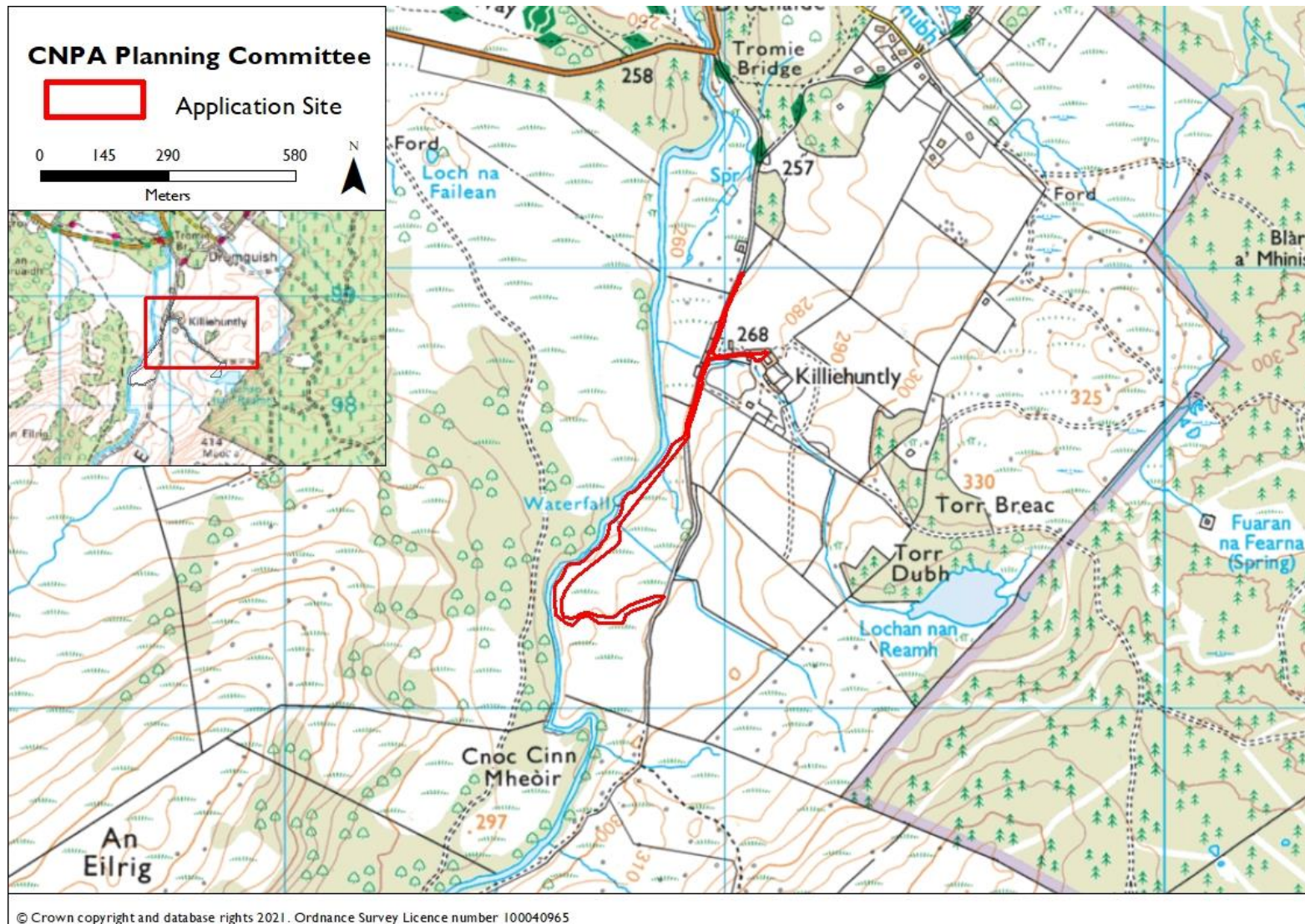

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of Bothy and Associated Service Route at Land 400M SW of Farmhouse, Killiehuntly, Kingussie

REFERENCE:	2020/0221/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 400 metres south west of Killiehuntly Farm adjacent to the River Tromie, just over 3 miles east of Kingussie.
2. The proposed site for development comprises a mix of semi-natural woodland situated along the banks of the River Tromie. The bothy site itself is situated in an area of dry dwarf shrub heath on the edge of the semi-natural broadleaved woodland (mostly birch with aspen) overlooking the River Tromie. The location of the bothy itself is in a small slightly elevated clearing contained by the woodland.
3. The bothy will be accessed by an existing narrow and low-key footpath through an area of marsh grassland and which runs around the edge of the existing woodland along the edge of the River Tromie and by a small new service track through marshy grassland and open woodland east of the bothy. Both accesses run off a main estate track.

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=QH012JSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan - Proposed Location Plan 2	826_02_103	01/09/21	06/09/21
Site Plan - Proposed Site Plan	826_02_102	27/09/21	06/10/21
Plan - Proposed Floor Plan	826_02_201	20/11/19	28/09/20
Plan - Proposed Front Elevation	826_02_401	20/11/19	28/09/20
Plan - Proposed Back Elevation	826_02_402	20/11/19	28/09/20
Plan - Proposed Side Elevation 1	826_02_403	20/11/19	28/09/20
Plan - Proposed Side Elevation 2	826_02_404	20/11/19	28/09/20
Plan - Proposed Log Store	826_02_405	27/09/21	05/10/21
Other - Access Proposals		01/08/21	06/09/21
Other - Protected Species Survey	10666B		28/06/21
Other - Construction Method Statement	D_826_02	01/10/21	06/10/21
Other - Drainage Report		22/02/21	
Other - Archaeology Report	3852	01/04/19	28/09/20
Other - Landscape and Visual Appraisal		10/03/20	28/09/20
Other - Preliminary Ecology Appraisal		20/01/20	28/09/20
Other - Planning Policy Review		10/03/20	28/09/20
Other - Design Ethos		01/09/20	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 timber bothy and associated service access. The bothy will be situated adjacent to the River Tromie in an area of dry dwarf shrub heath on the edge of semi-natural broadleaved woodland (mostly birch with aspen).

6. The bothy comprises a single traditional bothy shape with a dual pitched roof. It has an internal floor area of 28 square metres and a total footprint of 48.5 square metres.
7. The bothy will be constructed of and finished in timber. The structure will be built of Glulam (glued laminated timber) and then finished in untreated Siberian larch cladding with the recessed entrance area stained in black. The windows and door frames will be painted dark grey. It is intended that the larch will over time age and weather to blend in with the surroundings.
8. The entrance to the bothy is located on the northern elevation and is recessed providing a covered arrival area. Each elevation of the bothy has large windows to maximise natural light and shutters to provide a sense of enclosure and warmth.
9. Internally the bothy comprises an entrance vestibule which leads into a living space with a living space and food preparation area. This then leads through to an enclosed compostable toilet on one side of the bothy and a sink on the opposite side, allowing movement to the bedroom between the two (see Proposed Floor Plan). At the end of the bothy is a sleeping area with a bed and a bath. The main living area on the western elevation has been positioned to look onto the river and bedroom faces south to maximise evening light.
10. 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. The bothy will be off-grid and installed with a stove for cooking, heating and hot water, an off-grid 'ram pump' to supply filtered water for drinking and photovoltaic panels on the front elevation of the roof to provide a small amount of electricity.
11. 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 and ground screw foundations to minimise impacts on the ground.
12. 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.
13. Visitors to the bothy will access it via an existing footpath from the north of the site which curves around the edge of existing semi-natural woodland before cutting in to the riverside to the bothy. The footpath is currently rough grassland which is quite wet and marshy in areas and runs between the bothy and an existing vehicular track (approximately 500m to the north) which then connects to Killiehuntly Farmhouse. The majority of this route will be maintained as it is with some upgrading in the wet areas using slabs of local stone which are already present in some areas along the path. It is also proposed that discreet wayfinding elements would be positioned along the path which will be discreet, use natural materials and not require any ground works.

14. A new service route from the east of the bothy is also proposed. This route will link the existing vehicular track approximately 250m to the east of the bothy site with the bothy itself to enable staff and servicing access (see **Site Plan**). The service access will comprise of part surfaced track along with two sections of board walk which will go over the wetter/boggy ground. This route will connect with the existing walking route just south of the bothy itself.
15. The surfaced track to the bothy will be approximately 1.8m wide and will be able to accommodate service ATVs. The track will be constructed using natural and locally sources aggregates to provide a stable free draining path suitable for year round use. The path edges will be turfed to soften it and it will have a central turfed strip which will be minimally maintained.
16. The sections of boardwalk will be used over the wetter/boggy areas to avoid impacts to their hydrology. It will be a ground level timber boardwalk measuring 2m wide – slightly wider than the track. These sections will have gentle bends to reduce visual impact and the board walk will be installed as low as is practical to the surface of the ground. Stobs that support stingers will be used to construct the path and decking boards will be fixed to the stingers at right angles with a board gap of approx. 20mm. Grooved decking boards will be used and the boardwalk will have no handrail.
17. Where the new service route meets the existing riverside walking path, a small log store will be located - just to the south of the bothy (see **Site Plan**). It will measure approx. 1.5m high by 3m long and will be clad in Siberian larch.
18. The guest path to the bothy will encounter relatively low rates of additional usage due to the small number of guests (2 at a time) using it. In addition the new service access route will also encounter similarly low rates of usage and has therefore been designed to be low impact. Both paths will be maintained to keep them 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.
19. It is not proposed that any trees will be removed for the service route or the bothy, however if absolutely necessary, any tree removal will be undertaken on an essential basis only. Limited removals are permitted without the need for a felling licence.
20. Plans of the proposal are included within **Appendix I**.

History

21. 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)

22. 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	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

23. 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>
24. Other relevant local policies are (delete if not applicable)

Planning Guidance

25. 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

26. **SEPA** is satisfied that the location of the bothy is considerably elevated above the River Tromie and would be unlikely to be located within the functional floodplain or at risk from flooding.
27. They also note that discharges to the ground or water environment may require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR).
28. **NatureScot** expressed concern about how pollution of the river would be avoided. However through consultation on the Habitats Regulations Appraisal they are satisfied with the proposal and agree 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.
29. **Highland Council (Floor Risk Management)** do not object to the application. They are satisfied that the bothy will be constructed in such a way that ensures the riverbank will not be destabilised.
30. **Highland Council (Transport Planning)** do not object to the application.
31. **Highland Council (Environmental Advice & Consultancy – Archaeology)** do not object to the application.
32. **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 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 is to be used for a commercial purpose (such as a holiday let), 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’.
33. **CNPA Outdoor Access** do not object to the application. They express concern about the management of the public access on the routes to the bothy whilst protecting its privacy.
34. **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.
35. It is acknowledged that the service route would be clearly visible from the nearby core path which would draw attention to the bothy however it would not be out of character with the wider landscape and overall the proposal would not be significant to the integrity of the National Park landscape.
36. The **CNPA Ecology Advisor** acknowledges that the proposal will result in very little loss of habitat but may increase disturbance for species. They welcome many of the measures to minimise impacts during construction and the design of the boardwalk. They highlight 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 CMS also includes capping of any pipework to avoid entrapment.
37. **Highland Council (Forestry)** notes that in the preliminary ecological appraisal that the proposal would result in the loss of a small number of trees (less than three) and highlighted that this has not been demonstrated through a tree survey. Whilst acknowledging that the proposal could be built with minimal adverse impact on trees, it is requested that a tree survey along with Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement is provided.
38. **Kincaig Community Council** have expressed concern about the close proximity of the bothy to the River Tromie and the access track.

REPRESENTATIONS

39. One objection to the proposal was received on the grounds that the bothy would be an unacceptable intrusion in the landscape, create additional pressure on the existing track and limited public access to that part of the river bank. They believe that that this type of tourism development makes no provision for housing for the necessary staff to service it.

APPRAISAL

40. The main planning considerations are considered to be: the principle of development; ecology; landscape; siting and design; access and services.

Principle of Development

41. 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.
42. 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.
43. This proposal will play a role in contributing to the provision of a wider range of visitor accommodation within the National Park, and will be available all year round. The bothy will be a unique off-grid visitor experience 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 Design

44. The **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.
45. 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.
46. Views of the bothy site are limited due to its siting within a clustering of semi-natural broadleaved woodland (mostly birch) on the edge of the River Tromie which along with the surrounding landform provides natural screening.
47. The bothy itself has been designed to be sympathetic to its surrounding landscape with its traditional rectangular dual-pitched bothy shape which is reflective of other

built structures in the surrounding area and local landscape character. Its small scale and external finish of untreated Siberian larch cladding provides a natural colour palette helping to integrate the structure within its natural setting and wider landscape.

48. In addition, the bothy will be off-grid, using a small solar panel on its front elevation (**see Front Elevation Plan**) to provide a small amount of electricity for visitors. Heat will be provided via a wood burning stove and the design and materials used seek to utilise energy efficiency.
49. The bothy would be visible from the main access track through Glen Tromie (Core Path CC8) during the winter season, when the screening effect of the intervening birch trees would be reduced. However it is considered that the scale, design and materials of the bothy are in keeping with the surrounding context and will not result in an adverse landscape impact.
50. The service access would be more prominent from the main access track through Glen Tromie. It is acknowledged that, particularly the boardwalk areas would be more prominent however the proposals have specifically sought to minimise the landscape impacts such as keeping the boardwalk as low to the ground as possible, not using handrails and using the shortest route that fits into the existing landscape to avoid tree felling or significant earthworks. Gentle bends have been integrated to reduce any hard edges and to reduce the visual impact.
51. A tree survey and tree protection plan are not considered necessary in this instance on the basis that it is not intended that any trees will be removed, and if required will be minimal. The trees around the bothy location are small and given the constrained nature of the site due to the riverside location, wet ground conditions and bedrock, and the steps the applicant has outlined in their construction method statement it would not be add clarity to request a tree protection plan or the installation of tree protection fencing. The excavated area is being minimised and the smallest practical machinery used. We are satisfied that the intention is not to remove any trees however if absolutely necessary, a very small number would be permissible without the need for a licence.
52. No landscape management or maintenance plan is considered necessary in this instance as the number of additional people using path to access the bothy (two at a time) is unlikely to result in significant erosion of the path or create any wider landscape or disturbance issues. This also applies to the service route which will have limited use.
53. Overall, the proposal has been sympathetically designed and seeks to create a low impact visitor accommodation in a discrete location means that the development 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

54. **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

55. The application site lies on the edge of the River Tromie which is part of the River Spey SAC and it is also connected via the River Tromie to the River Spey - Insh Marshes SPA and Ramsar site.
56. 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 whilst the River Tromie provides optimal habitat for otter, no evidence was recorded within a 200m buffer zone around the proposed development. However it is recommended that a pre-construction survey for otter is completed prior to the commencement of development.
57. Foraging evidence of badger and no evidence of red squirrel were recorded however it is acknowledged that there is the potential for these species to use the wider area and therefore a pre-construction survey is 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.
58. 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.
59. Therefore 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.
60. 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.

61. 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

62. 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 the River Tromie. Concern was expressed about the potential impacts on 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.
63. 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.
64. In addition, as highlighted in their earlier response, discharges to the ground or water environment will require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR).
65. Overall we are satisfied that the Biorock treatment system is appropriate and will not adversely affect the river or the River Spey SAC.

Ecology Conclusion

66. Overall it is considered that the scale and construction of this proposal can be achieved without causing significant effects on habitats, protected species or areas 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

67. **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.
68. Access to the site will be via foot along the existing vehicular track from Killiehuntly Farmhouse and then along a narrow footpath on rough grassland (approximately

500m). There will be an additional service access which can accommodate an ATV however there will be no direct vehicular access.

69. Visitors can leave their vehicles at Killiehuntly Farmhouse and then walk 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 off-grid experience. There is the option of ATV access for servicing and in emergencies. In addition, as noted, the bothy will be off grid with a photovoltaic panel to provide limited electricity. Heating will be provided by woodburner.
70. **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 will just be staying at any one time 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.
71. 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

72. It is considered that this proposal for the erection of the bothy and its associated service access route 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 APPROVE the Erection of Bothy and Associated Service Route at Land 400M SW 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 the applicant submits 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 provision water for visitors to the bothy in accordance with Policy 10: Resources.

2. **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>) is carried out, 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.

3. **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 is 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 accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 4. 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), shall be 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 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 accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 5. All works shall be undertaken in strict accordance with the approved Construction Method Statement (Rev B) submitted to CNPA 6 October 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.

- 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. Any discharges to the ground or water environment may require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (CAR).
5. The applicant should be informed that if the premises is to be used for a commercial purpose (such as a holiday let), 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.