

# **AGENDA ITEM 6**

## **APPENDIX 2A**

**2020/0119/DET**

**REPRESENTATIONS  
GENERAL**

# Comments for Planning Application 20/00521/APP

## Application Summary

Application Number: 20/00521/APP

Address: Land 440M West Of Grant Cottage Glenlivet Ballindalloch Moray

Proposal: Proposed new Tasting Lodge with associated boundary fence and access track at

Case Officer: Craig Wilson

## Customer Details

Name: Mr Sam Robinson

Address: Cairngorms Astronomy Group Roadside Cottage Tomnavoulin Ballindalloch

## Comment Details

Commenter Type: Civic Group

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Affecting natural environment

Comment: Planning Application 20/00521/APP

This proposal lies within the newly accredited Tomintoul and Glenlivet - Cairngorms International Dark Sky Park.

Both planning authorities (Moray Council and the Cairngorms National Park Authority) were partners to, and supported the application to the International Dark Skies Association in July 2018. In that application they undertook to apply the Dark Sky Park External Lighting Management Plan when considering new planning applications within the Dark Sky Park.

Because the proposed Bothy is in the most sensitive part of the Dark Sky Park (E0-0 zone), the developer has taken steps to meet the requirements of the Lighting Management Plan by ensuring that:

1. There is no external lighting. (LMP page 39, table 3.3).
2. Light spill at the boundary of the property will not exceed 0.05 lux (LMP Plan Statement Number 5, page 29).

In order to preserve Dark Sky Park status with the International Dark Skies Association, planning permission should be contingent on the above two guidelines continuing to be met in future.

A copy of the Dark Sky Park External Lighting Management Plan can be viewed at

[https://www.cairngormsdarkskypark.org/wp-content/uploads/2018/11/01\\_LMP\\_Composite\\_v4\\_43.pdf](https://www.cairngormsdarkskypark.org/wp-content/uploads/2018/11/01_LMP_Composite_v4_43.pdf)

It is encouraging to see that an enclosed night sky viewing area for the adjacent Dark Sky Discovery Site has been included in the application. This should mitigate any nuisance that might have been caused to star gazers by vehicles passing the Discovery Site on their way up to the Bothy after dark.

27 MAY 2020

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MANAGER DEVELOPMENT

MANAGEMENT & BUILDING STENOAL  
B

Sw/ Meadows

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APP 20/00325/APP +  
20/00557/APP + 20/00555/APP +  
20/00521/APP + 20/00442 APP + 20/  
00551/LBC + 20/00062/APP + 20/530/  
APP + 20/00492/APP + 20/00565/APP  
20/00564/APP + 20/00575/AMC &  
20/00239/APP + 20/00239/APP

PLEASE ENSURE THAT ON EACH  
SITE WHEN PLANNING PERMISSION  
IS GRANTED FULL PROTECTION  
IS GIVEN TO WILDLIFE FROM  
& FAUNA INCLUDING MOLES  
NO DISTURBANCE OR NESTING  
BIRDS

BUMBLE & HONEYBEES AT  
RISK DO WHAT CAN BE DONE

2

TO PROTECT THOSE PLANTS  
WHO PRODUCE TREES.

REMEMBER ALSO HERONS

LANDSCAPING TO PRODUCE  
BUTTERFLIES MOths & SPIDERS

Yours faithfully

Joe Allen

STAY SAFE STAY WELL

Adam  
Dalton

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From: Adam Dalton  
Sent: 8 May 2020 18:16:11 +0100  
To: DC-General Enquiries  
Subject: Proposed "Tasting Bothy" in Tomintoul and Glenlivet IDSP

Good Afternoon,

I hope all is as well as is possible in Scotland in these unique and uncertain times. For those of you who are not familiar with me, my name is Adam Dalton and I am the Dark Sky Places Program Manager and the International Dark Sky Association. I am writing to you as the issue of a proposed "tasting bothy" in the Tomintoul and Glenlivet IDSP's E0-zone has recently been brought to my attention. From IDA's perspective, the proposed project could present a potential cause for concern regarding the Park's IDSP designation; IDA takes such matters with the utmost of seriousness.

After conducting a thorough review of the proposed designs [see attached] with respect to the IDSP's adopted lighting management plan and British Health and Safety standards, I have found the following:

Within your IDSP's Lighting Policies on [Page #25](#) of the Tomintoul and Glenlivet application under section 5.1 it states:

6. Any new or existing lighting within the E0-0<sup>1</sup> Zone shown in the illustration below should be "Fully Cut-Off" (Fully Shielded (IDA term)) regardless of light source lumen output.

Note the use of the term "new", which indicates that new lighting may potentially be allowed in the E0 Zone. However, on Appendix page #28 this table appears....

Table 2.2 Stray light control recommendations in Typical E0 Zone

Night Time Environmental Zone	Sky Glow Upward Light Ratio %	Light Intrusion (into windows) E <sub>vertical</sub> (lux)		Source Intensity I (cd)		Maximum Luminance L (cd/m <sup>2</sup> ) Pre & Post -10pm	Assessment Point Illuminance Ev or Eh (lux)
		Pre-10pm	Post-10pm	Pre-10pm	Post-10pm		
E0-0	<b>No New External Lighting Units Permitted</b> (excluding the need for red filtered navigation / marker lights)						

Essentially, it appears that new lights **are allowed** insofar as they are red-filtered navigation/marker lights. Therefore, based on your adopted plan, if the proposed outdoor lighting is red-filtered it **would comply with the Park's LMP**. Otherwise, it appears that via the adopted plan that lighting does not allow any new lighting in the E0 zone.

However, upon further investigation of UK compulsory Health and Safety Law I've found the following information:

*"In order to assist dispersal to a place of safety, the external areas in the immediate vicinity of final exits should be illuminated in accordance with the illumination level for escape routes, given in EN 1838 (BS 5266-7) of not less than 1 Lux"*

**Table 2.2 Stray light control recommendations in Typical E0 Zone**

Night Time Environmental Zone	Sky Glow Upward Light Ratio %	Light Intrusion (into windows) $E_{vertical}$ (lux)		Source Intensity $I$ (cd)		Maximum Luminance $L$ (cd/m <sup>2</sup> )	Assessment Point Illuminance
		Pre-10pm	Post-10pm	Pre-10pm	Post-10pm	Pre & Post -10pm	Ev or Eh (lux)
E0-0	<b>No New External Lighting Units Permitted</b> (excluding the need for red filtered navigation / marker lights)						
E0-25	0	0	0	0*	0*	0	0.25
E0-50	0	0	0	0**	0**	0	0.10

Therefore, the adopted LMP for the E0 zone [see above] and the UK Compulsory Health and Safety Laws appear to only be compatible if: **lighting that is installed is to be no more than the required 1 lux, is to red-filtered, and is only to be installed at the structure's final exit.**

Finally, the proposed Bothy's position above the Dark Sky Discovery Site could allow for light trespass and impact if the building's panoramic window faces the Site.



Given the findings that if the currently-proposed Bothy is approved the certified IDSP is **potentially failing to uphold its adopted lighting management plan** I see three potential options forward:

1. Build the Bothy in an alternate location, not within the IDSP's designated E0 zone.
2. Continue to build the Bothy as planned, but change the exterior light to be red and of no more than the required 1 lux. Furthermore, take into account the impact that the structure may have on the Park's nighttime environment [i.e. considering the orientation of the window and minimizing impacts on the IDSP's Dark Sky Discovery Site by orienting it away from the site and/or utilizing blinds at night].

3. Continue to build the Bothy as planned with no alterations and potentially put the Park's IDSP status at risk.

I appreciate your understanding in this matter and please let me know if you would like to meet regarding this issue. I am happy to conduct a call or video conference at whatever time/date is most convenient for you. Thank you again and have a great afternoon.

Best,

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**Adam M. Dalton** | [Dark Sky Places Program Manager](#)  
[International Dark-Sky Association](#)

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Photo: The Milky Way above Black Canyon of the Gunnison National Park, Colorado, U.S. Image by Bettymaya Foott

*IDA stands with our global dark sky community during this difficult time. [Learn how we're responding to the COVID-19 pandemic.](#)*

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