

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Formation of campervan site at Land 315M SW Of The Half House Nethy Bridge

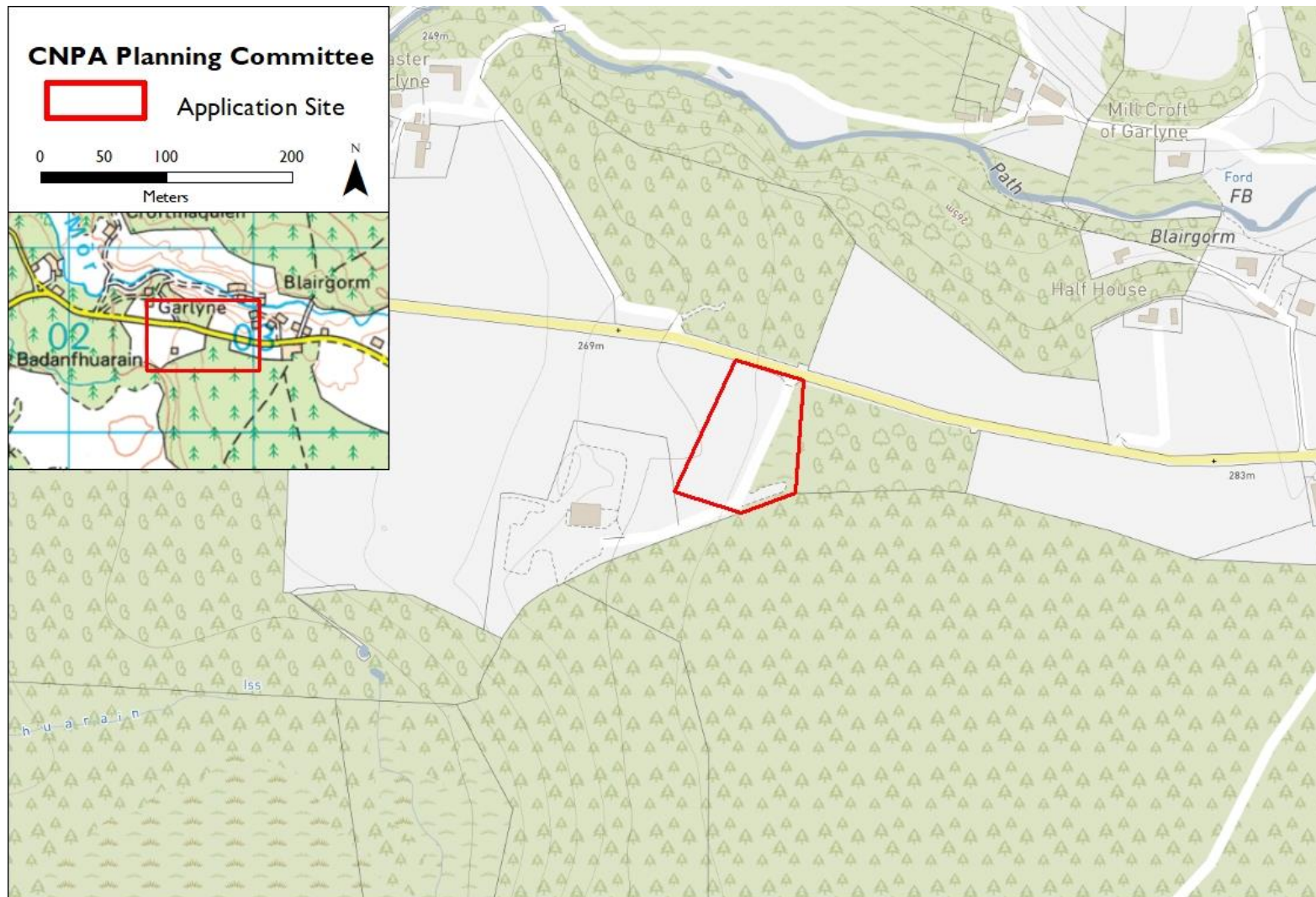
REFERENCE: 2021/0090/DET

APPLICANT: Mr Donald S Black

DATE CALLED-IN: 22 March 2021

RECOMMENDATION: Approve, subject to conditions

CASE OFFICER: Stephanie Wade, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site comprises agricultural land located approximately 2km east of Nethy Bridge. An existing farm track runs centrally through the site to serve the existing agricultural buildings and will provide the access route to the approved residential dwelling of the agricultural holding. Access to the site is taken off of the CI 124 road which runs between Nethy Bridge and the A939 Tomintoul road. Sliemore wood- a Scots Pine plantation lies to the south of the site extending eastwards and a semi-natural broad-leaved woodland abuts the eastern site boundary. To the west of the site is the wider agricultural field which slopes in a westerly direction. To the north of the site, beyond the road is further Scots pine plantation woodland and further agricultural land.
2. The site is not covered by any specific environmental designations, although it is within the vicinity of the River Spey Special Area of Conservation [SAC] and the Craigmore Wood Special Protection Area [SPA].

Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OPT5AJSI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – Location Plan	324/02	01/02/21	04/11/21
Plan – Site Plan	324/01	12/10/21	04/11/21
Plan – Landscape Proposals	LFC 100.21 SL-01 Rev.C	16/11/21	19/11/21
Plan – Planting Plan	LFC 100.21 SI-02 Rev.C	16/11/21	19/11/21
Plan – Site Investigation Layout	217110/03 Rev.A	28/09/21	30/09/21
Plan – Surfacing Layout	217110/05 Rev.B	25/10/21	04/11/21
Plan – Junction Visibility Layout	217110/02 Rev.C	20/01/22	20/01/22
Plan – Junction Visibility Analysis	217110/06 Rev.A	17/01/22	20/01/22
Plan – Drainage Layout	217110/04 Rev.A	28/09/21	30/09/21

Plan – Site Plan- Water Supply	324/03	01/10/21	04/11/21
SUPPORTING INFORMATION			
Other - Campervan Hook-up Photograph			22/03/21
Other - Supporting Statement		01/03/21	22/03/21
Other - Aerial Photograph			22/03/21
Other – Visibility Analysis Further Information		20/01/22	20/01/22
Other – Supporting Information		13/10/21	20/12/21
Other – Landscape Maintenance Schedule	LFC 100.21 Rev.A	16/11/21	19/11/21
Other – Agent response to consultees		04/11/21	04/11/21
Other – Letter about Water Supply		01/11/21	04/11/21
Other – Photo of Water Treatment Plant			04/11/21
Other – Traffic Speed Survey- Northbound			12/10/21
Other – Traffic Speed Survey Southbound			12/10/21
Other – Water Supply Report	SMS48-847	28/11/14	30/09/21
Other – Water Supply Questionnaire			01/10/21
Other – Extended Phase I Habitat Survey		01/08/21	30/09/21

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

4. The application proposes the change of use of agricultural land to provide twelve caravan pitches for use for use as a touring caravan/motorhome site. The pitches are proposed to be created of a sub-base and a layer of stone-dusting over to provide the hardstanding. The pitches are proposed to be located adjacent to the eastern site boundary with access to the pitches taken off of the existing farm access track, which runs centrally through the site in a north-south direction. Two parking spaces are proposed to be located on the western side of the access track to be used for waste disposal. The remaining western side of the site is proposed as a landscaped area with a proposed picnic area and an area for viewing historic farm machinery. The pitches are proposed in sets of two across the site interspersed with planting and each set of pitches will have a power, water and Wi-fi hook up point between the two pitches. A refuse/bin area is proposed to be sited in the north eastern corner of the site which is to be enclosed with a slatted timber fence and a mixed species hedge. Waste water is to be disposed of by a sealed tank located adjacent to the temporary parking spaces to allow for the emptying of waste water.

5. Regarding landscaping works, the applicants propose a low earth mound along the western site boundary, avoiding the existing birch tree to provide screening to the site. The mound is proposed to be sown with a wildflower seed mix and planted with groups of native species shrubs. A further mound of the same specification is proposed on the southern side of the site adjacent to the campervan pitches. The western side of the site is proposed to be maintained as mown grass. A mixed native species hedge is proposed along the eastern site boundary.
6. A grassed footpath is proposed to be created around the perimeter of the adjacent field to the west, in response to the Habitats Regulations Appraisal requirements, as detailed in paragraphs 10-13.
7. During the progression of the application, the applicant has provided additional information in response to queries raised during the consultation process. The following summary contains original documentation submitted and additional information submitted:
 - a) **Supporting information:** The agent has provided a number of individual responses to the statutory and public consultation queries raised during the original consultation period. The Supporting Statement provides the business case for the proposal and background information on the applicant's agricultural enterprise and the diversification scheme to provide a small scale campervan site alongside the agricultural operations. The document states that the applicant recognised they could fulfil a demand for providing campervanning accommodation to meet the growth of campervanning in recent years and help to meet the shortage of overnight stopping off places with supporting facilities within the Cairngorms National Park. Reference is also made to the Covid-19 surge in staycations and campervan ownership and suggests that this demand will be maintained with further growth in this industry. Regarding operating periods, the documents state that this will be heavily influenced by the pattern of demand and although operation will look to be year round, there is anticipated quieter seasons of demand between November and March. Visitation patterns are likely to be mainly at weekends outwith main holiday periods and in the shoulder months. Site management is to be provided by the applicant who is present on site on a daily basis for the agricultural activities of the holding. The applicant has permission to erect a dwelling on the holding and once this is erected, there will be 24hr management. The document states that the construction of the dwelling is anticipated this year.
 - b) **Roads information:** a traffic count and speed survey from 2016 has been submitted which demonstrates the speeds recorded on the stretch of road, in close proximity to the proposed site access. The data found that visibility splays should be 152m for 47.9 mph approach (traffic going downhill to the access in a westerly direction), and 142m for 45.4mph approach speed (traffic going uphill to the access in an easterly direction). The proposed junction visibility to the east is 215m and 130m to the west to the far side verge. The information notes that the traffic count was recorded nearer to the access which is on a straight piece of road some 6m away from the start of the uphill bend. The report concludes that given the increased visibility to the far side verge of 130m, the proposed access location would be acceptable.

- c) **Water supply information:** The documentation confirms that there is no water mains within a reasonable distance of the development and a private water supply will serve the development. The private water supply borehole was drilled back in 2014, and the flow was measured at a production value of 2.27 cubic metres per hour equating to 54.48 cubic metres per 24 hours. A raw sample was analysed and there is an ultraviolet treatment system in place to maintain the quality of the supply. The system will be tested annually to ensure quality is maintained. The supply will also serve the farmhouse and agricultural buildings within the same ownership.
- d) **Ecology survey work:** An Extended Phase I Habitat Survey has been submitted which states that the site predominantly comprises semi-improved grassland with expansive conifer plantations to the north and south, semi-natural broadleaved woodland to the east and arable fields to the west. No rare or notable plants or habitats were recorded on site. Signs of foraging/ commuting pine marten were noted although no resting or breeding sites were recorded. A range of bird species were observed across the site and no other field signs of protected mammal species or wood ant nests were recorded. Suitable habitat for red squirrel, badger, wildcat and reptiles was recorded, although no field signs confirmed the presence of these species. Suitable bat foraging habitat was noted along woodland and scrub edges. The report concludes that no additional ecological surveys are considered necessary and that no negative impact on the designated sites is anticipated from the proposed development.

8. Copies of the plans which accompany the application can be found at **Appendix I**.

History

9. The wider land ownership area, which utilises the same access point has been subject to a number of historic planning applications for the erection of agricultural buildings and the erection of a farmhouse. The dwelling originally gained planning permission in October 2015 and an amendment to its location was approved in 2018 under application ref. 17/05650/FUL which was determined by the Highland Council.

Habitats Regulations Appraisal

- 10. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites as listed within the document- attached at **Appendix 2**.
- 11. Regarding the River Spey SAC, the Appraisal concludes that as there is no direct or indirect connectivity with the proposed development site due to the nature of the proposals, intervening topography and vegetation, there is no likely significant effect on the qualifying interests of freshwater pearl mussel, Atlantic salmon, sea lamprey or otter.
- 12. Regarding the Craigmore Wood SPA, the Appraisal concludes that provided the below mitigation measures are implemented as conditions of planning permission, then

there should not be significant additional disturbance to capercaillie over and above what is already occurring through use of the existing tracks and access points to the north of the public road. Therefore this conservation objective can be met. The mitigation measures are: -

- a) Provide a fenced route within the field in which the proposed campervan site is located, that provides an alternative access route off the public road and opportunities to connect with the existing path network around Nethy Bridge. Creating a more appealing alternative route directly accessible from the campervan site would help connect with and encourage people to make use of the field route for short walks (including early morning/late evening dog exercise), as well as make more use of the promoted path network in and around Nethy Bridge, rather than the sensitive capercaillie woods;
 - b) Promote the field route as a means to access other routes away from the sensitive capercaillie woods, via information provided at time of booking (as part of the booking terms and conditions), as well as a permanent onsite interpretation board; and
 - c) On-site signage to encourage use of the field route.
13. Following the publication of the HRA, the proposed plans have been amended to show the proposed perimeter access path around the field, as required by the HRA. This can be viewed on the Location Plan included within **Appendix I**.

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 CONTRIBUTIONS	X

14. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

15. 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)	X

CONSULTATIONS

Summary of the main issues raised by consultees

16. **NatureScot** confirm that the HRA looks very comprehensive and they have no comments to make on it. Following review of the additional information, they have no further comments.
17. **The Highland Council Transport Planning Team** originally requested clarification and further information in relation to the proposed site access and its visibility splays. Following the submission of additional information and from a site visit undertaken by the Transport Planning Team, the following comments are made:
18. Clarification on the location of the 2016 speed survey allowed them to determine that the horizontal and vertical alignment of the road directly to the west would encourage slower vehicle speeds before they are likely to speed up once they reach the straighter section of road where the survey was undertaken. Therefore, at the limit of the achievable 120m visibility splay, it is likely that general traffic speeds will be closer to the 40mph that would support the 120m visibility. The Team also note that visibility to the opposite side of the carriageway would be closer to 130m and whilst they do not generally support such means of measuring visibility, as this would not take account of any vehicles travelling on the wrong side of the road or overtaking slower vehicles, such driving manoeuvres are unlikely at that location due to it being an unsafe place to do so. Therefore the ability to see slightly further than the 120m clear visibility measured to the nearside edge gives some comfort that even if approach speeds are slightly higher than 40mph, there is some resilience in the ability to achieve appropriate clear visibility of approaching vehicles. Given this, the Team remove their objection relating to clear visibility.

19. The Team recommend the inclusion of planning conditions covering; the installation of access prior to the first operation of the facility and that the proposed new filter drain and ditch arrangement along the new private access will remain private and maintained by the operator/owner.
20. **The Highland Council Environmental Health Officer** originally requested the submission of further information in relation to the private water supply. The Officer notes that the applicant has submitted a plan of the water supply and has provided details of the water flow rate of 55m³ per day which is considered to be more than sufficient for the size of the proposed development. The applicant has also confirmed there is a UV treatment system in place. The Officer states that the applicant will need to obtain a caravan site licence and the water supply will be subject to a mandatory monitoring regime. The Officer concludes he has no objections.
21. **The Highland Council Contaminated Land Team** has no comment regarding this site.
22. **The Highland Council Flood Risk Management Team** has no objection to the application noting that the hardstanding appears to be free draining and is therefore acceptable. The Team note that the foul water drainage arrangement would be subject to SEPA licensing.
23. **The Highland Council Forestry Officer** provided comments on the original scheme submitted, noting that there is no intention to remove trees but requests tree protection is put in place for the existing trees on site and that a detailed planting plan should be provided. Following the submission of the revised information, the Officer notes that tree protection measures are shown for the single birch which although are not to BS:5837(2012) standard, would be adequate and could be accepted. The drawing does not show the trees on the boundary outwith the site to the east nor does it show any protection of these trees. Providing the hardstanding for the campervans comes no closer than 2m from the boundary fence as shown on the site plan, the neighbouring trees should be unaffected. The Officer suggests that further native trees could be added to the proposed planting as an enhancement. The Officer recommends planning conditions for the implementation of tree protection measures, and the revision of the planting plan to include additional tree planting.
24. **CNPA Ecology Officer** originally requested the submission of further survey work including an Extended Phase I Habitat Survey to establish which species are most likely to be impacted and identify mitigation. Following the submission of the additional information, which included the required survey, and a path for dog walkers around the perimeter of the field, the Officer confirms that no further information is required prior to determination but visitor management measures is recommended through condition, in accordance with the HRA. The Officer also recommends planning conditions for the implementation of the tree protection measures prior to construction, and a condition to ensure the works are undertaken in accordance with the Phase I Extended Habitat Survey Recommendations.
25. **CNPA Landscape Officer** originally confirmed that the Officer did not consider the proposal would cause an adverse impact on the landscape, subject to landscape

mitigation works plus further details on planting and tree protection. The latest submission addresses the Officer's queries with regards to the proposed bund. The Officer previously recommended the construction of a drystone dyke along the western boundary and at the gateway which the Officer considers is a missed opportunity to mitigate the landscape and visual effects of the proposal and enhance the local Special Landscape Qualities. The Officer judges, however, that the omission would not result in significant effects on the National Park. In addition, the latest submission include a new hedge along the eastern side of the site. This would not result in significant adverse landscape effects but it is highlighted that neither would it have significant beneficial effects on landscape interests. The Officer expands on this by stating that it is because it would spatially divide and obstruct views into the adjacent open woodland/ scrub which currently contributes to the distinct character of the site. When preparing the ground and planting this eastern boundary hedge the Officer highlights the importance of preventing any root disturbance to trees within the adjacent area. The Officer considers that the landscape scheme is thorough with good planting and management proposed.

26. **CNPA Outdoor Access Officer** has reviewed the application in relation to direct impacts on the exercise of access rights and core paths and is satisfied that there are no direct impacts as a consequence of this development. The Officer supports the requirement for a Visitor Management Plan.
27. **Nethy Bridge Community Council** fully support the proposal stating that they feel it will provide a much needed service in the local community by removing many of the inappropriately parked camper vans which in recent years become all too common around the area. They request the prompt determination of the scheme so that the development can be up and running in time for next year's tourist season. The Community Council's full comments can be viewed at **Appendix 3**.

REPRESENTATIONS

28. The application was advertised when first submitted and a number of public letters of representation were received following the original consultation. Full copies of all letters of public representations received, can be found at **Appendix 4** and a summary of these now follows.
29. Six members of the public note their support for the application and make the following observations:
 - a) Welcome the applicant's proposal to address tourism industry issues
 - b) Proposal will serve a growing need, especially in response following COVID-19 staycations
 - c) Provision of more short-term stop over facilities for campervans is a vital necessity.
 - d) Proposal will help to provide for the 400,000 motor homes in the UK
 - e) Small scale developments around the national park in communities like this will help to spread the visitors without causing overload in popular places.

- f) One member noting support also references that Campaign for Real Aires in the UK (CAMPrA) recommend a distance of 3m spacing between parked motorhomes on pitches.
30. One letter has been received from a local resident providing general comments on the scheme. The respondent appreciates the need for campervan provision across the Highland and appreciate the small scale nature of the development, however they query the proposal with regards to: potential light pollution, potential noise pollution, increase traffic flow and more pedestrians, and clarification on operating periods.
31. Letters of objection have been received from the Badenoch and Strathspay Conservation Group (BSCG); RSPB and two members of the public. Their comments are surmised below:
- a) Impact on capercaillie with the likely increase in disturbance to the surrounding woodland habitat;
 - b) Impact on otter with the likely increase in disturbance to otter within the surrounding area;
 - c) Impact on badgers and brown hare through the increased disturbance
 - d) The proposal would be detrimental to the landscape qualities of this scenic location;
 - e) Insufficient information has been provided to allow the assessment of the potential adverse effects on capercaillie as a qualifying feature of Craigmore Wood Special Protection Area.
 - f) Inappropriate location due to fragmentation of connecting habitat caused by human disturbance
 - g) Proposal does not conserve and enhance the natural heritage of the area
 - h) Concern that survey work has not taken place for the eastern parts of Culstank Moss woodland which lies approximately 400m west of the proposed site.
32. Following these public comments and original consultation responses, the applicant provided further information and revisions to seek to address concerns raised. This information is included in more detail, and described in paragraph 6.

APPRAISAL

33. The main planning considerations are: the principle of development; the impact upon landscape, siting and design; the environmental impacts; amenity impacts; access and servicing impacts; and developer contributions.

Principle of Development

34. The National Park Partnership Plan (2017) encourages the provision of low cost tourist accommodation including motor home and camping sites in suitable locations. **Policy 2.2: Tourist Accommodation** of the Cairngorms National Park Local Development Plan 2021 permits development for tourist related accommodation where:

- a) It has no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) It contributes to/ support the provision of a wider range of visitor accommodation options including low cost accommodation; and
 - c) It supports or contributes to a year-round economy.
35. This application for tourism accommodation looks to provide a small scale site for use by touring caravans and motorhomes.
36. The applicants have submitted a business case for the proposal noting their agricultural background and the diversification into the tourist accommodation sector through the submission of this application, to be run alongside the agricultural holding. The document states that the applicant's recognised they could fulfil a demand for providing campervanning accommodation to meet the growth of campervanning in recent years and help to meet the shortage of overnight stopping off places with supporting facilities within the Cairngorms National Park. Reference is also made to the Covid-19 surge in staycations and campervan ownership and suggests that this demand will be maintained with further growth in this industry. Regarding wider economic benefits, the customers of the site will utilise the local tourist attractions and businesses.
37. This application looks to provide suitable motorhome facilities at a scale appropriate to its rural context, and to improve the management and ease growing pressure from campervans within the wider area to help meet the continued and long established demand for small scale sites. The Community Council fully support the proposal stating that it will provide a much needed service in the local community by removing many of the inappropriately parked camper vans which in recent years become all too common in the area.
38. On this basis, the principle is considered to accord with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021 subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts, Siting and 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 proposed development site lies within the Abernethy Forest landscape character area which is characterised by a patchwork of moorland, woodland and farms/settlements across a wide basin contained by an outer arc of hills. The site is clearly visible by people travelling eastwards along the adjacent CI 124 minor road although visibility from the wider area is limited by surrounding woodland to the east, north and south and by undulating landform to the west. The CNPA Landscape Officer confirms that the proposal would not cause an adverse impact on the landscape subject to the mitigation measures being incorporated including the tree protection measures and implementation of the submitted landscape plan. The proposed mitigation measures as put forward by the applicant include native species shrub

planting and a small bund on the western site boundary to be planted with native species shrubs. Although the Landscape Officer suggests a dry-stone dyke along the western boundary would be a landscape enhancement, the omission and the use of a planted bund in this location, as put forward by the applicant, would not result in significant effects on the National Park.

41. Regarding the planting scheme, it is noted that the Highland Council Forestry Officer recommends the planting of nine trees on site, in the interests of amenity. The planting plan has been reviewed by the CNPA Landscape Officer who considers that the landscape scheme is thorough with good planting and management proposed. The proposal includes no works or removal of any trees, which would require compensation, and the visual impact of the proposal is judged to be satisfactory based on the information provided. Although additional tree planting is always welcomed, it would appear unreasonable to request the additional tree planting when the scheme as presented has been judged to meet policy requirements in terms of its biodiversity enhancements and visual impacts.
42. The proposal includes limited permanent infrastructure to help reduce its visual impact, and additional vegetated screening is proposed on site. The location of the proposal is considered to be distinctive creating a pleasant environment due to the low density of the development and spacing of the pitches. A planning condition is recommended to limit the number of pitches on site to twelve pitches to ensure that any future changes in site density can be fully reviewed to assess impacts.
43. No trees are to be felled for the proposal and caravan stances and water treatment area are all installed outwith the root protection area and canopy of the trees. In addition, the applicant has confirmed that electricity cables and water pipes would be constructed outwith the root protection areas. A planning condition is recommended to ensure root protection areas are installed on site prior to works commencing.
44. The development components would not introduce any notable detrimental change to the character of the site and immediate area, and subject to the conditions being included, the proposal is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Environmental Impacts

45. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources. A number of public representatives raise concern regarding the proposal's impact on the ecological interests of the area and the qualifying interests of the European Sites, due to the potential recreational patterns of the occupants of the caravan site.
46. A Habitats Regulations Appraisal has been undertaken (**Appendix 2**) regarding the proposal's impacts on the designated sites of the River Dee SAC and the Craigmore Wood SPA, which concludes that subject to the mitigation measures being implemented as outlined within the Appraisal, there would be no likely significant effect

on the qualifying interests. Regarding the alternative fenced route, the plans have been amended to indicate the inclusion of this around the perimeter of the field within the same ownership. Planning conditions are recommended to ensure the mitigation measures are carried out in full and there should therefore not be significant additional disturbance to capercaillie over and above what is already occurring through use of the existing tracks and access points to the north of the public road.

47. Regarding protected species and habitats, the CNPA Ecology Officer has confirmed that sufficient survey work has been submitted to determine the application and the Officer has no objections to the scheme subject to the inclusion of planning conditions to ensure visitor management measures are implemented and a pre-commencement walkover survey is undertaken. On this basis, the proposal would not have a negative impact on any protected species or habitats in or around the site.
48. The tree protection measures and retention is welcomed, together with the biodiversity enhancement of the planting of an additional native shrubs and wildflower seed mixes to enhance the ecological interests of the site. On this basis the proposal is considered to accord with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.
49. Regarding other environmental matters, it is confirmed that the site is not at risk of flooding from any source, and the Highland Council Flood Risk Management Team raise no objections on flood grounds. The Highland Council Contaminated Land Officer has no comment on the application noting that there is no indication of any past use of the site which may have caused contamination. The proposal is therefore considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Servicing

50. **Policy 3:** Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
51. It is noted that the proposal is for use by campervan which have their own toilet facilities and the disposal of waste from them is a key issue in rural areas. Waste water is to be disposed of to a sealed tank which would be regularly emptied and removed for offsite disposal. The Highland Council Flood Risk Management Team have no objection to the drainage measures and an informative is recommended to highlight that the drainage arrangement would be subject to SEPA licensing. All caravan pitches are proposed to be surfaced with a permeable surface and a planning condition is proposed to be attached to any subsequent decision notice to ensure that any changes to surfacing which may require additional drainage arrangements is prior agreed by the Planning Authority. The drainage proposals are considered to be acceptable on this basis.
52. There is no public water supply within the area and the proposal will therefore be serviced by utilising an existing private water supply which currently serves the agricultural holding and will also serve the associated dwelling, once erected. The Highland Council Environmental Health Officer has reviewed the water supply

information and confirms that the water flow rate of 55m³ per day is considered to be more than sufficient for the size of the proposed development. The proposed water supply is considered to be sufficient in terms of quality and quantity to meet the needs of the proposal and the existing needs of the agricultural dwelling and building, and will be subject to a mandatory monitoring regime.

53. Regarding site licensing, the Council has confirmed that a Caravan Site License would be required to be applied for through the Council and the development would be required to be operated in accordance with the restrictions imposed on that licence.
54. On this overall basis the proposal is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 with regards to its servicing.

Access

55. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking.
56. The proposal looks to utilise the existing farm holding access junction onto the public road. The Highland Council Transport Planning Team has reviewed the speed survey data submitted and undertaken a site visit, concluding that the proposed visibility of the junction as shown the plans is acceptable. The space within the site is sufficient to provide adequate parking and circulation space to accommodate the development. One letter of public representation queries the traffic generation arising from the proposal. The Highland Council Transport Planning Team has raised no objection and the trip numbers relating to the site are considered to be low due to the size of the development, which will be restricted by condition.
57. Subject to the inclusion of the planning conditions, as recommended by the Highland Council Transport Planning Team, the proposal is considered to accord with Policy 3: Design and Sustainable Placemaking of the Cairngorms National Park Local Development Plan 2021 with regards to road safety matters.
58. Policy 3: Design and Placemaking also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network. The proposal has no direct impacts on any access rights or core paths within the immediate area. The CNPA Outdoor Access Officer has no objection to the proposal but supports the CNPA Ecology Officer's request for visitor management information due to the sensitive nature of surrounding woodland habitat. In accordance with the HRA recommendations, an informal grassed path is proposed around the perimeter of the adjacent field to provide a shorter exercise option, off the public road, directly accessible from the campervan site. The proposal is therefore considered to accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Amenity

59. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to development sites.
60. One letter has been received from a local resident querying the proposal with regards to potential amenity impacts including, potential light pollution, and potential noise pollution. The nearest residential properties are located at East Garlyne, which is on the northern side of the public road, and approximately 0.3km, as the crow flies, north-west of the application site. Between the two locations is the road, and agricultural land, which is undulating in nature. Directly north of the application site and to the east of East Garlyne is mature woodland.
61. The applicants propose the formation of the low level, planted bund along the western site boundary to help provide screening to the site. In addition to this the proposed pitches are set back along the eastern side boundary, at the furthest point within the site from the nearest neighbouring dwellings. Taking into account the distance, level of screening proposed, site layout and topography between the application site and neighbouring dwellings, the proposal is not considered to cause a detrimental impact upon neighbouring privacy.
62. The proposal is to be run under a Caravan Site Licence from the Council. By operating under this licence, sites and their occupiers have to follow strict procedures which help to reduce impacts on amenity of surrounding land use occupiers. Taking into account the strict controls put in place by site licensing, the low number of pitches proposed and the distance between sites, the proposal is not considered to give rise to any adverse impacts on amenity by way of noise.
63. Chemical treatments to cassette toilets typically used in campervans serve to break down solids and reduce odours which, which considered along with the effluent waste disposal system proposed would avoid unacceptable detrimental impacts upon private or community amenity from odour.
64. The proposal does not include any provision of light infrastructure within the site and any lighting management required in relation to the campervans themselves will be controlled by the campervan site licencing through the Highland Council. Should the requirement for lighting change during the operation of the facility, a planning condition is recommended to be attached to any decision notice to allow the full consideration of such details at any given time during the consent.
65. The proposed number of pitches and site density is not considered to introduce an unacceptable level of additional activity to the area. The proposal is, therefore, considered to accord with the amenity requirements of Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Developer Contributions

66. Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The proposal does not give rise to the requirement of any developer contribution.

Other Issues Raised in Consultations and Representations

67. Letters of support and objection have been received from third parties and all matters raised by consultees and third parties have been addressed above. The Community Council note their support for the scheme.

CONCLUSION

68. The application for tourism accommodation facilities looks to address the lack of smaller scale touring caravan/motorhome facilities within the area to improve the management and ease the growing pressure from touring campervans within the wider areas, which is anticipated to further increase by staycation-related holiday patterns. Nethy Bridge Council note there is a requirement for such a facility within the area. Subject to the inclusion of the planning conditions, the proposal is considered to accord with the relevant local development plan policies of the Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to Approve the Formation of campervan site at Land 315M SW Of The Half House Nethy Bridge subject to the following conditions:

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

Conditions

- I. **No development shall commence on site until a Visitor Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be undertaken in strict accordance with the details and implemented in full prior to the first operation of the development. The document shall include but not be limited to:**
 - a) **Details, including location of, the interpretation panel to be installed on site, which should include information highlighting the sensitive nature of the area and promoting the walking routes from the sites; the panel to be erected prior to the first operation of the site;**

- b) **Details, including location of, the proposed signage to identify the promoted path;**
- c) **Details of the fencing for the perimeter field path;**
- d) **Details of the information to be provided at the time of booking (as part of the booking terms and conditions) about the sensitive ecology of the area and promoting walking routes that can be accessed from the campervan site;**

Reason: To raise awareness and encourage responsible behaviour by users of the overnight parking, and to promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for disturbance likely significant effects on capercaillie in the Craigmore SPA in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence, until a pre-construction walkover survey for protected species of the development site has been undertaken and the results, together with any subsequent mitigation measures, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before construction work commence.**

Reason: In order to ensure there is no adverse impact upon the environment, and European Protected Species, pre-construction survey work and subsequent mitigation measures are required in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plans. Thereafter the trees shall be retained and maintained in accordance with the approved plans and landscape maintenance programme throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that trees on and around the site which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence onsite, until the visibility splays, measuring 2.4m by 120m to be formed to the west side of the junction and 2.4m by 160m from the east of the vehicular access with the public road are implemented. The visibility splays shall thereafter be keep free of all permanent obstructions above adjacent carriageway level.**

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

5. The development, hereby permitted, shall not be undertaken other than in strict accordance with the mitigation measures as set out in section 6.0 (Evaluation and Recommendations) of the approved Extended Phase I Habitat Survey prepared by Landcare NorthEast, and dated August 2021.

Reason: The site is associated with a number of European protected species and the development is only considered to be acceptable subject to the mitigation measures being undertaken to secure the strict protection of European protected species and ecological interests of the site in accordance with the Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021;

6. Prior to the first operation of the development, hereby permitted, the access layout as shown on the approved plan Surfacing Layout, Drawing No. 217110/05 Rev.B shall be formed and fully in place

Reason: To ensure that the access is fully operational prior to the first use of the site as a campervan touring facility in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. No more than twelve touring campervan berths shall occupy the red line application site area at any one time. For the avoidance of doubt, static/residential caravans are not permitted to be sited on this identified area of land without express consent of the Planning Authority.

Reason: To confirm the terms of the planning permission in the interests of the nature and character of vehicles attracted to the site and the character and appearance of the landscape in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

8. The development, hereby permitted shall not be externally lit unless the specification of the lighting has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting shall accord with the approved details thereafter.

Reason: To protect the ecological interests of the area and limit the visual impact of the proposal in accordance with Policies 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

9. For the avoidance of doubt, the vehicle parking areas within the site shall be surfaced in a permeable material unless design and provision of a Surface Water Drainage System (SuDS) sufficient to manage runoff from all impermeable areas so that no

surface water runoff leaves the site, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and thereafter implemented in accordance with those details.

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

10. The new ditch and filter drain alongside the new private access, for the development hereby permitted, shall remain private for the owner/operator of the development to inspect and maintain in working order.

Reason: To ensure that the surface water arrangements for the access arrangements which are not to be adopted by the Council are maintained in working order in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and in accordance with the Highland Council Transport Planning Team's requirements.

11. No construction works for the hardstanding, hereby permitted, shall be within 2 metres from the eastern boundary fence, as shown on the approved plans.

Reason: In the interests of protecting the neighbouring trees outwith the site to the east in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
5. A Site License is required to be obtained for the operation of the Caravan Site from The Highland Council.

Road Informatives

6. A Permit must be sought and issued by the Local Roads Authority before undertaking any works on or immediately adjacent to the publicly adopted local road network. Such permits can be applied for via the Highland Council website at:
https://www.highland.gov.uk/info/2005/roads_and_pvements/101/permits_for_working_on_public_roads/2

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.