

# **AGENDA ITEM 6**

## **APPENDIX 4b**

**2021/0035/DET**

**LETTERS OF PUBLIC  
REPRESENTATION  
- OBJECTION**

**From:**Andy Stark

**Sent:**Wed, 24 Feb 2021 14:05:09 +0000

**To:**Planning

**Subject:**Application Reference: 2021/0035/DET Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Dear Sir/Madam

For the reasons outlined below I oppose the current planning application referenced above. I comment as a neighbour, I occupy the next habited property on South Deeside Road west of the proposed site. I have given a detailed critique of the proposal which I believe is in part presumptuous, states speculation as fact, and is vague or omits information when it does not favourably support the application.

I have concerns the proposed site location is not appropriate, it shares the whole of it's SW boundary with the Dinnet Oak Wood. This woodland is under the custody of Scottish Natural Heritage, it is a SSSI, a Special Area of Conservation - SAC and a National Nature Reserve. Within lie rare fungi of national importance, it is one of only 2 native oak woodlands remaining in Eastern Scotland. Whilst there is a footpath leading through it from the Dinnet Bridge connecting to the Firmouth the rest of the woodland remains largely untouched. There is easy access to the woodland from the proposed site and thus a risk this area, whilst open to the public, will see considerable increased off path recreational use which may be detrimental to the woodland environment. The increased human activity on the proposed site, noise, outdoor cooking, traffic etc, may also have adverse effects on the woodland wildlife. With camping/caravan sites in Aboyne and Ballater, the area is well provisioned for these facilities already. In the wider Deeside area there are 10 sites at least, with over 300 pitches between them.

Regarding the specifics of the application, the Design and Sustainability Statement, I wish to comment on the following points made in the document.

Policy 3.1a If the site has to have no boiler or heating how will the hot tubs be heated? Is not heating a hot tub with electricity the same? The pitches have electrical hook up, will this not be used for mobile home/caravan heating, onboard electric showers (boilers) etc? The claim the site will 'clearly have a positive effect on climate change', I find this statement disingenuous. Where is the evidence or study that informs this claim of positive contribution to climate change? This isn't clear at all, purely speculation. Driving a caravan or motor home 100s of miles or more (many from Europe also come to the region, nearest port of entry Newcastle). The majority of vehicles are diesel engined due to the torque required to tow, they travel slowly holding up the free flow of other road users causing further pollution.

Policy 3.1d Since the proposal includes 'luxury pitches' with hot tubs will they not attract premium mobile home owners with home from home comforts? Modern mobile accommodation can come with all the energy and water usage of a small lodge or holiday home. Ref statement in 'Business Plan - Strategy' the application concurs with this. I have

never heard of wooden shed materials being re-used, re-used for what purpose?  
Firewood?

Policy 3.1e. Why is the waste disposal site so far from the entrance? There is a dry stone wall at the proposed point of installation, if easy removal of waste is envisaged will the wall be removed to allow easy access? Will an additional access be made via the old gateway here? Concerns the soak away is as close as possible on the proposed site to the River Dee. What safeguards are in place the effluent chemicals will not leach into the River Dee SAC? No assurance site users will use Eco Chemicals in disposed toilet waste, asking to refrain from use of harmful chemicals is not enough. Reference the documented verge side dumping of sanitary effluent along the route of the NC500 by camper vans, an indication sadly not all camper/caravan users are responsible regarding the environment. Where will the hot tub water and sanitising chemicals be disposed? In the interests of hygiene (Covid and other activities that can occur in hot tubs) will the tubs not be drained after each customer? Where will this water go? No evidence of drainage on the plan. Are the sanitising chemicals the water contains eco friendly?

Policy 3.1f. I disagree with the mitigation statement made in the application. The buses are only every two hours. There is no footpath or street lighting from the proposed site to Dinnet. The entire route from the proposed site to Dinnet is used by timber HGVs, being part of the approved timber haulage route. Will anyone take the bus? Will they cycle? Or will they drive the 10 mile round trip necessary for bread and milk, simple food basics? There is no food supply provision in Dinnet. Does this really promote sustainable transport methods?

Policy 3.1g. How does this proposal open up space for public use? It is a private development that will allow private access only for limited and exclusive fee paying Caravan Club members.

Policy 3.1h Is this proposal consistent with the Core Paths Plan? The policy is stated and no qualification is made.

Policy 3.1k The proposed access will require the removal of large pine trees to make the entrance, the trees are old and most likely contemporaneous with the main building phase of the Glen Tanar Estate in the late 19th century. Why is this not mentioned in the application? When does 'promote the growth of the natural landscape' start with felling mature trees?

Policy 5. What are the economic and social benefits exactly? Should evidence for such a sweeping statement be provided? Especially since it appears to over ride any adverse effects. Some that have been omitted from the proposal? See comment for Policy 3.1k above.

Policy 10.1 As stated in the application, the market is luxury caravaners and mobile home owners. Is luxury mobile accommodation any less demanding on water than a hotel room? Typically, hot tubs hold 1000 litres of water. How often will this be changed? In

the interests of hygiene, after every customer? Water usage could be considerable, has a study been made to confirm the sustainability of the private water supply? Is it shared with any other properties?

Drainage Proposal. I have concerns for the validity of this document. It states site investigation was made on 25th Nov 2021. It states the location of the three Trial Pits is marked on the attached plan. No plan showing these is attached, unless I am mistaken these Trial Pits are not marked on any plan provided in the application. It makes calculations based on 5 caravans (total of 10 occupants) the planning application is for 8 caravan/camper pitches. Will occupants per pitch be limited to 2 persons? What if there is a family of 4 on each pitch, 32 occupants v the maximum of 10 stated in the report and the basis for calculation. The depth of overlay deposits 13 m stated 'near the airfield' is vague, in what position relative to the airfield? Regardless, depth of bed rock overlay deposits several km away has no bearing in this report context given the variable local topography. There is no calculation made for disposal of water from the hot tubs. There is always a concern when a document displays numerous errors as to the soundness of the findings.

It is normal for a Caravan site to have a reception/office building. In out of town locations also a small shop within said building to provide food basics. This provision is omitted from the proposal. I note the timber storage shed is designed with windows to two elevations, a welcoming and bright, but not a particularly secure (given the number of windows) storage facility? Without a reception/office provision will this be provided via the Old Hall property, will this property, or part of, be incorporated into the business?

There are large areas unused within the boundary of the proposal site. Will more pitches be required later to 'meet demand/make the business sustainable' since the site provides scope for considerable infill and expansion? The proposers state they installed self catering cottages in a previous business venture. Via other business concerns they are associated with Deeside Log Cabins of Kincardine O'Neil. Will log cabins be a possibility in the future on the available spare ground? The Business Plan states there is a lack of last minute accommodation, but this proposal does not offer accommodation, how can it help? Is the future plan for fixed accommodation? The Business Plan makes clear they have experience in growing a business, to then sell on.

There is now clear evidence from the NC500 'success' that in particular mobile home holiday makers contribute the least to the local economy. So much so that a toll on mobile homes on the route is being considered. With the recent inauguration of the NE250 will increasing provision for mobile home tourists along the NE250 route make any discernible contribution to the local economy? The Staycation statement has some merit, but only in the short term. Multiple citations by vested interests add no weight to this point of view or application. Once free global movement is possible, we will see holiday makers revert to pre Covid trends. Is basing a business case on short term trends viable?

I note the Old Hall Caravan Site has been publicised/marketed, as an actual site, on multiple social media platforms since at least August 2020, along with contact details.

Regards

Andy Stark

# Comments for Planning Application APP/2021/0157

## Application Summary

Application Number: APP/2021/0157

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Graham Hannaford

## Customer Details

Name: David Leslie

Address: Broomage Avenue Larbert Stirling FK5 4NQ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As you may be aware, James Jones and Sons operate a Sawmill at Burnroot, approximately 2 miles from the application site. This mill processes timber which involves a substantial number of HGV truck movements to and from the sawmill. As the access to the mill is restricted to the approved Timber Transport Route which runs past the application site, we are making you aware of this issue which could conflict with the proposed use of this site which lies adjacent to the road concerned.

# Comments for Planning Application 2021/0035/DET

## Application Summary

Application Number: 2021/0035/DET

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Edward Humphrey

Address: Dinnet House Dinnet Aboyne

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this planning application as follows;

The first statutory aim of the National Park is to Conserve and Enhance the natural and cultural heritage of the area which I believe this plan fails to do.

There has been no consultation with the local community.

The site is not allocated for tourism under the Local Development Plan and is a green field site as opposed to a brownfield one.

The Dinnet and Deecastle fishing beats are directly opposite. Our anglers enjoyment of the peace and tranquillity will be affected as more visitors are drawn to the riverbank.

There is no infrastructure linking the site to Dinnet village and the limited services available there. Neither the B976 or B9158 have any kind of pavement, except on Dinnet Bridge, raising fears for pedestrian safety.

The route over Dinnet Bridge to James Jones sawmill is a recognised Timber Transport Route, 2 HGVs cannot pass each other on the bridge so potential for safety issues.

Potential for disruption to well established significant business in area with extra slower moving traffic entering and exiting the site with poor visibility splays onto B976.

The site is close to the River Dee SAC which protects otters, freshwater Pearl mussels and salmon. Concerns over waste water entering the river from chemical toilets and in high rainfall events.

Dinnet Oakwood SAC is also a Nature Reserve, there is a lack of survey to show that the development will not have an adverse effect on wildlife or fauna.

No landscaping has been noted in the plan. No mention of lighting which would detract from the character of the area.

The plan allows for 8 pitches but the site is large enough to take more in the future, are pitches

static or mobile?

While tourism in the Park is to be promoted this plan is in the wrong place for reasons stated above.

Dinnet is eastern gateway to the Park and has other sites better located to meet the Park's aims and aspirations.





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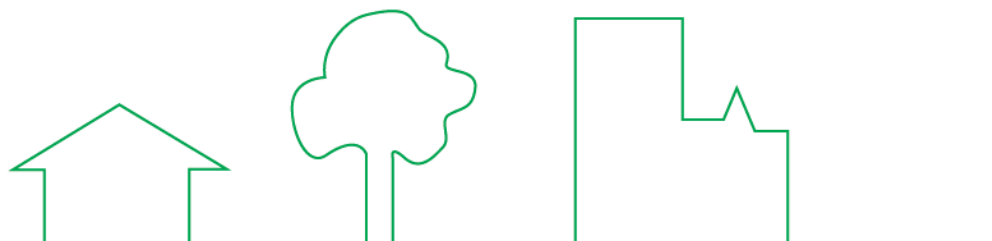
23 February 2021

Dear Stephanie,

**APP/2021/0157 - Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access**

We are writing on behalf of James Madden, whose property (Fasnadarach) neighbours the site of the above application, and who wishes to object to the application for the reasons set out in this letter. Our client's property is immediately opposite the development site and is significantly affected by the proposed development. It is however entirely ignored in the applicant's Design and Sustainability Statement. The closing date for representations is 8 March 2021 and so this submission is made timeously.

In commenting on the application, it is understood that this will be determined in accordance with the new Local Development Plan, which is due to be adopted on 26 March 2021, which is also when a decision on the application is expected. That being the case, our client's reasons for objecting to the application have been framed against the provisions of that Local Development Plan, rather than the 2015 Plan. Further, as set out in the LDP to be adopted on 26 March 2021, the planning application requires to be assessed against all relevant parts of the Plan. The application must therefore be assessed against the vision, spatial strategy,



policies and community information of that LDP, as well as relevant Supplementary Guidance, which has the same weight in decision making as the LDP itself.

Our client's particular concerns in respect of the application relate to access and road safety and the impact that the proposed development will have on the residential amenity of their own property as set out in detail below.

### **Impact on neighbouring residential amenity**

**Policy 2: Supporting economic growth** supports proposals for custom-built tourist accommodation (such as that proposed in terms of this application) subject to a number of criteria, including that they have no adverse impact on their surroundings.

In terms of the application site's surroundings, it is considered that the proposed development would be detrimental to existing residential amenity and the safety of road users, thus also having an adverse impact on its surroundings in these regards.

Specifically, the proposed caravan park will exacerbate existing noise and light disturbance experienced by our client at night emanating from the applicant's own residential property, Old Hall (and in particular from the recently (last 12 months) external entertaining area that has been constructed at Old Hall). Whilst it is understood that the occupiers of residential properties may enjoy those as they wish, a caravan park operating all year round with 8 pitches is an entirely different prospect, equating to there potentially being up to 32 people adjacent to a residential property which has no connection with that park, to the detriment of the privacy and amenity enjoyed at our client's property at present. This is of particular concern as it is expected that the external entertaining areas and proposed hot tubs - which are cited by the applicant as being a key attraction - will inevitably be used well into the evening, with additional noise and light pollution in a currently otherwise quiet rural area as a result.

On the basis that the proposed development would have an adverse impact on its surroundings as set out above, it would clearly be contrary to the principles of the LDP Policy 2.

Likewise, the proposed development fails to comply with **Policy 2.2 Tourist accommodation**, which sets out more detailed criteria with which proposals for tourist accommodation must comply. Again, for such proposals to be supported, they must, amongst other things, **have no adverse environmental or social impacts on the site or neighbouring areas**. The potential impacts of the proposed development on the amenity and privacy of existing residents of the area and, in particular, residents of the immediate neighbouring property of Fasnadarach have been addressed above. In addition to which the proposed development has the

potential to impact on a number of important environmental features, including protected species, as set out in more detail in the appendix to this letter.

### **Access and road safety**

**Policy 3: Design and placemaking** is applicable to all applications and aims to ensure that development delivers high standards of design and placemaking and contributes to the National Park's special sense of place.

**Policy 3.1 Placemaking** then requires all developments to meet the six qualities of successful places, which are detailed in the supporting text. The Design and Sustainability Statement submitted with the application fails to demonstrate how the proposed development complies with this aspect of the Policy, with no account taken of the proximity of the development to Fasnadarach, particularly in terms of the impact on the setting of this as a listed building (see below). Indeed, it is submitted that the proposed development does not demonstrate a number of the placemaking criteria as set out in detail in the appendix to this letter, with our client particularly wishing to stress concerns with regards to the proposed access to the application site, which raises significant road safety issues due to the facts that:

- the site is located on land adjacent to the B976, which is a 60mph road and an approved Timber Transport Route, used for transporting timber from the nearby James Jones and Sons sawmill;
- the B976 is a narrow road providing little space for vehicles, cyclists and pedestrians who wish to use/cross it. It is an extremely popular cycling route for cycling clubs as well as casual cyclists. There are no laybys or passing points;
- the combination of existing HGVs and caravans and other vehicles generated by the proposed development will create congestion on the B976 and the bridge across the B1958. Again the absence of laybys or passing points is means that this is inevitable;
- entering the site from the north (B1958), the bridge over the River Dee from Dinnet has only a single narrow pavement on one side for pedestrians, with no pavements once they have crossed the bridge, and adding caravans/motorhomes to those passing over the bridge would be hazardous for pedestrians and cyclists crossing the bridge;
- the bridge itself is very narrow with it not being possible for a HGV and caravan/motorhome to pass, meaning stacking on the road whilst vehicles wait to cross and congestion resulting from that;

- There is scarcely enough room for two way traffic already between Old Hall and Dinnet Bridge (the route from Aboyne Bridge being impassable by a car towing a caravan) and it is already a dangerous stretch of road for cyclists and pedestrians as well as for people driving, with our client having on a number of occasions effectively been “pushed” off the road into the verge by oncoming traffic;
- the proposed T-junction to access and exit the site at the north-western corner is unsafe, as cars travelling from the direction of Aboyne will be approaching at high speed on a bend, with visibility being hindered by the trees lining each side of the road. It will not be particularly visible to traffic approaching from Dinnet Bridge either. Furthermore, the drawings indicate that the caravans will be using the entire width of the road rather than a single lane. The combination of the wide turning radius and slow acceleration of the trailering caravans, and the speed of vehicles which may already be on the road means that the access point may be at risk of collisions with oncoming traffic and an inevitable cause of congestion. It is noted that the Council’s Roads Development Team has also objected to the application on this basis, confirming the serious nature of these concerns;
- there is significant potential for conflict between pedestrians, cyclists, existing road users and visitors to the proposed development; and
- the B976 has no pedestrian path and would be dangerous for pedestrians to use as the only option to navigate along this road is a small grassy verge (which could become slippery and muddy during times of heavy rainfall and surface flooding) and, in the event of large vehicles meeting each other on this road, some may be forced onto the edges of the road which would compromise the safety of pedestrians and cyclists.

Given the above, the application does not meet the requirements of Policy 3.1.

Also in terms of the impact on both neighbouring residential amenity and access, **Policy 3.3 Sustainable design** requires that all proposals must be designed to protect the amenity enjoyed by neighbours, including minimisation of disturbance caused by access to the development site. For the reasons set out above, it is clear that the proposed development could cause significant disturbance to neighbours and other existing users of the local roads, in particular in terms of giving rise to road safety and congestion issues and the proposed development causing noise and light pollution for the immediate neighbour. As such the application also fails to comply with this Policy.

### **Impact on listed building**

As highlighted above, Fasnadarach is a Category B listed building, with this understood to be one of the finest remaining examples of the architecture of George Truefitt. The listing

specifically includes the ancillary structures, gatepiers and boundary walls. The ancillary structures are then identified as two summerhouses, with that to the south west of the house, adjacent to the application site, being described in some detail in the listing, illustrating its historical significance.

In this regard, **Policy 9.1 Listed buildings** aims to protect listed building and their settings, with the use of any development requiring to be appropriate to the character and appearance of the building and its setting. Contrary to this requirement, the proposed caravan park would have a significant adverse impact on the setting of Fasnadarach and associated ancillary structures by virtue of being highly visible and out of with both the established pattern and nature of development in the immediate area and the landscape within which the house is located.

Where development would result in a significant adverse impact on a listed building (as the proposed development would for the reasons given above), Policy 9.1 states that the applicant must demonstrate that:

- less intrusive options have been considered – there is nothing in the applicant’s submission to suggest that this has been the case. The applicant did not approach our client before submitting the application;
- the impacts are clearly outweighed by social and economic benefits – the applicant’s business case does not demonstrate any significant benefits to the local community that would do this; and
- minimise and mitigate any adverse effects on the asset or its setting through appropriate siting, layout, scale, design and construction – the applicant’s Design and Sustainability Statement makes no reference to Fasnadarach such that it can only be assumed that no consideration has been given to minimising or mitigating any effects on it. Specifically, our client is particularly concerned that there is no landscaping proposed to minimise visual impact or for noise attenuation.

### **Water supply**

Finally, our client shares a private water supply with the applicant’s residential property, Old Hall and has significant concerns about the impact that the proposed development would have on this. Our client’s existing water supply is not limitless, coming from a spring in the hills and, whilst the supply is sufficient for domestic use by these two properties, it is not clear if it would be sufficient to serve a commercial enterprise of the scale proposed, including the 8 caravans/motorhomes and the proposed hot tubs. The being the case the application is contrary to **Policy 10.1 Water resources**, which requires that development should not have an adverse impact on existing or private water supplies.

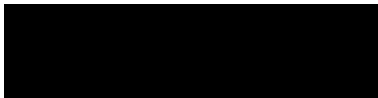
In addition to the above matters, our client wishes to support the submissions made by other local residents as detailed in the appendix to this letter.

We trust that the above points will be taken into account when determining the application and that the application will be refused accordingly.

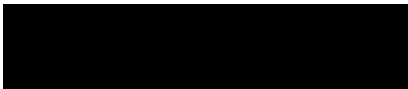
We also reserve the right to make further representations should the applicant submit additional information in respect of the application.

I would be grateful if you could please acknowledge receipt of this letter.

Yours sincerely

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**Dr Margaret Bochel**  
Aurora Planning Limited

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## **Appendix: Statement of objection**

### **APP/2021/0157 - Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access**

#### **Introduction**

The application was submitted to Aberdeenshire Council on 27 January 2021. However, the application site is located within the Cairngorms National Park and, on 8 February 2021, the Park Authority called in the application for determination. That being the case, the application requires to be assessed against the Cairngorms National Park Local Development Plan (LDP).

The current LDP was adopted in 2015, but it is anticipated that the new LDP will be adopted on 26 March 2021, which is also when a decision on the application is expected. As such, it is anticipated that the new LDP will be in force at the time the application is determined and, as a result, the application requires to be determined in accordance with this rather than the 2015 Plan. Further, as set out in the LDP to be adopted on 26 March 2021, the planning application requires to be assessed against all relevant parts of the Plan. The application must therefore be assessed against the vision, spatial strategy, policies and community information of that LDP, as well as relevant Supplementary Guidance, which has the same weight in decision making as the LDP itself.

The following paragraphs set out the key provisions within the LDP relevant to the determination of the application and the reasons why it is considered that the proposed development does not comply with these.

#### **Grounds of objection**

##### **Statutory aims of Scottish National Parks**

The introduction to the LDP highlights that this supports the delivery of the statutory aims of Scottish National Parks, which are:

- a) to conserve and enhance the natural and cultural heritage of the area;
- b) to promote sustainable use of the natural resources of the area;
- c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- d) to promote sustainable economic and social development of the area's communities.



Where there is a potential conflict between the first aim and any of the others, the Park Authority must give greater weight to the first aim. That principle should be reflected in the determination of this application.

Whilst it is accepted that a new caravan park may allow people to enjoy the special qualities of the Park and may bring some economic benefit, it would also be detrimental to existing opportunities to enjoy the Park and adversely impact on more valuable economic activities (specifically fishing tourism and the spend associated with that), both as set out in more detail below. As such, the proposed development would undermine the first aim of the Park and should not be supported accordingly.

### **Community information**

The application site is located around 1km to the south of the settlement of Dinnet, which is described in the LDP as forming the eastern gateway to the National Park. The only facilities in the village are a hotel and garage. Aboyne, at around 8km away, is the closest settlement offering a more extensive range of services and facilities, including convenience shopping.

The LDP's objectives for Dinnet include supporting its role as a key gateway to the Park and supporting proposals for small scale business development, with a site at the Former Steading at Clarack, to the west of the village, identified as the most appropriate location for that. Economic development proposals should therefore be directed towards the allocated site in the first instance, in particular as this would make sustainable use of a brownfield site. Conversely, development on the application site would introduce new built development to a currently greenfield location remote from the settlement, thus doing nothing to support the settlement objectives. Indeed, the introduction of new development some distance from the settlement boundary is likely to reduce the settlement's sense of identity as an important gateway to the National Park, contrary to the settlement objectives in this regard.

### **LDP policies**

#### **Policy 2: Supporting economic growth**

This Policy aims to support appropriate economic development whilst protecting communities from inappropriate development, with the supporting text to this identifying tourism as being the most significant economic sector for the Park. As such, opportunities to support, enhance and diversify tourism (as well as other key sectors, including land management and recreation) are encouraged. The supporting text does though also stress that all proposals must be appropriate and compatible with their surroundings, contribute to supporting a year round economy and not have any adverse impact on the features of natural or cultural heritage importance to the Park.



In terms of tourist accommodation specifically, paragraph 4.35 of the LDP makes it clear that, for proposals for custom-built tourist accommodation (such as that proposed in terms of this application) to be supported, these should either be:

- on an allocated tourism site; or
- in other locations where they contribute to the provision of a wider range of accommodation options.

The development proposed in terms of this application is not however on an allocated tourism site and, while it would deliver additional tourist accommodation, there are already a number of caravan parks close to Dinnet, (including at Aboyne Loch, Tarland and Ballatar), and there is no evidence that the proposed development would contribute to the provision of a wider range of accommodation options than is already provided by these.

In addition, proposals should have no adverse impact on their surroundings, and there is a presumption against those that would result in the loss of an existing economic, employment or tourism site or business.

In terms of the application site's surroundings and existing land uses here, it should be noted that there are important fishing interests along the stretch of the Dee adjacent to the application site, and that these make a significant contribution to the economy as a result of spend on fishing permits, accommodation, eating and drinking, shopping and other leisure activities undertaken by anglers and their families when visiting the area. The River Dee 2020-2025 Fisheries Management Plan estimated that fishing on the Dee generates approximately £15m to the economy, with previous plans estimating that it supports around 500 jobs across the community which are entirely dependent on the tourism industry the fishery generates. The Plan also highlights the importance of fishing to experiences and wellbeing tourism (a new key driver of tourism) with a day's fishing offering a tranquil way to enjoy nature. It is therefore crucial that the proposed development does not impact on the quality of fishing in this area.

In addition, as set out in more detail below, it is considered that the proposed development would be detrimental to existing residential amenity and the safety of road users, thus also having an adverse impact on its surroundings in these regards.

On the basis that the proposed development would have an adverse impact on its surroundings and on existing economic development here, it would clearly be contrary to the principles of the LDP set out above.

**Policy 2.2 Tourist accommodation** then sets out more detailed criteria with which proposals for tourist accommodation must comply. For such proposals to be supported, they must:

- a) **have no adverse environmental or social impacts on the site or neighbouring areas** – in terms of which it is submitted that:
  - the proposed development has the potential to impact on a number of important environmental features, including protected species, as set out in more detail below; and
  - an increased number of tourists in this area has the potential to impact on the amenity and privacy of existing residents, particularly in terms of noise and light pollution affecting the residents of the immediate neighbouring property of Fasnadarach, but also in terms of tourists unfamiliar with the area driving their motorhomes/caravans up private access tracks, or walkers doing the same.
  
- b) **contribute to/support the provision of a wide range of visitor accommodation options including low cost accommodation** – in terms of which it is submitted that, while the proposed development would deliver additional tourist accommodation:
  - as set out above, there are already a number of caravan parks close to Dinnet, and there is no evidence that the proposed development would contribute to the provision of a wider range of accommodation options than is already provided by these;
  - existing caravan sites are well serviced and well located in terms of proximity to services and other facilities;
  - this is not in an appropriate location for such development, for the reasons set out below.
  
- c) **support or contribute to a year round economy** – although the applicant claims in their business statement that this will be the case, it is questionable whether the proposed hot tubs alone will be sufficient to bring caravan and motorhome tourists into the area during the winter months. Rather, given the nature of the proposed development, it seems likely that its popularity with visitors would largely be seasonal, and the application documents do not provide any clear evidence to demonstrate otherwise. It is also not clear what, if any, benefits the proposed development would bring to the local community of Dinnet. As such, the application fails to comply with Policy 2.2 in this regard.

### Policy 3: Design and placemaking

This Policy is applicable to all applications and aims to ensure that development delivers high standards of design and placemaking and contributes to the National Park's special sense of place. That applies to the visual appearance of new development, the impact on quality of life, accessibility and environmental sustainability.

**Policy 3.1 Placemaking** then requires all developments to meet the six qualities of successful places, which are detailed in the supporting text. The Design and Sustainability Statement submitted with the application fails to demonstrate how the proposed development complies with this aspect of the Policy, and indeed it is submitted that the proposed development does not demonstrate a number of these criteria as follows:

- ***Distinctive*** – with, as set out in more detail elsewhere in this letter, the development:
  - not complementing the existing character of the area;
  - introducing new forms of development into the surrounding landscape, with that being particularly so since no landscaping is proposed to screen the proposed development; and
  - undermining Dinnet's sense of identity as an important gateway to the National Park.
- ***Safe and pleasant*** – in terms of which the proposed development gives rise to significant road safety concerns due to the facts that:
  - the site is located on land adjacent to the B976, which is a 60mph road and an approved Timber Transport Route, used for transporting timber from the nearby James Jones and Sons sawmill;
  - the B976 is a narrow road providing little space for vehicles, cyclists and pedestrians who wish to use/cross it;
  - the combination of existing HGVs and caravans and other vehicles generated by the proposed development will create congestion on the B976 and the bridge across the B1958;
  - entering the site from the north (B1958), the bridge over the River Dee from Dinnet has only a single narrow pavement on one side for pedestrians, with no pavements once they have crossed the bridge, adding caravans/motorhomes to those passing over the bridge would be hazardous for pedestrians and cyclists crossing the bridge;

- the bridge itself is very narrow with it not being possible for an HGV and caravan/motorhome to pass meaning stacking on the road whilst vehicles wait to cross and congestion resulting from that.
- **Welcoming** – in terms of which:
    - the application includes no proposals for signage or lighting, and indeed any such proposals would be likely to exacerbate the negative impact that the proposed development would have on the local area, rather than enhancing it;
    - the proposed T-junction to access and exit the site at the north-western corner is unsafe, as cars travelling from the direction of Aboyne will be approaching at high speed on a bend, with visibility being hindered by the trees lining each side of the road. Furthermore, the drawings indicate that the caravans will be using the entire width of the road rather than a single lane. The combination of the wide turning radius and slow acceleration of the trailering caravans, and the speed of vehicles which may already be on the road means that the access point may be at risk of collisions with oncoming traffic, with it noted that the Council's Roads Development Team has also objected to the application on this basis, confirming the serious nature of these concerns.
- **Resource efficient** – in terms of which the site:
    - is not allocated for tourist use;
    - is on agricultural land and does not make use of brownfield land;
    - is remote from existing services and facilities, meaning that visitors will require to use their vehicles for all shopping and leisure trips.
- **Easy to move around and beyond** – in terms of which, as stated above:
    - there is significant potential for conflict between pedestrians, existing road users and visitors to the proposed development;
    - the site provides little provision for pedestrians who wish to explore the area on foot;
    - the B976 has no pedestrian path and would be dangerous for pedestrians to use as the only option to navigate along this road is a small grassy verge (which could become slippery and muddy during times of heavy rainfall and surface flooding) and,

in the event of large vehicles meeting each other on this road, some may be forced onto the edges of the road which would compromise the safety of pedestrians and cyclists.

Given the above, the proposed development does not contribute to quality placemaking as required by Policy 3.1.

**Policy 3.3 Sustainable design** sets out a number of additional criteria which all proposals must be designed to comply with, including:

- being sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials – a caravan park at this location would be entirely out of keeping with the existing character of the area, particularly since it will be highly visible from the road in an area where very little development is currently visible along the B976 between Aboyne and Ballater other than the James Jones and Sons sawmill and some traditional dwelling houses;
- promoting sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel – as set out above, the site is remote from existing services and facilities, meaning visitors are likely to be reliant on the use of cars/motorhomes to access these, as acknowledged in the Design and Sustainability Statement submitted with the application. Although the Deeside Way is around 1km away, the closest shops are more than 8km away and so it is unlikely the visitor to the caravan site will walk or cycle to get their provisions. In addition, whilst there is a bus service from Dinnet, it stops only once every two hours;
- protecting the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site – for the reasons set out above, it is clear that the proposed development could cause significant disturbance to neighbours and other existing users of the local roads, in particular in terms of giving rise to road safety and congestion issues, the likelihood of visitors to the caravan park taking inadvertent trips along access tracks to private homes, and the proposed development causing noise and light pollution for the immediate neighbour;
- creating opportunities for further biodiversity and promote ecological interest – there is nothing in the Design and Sustainability Statement to indicate any enhancements to biodiversity and ecological interests, including no proposals for landscaping which might have contributed to this.

**Policy 4: Natural heritage** recognises the range of quality of natural heritage in the National Park and the international value of that, with the unique natural heritage underpinning off four aims of the Park. The Policy is therefore clear that habitats and species must be protected, with further details on specific protections provided below.

**Policy 4.1 International designations** requires that any development likely to have a significant effect on a Natura 2000 or Ramsar site must demonstrate no adverse effect on the integrity of the site. Where that is not possible, development will be considered favourably only where there are no alternative solutions and there are imperative reasons of overriding public interest.

The application site is located adjacent to the Dinnet Oakwood Special Area of Conservation (SAC) and is immediately across the B976 from part of the River Dee SAC. Whilst the qualifying feature of the Dinnet Oakwood SAC is the woodland and the habitat that provides, the distribution of typical species within that habitat and protecting those species from disturbance are two of the key conservation objectives which could be undermined by the proposed development if there is any disturbance (including light, noise or water/soil pollution from chemical or other spills) arising from it. Also of concern is the proximity of the site to the River Dee SAC and the potential impact on the qualifying interests of that (otter, freshwater pearl mussel and Atlantic salmon) should there be any contamination of the watercourse from chemical pollutants used on the caravan park (in particular chemicals used in caravan/motorhome toilets and in hot tubs, which will presumably require to be drained frequently, but with no drainage details having been submitted with the application).

The above concerns notwithstanding, the applicant has not carried out a focussed survey of the natural environment of the surrounding area to assess the potential effect of the development on the nearby SACs nor have they submitted a species/habitat protection plan to set out measures to avoid, reduce or mitigate such effects, as required by **Policy 4.6 All development** in all cases where a protected or priority habitat are adjacent to a site. This is particularly so given that given that the LDP specifically highlights that species such as otters and salmon may be disturbed by noise, lighting and activity from development following its construction, with the onus being on the applicant to demonstrate that no such disturbance would arise.

In the absence of the applicant having carried out appropriate surveys and demonstrated that the proposed development would not have a negative impact on either of the SACs or their qualifying interests, the application is contrary to both Policy 4.1 and Policy 4.6 and, applying the **precautionary principle** the application must be refused. The only exception to this would be if there were no alternative solutions and there were imperative reasons of overriding public interest. There are, however, alternative locations for a caravan park that would not pose a risk to the SACs and, whilst recognising that the proposed development may bring

some economic benefits, these would not be of a scale that would constitute an overriding public interest. Indeed, as stated above, the proposed development would undermine existing more valuable economic interests. As such, the application again requires to be refused.

**Policy 4.2 National designations** highlights the importance of protecting the integrity of the National Park, SSSIs, NNRs and NSAs and the qualities for which they were designated, and states that development will only be permitted where any adverse effects are clearly outweighed by social, economic or environmental benefits of national importance.

The site is located adjacent to the Dinnet Oakwood SSSI, the citation for which states that it retains the character of a relatively undisturbed semi-natural northern oakwood and is one of the best examples in north-east Scotland. It is therefore crucial that the proposed development has no adverse impact on this, with no assessment of that having been submitted with the application.

In addition, the Dinnet Oakwood National Nature Reserve (NNR) lies adjacent to the application site, with such a designation being given only to Scotland's best wildlife sites to promote their conservation and enjoyment. NNRs contain nationally or internationally important habitats and species, so the wildlife must be managed very carefully and visitor facilities designed and managed to ensure that people can enjoy NNRs without harming or disturbing the wildlife that lives there.

Again, given the proximity of these protected habitats to the application site, **Policy 4.6 All development** requires a focused survey to assess the effect of the development on these, but no such survey has been submitted. As such, and given the potential of the proposed development to have an adverse impact on these neighbouring habitats as a result of increased numbers of people accessing these, the **precautionary principle** again requires to be applied and the application refused accordingly, particularly given that the proposed development would not deliver social, economic or environmental benefits of a scale that would justify it being approved in terms of Policy 4.2.

Finally in terms of Policy 4.2, the application site is of course within the Cairngorms National Park and, for the reasons set out in this statement, it is considered that the proposed development would conflict with the first of the Park's first aim of conserving and enhancing the natural and cultural heritage of the area. As such, the application is again contrary to Policy 4.2 in this regard.

**Policy 4.4 Protected species** is clear that development that would have a significant adverse effect on any European Protected Species will not be permitted unless the developer can demonstrate that there are overriding reasons of public interest, there is no satisfactory

alternative and the development will not be determinantal to the maintenance of the population of species concerned, with all of these criteria having to be met. For those species conferred protection by way of other designations, such as the UK Biodiversity Action Plan, any impact will only be permitted if the developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or population of species and significant harm or disturbance is avoided or minimised if unavoidable, and appropriate mitigation and/or management measures provided.

NEBReC has identified a number of protected species living on, or within close proximity (often within 100m) of the application site, including Pipistrelle bats, Osprey, Snipe, West European Hedgehog, Wood Warbler, Brown-spot Pinion, Green-brindled Crescent and Foxy Bolete. Again, in the absence of the applicant having carried out a focussed survey to ensure that the proposed development would not have a negative impact on these species as required by **Policy 4.6 All development the precautionary principle** must be applied and, with there being no overriding reasons of public interest that would justify the proposed development and alternative locations available elsewhere as set out above, the application requires to be refused as being contrary to Policy 4.4.

**Policy 5: Landscape** highlights the landscapes of the Cairngorms as being one of the Park's most valuable assets and seeks to ensure that new development conserves and enhances the distinctiveness of those landscapes.

**Policy 5.1 Special landscape qualities** presumes against development that does not conserve or enhance the landscape character and special qualities of the Park and states that development will only be permitted where any significant effects are clearly outweighed by social or economic benefits of national importance; and all adverse effects on the setting of the proposed development have been minimised and mitigated.

The application site is within the Broad Glen with Estates Landscape Character Type which is characterised as having a settlement pattern comprising farm steadings and cottages and large estate houses and castles with predominantly traditional rural buildings. It also has the perception of being easily appreciated from the roads that follow glens and a sense of intrigue as the landscape is revealed gradually. Whilst the Design and Sustainability Statement submitted with the application states that landscaping of the proposed development will be kept to a minimum to maintain the existing character of the site and to mitigate and minimise any adverse effects, the introduction of a caravan park and associated storage facility which would be clearly visible from the road would be completely out of character with the existing landscape character and undermine the area as the gateway to the National Park. As such the application is contrary to Policy 5.1.



**Policy 10: Resources** aims to facilitate development in a way that minimises any negative impacts and promotes positive improvements to the environment, as well as protecting public health.

**Policy 10.1 Water resources** requires that development should, amongst other things:

- not have an adverse impact on existing or private water supplies or wastewater treatment services – in terms of which, the water supply is currently shared by the applicant and the neighbouring property, Fasnadarach, and is sufficient for existing domestic use. It is not clear however from the applicant’s submission if it is adequate to also service the proposed caravan park, which would be equivalent to several additional properties.
- not result in the deterioration of water resources used for amenity or recreation – as stated above, there is the potential for the proposed development to cause pollution and disturbance in and around the river, thereby having an adverse impact on that as a fishing resource;
- avoid unacceptable impacts on the water environment – again as stated above, there is the potential for water pollution, including of the River Dee SAC arising from the use of chemicals by visitors to the site, as well as from grey water disposal.

As such the application does not comply with Policy 10.1.

**Policy 10.2 Flooding** requires that all development should, amongst other things, be free from medium to high risk of flooding from all sources, taking into account predicted impacts of climate change. Whilst the applicant states that the development has no flood risk potential due to its elevated position above the River Dee, SEPA flood mapping shows that the site is at a high risk of surface water flooding. The development therefore does not comply with Policy 10.2 since it had not taken into account risks of flooding from all sources.

**Policy 10.8 Contaminated land** requires an assessment to be undertaken to identify potential impacts both on and off the site, and how remedial action can be implemented on sites affected by contamination. The application involves the redevelopment of agricultural land which may mean that the site is contaminated due to processes and chemicals used for agriculture, but no assessment has been undertaken to demonstrate whether or not that is in fact the case. In the absence of such an assessment having been carried out, the application does not comply with policy 10.8.

## Other matters

It is also noted that the application is for 8 pitches, however, the size of the site means that it could easily accommodate more pitches in the future (subject of course to it being possible to provide an adequate water supply). It is accepted that the planning authority must consider the application it has before it but, should the authority be minded to approve the application, we would request that it is made clear in any consent that this is the limit to the scale of development that will be permitted on the site.

In addition, it is requested that, should the application be considered for approval, appropriate landscaping be required to screen the development from the public road.



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23 February 2021

Dear Stephanie,

**APP/2021/0157 - Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access**

Our client wishes to object to the above planning application. The closing date for representations is 8 March 2021 and so this submission is made timeously.

It is considered that the application fails to comply with the provisions of the Cairngorms National Park Local Development Plan, specifically in terms of:

- the aims of the National Park;
- the community information for Dinnet; and
- Policies 2, 2.2, 3, 3.1, 3.3, 4, 4.1, 4.2, 4.4, 4.6, 5, 5.1, 10, 10.1, 10.2 and 10.8.

The reasons why it is considered the application does not comply with each of these are set out in detail in the statement appended to this letter.

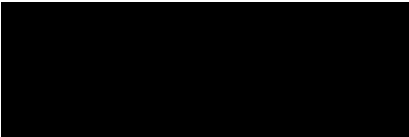


We trust that the above points will be taken into account when determining the application and that the application will be refused accordingly.

We also reserve the right to make further representations should the applicant submit additional information in respect of the application.

I would be grateful if you could please acknowledge receipt of this letter.

Yours sincerely



Dr Margaret Bochel  
Aurora Planning Limited



## **APP/2021/0157 - Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access**

### **Introduction**

The application was submitted to Aberdeenshire Council on 27 January 2021. However, the application site is located within the Cairngorms National Park and, on 8 February 2021, the Park Authority called in the application for determination. The application site is located within the Cairngorms National Park and so the application requires to be assessed against the Cairngorms National Park Local Development Plan (LDP).

The current LDP was adopted in 2015, but it is anticipated that the new LDP will be adopted on 26 March 2021, which is also when a decision on the application is expected. As such, it is anticipated that the new LDP will be in force at the time the application is determined and, as a result, the application requires to be determined in accordance with this rather than the 2015 Plan. Further, as set out in the LDP to be adopted on 26 March 2021, the planning application requires to be assessed against all relevant parts of the Plan. The application must therefore be assessed against the vision, spatial strategy, policies and community information of that LDP, as well as relevant Supplementary Guidance, which has the same weight in decision making as the LDP itself.

The following paragraphs set out the key provisions within the LDP relevant to the determination of the application and the reasons why it is considered that the proposed development does not comply with these.

### **Statutory aims of Scottish National Parks**

The introduction to the LDP highlights that this supports the delivery of the statutory aims of Scottish National Parks, which are:

- a) to conserve and enhance the natural and cultural heritage of the area;
- b) to promote sustainable use of the natural resources of the area;
- c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- d) to promote sustainable economic and social development of the area's communities.

Where there is a potential conflict between the first aim and any of the others, the Park Authority must give greater weight to the first aim. That principle should be reflected in the determination of this application.



Whilst it is accepted that a new caravan park may allow people to enjoy the special qualities of the Park and may bring some economic benefit, it would also be detrimental to existing opportunities to enjoy the Park and adversely impact on more valuable economic activities (specifically fishing tourism and the spend associated with that), both as set out in more detail below. As such, the proposed development would undermine the first aim of the Park and should not be supported accordingly.

### **Community information**

The application site is located around 1km to the south of the settlement of Dinnet, which is described in the LDP as forming the eastern gateway to the National Park. The only facilities in the village are a hotel and garage. Aboyne, at around 8km away, is the closest settlement offering a more extensive range of services and facilities, including convenience shopping.

The LDP's objectives for Dinnet include supporting its role as a key gateway to the Park and supporting proposals for small scale business development, with a site at the Former Steading at Clarack, to the west of the village, identified as the most appropriate location for that. Economic development proposals should therefore be directed towards the allocated site in the first instance, in particular as this would make sustainable use of a brownfield site. Conversely, development on the application site would introduce new built development to a currently greenfield location remote from the settlement, thus doing nothing to support the settlement objectives. Indeed, the introduction of new development some distance from the settlement boundary is likely to reduce the settlement's sense of identity as an important gateway to the National Park, contrary to the settlement objectives in this regard.

### **LDP policies**

#### **Policy 2: Supporting economic growth**

This Policy aims to support appropriate economic development whilst protecting communities from inappropriate development, with the supporting text to this identifying tourism as being the most significant economic sector for the Park. As such, opportunities to support, enhance and diversify tourism (as well as other key sectors, including land management and recreation) are encouraged. The supporting text does though also stress that all proposals must be appropriate and compatible with their surroundings, contribute to supporting a year round economy and not have any adverse impact on the features of natural or cultural heritage importance to the Park.

In terms of tourist accommodation specifically, paragraph 4.35 of the LDP makes it clear that, for proposals for custom-built tourist accommodation (such as that proposed in terms of this application) to be supported, these should either be:



- on an allocated tourism site; or
- in other locations where they contribute to the provision of a wider range of accommodation options.

The development proposed in terms of this application is not however on an allocated tourism site and, while it would deliver additional tourist accommodation, there are already a number of caravan parks close to Dinnet, (including at Aboyne Loch, Tarland and Ballatar), and there is no evidence that the proposed development would contribute to the provision of a wider range of accommodation options than is already provided by these.

In addition, proposals should have no adverse impact on their surroundings, and there is a presumption against those that would result in the loss of an existing economic, employment or tourism site or business.

In terms of the application site's surroundings and existing land uses here, it should be noted that there are important fishing interests along the stretch of the Dee adjacent to the application site, and that these make a significant contribution to the economy as a result of spend on fishing permits, accommodation, eating and drinking, shopping and other leisure activities undertaken by anglers and their families when visiting the area. The River Dee 2020-2025 Fisheries Management Plan estimated that fishing on the Dee generates approximately £15m to the economy, with previous plans estimating that it supports around 500 jobs across the community which are entirely dependent on the tourism industry the fishery generates. The Plan also highlights the importance of fishing to experiences and wellbeing tourism (a new key driver of tourism) with a day's fishing offering a tranquil way to enjoy nature. It is therefore crucial that the proposed development does not impact on the quality of fishing in this area.

In addition, as set out in more detail below, it is considered that the proposed development would be detrimental to existing residential amenity and the safety of road users, thus also having an adverse impact on its surroundings in these regards.

On the basis that the proposed development would have an adverse impact on its surroundings and on existing economic development here, it would clearly be contrary to the principles of the LDP set out above.

**Policy 2.2 Tourist accommodation** then sets out more detailed criteria with which proposals for tourist accommodation must comply. For such proposals to be supported, they must:

- a) **have no adverse environmental or social impacts on the site or neighbouring areas** – in terms of which it is submitted that:



- the proposed development has the potential to impact on a number of important environmental features, including protected species, as set out in more detail below; and
  - an increased number of tourists in this area has the potential to impact on the amenity and privacy of existing residents, particularly in terms of noise and light pollution affecting the residents of the immediate neighbouring property of Fasnadarach, but also in terms of tourists unfamiliar with the area driving their motorhomes/caravans up private access tracks, or walkers doing the same.
- b) **contribute to/support the provision of a wide range of visitor accommodation options including low cost accommodation** – in terms of which it is submitted that, while the proposed development would deliver additional tourist accommodation:
- as set out above, there are already a number of caravan parks close to Dinnet, and there is no evidence that the proposed development would contribute to the provision of a wider range of accommodation options than is already provided by these;
  - existing caravan sites are well serviced and well located in terms of proximity to services and other facilities;
  - this is not in an appropriate location for such development, for the reasons set out below.
- c) **support or contribute to a year round economy** – although the applicant claims in their business statement that this will be the case, it is questionable whether the proposed hot tubs alone will be sufficient to bring caravan and motorhome tourists into the area during the winter months. Rather, given the nature of the proposed development, it seems likely that its popularity with visitors would largely be seasonal, and the application documents do not provide any clear evidence to demonstrate otherwise. It is also not clear what, if any, benefits the proposed development would bring to the local community of Dinnet. As such, the application fails to comply with Policy 2.2 in this regard.

### **Policy 3: Design and placemaking**

This Policy is applicable to all applications and aims to ensure that development delivers high standards of design and placemaking and contributes to the National Park's special sense of





place. That applies to the visual appearance of new development, the impact on quality of life, accessibility and environmental sustainability.

**Policy 3.1 Placemaking** then requires all developments to meet the six qualities of successful places, which are detailed in the supporting text. The Design and Sustainability Statement submitted with the application fails to demonstrate how the proposed development complies with this aspect of the Policy, and indeed it is submitted that the proposed development does not demonstrate a number of these criteria as follows:

- ***Distinctive*** – with, as set out in more detail elsewhere in this letter, the development:
  - not complementing the existing character of the area;
  - introducing new forms of development into the surrounding landscape, with that being particularly so since no landscaping is proposed to screen the proposed development; and
  - undermining Dinnet’s sense of identity as an important gateway to the National Park.
- ***Safe and pleasant*** – in terms of which the proposed development gives rise to significant road safety concerns due to the facts that:
  - the site is located on land adjacent to the B976, which is a 60mph road and an approved Timber Transport Route, used for transporting timber from the nearby James Jones and Sons sawmill;
  - the B976 is a narrow road providing little space for vehicles, cyclists and pedestrians who wish to use/cross it;
  - the combination of existing HGVs and caravans and other vehicles generated by the proposed development will create congestion on the B976 and the bridge across the B1958;
  - entering the site from the north (B1958), the bridge over the River Dee from Dinnet has only a single narrow pavement on one side for pedestrians, with no pavements once they have crossed the bridge, adding caravans/motorhomes to those passing over the bridge would be hazardous for pedestrians and cyclists crossing the bridge;
  - the bridge itself is very narrow with it not being possible for an HGV and caravan/motorhome to pass meaning stacking on the road whilst vehicles wait to cross and congestion resulting from that.

- **Welcoming** – in terms of which:
  - the application includes no proposals for signage or lighting, and indeed any such proposals would be likely to exacerbate the negative impact that the proposed development would have on the local area, rather than enhancing it;
  - the proposed T-junction to access and exit the site at the north-western corner is unsafe, as cars travelling from the direction of Aboyne will be approaching at high speed on a bend, with visibility being hindered by the trees lining each side of the road. Furthermore, the drawings indicate that the caravans will be using the entire width of the road rather than a single lane. The combination of the wide turning radius and slow acceleration of the trailering caravans, and the speed of vehicles which may already be on the road means that the access point may be at risk of collisions with oncoming traffic, with it noted that the Council's Roads Development Team has also objected to the application on this basis, confirming the serious nature of these concerns.
  
- **Resource efficient** – in terms of which the site:
  - is not allocated for tourist use;
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- **Easy to move around and beyond** – in terms of which, as stated above:
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Given the above, the proposed development does not contribute to quality placemaking as required by Policy 3.1.

**Policy 3.3 Sustainable design** sets out a number of additional criteria which all proposals must be designed to comply with, including:

- being sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials – a caravan park at this location would be entirely out of keeping with the existing character of the area, particularly since it will be highly visible from the road in an area where very little development is currently visible along the B976 between Aboyne and Ballater other than the James Jones and Sons sawmill and some traditional dwelling houses;
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- protecting the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site – for the reasons set out above, it is clear that the proposed development could cause significant disturbance to neighbours and other existing users of the local roads, in particular in terms of giving rise to road safety and congestion issues, the likelihood of visitors to the caravan park taking inadvertent trips along access tracks to private homes, and the proposed development causing noise and light pollution for the immediate neighbour;
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The application site is located adjacent to the Dinnet Oakwood Special Area of Conservation (SAC) and is immediately across the B976 from part of the River Dee SAC. Whilst the qualifying feature of the Dinnet Oakwood SAC is the woodland and the habitat that provides, the distribution of typical species within that habitat and protecting those species from disturbance are two of the key conservation objectives which could be undermined by the proposed development if there is any disturbance (including light, noise or water/soil pollution from chemical or other spills) arising from it. Also of concern is the proximity of the site to the River Dee SAC and the potential impact on the qualifying interests of that (otter, freshwater pearl mussel and Atlantic salmon) should there be any contamination of the watercourse from chemical pollutants used on the caravan park (in particular chemicals used in caravan/motorhome toilets and in hot tubs, which will presumably require to be drained frequently, but with no drainage details having been submitted with the application).

The above concerns notwithstanding, the applicant has not carried out a focussed survey of the natural environment of the surrounding area to assess the potential effect of the development on the nearby SACs nor have they submitted a species/habitat protection plan to set out measures to avoid, reduce or mitigate such effects, as required by **Policy 4.6 All development** in all cases where a protected or priority habitat are adjacent to a site. This is particularly so given that given that the LDP specifically highlights that species such as otters and salmon may be disturbed by noise, lighting and activity from development following its construction, with the onus being on the applicant to demonstrate that no such disturbance would arise.

In the absence of the applicant having carried out appropriate surveys and demonstrated that the proposed development would not have a negative impact on either of the SACs or their qualifying interests, the application is contrary to both Policy 4.1 and Policy 4.6 and, applying the **precautionary principle** the application must be refused. The only exception to this would be if there were no alternative solutions and there were imperative reasons of overriding public interest. There are, however, alternative locations for a caravan park that would not pose a risk to the SACs and, whilst recognising that the proposed development may bring some economic benefits, these would not be of a scale that would constitute an overriding public interest. Indeed, as stated above, the proposed development would undermine existing more valuable economic interests. As such, the application again requires to be refused.

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The site is located adjacent to the Dinnet Oakwood SSSI, the citation for which states that it retains the character of a relatively undisturbed semi-natural northern oakwood and is one of the best examples in north-east Scotland. It is therefore crucial that the proposed development has no adverse impact on this, with no assessment of that having been submitted with the application.

In addition, the Dinnet Oakwood National Nature Reserve (NNR) lies adjacent to the application site, with such a designation being given only to Scotland's best wildlife sites to promote their conservation and enjoyment. NNRs contain nationally or internationally important habitats and species, so the wildlife must be managed very carefully and visitor facilities designed and managed to ensure that people can enjoy NNRs without harming or disturbing the wildlife that lives there.

Again, given the proximity of these protected habitats to the application site, **Policy 4.6 All development** requires a focused survey to assess the effect of the development on these, but no such survey has been submitted. As such, and given the potential of the proposed development to have an adverse impact on these neighbouring habitats as a result of increased numbers of people accessing these, the **precautionary principle** again requires to be applied and the application refused accordingly, particularly given that the proposed development would not deliver social, economic or environmental benefits of a scale that would justify it being approved in terms of Policy 4.2.

Finally in terms of Policy 4.2, the application site is of course within the Cairngorms National Park and, for the reasons set out in this statement, it is considered that the proposed development would conflict with the first of the Park's first aim of conserving and enhancing the natural and cultural heritage of the area. As such, the application is again contrary to Policy 4.2 in this regard.

**Policy 4.4 Protected species** is clear that development that would have a significant adverse effect on any European Protected Species will not be permitted unless the developer can demonstrate that there are overriding reasons of public interest, there is no satisfactory alternative and the development will not be determinantal to the maintenance of the population of species concerned, with all of these criteria having to be met. For those species conferred protection by way of other designations, such as the UK Biodiversity Action Plan, any impact will only be permitted if the developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution



of the area of habitat or population of species and significant harm or disturbance is avoided or minimised if unavoidable, and appropriate mitigation and/or management measures provided.

NEBReC has identified a number of protected species living on, or within close proximity (often within 100m) of the application site, including Pipistrelle bats, Osprey, Snipe, West European Hedgehog, Wood Warbler, Brown-spot Pinion, Green-brindled Crescent and Foxy Bolete. Again, in the absence of the applicant having carried out a focussed survey to ensure that the proposed development would not have a negative impact on these species as required by **Policy 4.6 All development** the **precautionary principle** must be applied and, with there being no overriding reasons of public interest that would justify the proposed development and alternative locations available elsewhere as set out above, the application requires to be refused as being contrary to Policy 4.4.

**Policy 5: Landscape** highlights the landscapes of the Cairngorms as being one of the Park's most valuable assets and seeks to ensure that new development conserves and enhances the distinctiveness of those landscapes.

**Policy 5.1 Special landscape qualities** presumes against development that does not conserve or enhance the landscape character and special qualities of the Park and states that development will only be permitted where any significant effects are clearly outweighed by social or economic benefits of national importance; and all adverse effects on the setting of the proposed development have been minimised and mitigated.

The application site is within the Broad Glen with Estates Landscape Character Type which is characterised as having a settlement pattern comprising farm steadings and cottages and large estate houses and castles with predominantly traditional rural buildings. It also has the perception of being easily appreciated from the roads that follow glens and a sense of intrigue as the landscape is revealed gradually. Whilst the Design and Sustainability Statement submitted with the application states that landscaping of the proposed development will be kept to a minimum to maintain the existing character of the site and to mitigate and minimise any adverse effects, the introduction of a caravan park and associated storage facility which would be clearly visible from the road would be completely out of character with the existing landscape character and undermine the area as the gateway to the National Park. As such the application is contrary to Policy 5.1.

**Policy 10: Resources** aims to facilitate development in a way that minimises any negative impacts and promotes positive improvements to the environment, as well as protecting public health.



**Policy 10.1 Water resources** requires that development should, amongst other things:

- not have an adverse impact on existing or private water supplies or wastewater treatment services – in terms of which, the water supply is currently shared by the applicant and the neighbouring property, Fasnadarach, and is sufficient for existing domestic use. It is not clear however from the applicant’s submission if it is adequate to also service the proposed caravan park, which would be equivalent to several additional properties.
- not result in the deterioration of water resources used for amenity or recreation – as stated above, there is the potential for the proposed development to cause pollution and disturbance in and around the river, thereby having an adverse impact on that as a fishing resource;
- avoid unacceptable impacts on the water environment – again as stated above, there is the potential for water pollution, including of the River Dee SAC arising from the use of chemicals by visitors to the site, as well as from grey water disposal.

As such the application does not comply with Policy 10.1.

**Policy 10.2 Flooding** requires that all development should, amongst other things, be free from medium to high risk of flooding from all sources, taking into account predicted impacts of climate change. Whilst the applicant states that the development has no flood risk potential due to its elevated position above the River Dee, SEPA flood mapping shows that the site is at a high risk of surface water flooding. The development therefore does not comply with Policy 10.2 since it had not taken into account risks of flooding from all sources.

**Policy 10.8 Contaminated land** requires an assessment to be undertaken to identify potential impacts both on and off the site, and how remedial action can be implemented on sites affected by contamination. The application involves the redevelopment of agricultural land which may mean that the site is contaminated due to processes and chemicals used for agriculture, but no assessment has been undertaken to demonstrate whether or not that is in fact the case. In the absence of such an assessment having been carried out, the application does not comply with policy 10.8.

### **Other matters**

It is also noted that the application is for 8 pitches, however, the size of the site means that it could easily accommodate more pitches in the future (subject of course to it being possible to provide an adequate water supply). It is accepted that the planning authority must consider the application it has before it but, should the authority be minded to approve the

application, we would request that it is made clear in any consent that this is the limit to the scale of development that will be permitted on the site.

In addition, it is requested that, should the application be considered for approval, appropriate landscaping be required to screen the development from the public road.





# Comments for Planning Application 2021/0035/DET

## Application Summary

Application Number: 2021/0035/DET

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Michael Cuthbert

Address: CANDYCRAIG Dinnet ABOYNE

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the following grounds:

It does not meet a number of statutory aims of the LDP plan 2015 or new proposed 2021 plan. I list some but not all of those concerns below:

- \* Fails to Conserve & Enhance the natural & cultural heritage of the area.
- \* Not an allocated tourism site
- \* Next to B976 an approved Timber Transport route with no pedestrian facilities and significant safety issues.
- \* Not close to any shops requiring additional car journeys for provisions.
- \* The site is adjacent to Dinnet Oakwood an (SAC) and National Nature Reserve, which should enjoy the highest level of protection possible for the protected species living on or near the site. No survey has been undertaken to assess the inevitable disturbance from noise and light pollution and damage that would be done to these sites by the proposed development.
- \* Proximity to the River Dee SAC is a major concern from polluting chemicals from mobile toilets and hot tubs entering the watercourse and impacting salmon and other species in the river or on the river bank.
- \* Fishing tenants on both Deecastle & Dinnet beats will inevitably be negatively effected by visitors to the caravan park wishing to swim/picnic etc on the bank. This is already an issue with significant rubbish left there in periods of good weather.
- \* The plan is currently for 8 pitches but this does not make clear if they are for mobile homes or static homes and could be enlarged in the future.
- \* The site is reliant on a private water source which is potentially unreliable in times of drought.
- \* Overall the proposed development of a caravan park in this location with no landscaping will

have a negative impact on the local area and will provide no obvious economic benefit to Dinnet village, Cairngorms National Park or local inhabitants.

# Comments for Planning Application 2021/0035/DET

## Application Summary

Application Number: 2021/0035/DET

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Stephanie Wade

## Customer Details

Name: Mr SEAN STEWART

Address: Burnside, Dinnet Dinnet Dinnet

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir / Madame

With regards to the above please find enclosed our notice of objections as detailed below.

- 1: There are already 3 number large Caravan sites all which are within 15 minutes of this site .
- 2: Effluent water and Fowel waste and Drainage thereof from site is compromised due to the water supply to this whole area which quite often dries up . Therefore this becomes a health abd safety issue / hazard regardless how many occupants and attendants there are on site .
- 3: The area and its access is on a very busy timber log supply route. The site is noted to be situated on a bend on the road which in itself could be a road and traffic hazard .
- 4: The river adjacent to the site is part of the river Dee fishing trust and Glen Tanar fishing beats . Last year there were a rediculous amount of people whom arrived along the riverbanks which initself has many safety implications .  
If these numbers increase, tge chances of a collapsed river bank become an increasing hazard. Also litter and refuse becomes a huge problem as it has already been over the past year .
- 5: The adjacent forest is one of the oldest naturally preserved oak forests in royal Deeside . The wellbeing and preservation of this forest becomes totally compromised.

# Comments for Planning Application 2021/0035/DET

## Application Summary

Application Number: 2021/0035/DET

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Simon Hicks

Address: The Manse Firmouth Road Dinnet by Aboyne

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed change of land use at Old Hall is not recognised as either preferred or alternative areas for Economic Development within the LDP for 2015 / 2020. The (draft) 2020 LDP implies that the area under consideration is "protected open space". The Authority may wish to contemplate whether it's appropriate to consider development outwith the LDP, noting that the LDP provides the opportunity for the public to engage with the Authority on economic developments within The Park.

Notwithstanding, the following observations are made:

Dinnet Oakwood National Nature Reserve. The proposed development borders directly with the Oakwood, one of the few remaining oak woods in the N.E. Scotland. The wood remains undisturbed to allow the natural woodland cycle to develop. A scientific assessment should be carried out "to ensure that the quality of the surrounding woodland and sensitive valuable habitats is not compromised".

B976 / B9158 Burnroot Sawmill to Dinnet Road Access. Addressing issues with access to the Sawmill, upgrade to the section of road was funded by the Strategic Timber Transport Scheme, Forestry Commission Scotland and Aberdeenshire Council. The B976 / B9158 junction at Dinnet Bridge remains a bottle-neck requiring single heavy vehicle passage across the Bridge. Caravan traffic would hinder free-flow of heavy traffic to & from Brnroot.

River Dee Fishings. The proposed new access to Old Hall Caravan Park is immediately opposite the Glen Tanar, Sandy Bay Fishing Hut. This is a long established congregation venue for guests of both the Glen Tanar & Dinnet Fishings. It is noted that the site of the proposed caravan park is also visible from the Dinnet Fishings, on the opposite North bank. Visiting fishers provide significant economic contribution throughout the local area.

Due consideration needs to be given to possible negative economic impact to existing, established revenue sources.

# Comments for Planning Application APP/2021/0157

## Application Summary

Application Number: APP/2021/0157

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: This application has been called-in by the Cairngorms National Park Authority. Please visit <http://cairngorms.co.uk/park-authority/planning/> | cr | Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Graham Hannaford

## Customer Details

Name: Miss Theresa Dockery

Address: 107 Menzies Road Flat F (Top Right) Aberdeen AB11 9AL

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this planning application on the grounds that the proposed development lies immediately adjacent to two designated sites of international importance: Dinnet Oakwood National Nature Reserve/Special Area of Conservation/Site of Special Scientific Interest and River Dee Special Area of Conservation, both of which lie within the boundaries of the Cairngorms National Park.

Dinnet Oakwood supports numerous rare and protected species, many of which are highly sensitive to human disturbance. The River Dee is of international importance to Otter (*Lutra lutra*) as resting, dispersal, foraging, and breeding habitat.

The type and scale of the development are completely inappropriate for the location. The proposed development (a tourist attraction) will result in greatly increased levels of human disturbance including increased noise levels, increased light pollution, increased human and dog presence, increased footfall/trampling of sensitive ground flora, increased dog fouling, and increased littering. The proposed development will create continuous levels of human disturbance which are not limited to the construction phase. Frequent issues with tourist overcrowding, littering and fire-starting already exist at nearby Muir of Dinnet National Nature Reserve (see Muir of Dinnet NNR facebook page for examples).

The trees which 'screen' the proposed development are incapable of reducing noise pollution to any meaningful level: I can confirm that noise currently generated by visitors to fishing huts along the River Dee (late night music/shouting) can be heard through the woodland to a distance of at least 300m. This proposed development is even closer to the woodland and has the potential to

create even higher levels of human noise and disturbance.

Otter (European Protected Species):

The proposed development is less than 25m away from the River Dee and is likely to generate high levels of human disturbance/noise/light pollution during Otter activity periods (late evening/night). The caravan site is likely to have high levels of human activity outwith 'daylight hours' and visitors may wish to bring dogs down to the river: this is likely to deter otters from using this stretch of the river for foraging and/or breeding. Increased road traffic will increase collision risks for otters (only last year, we found a dead otter cub along the A93 between Dinnet and Aboyne). In addition, the proposed development is likely to increase the risk of dog attacks on otter cubs.

Goshawk (Schedule 1, Wildlife and Countryside Act 1981):

Goshawk are known to forage (and potentially breed) within Dinnet Oakwood (evidence can be supplied on request). This species is highly sensitive to disturbance both when foraging and especially when breeding. Increased disturbance levels are likely to have a negative impact on goshawk hunting success and are likely to deter any future breeding attempts within Dinnet Oakwood.

Pine Marten (Schedule 5, Wildlife and Countryside Act 1981):

Pine Marten are known to forage and/or breed within Dinnet Oakwood (evidence can be supplied on request). Increased human presence has the potential to deter any future breeding attempts.

Wildcat (European Protected Species):

Wildcat are known to forage and/or breed within Dinnet Oakwood (evidence can be supplied on request). Increased human disturbance (including dogs off leashes) are likely to greatly reduce the suitability of habitats on site for Wildcat breeding attempts.

Dinnet Oakwood is, at present, a largely undisturbed woodland, with few human visitors and a near total absence of littering, dog fouling, and camp-fires. This is uniquely rare for a woodland which is situated so close to human settlements.

I strongly believe that Dinnet Oakwood should be preserved in this undisturbed state: it is a true 'hidden gem' inhabited by a range of iconic Scottish animals including Wildcat, Goshawk, Pine Marten, Red Squirrel, Badger, and Red Deer (evidence can be supplied on request). It possesses a diverse ground flora of characteristic 'Western Oakwood' species such as Stone Bramble, Intermediate Wintergreen, Oak Fern, Wood Cow-wheat, and a rich array of bryophytes and lichens. Dinnet Oakwood supports a species-rich insect assemblage (including the Nationally Scarce moths: Sword-grass and Angle-striped Sallow).

Since the development is likely to have a significant adverse effect on two internationally important designated sites, a Habitats Regulations Appraisal (HRA) should apply.



# Comments for Planning Application APP/2021/0157

## Application Summary

Application Number: APP/2021/0157

Address: Land Adjacent To Old Hall Dinnet Bridge Dinnet Aboyne Aberdeenshire AB34 5PJ

Proposal: Change of Use of Agricultural Land to Form Caravan Park Erection of Storage Shed and Installation of Decking and Hot Tubs and Formation of Access

Case Officer: Graham Hannaford

## Customer Details

Name: Mr William Inglis

Address: Dinnet and Kinord Estate Office Dinnet Aboyne AB34 5LL

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dinnet and Kinord Estate (D&K) is situated on the north side of the River Dee and is an immediate neighbour to the proposed development. Whilst D&K acknowledges the need for appropriately located motorhome and caravan parking facilities within the National Park, D&K believes that this proposal is incorrectly sited and it does not fit in with the local planned infrastructure. The specific grounds for objection are as follows:

1. There is no infrastructure linking the site to Dinnet Village, the Deeside Way and Loch Kinord to the north. This means there is no connection to local services in Dinnet Village (such as Loch Kinord Hotel). This will inevitably mean increased traffic on the B9158 with associated noise and air quality impacts.
2. In support of the objection by James Jones, the B9158 is a busy route used by large lorries servicing the sawmill 2 miles down the River Dee. It would be extremely dangerous to allow people who do not know the area to walk or cycle along this route where there is no footpath or cycleway. Furthermore, drivers unfamiliar with the area might not expect large lorries to be operating along this short stretch of the South Deeside Road.
3. D&K is concerned that this site and proposal does not form part of the Local Development Plan: there has been no consultation with the local community and no chance to follow up with any integrated infrastructure planning. Whilst it is acknowledged that the Cairngorms National Park Authority supports enhanced facilities for tourists in principle, this site is not considered to be a suitable location and there has been no opportunity to discuss this with the applicant. There are other sites that are better located to meet the Authority's aims and aspirations more readily than Old Hall.



4. The planned drainage of the area is a serious concern. As the subsoil is made up of sand and gravel, there is a chance that the seepage will run into the River Dee. As a Special Area of Conservation, every effort must be made to preserve the water quality of the River. Furthermore, there must be protection against surface water run-off from polluting the River. The recent example of Storm Frank in January 2016 shows how high the river can rise and how water flow can be highly concentrated.