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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Erection of reception/restaurant/bar building and 18 holiday accommodation units, formation of car parking, landscaping and associated works (in principle) at Former Spittal Of Glenshee Hotel, Spittal Of Glenshee, Glenshee, Blairgowrie, PH10 7QF

**REFERENCE:** 2018/0299/PPP

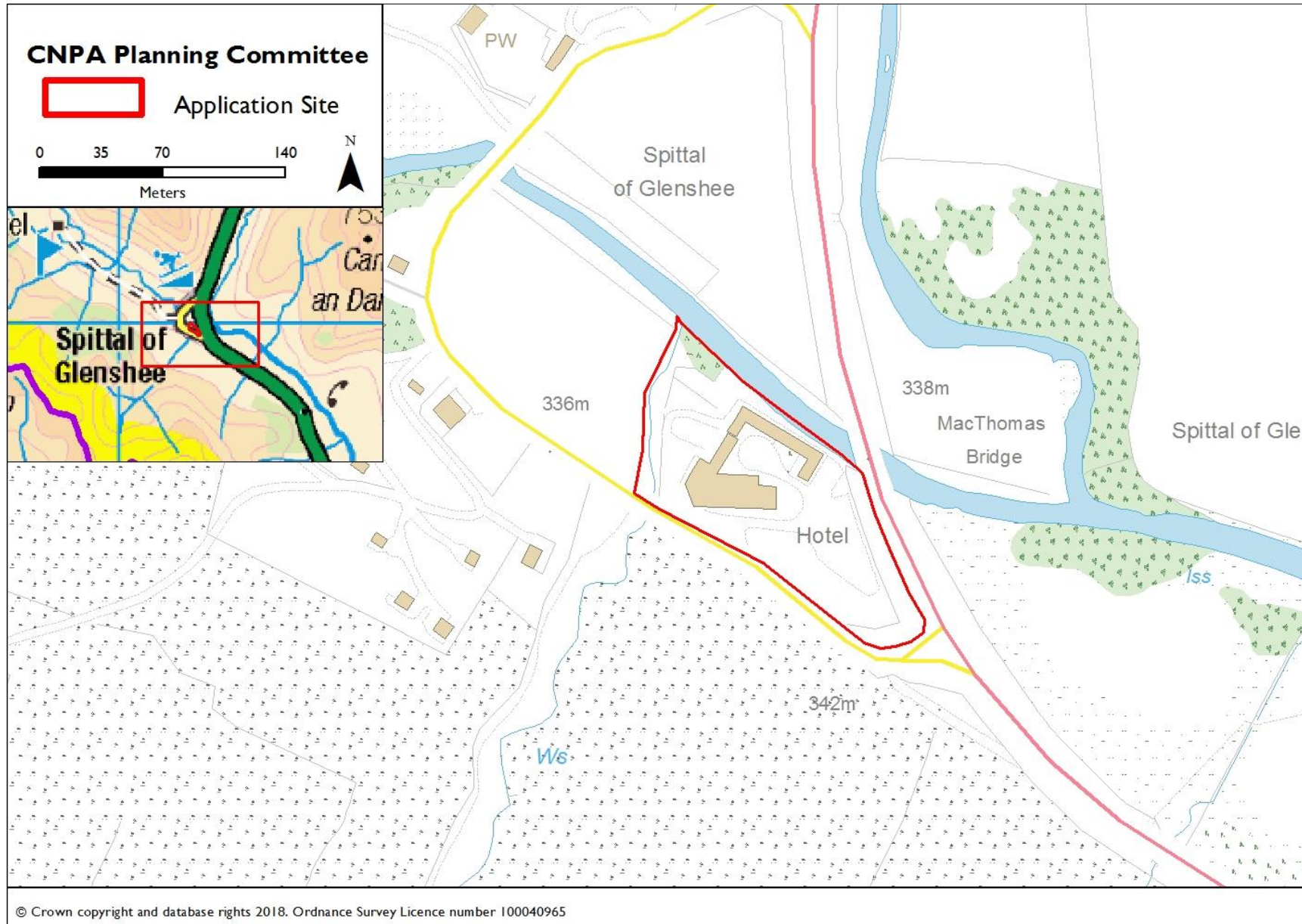
**APPLICANT:** Yorsipp (Trustees) Limited

**DATE CALLED-IN:** 31 July 2018

**RECOMMENDATION:** Approve Subject to Conditions

**CASE OFFICER:** Planning Officer - Emma Wilson

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

### **Site Description**

1. The site is the former Spittal of Glenshee hotel which burned down several years ago. The site covers an area of approximately 1.4 hectares. It is bounded to the east by the A93, the minor road serving the hamlet of Glenshee to the south, with the banks of a burn to the west running into the Shee Water which lies along the northern boundary. The site is low lying and along with the remnants of the former hotel building and hardstanding elements, it has a mix of riparian woodland and grassland. Despite it lying at a low level and being set within such a dramatic context, the site is very prominent. Given its location at the junction into the village, with the curvature of the A93 and the topography of the land, it is highly visible from approaches both from the south and the north.
2. It is located directly adjacent to the settlement which is sparse in built form but which has a small group of notable listed structures including the Glenshee Church of Scotland (B listed), the churchyard and Manse (C listed), and bridge (B listed). These collectively provide an interesting backdrop to the site when viewed from the south.
3. The site is given further prominence given it lies on the principle route into the National Park on its southern boundary.

### **Proposal**

4. 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=PCSBCJSI0BY00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>Location Plan</b>	<b>LP01</b>	<b>June 2017</b>	<b>6/08/18</b>
<b>Location Plan</b>	<b>LP03A</b>	<b>June 2017</b>	<b>6/08/18</b>
<b>Site Plan (as existing)</b>	<b>SP02</b>	<b>June 2017</b>	<b>6/08/18</b>
<b>Site Plan (as proposed – INDICATIVE ONLY)</b>	<b>SP03</b>	<b>June 2017</b>	<b>6/08/18</b>

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

5. The application is for planning permission in principle to redevelop the site with a facilities hub and 18 individual chalets within a landscape setting. The central hub will cover an area of approximately 600 square metres and will accommodate a main reception area and approximately 30 bedrooms. It will also contain visitor / community facilities, toilets, showers, café/restaurant and bar, supporting recreational leisure facilities, hire facilities and a retail concession. There may also be an opportunity to provide conference and craft facilities. A car park will be located adjacent to the central hub and each chalet will have a car parking space. There will also potentially be provision made for motorhomes/caravans, camping, electricity and water points, vehicle charging points, wildlife garden and BBQ, picnic area and outdoor gym.

6. Indicative plans of the proposals are included within **Appendix I**.

## History

7. **2017/0301/PPP** – Erection of reception/restaurant/bar building and 18 holiday accommodation units and the formation of car parking, landscaping and associated works – planning permission in principle – application withdrawn 14 Feb 2018.

## 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 (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

8. 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: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
9. The CNPA will shortly be consulting on the Proposed Local Development Plan 2020. At present this has no additional materiality with regard to the decision making process for this current application.

### Planning Guidance

10. 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	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X

Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

## CONSULTATIONS

### A summary of the main issues raised by consultees now follows:

11. **SNH** state that the proposals can be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, they object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their appraisal and recommendations.
12. The site lies adjacent to the Shee Water, part of the River Tay SAC, designated for its Atlantic Salmon, lamprey species, otter and clearwater lochs. The site's status means that a Habitats Regulations Appraisal is required to be undertaken.
13. An otter survey is also required and if otters are likely to be affected a species protection plan providing mitigation measures should be provided prior to determination of the application. Reference is made to the legal position in relation to European Protected Species.
14. **Perth and Kinross Council Developer Negotiations Officer** states that the proposals fall out with the scope of developer contributions required under the Developer Contributions and Affordable Housing Supplementary Guidance 2016. No additional site specific developer contributions are identified.
15. **Perth and Kinross Council Environmental Health Officer** has no objections subject to conditions in relation to noise and ventilation.
16. **Perth and Kinross Council Regulatory Service Manager (Water)** has no objections to the application subject to a condition requiring details of the location and measures proposed for the safeguarding and continued operation, or replacement of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site. They also recommend an informative in relation to existing wayleaves and private water supplies within the area.
17. **Perth and Kinross Council Regulatory Service Manager (Contaminated Land)** states that there is a known petroleum history related to the site and that there is the potential for there to have been leaks or spills associated with the petroleum storage which may have impacted on the site. They recommend a condition requiring an appropriate scheme to deal with contamination on the site and that approved

measures are fully implemented and verified prior to any occupation on the site. They also summarise the legal position under Petroleum Legislation.

18. **Perth and Kinross Council Transport Planning Officer** states they have no objection subject to a condition requiring full details of all roads matters in relation to access, parking, surface water disposal, etc.
19. **Perth and Kinross Council Flood Prevention Officer** states they object to the proposals as they require a Drainage Impact Assessment to be undertaken and demonstrate that any of the proposed development is not at risk of flooding. They also recommend a condition requiring a suitable SUDS scheme is submitted for approval. The applicants have confirmed that survey work undertaken latterly has identified that part of the site is within a flood plain and they have no intention of siting any development within these areas. The flood team is now satisfied that the development will be sited outwith the 1 in 200 year flood plain and remove their objection. They reiterate their initial comments however, in particular, that due to their highly vulnerable use class, all the accommodation buildings should be sited above the 1 in 1000 year (0.1% AP) flood extent with finished floor levels at least 600mm above the 1 in 200 year plus 20% climate change allowance flood extent.
20. **CNPA Outdoor Access Officer** states that the proposals will not adversely affect the Cateran Trail (the nearby long distance route and core path) and the provision of accommodation as proposed will enhance this trail and increase its popularity.
21. **CNPA Ecology** advisor states that further information is required in relation to bat and pine marten presence on the site. A full Tree Survey which should include a Tree Constraints Plan and a Tree Protection Plan is required. This should show where retained trees fall within the site or immediately adjacent. The landscaping scheme must be revised to include native riparian planting as this is essential to retaining many of the species on site and avoiding disturbance of otter. Green roofs should incorporate Scotia wildflower mix in place of sedum. This is more attractive and would encourage wildlife habitats. A Habitat Management Plan is required to include recommendations within the Species Protection Plans for reptiles and mitigation for breeding bird habitat to be lost – this will require to be revised following the results of the bat and pine marten survey work. A SUDs proposal which considers water quality, biodiversity and amenity (incorporating native species planting) must be integrated within the development. The impact on the River Tay Special Area of Conservation (SAC) has been fully assessed in the Habitats Regulations Appraisal attached in **Appendix 2**. The HRA concludes that there will be no adverse impact on the integrity of the River Tay SAC or any other designated site. The Ecology Adviser has noted that given the high level of otter usage of the Shee water and the unnamed watercourse bounding the site, dogs should be controlled on site especially in the evening and early morning to prevent disturbance or harm to otter and that there must be riparian planting along the Shee Water to allow otters to travel up the river safely and under cover. This is in addition to the SNH advice and the Otter Species Protection Plan provided.

22. **CNPA Landscape** advisor states that the site falls within the CNPA Landscape Character Area of Glen Shee: Upper Glen, and abuts the neighbouring Glen Shee: Head of Glen LCA. A Landscape and Visual Appraisal provides conclusions on the impact of the development on the landscape character of the area. It is accepted that the current derelict site generates a negative impact. This proposed scheme is in principle only and as such the impact on the landscape cannot be fully assessed at this stage. Only when the detail is developed can a full visual appraisal be undertaken in order to test the rationale and quality of the new scheme in this important landscape context.
23. The Indicative Landscape Framework is very indicative and limited in detail and as such further information will be required at the detailed stage to inform the Framework. An example would be a detailed topographical survey showing a tree plan (retained, pruned, and new planting) and identification of any physical features that potentially could be retained and incorporated into a revised landscape setting for the new development.
24. The Construction Method Statement provides a broad outline of how the existing derelict structures will be cleared. Further detail will be required in relation to the protection of landscape features and trees on site. It is also acknowledged that further detail will be required for the construction phase, including details of temporary construction compounds, management of ground works, removal, amendment and reinstatement of existing stone walls, and soil management in accordance with BS 3882:2015.
25. A condition is also recommended to ensure comprehensive details (plans, elevations, sections, servicing, car parking, tree protection measures, etc.) are submitted with any subsequent detailed application.
26. **Community Council** has not responded.

## REPRESENTATIONS

27. There have been no representations received.

## APPRAISAL

### Principle

28. **Policy 2:** Supporting Economic Growth, of the Cairngorms National Park Local Development Plan 2015 supports development which enhances formal and informal recreation and leisure facilities; tourism and leisure based business activities and attractions; tourism and leisure related infrastructure including accommodation, where it has no adverse impacts on the site or neighbouring areas and it makes a positive contribution to the experience of visitors and adds to or extends the core tourist season.
29. The site is located in a strategic location at the southern gateway to the National Park. It lies directly adjacent to the A93 which is a major tourist route north and which now forms part of the highly publicised Snow Roads route.

30. The proposed development will provide an opportunity to develop this key site for much needed tourist accommodation and facilities and subject to compliance with other relevant Local Development Plan policies, the principle of the proposed development is considered to be acceptable.

## Environmental Issues

31. **Policy 4:** Natural Heritage of the Cairngorms National Park Development Plan 2015 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
32. The application site lies adjacent to the Shee Water which is part of the River Tay Special Area of Conservation (SAC) designated for its Atlantic Salmon, lamprey species, otter and clearwater lochs. The potential impact on the SAC has been fully assessed under the Habitats Regulations Appraisal which has been undertaken. This concluded that there will be no potential impacts on the SAC.
33. In terms of European Protected Species (EPS) it has been identified that otters are present on the site. As a consequence a Species Protection Licence from SNH will be required to ensure there will be no impact from construction or site operations. The Ecology Adviser has advised that dogs could be a potential threat to otters using the site and they should be controlled on the site at certain times. A Species Protection Plan will be necessary to ensure all measures outlined in the Ecology Report are implemented and that measures to retain and enhance riparian planting along both watercourses are in place.
34. Survey work has also identified that bats, which are also EPS, are potentially on the site. Survey work was not completed due to health and safety reasons and as it was the wrong time of year. This application is for planning permission in principle and as such should consent be granted, this will be subject to conditions which will require the submission of more detailed information necessary for the development to progress to the detailed stage. In this instance it is considered appropriate that the additional bat survey work can be the subject of a condition on any planning permission in principle consent. Notwithstanding this, the applicants must be reminded of the legal position in relation to EPS and that they will be required to obtain the appropriate licence to undertake work on this site.
35. The submitted drainage report details a SUDs scheme, however, this does not meet the requirements for amenity and biodiversity. Any subsequent detailed application would require a SUDs scheme which not only considers water quality but amenity and biodiversity in compliance with the recommended standards.
36. The proposed development is considered to comply with Policy 4 of the Local Development Plan subject to conditions requiring appropriate survey work to be undertaken and a suitable SUDs scheme.



## Landscape Issues

37. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 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.
38. The site falls within the Glenshee: Upper Glen Landscape Character Area and abuts the neighbouring Glen Shee: Head of Glen Shee Landscape Character Area. Although largely self-contained the Spittal forms a threshold settlement to the Head of Glen Shee. The site is located on this threshold and given its nature and relative scale, the development will potentially impact on its wider surroundings as well as its more immediate. As such both LCAs are relevant in the assessment of this proposal.
39. The steep sided rocky upper slopes of the Upper Glen LCA provide a setting for the proposed development, which is located on the wide glen floor of the Shee Water. The remote landscape of the neighbouring Head of Glen LCA with its relatively narrow glen floor of hummocks framed by steep, concave slopes, provides a background to the development site. Directly adjacent lies the hamlet of Spittal with a concentration of notable heritage assets (Glen Shee Church of Scotland, category B listed, churchyard and manse, both category c listed). Collectively they provide a backdrop to the site when viewed from the south. The site's prominent location at the Spittal junction on the A93 makes it visually important both from the north and south.
40. The proposals are for planning permission in principle and the details submitted are indicative only. The siting of buildings and structures, their design, scale, form, finishing materials, etc. is still to be developed and will be subject to consideration at the subsequent detailed stage of the planning application. Given its location, the proposed development must be contextually responsive to the surrounding landscape. There is an opportunity for the proposals to deliver a development of exceptional quality which will contribute positively to the grandeur and sensitive character of the site and the surrounding landscape.
41. Subject to appropriate conditions the proposals are considered to comply with Policy 5 of the Local Development Plan.

## Road Safety Issues

42. **Policy 3:** Sustainable Design of the Cairngorms National Park 2015 states that all new development will include appropriate means of access, egress and space for off street parking.
43. Transport has no objection to the proposed development in principle subject to a condition ensuring all matters regarding access, car parking, public transport facilities, etc.
44. It is therefore considered that subject to the appropriate conditions being attached, the proposed development satisfies Policy 3.

## **Flooding and Surface Water Management**

45. **Policy 10:** Resources of the Cairngorms National Park Development Plan 2015 seeks to ensure that surface water is dealt with accordingly and that an appropriate SUDs is adopted. It also seeks to ensure that all new development is free from significant risk of flooding.
46. The Council's flood team initially objected to the proposals on the grounds that part of the development will fall within the functional flood plain. This application is for planning permission in principle and the submitted information is purely indicative and subject to change once the detail has been developed. The applicants have confirmed that survey work undertaken latterly has identified that part of the site is within a flood plain and they have no intention of siting any development within these areas. The flood team are now satisfied with the proposals and have removed their objection subject to the development being sited to ensure flooding is prevented.
47. It is recommended that a condition be attached to any consent seeking a comprehensive flood risk assessment and drainage impact assessment for the development at the detailed stage.
48. Subject to appropriately worded conditions being attached to any consent, it is considered that the proposed development will satisfy Policy 10.

## **Other Matters**

49. The site is in a very poor, derelict condition with the burned out remnants of the former hotel building and its contents. Its rundown dilapidated appearance has raised concern in terms of both amenity and health and safety issues. The applicants have been advised that action should be taken to clear and tidy up the site to address these concerns. To date no action has been taken and the site remains in this unacceptable condition. It is therefore requested that Committee approves to serve an Amenity Notice, under Section 179 of the Town and Country Planning (Scotland) Act 1997, on the owners of the site specifying the necessary steps required to clear up the site.

## **CONCLUSION**

50. The proposal provides the opportunity to develop the site for tourist accommodation, introducing a viable use for this derelict site which lies in a key location within the National Park. As such the proposed development is considered to be acceptable in principle subject to conditions as detailed in the paragraphs above.

## RECOMMENDATION

**That Members of the Committee support a recommendation to support the Erection of reception/restaurant/bar building and 18 holiday accommodation units, formation of car parking, landscaping and associated works (in principle) and approve to serve an Amenity Notice at the former Spittal Of Glenshee Hotel, Spittal Of Glenshee, Glenshee, Blairgowrie, PH10 7QF 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 the following details are submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority; irrespective of the approved indicative proposed site plan, the submission shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the building and all other structures.**

### **Approval of matters:**

- a) **Design, siting/location and external appearance of buildings, open space and any other structures;**
- b) **Detailed plan of the proposed layout of buildings and all ancillary development (including drainage provision and SUDs) on a contour base plan to demonstrate a good fit with landform and local hydrology;**
- c) **Existing and finished ground levels in relation to Ordnance Datum;**
- d) **A detailed specification of all external materials – note: samples may be required;**
- e) **A comparative study to illustrate the changes in footprint and envelope of the new build to that of the existing;**
- f) **Detailed Landscape Plan with full specification – this shall include native riparian planting. The Landscape Plan shall be implemented in full during the first planting season following commencement of development;**
- g) **Management Plan in support of the landscaping plan, to include opportunities for new riparian planting as well as planting around the main building and individual units;**
- h) **Tree Survey and Plan – including details of the proposed extent of felling, retention and any new planting;**
- i) **Tree Protection Plan in compliance with BS 5837:2012;**
- j) **Long term landscape maintenance and management plan demonstrating how the site, including new builds, and its immediate surroundings during its operational stage, will be managed and maintained post construction;**

- k) **Species Protection Plan** which shall include a habitat management plan for reptiles and mitigation for breeding bird habitat to be lost;
- l) **Boundary treatments** including heights and materials;
- m) **Access arrangements, road layout** including surface treatments, design and specification (including the disposal of surface water) all in accordance with the Council's standards;
- n) **Design and siting** of car and cycle parking;
- o) **Public transport, walking and cycling facilities/provision;**
- p) **Servicing arrangements;**
- q) **Travel Plan** to demonstrate the management of expected uplift in visitors and vehicular movements;
- r) **Drainage Impact Assessment;**
- s) **Final drainage plan** including a **SUDS** scheme and **SUDS** maintenance plan – this shall consider water quality, biodiversity and amenity and include native species planting, all incorporated into the development;
- t) **A plan** detailing the location and measures to be taken for safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site. Any measures approved shall be put in place prior to any development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved;
- u) **External lighting, including floodlighting and street lighting arrangements** for the development; and
- v) **Waste management and recycling facilities.**

**Reason:** To ensure the proposed development is in compliance with Policies 1, 2, 3, 4, 5, 10 and 11 of the Cairngorms National Park Local Development Plan 2015 of the Cairngorms National Park Local Development Plan 2015.

Planning Permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with the timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as outlined in Informative I of this permission.

2. The development shall be implemented in accordance with those approved details unless otherwise approved in writing by the Planning Authority and retained and maintained for the lifetime of the development hereby approved.

**Reason:** To ensure the proposed development is in compliance with Policies 1, 2, 3, 4, 5, 10 and 11 of the Cairngorms National Park Local Development Plan 2015.

Planning Permission for the development has been granted in principle only and subsequent approval is required for these matters before the development described in this condition begins in accordance with the

timescales and other requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997 as outlined in Informative I of this permission.

3. **Prior to any works commencing on site additional survey work will be undertaken for bats and pine marten. The bat survey will be carried out in accordance with the Bat Conservation Trust Guidelines (2016). The findings of the surveys will be submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority.**

**Reason:** To ensure a full assessment of the impact of the proposed development on protected species is undertaken and that it will not be detrimental to the maintenance of the population of these species at a favourable conservation status in their natural range in compliance with Policy 4 – Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

4. **Prior to any works commencing on site a written scheme to deal with contamination on the site will be submitted to and approved in writing by the Cairngorms National Park Authority (CNPA), acting as Planning Authority. The scheme shall contain proposals to deal with the contamination to include:**
  - a) **The nature, extent and type(s) of contamination on the site;**
  - b) **Measures to treat/remove contamination to ensure the site is fit for the use proposed;**
  - c) **Measures to deal with contamination during construction works;**
  - d) **Condition of the site on completion of decontamination measures.**

**Reason:** To ensure the proposed development is in compliance with Policy 10 of the Cairngorms National Park Local Development Plan 2015.

5. Prior to the occupation of any new building on the site, the measures to decontaminate the site shall be fully implemented as approved by the CNPA, acting as Planning Authority. Verification that the approved scheme has been fully implemented must also be submitted to the CNPA.

**Reason:** To ensure appropriate assessments are undertaken to identify actual and potential risk to human health and the Park's biodiversity, geodiversity, hydrology and other special qualities, in accordance with Policy 10 – Resources of the Cairngorms National Park Local Development Plan 2015.

6. **Notwithstanding the details contained within the approved Construction Method Statement, no work shall commence on site until this is revised and includes the following information, which shall be submitted to and approved in writing by the CNPA acting as Planning Authority:**
  - a) **Details of the protection of landscape feature and trees on site while demolition of the existing structures is undertaken;**
  - b) **Details of all phases of the development, including the construction phase, for example details of temporary construction compounds,**

**management of ground works, removal, amendment to and reinstatement of existing stone walls and soil management.**

**Thereafter the development shall be implemented in accordance with those approved details.**

**Reason:** To ensure that construction methods will not have an adverse impact on the landscape setting or ecological quality of the development site or the River Tay SAC in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

7. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

**Reason:** To ensure the development does not impact on the amenity enjoyed by neighbours in accordance with Policy 3: Sustainable Development of the Cairngorms National Park Local Development Plan 2015.

8. **Prior to the commencement of the development hereby approved, details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings. Thereafter the system shall be maintained.**

**Reason:** To ensure the development does not impact on the amenity enjoyed by neighbours in accordance with Policy 3: Sustainable Development of the Cairngorms National Park Local Development Plan 2015.

## **INFORMATIVES**

### **Timescales and Procedures for Applying for Requisite Approvals**

- I. For the avoidance of doubt, conditions requiring requisite approval (applications for approval of matters specified in conditions) are all those referenced with Section 59 of the Act in the reason for the condition and must be made before whichever is the latest of the following:
  - a) The expiration of 3 years from the date of the grant of the permission;
  - b) The expiration of 6 months from the date on which an earlier application for the requisite approval was refused; and
  - c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

2. Only one application may be made by virtue of (b) and (c) above after the expiration of the 3 year period mentioned at (a) above.
3. An application for requisite approval may be made for different matters and different parts of the development at different times. Each application shall be in writing and must:
  - a) Identify the planning permission to which it relates;
  - b) Contain a description of the matter in respect of which the application is made
  - c) State the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent; and
  - d) Be accompanied by plans and drawings describing the matter in respect of which the application is made and any fee required under the Fees Regulations.

### Lapsing of Permission:

4. If you fail to comply with the time periods set out in Section 59 of the Act as detailed in Informative I with regard to the submission of the requisite approvals then this permission will lapse.
5. If you have made submissions for requisite approvals within the timescales set out above under Section 59 of the Act, as detailed in Informative I and these have been approved by the Cairngorms National Park Authority then you must commence the development within 2 years of the date of the last requisite approval or this permission will lapse.
6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfectant treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The applicants are reminded of the **Legal Position in Relation to European Protected Species (EPS)** Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (Habitats Regulations) provide full protection for certain animal and plant species. The species identified above are referred to as EPS and are listed on Schedules 2 (animals) and 4 (plants) of the Habitats Regulations.
8. This means it is illegal to:
  - a) Deliberately or recklessly capture, injure or kill an EPS of wild animal or to deliberately or recklessly:
    - i. Harass an animal or group of animals;
    - ii. disturb an animal while it's occupying a structure or place used for shelter or protection;
    - iii. Disturb an animal while it's rearing or otherwise caring for its young;
    - iv. Obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place;
    - v. Disturb an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; and
    - vi. Disturb an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.
  - b) Deliberately or recklessly take or destroy its egg.
  - c) Deliberately or recklessly disturb any cetacean.
  - d) Damage or destroy the breeding sites or resting places of such animals.
  - e) Deliberately or recklessly pick, collect, cut, uproot or destroy EPS of wild plant.



9. Where it is proposed to carry out works which will affect EPS or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority Heritage (SNH). It is strongly advised that you refer to SNH at Great Glen House, Leachkin Road, Inverness, IV3 8NW (tel: 01463 725000; email: [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)) before applying for a licence.
10. As highlighted in the Interim Guidance, three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) to permit otherwise prohibited acts. An application for a licence will fail unless all of the three tests are satisfied. The three tests involve the following considerations:
  - a) **Test 1** - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) (as amended). For development proposals, the relevant purpose is likely to be Regulation 44(2)(e), which states that licences may be granted only for the purpose of “*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.*”
  - b) **Test 2** - Regulation 44(3)(a) states that a licence may not be granted unless the licensing authority is satisfied “*that there is no satisfactory alternative*”.
  - c) **Test 3** - Regulation 44(3)(b) states that a licence cannot be issued unless the licensing authority is satisfied that the action proposed “*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*”.
11. Consideration of EPS must be included as part of the application process, not as an issue to be dealt with at a later stage. Any consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.
12. The applicant should be advised that if the land is to be used for touring caravans and glamping holiday pods/chalets it will be required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960. I would therefore advise that if planning permission is granted for this application that the applicant should contact Perth and Kinross Council Environmental Health department to discuss the licencing requirements further. It will be necessary for a caravan site licence to be obtained for the site before caravans are first brought into use for holiday accommodation and the site would need to comply with the caravan model standards for holiday use.

13. The person undertaking the development is required to give the Planning Authority prior written notification of the date on 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.
14. Following completion of the development, a notification of the 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.

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.