen Fender Meadows Special Areas of Conservation (SAC) and the Cairngorms Special Protection Area (SPA).
36. The site lies within the Glen Fender Meadows SSSI and both NatureScot and the CNPA Ecology Adviser state that a Construction Method Statement (CMS) is required to ensure there is no damage to the designated features of the SSSI. The site is separated from the Loch Moraig SSSI by the road and therefore there should be no impacts on this provided best practice is followed and appropriate pollution prevention mitigation and safeguards are put in place through the CMS. Subject to a condition requiring the submission of a fit for purpose CMS incorporating such measures, it is considered that the proposal will accord with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

### Cultural Heritage

37. Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021 seeks to conserve and enhance features of historic or archaeological significance,



or to avoid, minimise or mitigate and adverse effects on them. Perth and Kinross Heritage Trust have highlighted the archaeological remains that are known to be in the near vicinity of the proposal dating from prehistory and potentially medieval to modern times. They recommend a condition requiring an approved scheme of archaeological investigations be undertaken prior to development. Subject to a condition requiring the implementation of such a scheme, the proposal is considered to comply with Policy 9 Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

## **Servicing and Access**

38. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment whilst **Policy 10:** Resources sets out the need to fully consider impacts on flooding and water resources.
39. It is noted that the site drains to the north away from Loch Moraig, however no details have been submitted regarding drainage. The CNPA Ecology Adviser states that a drainage statement and SUDS scheme, including how the scheme will be incorporated without there being an increase in the footprint of the car park, is required to ensure the site will not flood during rainfall events. Subject to this, the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
40. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking.
41. The informal car park has established access from the existing minor public road and the proposal will provide a more formalised access point to the car parking area. The proposed car park will be appropriately surfaced in aggregate creating a hard wearing and robust surface and will be of a shallow gradient, allowing safe and easy access for users.
42. The existing, informal parking and circulation space is sufficient to accommodate the proposed development and the proposal is considered to accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## CONCLUSION

43. The application seeks to address the lack of parking facilities to improve the management and ease the growing pressure from visitors to the existing informal car park and the wider area. The proposal for the new car park does not introduce any changes which would have a significant effect on the landscape or result in any significant and harmful habitat loss. Subject to the recommended conditions, the proposal is considered to comply with the relevant local development plan policies of the Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the new car park to accommodate 61 vehicles, located 50m from the end of the public road, at the northern end of Loch Moraig subject to the following conditions:**

\* *Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

- I. **No development shall commence on site until a Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
- a) **The approach to site preparation, soils management, restoration and reinstatement.**
  - b) **Laydown and storage of materials;**
  - c) **Access routes to the site for site machinery;**
  - d) **Measures to prevent the entrapment of mammals.**
  - e) **Construction pollution prevention measures for existing grasslands.**
  - f) **A Programme of works; ensuring daytime working only.**
  - g) **A watching brief for protected species.**

**The construction of the development shall thereafter be implemented in accordance with the approved details.**

**Reason:** The works are to be undertaken in an environmentally sensitive area. It is therefore necessary for a Construction Method Statement to be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 2. No development shall commence until a Drainage Statement, including a Surface Water Drainage Plan that demonstrates that no surface water runoff leaves the site, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The construction of the development shall thereafter be implemented in accordance with the approved details.**

**Reason:** To ensure that any surface water drainage requirement complies with the principles of SUDS; in order to protect the water environment in accordance with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence until a Landscape Plan setting out the boundary treatments applied to the turf bund and details of any planting, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The construction of the development shall thereafter be implemented in accordance with the approved details.**

**Reason:** To ensure that the boundary treatments are appropriate to the site and surrounding area in accordance with Policy 3: Design and Placemaking and Policy 5 Landscape of the Cairngorms National Park Local Development Plan 2021.

- 4. No development shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with Perth and Kinross Heritage Trust.**

**Thereafter, the scheme of archaeological investigation shall be implemented in accordance with the approved details, including all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site. In addition, the developer shall afford Perth and Kinross Heritage Trust or their nominated representative access at all reasonable times to observe work in progress.**

**Reason:** To ensure that any archaeological remains of significance within the site are managed appropriately in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

## INFORMATIVES

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. You are advised that the approval of the Perth and Kinross Council Roads Authority is required for any works affecting the public road and for any road construction consent or any other requirements under the Roads legislation.
5. In relation to condition 4, you are advised to contact the Historic Environment Manager at Perth and Kinross Heritage Trust as soon as possible for explanation of the procedure of works required or written Terms of Reference.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.