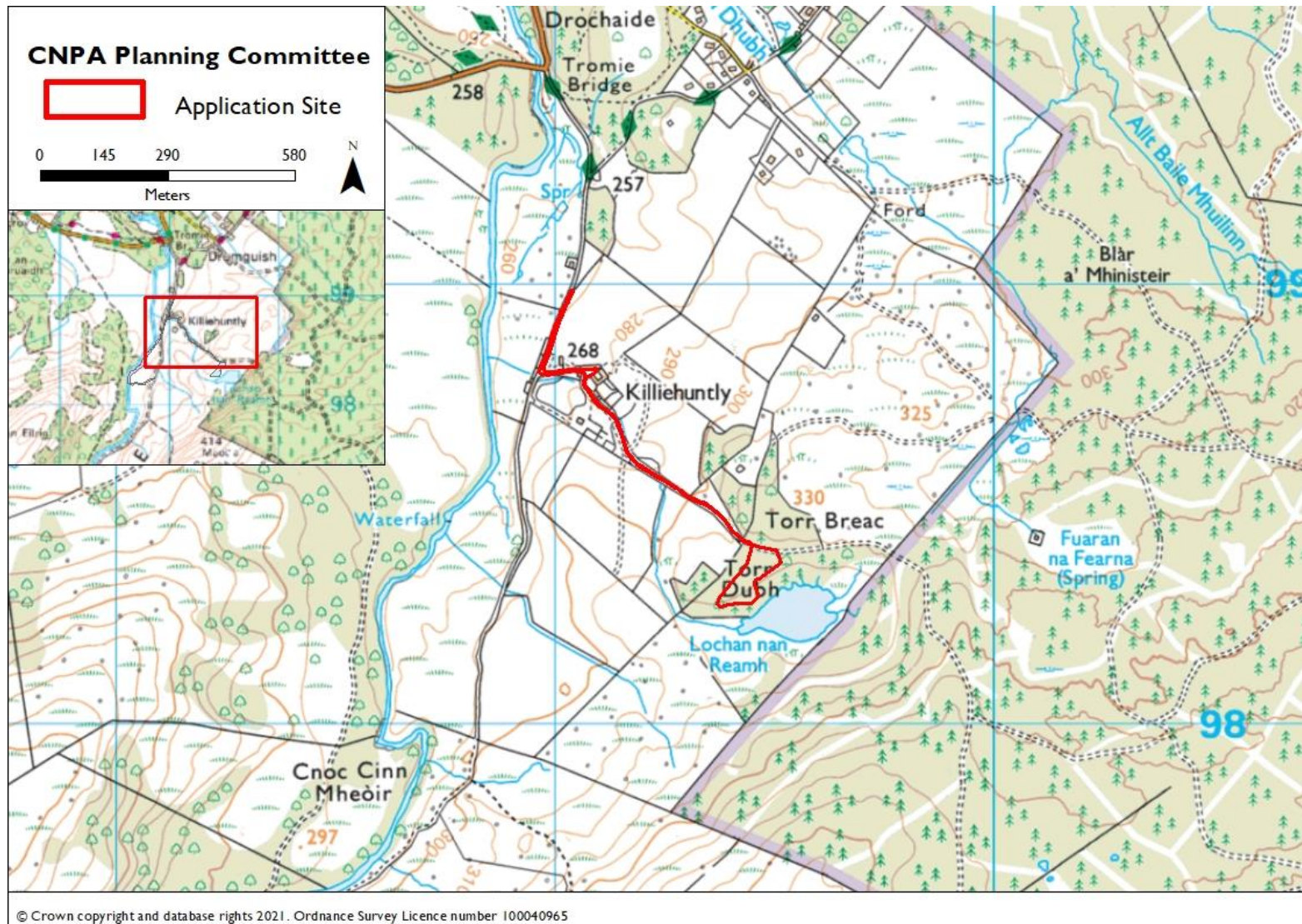

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of Bothy and Formation of Access Track at Land 515M SE of Farmhouse,
Killiehuntly, Kingussie

REFERENCE:	2020/0220/DET
APPLICANT:	Bob Reid, Wildland Ltd
DATE CALLED-IN:	28 September 2020
RECOMMENDATION:	Approve subject to conditions
CASE OFFICER:	Katie Crerar Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located approximately 500 metres south east of Killiehuntly Farm on the north west side of Lochan nan Reamh, just over 3 miles east of Kingussie.
2. The site comprises a mixture of unimproved acid grassland in the northern part of the site and semi-mature coniferous woodland in the south and flatter moorland to the east.
3. Access to the development site will be taken from an existing vehicle track running south east from Killiehuntly Farm which lies approximately 100 metres to the north of the proposed bothy site. The site of the new access track runs through the grassland, into the woodland plantation to where the bothy will be located. The bothy will be situated on the edge of the wooded area, overlooking Lochan nan Reamh.

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=QH0HB6SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan	826_01_101	16/09/20	28/09/20
Plan - Proposed Location Plan 2	826_01_103	01/09/20	28/09/20
Plan - Proposed Site Plan	826_01_102	12/08/21	27/09/21
Plan - Proposed Floor Plan	826_01_201	20/11/19	28/09/20
Plan - Proposed Front Elevation	826_01_401	20/11/19	28/09/20
Plan - Proposed Back Elevation	826_01_402	20/11/19	28/09/20
Plan - Proposed Side Elevation 1	826_01_403	20/11/19	28/09/20
Plan - Proposed Side Elevation 2	826_01_404	20/11/19	28/09/20
Other - Access Proposals		01/01/21	11/01/21
Plan - Bothy Access Landscape General Arrangement	6539.15-LP-PLN-001	08/01/21	11/01/21

Plan - Bothy Access Indicative Gradients	6539.15-LP-SKE-001	01/11/20	19/11/20
Other - Construction Method Statement	D_826_01	01/09/21	28/09/21
Other - Tree Survey Tree Constraints Plan	6539-LP-PLN-101	02/09/21	27/09/21
Other - Tree Survey Proposed Tree Works	6539-LP-PLN-102	24/09/21	27/09/21
Other - Protected Species Survey	10666B	04/06/21	28/06/21
Other - Drainage Solutions Assessment		22/02/21	11/03/21
Other - Additional Information		11/03/21	11/03/21
Other - Preliminary Ecological Appraisal		20/01/20	24/11/20
Other - Bothy Planting		01/11/20	19/11/20
Other - Archaeology Report	3852	01/04/19	28/09/20
Other - Landscape and Visual Appraisal		10/03/20	28/09/20
Other - Planning Policy Review		10/03/20	28/09/20

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

5. The application seeks full planning permission for the construction of a 'bothy' (a small and basic self-catering unit) and the formation of an accessible track (that can accommodate a vehicle if required) taken from an existing vehicular track approximately 100m north of the proposed bothy site. The development will comprise the construction of a pre-fabricated, self-contained bothy extending to approximately 90 square metres (with an internal floor area of 55 square metres) situated within the trees overlooking Lochan nan Reamh.
6. The bothy will be accessible and has therefore been designed with a larger footprint comprising of two component parts or 'volumes', each designed in a traditional bothy shape with a dual-pitch roof. The smaller but more prominent section or 'volume' is positioned overlooking the Lochan with a roof pitch height of 4400mm. The larger second part or 'volume' is positioned to the rear of this with a roof pitch height of 4000mm.
7. The main living/kitchen area is located in the smaller section which is positioned to maximise the more open views (and natural daylight) to the south and east overlooking the Lochan. The other larger section or 'volume' contains the entrance hall/vestibule, an accessible shower room and bedroom with a bath and is positioned (and connected) behind the smaller volume and is more enclosed providing greater privacy. Level access to the bothy is provided on the north-west elevation. In addition there is an externally accessed room/storage facility adjacent to the entrance.
8. The bothy will be constructed of and finished in timber. The structure will be built of Glulam (glued laminated timber) and then finished in black stained Siberian larch

cladding boards with dark grey stained window and door frames. It is intended that the larch will over time age and weather to blend in with the surroundings.

9. The bothy will be pre-fabricated to reduce waste and on-site footfall during construction. A timber deck will be installed to create a stable working platform from which the bothy will be constructed. The bothy will be situated above ground on an elevated steel chassis using ground screw foundations to minimise impacts on the ground and provide level access on the sloping ground whilst also providing elevated views. Minor excavations will be required to secure anchor points for the chassis and structure.
10. The building components of the bothy will be delivered by lorry to Killiehuntly farmhouse and then dropped onsite by a helicopter and constructed and positioned by a small team. Helicopter drops will be managed in consultation with the project ecological consultants to avoid bird breeding seasons and minimise any impacts on wildlife.
11. Internally, the bothy has been configured to allow for separate sleeping and living areas with large spaces to accommodate a range of mobility requirements and comfortable use of the facilities. In addition, there is sufficient space provided to allow a carer or companion to stay as well. Internal finishes will also be designed to support all levels of mobility including accessible toilet and washing facilities. The bothy will have a urine diverting dry toilet (UDDT) (maintained and emptied as part of ongoing maintenance) and waste water will be filtered prior to being disposed of via a soakaway. Grey water will be treated via a Biorock system and discharged via a soakaway. Whilst the bothy will be capable of being 'off grid' if desired, it will have mains water and electricity to accommodate the varying needs of those staying there. External lighting will be kept to a minimum. Any external lighting required such as at the bothy entrance, will be triggered by motion sensor and timed.
12. Access to the bothy will be a path taken from an existing track 100 metres north of where the bothy will be situated. The proposed path is routed to keep its gradient to a minimum to make it more accessible and will be able to accommodate a vehicle if required. The path will head in a south-westerly direction before a hair-pin bend taking the path back in an easterly direction to the bothy. The total distance of the new path will be approximately 230m and 1.8m wide.
13. The path will be constructed in the style of a traditional hill path using locally sourced materials to ensure it is in keeping with the surrounding context and local landscape character. The path will comprise slight variations in width to avoid straight edges and uniformity and will be constructed with a free draining surface course (using crushed local aggregate as a binding layer) and a 250mm depth trench with level tray base of firm mineral soil. The natural aggregates will be built up in graded layers of interlocking stone with larger for the base and smaller for the surface. The path will be edged with locally sourced boulders and turfs and vegetation. The mains water and electricity will be installed under the path during construction, so as to reduce the need for additional excavations.
14. It is anticipated that the path will encounter relatively low rates of usage due to the small number of guests and service staff using it and therefore the access path has been

designed to be low impact. It will be maintained to keep it useable however vegetation clearance will be minimised to allow mossing over of aggregates and softening of the path edges to integrate the path into its surroundings.

15. The path will be wheelchair accessible with resting points (**see Site Plan**) and a hand rail along the lower half of the path where the gradient is slightly steeper. However overall the gradient of the path is relatively gentle (1:20) and the handrails will be constructed using wrought iron posts and a guide rope to reflect the rural character of the area.
16. Tree survey information provided with the application indicated that approximately 38 trees (all Category C) will be removed to construct the path and to accommodate the bothy itself (**see Site Plan**). Tree removals along the access route will primarily comprise young (seedling) pines and those associated with the bothy are primarily naturally growing goat willow on the wetter ground near the shore of the Lochan.
17. The Construction Method Statement states that the removal of these will be undertaken outside of key bird breeding season. The applicant is proposing to undertake a significant amount of native tree planting comprising 397 bare root whips and 82 specimen trees covering an area of 2165 square metres on an area of unimproved acid grassland. A Tree Survey comprising a tree constraints plan and proposed tree works has been submitted with the application.
18. Plans of the proposal are included within **Appendix I**.

History

19. There is no recent planning history on the bothy site itself, however there have been a number of applications in recent years at Killiehuntly Farm house and vicinity including a change of use of the Farmhouse to Class 7 Hotel & Guesthouse (16/00829/FUL), Use of the farm steading as a commercial kitchen with ancillary meeting room, laundry, managers office and flat (16/00846/FUL), and sought certificates of lawfulness for the change of use of residential dwellings to holiday accommodation (17/01983/CLP and 16/00888/CLP).

Habitats Regulations Appraisal (HRA)

20. A Habitats Regulations Appraisal (HRA) has been carried out to ensure that the development will not have an adverse effect on the integrity of the River Spey SAC, River Spey – Insh Marshes SPA and Ramsar site. The HRA identified the potential for impacts from construction on the River Tromie (such as sediment release which impacts on water quality), disturbance to otter (which is a qualifying species of the SAC) from construction activity and human disturbance. The HRA (which has been agreed by NatureScot) concluded that all conservation objectives could be met subject to conditions requiring a pre-construction survey for otter and the implementation of the Construction Method Statement (CMS) submitted with the application to ensure that necessary measures will be undertaken to minimise impacts on the surrounding environment and disturbance to otter.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	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	X
POLICY 3	DESIGN AND PLACEMAKING	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	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

21. 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>

Planning Guidance

22. 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	X
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	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	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	

CONSULTATIONS

Summary of the Main Issues Raised by Consultees

23. **SEPA** state that the proposal is below the threshold for providing advice however do note that the grey water discharge and UDDT proposals appear adequate for their purpose and that discharges of the grey water to the ground may require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR).
24. **NatureScot** were consulted on the Habitats Regulations Appraisal to which they agreed there would be no adverse effect on the integrity of the River Spey Special Area of Conservation (SAC), River Spey – Insh Marshes Special Protection Area (SPA) and Ramsar Site.
25. **Highland Council (Floor Risk Management)** do not object to the application.
26. **Highland Council (Transport Planning)** do not object to the application.
27. **Highland Council (Environmental Advice & Consultancy – Archaeology)** do not object to the application.
28. **Highland Council (Environmental Health)** advise that should it not be possible to connect the bothy to mains water, that the following suspensive condition should be applied:
 - a) 'Prior to the development commencing the applicant shall confirm that a connection to the mains public water supply is to be made. If this is not possible, then they must submit the following information, as described in the Private Water Supplies Planning Advice Note, for the written approval of the Planning Authority:
 - i. A completed private water supply questionnaire (Form PWS 1).
 - ii. A plan of the development and water supply.
 - iii. A report from a competent person which demonstrates that there will be a sufficient piped supply of wholesome water to meet the demands of this property.
 - b) Where the report identifies a need for water treatment this shall be put in place prior to the occupancy'.
 - c) They also suggest the following informative:
 - i. 'The applicant should be informed that if the premises cannot be connected to the mains public water supply and is to be supplied with water from a private water supply, and it is to be used for a commercial purpose, then, under the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, The Highland Council must add it to the register of private water supplies, to risk assess the supply and to sample and test it on an annual basis to ensure the water provided meets the regulatory standard. The applicant should be informed that there is a charge for this statutory function. The applicant should inform the environmental health team of The Highland Council if the property is used for a commercial purpose'.

29. **CNPA Outdoor Access** do not object to the application.
30. **CNPA Landscape Advisor** is of the view that the proposed development site possesses some capacity for the type of development being proposed on account of its discreet location, the presence of structures within the wider area and small scale unobtrusive design. The effects of the proposed access path would be more extensive due to its length and the removal of some trees. However overall it is predicted that whilst the proposal could have some adverse effects on the local landscape character, these would not be significant to the integrity of the National Park landscape.
31. The Landscape Advisor has requested a landscape management and maintenance plan including consideration of potential activities that could have landscape effects. Further landscape monitoring proposals were also sought to address any path erosion.
32. The **CNPA Ecology Advisor** highlights the need for pre-start and pre-fell (if required) checks for red squirrel, pine marten, badger, otter, reptiles, bats and Scottish wildcat (and breeding birds depending on time of year). It is specifically requested that helicopter flights take place outwith the bird breeding season and that the use of noisy plant and machinery is avoided in the two hours before sunset for badger.
33. It is requested that visitor management details are provided to limit the impact to otter and any breeding birds and encourage responsible/sensitive behaviour from guests.
34. **Kincraig Community Council** have expressed concern about the access and the removal of trees for this planning application.

REPRESENTATIONS

35. One representation was received from a resident of Drumguish who objects to the proposal on the basis that the bothy would be an intrusion in what they consider to be wild land. They feel that there is sufficient opportunity for those who wish to watch the bird life in this area and are concerned that the bothy would limit public access to observe the wildlife at Lochan nan Reamh. They also note that no provision has been made to house the staff needed to service the bothy and overall this proposal will put pressures on the limited affordable housing in the area.

APPRAISAL

Principle

36. The principle of this development is considered against the relevant parts of **Policy 2: Economic Development** the Cairngorms National Park Local Development Plan 2021, specifically 2.2 Tourist Accommodation.
37. In terms meeting 2.2 Tourist Accommodation, it is considered that this proposal can be delivered without having an adverse impact on the environment (subject to the

relevant conditions) or affecting the amenity of neighbouring areas. The bothy is a small, low impact visitor accommodation that will not have a detrimental impact on its surroundings.

38. The bothy will make a positive contribution to the tourism accommodation provision in the area, particularly improving for those with limited mobility and disabled people. It provides a unique opportunity for all abilities to experience staying in a remote and wild setting surrounded by the National Park's landscapes and wildlife with the necessary support. It will also contribute to providing a wider range of visitor accommodation options and overall it is considered that the principle of this application complies with **Policy 2 Economic Development** of the Cairngorms National Park Local Development Plan 2021.

Landscape and Visual/Design

39. **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.
40. The bothy lies within the 'Badenoch – Insh Marshes' landscape character area and the local landscape character is influenced by the distinct linear space, landform and the River Tromie, which also includes a mix of native woodland, agricultural fields and the estate settlement of Killiehuntly, as well as distinct historic landscape features such as stone buildings and walls.
41. The bothy lies on a south-east facing wooded slope on the edge of a semi-mature plantation to the west of Lochan nan Reamh. It is surrounded to the north and west by the woodland with an open aspect to the south east looking over the lochan. The bothy itself is small in scale and will be discreetly positioned within the trees. Views into the site are limited due to local screening by trees and the landform but bothy and access path would be visible from the marshy shore of the lochan and from the local track over Torr Breac between Killiehuntly and the woodland to the south east.
42. The bothy itself has been designed to reflect local vernacular using simple traditional bothy shapes with a dual pitched roof. The design is slightly unusual as it comprises two sections or 'volumes' (to increase the floor area to provide greater accessibility) but it is considered that it has been appropriately positioned and sits well within the landscape, nestled within the trees.
43. The bothy will be connected to mains water and electricity which will be installed under the access path and would not require any overhead lines. Heat will be provided via a wood burning stove and the design and materials used seek to utilise energy efficiency.
44. The bothy will be visible from the Lochan and immediate surroundings, however it is not considered to have a detrimental impact on the landscape character of this area and the stained larch cladding finish will help the bothy to integrate into its surroundings.

45. The access path (approx. 230m **see Site Plan**) will be more prominent from the main access track to the north of the lochan. However it is considered that the use of local materials and traditional design will help the path integrate into the landscape. The proposed additional tree planting will be focused around the access path which over time will lessen its visual impact.
46. A tree survey comprising a Tree Constraints Plan and Proposed Tree Works provide a survey of the trees in the area and identify those proposed for removal as well as the proposed tree planting and a working corridor has been identified (**See Tree Constraints Plan**). Whilst there is a presumption against the removal of woodland, the proposal will not result in the removal of an area of woodland, but trees dispersed within it. The woodland comprises semi-mature coniferous trees and those proposed for removal are all Category C (which are smaller and of lower quality). In addition, substantial compensatory and additional planting is proposed which over time will improve the woodland in terms of size and diversity of tree species and it is considered that this provides appropriate mitigation for the tree loss.
47. A landscape management and maintenance plan was also requested however it is not considered necessary in this instance as the number of people using the bothy (two at a time) along staff is unlikely to result in significant additional erosion of the paths or create any wider landscape or disturbance issues.
48. Overall, the proposal has been sympathetically designed to complement and integrate within its surroundings. The scale, design and materials of the bothy are in keeping with the character of the area, the proposal will not result in any significant landscape impacts and therefore complies with Policy 5: Landscape of the Cairngorms national Park Local Development Plan 2021.

Ecology

49. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 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.

Designations and Protected Species

50. The application site lies on the edge of Lochan nan Reamh, which outflows into the River Tromie, part of the River Spey SAC and is also connected via the River Tromie to the River Spey - Insh Marshes SPA and Ramsar site.
51. The potential for otter in the area (as a qualifying species of the River Spey SAC) around the development site was raised and a further detailed protected species survey was undertaken which specifically looked at otter, badger and red squirrel. The survey noted that Lochan nan Reamh (which is connected to the River Tromie) provides suitable commuting and foraging habitat for otter. Evidence of otter was noted around the periphery of the lochan (two rearing places (hovels) approximately 200m from the site) but no evidence of holts were recorded. It is therefore proposed

that a pre-construction otter survey is undertaken and a species protection plan setting out appropriate measures if necessary) is required as a condition. In addition, a Construction Method Statement has been prepared which will reduce the risk of disturbance during construction to a minimum level.

52. Habitat to the north of the bothy is suitable foraging and sett creation habitat for badger. A badger sett was recorded in woodland to the west of the lochan (190m from the bothy site and 100m from the path) and other evidence of badger was recorded in the area. No evidence of red squirrel was recorded however it is acknowledged that there is the potential for these species to be present in the wider area and therefore a pre-construction and pre-felling checks are recommended as a condition. The Ecology Advisor also advises pre-construction checks for pine marten, reptiles, bats, Scottish wildcat and breeding birds depending on the time of year.
53. Concern was expressed about the potential impacts of construction on both the designated sites and protected species. As noted above, whilst there is limited evidence demonstrating the use of the site by these species, it is important the construction methods are utilised to ensure that there will be no impacts on any protected species should they be present in the wider area.
54. A Construction Method Statement has been prepared and sets out that all ground works and helicopter flights for delivering materials will be undertaken in late winter/ spring to avoid bird breeding seasons, that all excavations will be covered or have a ramp placed in them to avoid entrapment and working hours should not occur between one hour before sunset and one hour after sunrise to avoid disturbance to species such as otter.
55. A Habitats Regulations Appraisal (HRA) has been carried out to ensure that the development will not have an adverse effect on the integrity of the River Spey SAC, River Spey – Insh Marshes SPA and Ramsar Site. The HRA identified the potential for impacts from construction on the River Tromie (such as sediment release which impacts on water quality), disturbance to otter (which is a qualifying species of the SAC) from construction activity and human disturbance. The HRA (which has been agreed by NatureScot) concluded that all conservation objectives could be met subject to conditions requiring a pre-construction survey for otter and the implementation of the Construction Method Statement (CMS) submitted with the application to ensure that necessary measures will be undertaken to minimise impacts on the surrounding environment and disturbance to otter.
56. Overall, it is considered that the proposal will not have an adverse effect on any of the designated sites or protected species. As highlighted above, conditions have been added to require pre-construction (and if relevant, pre-felling) surveys for protected species and if required species protection plans.

Biorock Treatment System

57. The development proposes that grey/waste water will be treated via a Biorock treatment system in the ground and discharged via an outfall incorporating at least 25m² of constructed partial soakaway that terminates in Lochan nan Ream. Concern was expressed about the potential impacts nitrate and phosphorous levels which could

impact on the designated sites/species, as the lochan flows into the River Tromie, part of the River Spey SAC.

58. However, NatureScot advised that phosphorous levels are not of concern at this general location. So long as the treatment system and soakaway comply with building regulations, such systems should not have a significant effect on freshwater qualifying interests. Therefore there would not be a likely significant effect on any of the qualifying interests from the waste water treatment system.
59. In addition, as highlighted by SEPA, discharges to the ground or water environment will require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR).
60. Overall, officers are satisfied that the Biorock treatment system is appropriate and will not adversely affect the lochan, River Tromie or the River Spey SAC.

Ecology Conclusion

61. Overall it is considered that the scale and construction of this proposal can be achieved without causing significant effects on habitats, protected species or area protected for nature conservation. Conditions will be attached to ensure the appropriate pre-construction checks are undertaken for protected species and construction will adhere to what is set out in the Construction Method Statement to minimise any disturbance to the surrounding area. Overall, this development complies with Policy 4: Natural Heritage of the Cairngorms national Park Local Development Plan 2021.

Servicing and Access

62. **Policy 3: Design and Placemaking** requires all developments to seek to minimise the effects of development on climate change, make sustainable use of resources, maintain and maximise opportunities for responsible outdoor access and provide appropriate means of access and egress.
63. Access to the site will be via foot or vehicle along the existing vehicular track from Killiehuntly Farmhouse and then along the new accessible path (approximately 230m). Visitors will leave their vehicles at Killiehuntly Farmhouse and then walk or be driven to the bothy. It is considered that this provides a suitable means of access given the nature of the accommodation and intention for it to be an immersive, back to nature experience. In addition, as noted, the bothy will have an electricity and water supply to better support the varying needs of visitors. Heating will be provided by woodburner.
64. **Policy 10: Resources** requires developments to have suitable and safe water supplies and manage waste water appropriately so as not to result in the deterioration of water resources. Grey and waste water will be managed via a Biorock treatment system and soakaway. The bothy will also have a UDDT which will be emptied and managed by the Estate. Given the nature of the development and that up to two visitors at any one time will just be staying for short periods of time, it is considered that the bothy is appropriately serviced. All rubbish/waste and maintenance of the bothy will be

undertaken by the Estate and we are satisfied that no specific maintenance requirements are necessary.

65. Overall it is considered that the bothy is adequately serviced and has suitable access provision and complies with Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms national Park Local Development Plan 2021.

CONCLUSION

66. It is considered that this proposal for the erection of the bothy and the formation of an access path is acceptable in land use planning terms. The principle complies with Policy 2: Economic Development and whilst initial issues in respect of impacts on ecology and grey water were raised, appropriate conditions have been added to ensure there are not adverse impacts. Overall it is considered that the nature and design of the proposal is compatible with its surroundings and subject to pre-construction surveys and implementation of the associated Construction Method Statement (as set out in the appraisal and conditioned) it is not considered that there will be any significant landscape or ecological impacts as a result of the proposal and therefore the application is considered to comply with the Local Development Plan policies and is recommended for approval.

RECOMMENDATION

That Members of the Committee support a recommendation to the Erection of bothy and formation of access track at Land 515M SE Of Farmhouse Killiehuntly Kingussie 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

1. **No development shall commence on site until a pre-construction survey for otter (of the proposed development site and a 200m buffer in line with NatureScot guidance <https://www.nature.scot/species-planning-advice-otters>) shall be undertaken, with the survey results used to inform a Species Protection Plan setting out mitigation measures appropriate to the results, all to be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Thereafter the plan will be implemented in full and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To avoid disturbance to otter, a qualifying interest of the River Spey SAC and a European Protected Species and ensure the protection of protected species in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence on site until a pre-construction walk over survey for protected species such as, but not limited to, pine marten, red squirrel, badger, bats, Scottish Wildcat and reptiles shall be undertaken in accordance with the relevant NatureScot guidance (<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>) by a suitably experienced and licensed ecological surveyor, with the survey results to inform a Species Protection Plan detailing appropriate mitigation measures for any protected species found. This Plan shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Thereafter the plan will be implemented in full and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To ensure the protection of protected species including breeding birds in in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence on site until a pre-construction walk over survey for breeding birds if any preparatory or construction works are undertaken during March – August (inclusive), undertaken in accordance with the relevant guidance by a suitably experienced and licensed ecological surveyor, with the survey results to inform a Breeding Bird Protection Plan detailing appropriate mitigation measures for any breeding birds found, the Plan submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority prior to works commencing on site.**

Thereafter the plan will be implemented in full and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To ensure the protection of protected species including breeding birds in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 4. All works shall be undertaken in strict accordance with the approved Construction Method Statement (Rev B) submitted to CNPA on 28 September 2021.**

Reason: To reduce the risk of pollution affecting the River Spey SAC and connected watercourses to a minimal level and to avoid disturbance to otter during construction.

- 5. No development shall commence on site until the applicant confirms that a connection to the mains public water supply is to be made. If this is not possible, then they must submit the following information, as described in the Private Water Supplies Planning Advice Note, for the written approval of the Planning Authority:**

- a) A completed private water supply questionnaire (Form PWS 1).**
- b) A plan of the development and water supply.**
- c) A report from a competent person which demonstrates that there will be a sufficient piped supply of wholesome water to meet the demands of this property.**

Where the report identifies a need for water treatment this shall be put in place prior to the occupancy.

Reason: Ensure the suitable and safe provision water for visitors to the bothy in accordance with Policy 10: Resources.

- 6. The holiday unit hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as a permanent residential unit without the prior express grant of planning permission by the planning authority. The holiday unit shall not be occupied as a person's sole or main residence and the owner of the holiday unit shall maintain an up-to-date register of the name of each occupier of the holiday unit, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.**

Reason: The occupation of the holiday unit as a permanent residential unit would be assessed under different Local Development Plan policies and require appropriate contributions towards affordable housing. Use of the holiday units as a permanent residential dwelling would require planning permission for this use.

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 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.
3. 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.
4. Subject to approval of prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR) in respect of the grey water discharge.
5. The applicant should be informed that if the premises cannot be connected to the mains public water supply and is to be supplied with water from a private water supply, and it is to be used for a commercial purpose, then, under the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, The Highland Council must add it to the register of private water supplies, to risk assess the supply and to sample and test it on an annual basis to ensure the water provided meets the regulatory standard. The applicant should be informed that there is a charge for this statutory function. The applicant should inform the environmental health team of The Highland Council if the property is used for a commercial purpose.

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.