

## CAIRNGORMS NATIONAL PARK AUTHORITY

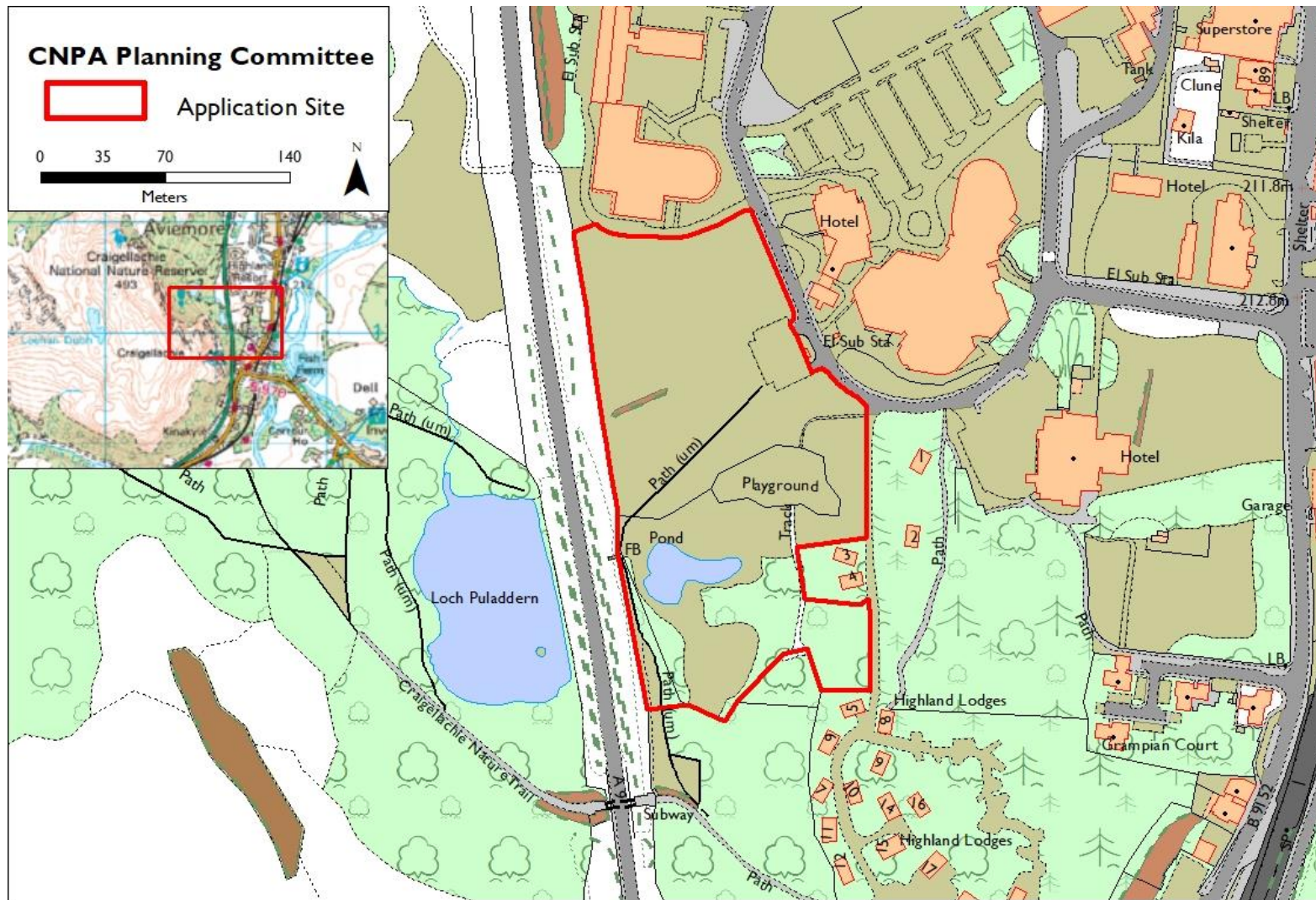
---

### **DEVELOPMENT PROPOSED:**

Change of use of land for siting of 25 lodges, access road, landscaping at site of dry ski slope, Grampian Road, Aviemore, Highland

**REFERENCE:** 2023/0004/DET  
**APPLICANT:** MacDonald Resorts Ltd  
**DATE CALLED-IN:** 9 January 2023  
**RECOMMENDATION:** Approve Subject to Conditions and a Developer Obligation  
**CASE OFFICER:** Gavin Miles, Head of Strategic Planning

---



© Crown copyright and database rights 2024. Ordnance Survey Licence number 100040965

## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site is located within the grounds of the Aviemore Highland Resort, and to the rear of the Strathspey Hotel. The site is bounded by the A9 road to the west and B9152 and Aviemore town centre to the south. The site covers an area of approximately 3.2 hectares. There is native woodland in the north and south of the site and along the western and eastern boundaries, which are covered by a Tree Preservation Order. The woodland on the southern east boundary of the site is classed as Ancient Woodland.
  
2. The remainder of the site is characterised by an area of flat and undulating grassland in the centre of the site, with a car park and a play park. The north part of the site has a knoll with scattered trees and once held a dry ski slope. Its northern boundary slopes down to a service road running around the resort swimming pool buildings. The southern section of the site is undulating in nature, with a man-made ponds located in the south west corner and some sheds/ bird hides to their east. The site is accessed from Grampian Road and then via the network of existing access roads within the resort boundary. The site is crossed by numerous informal paths, a core path and a section of the Aviemore orbital path.
  
3. Under the planning hierarchy, this application is classified as a major development.

### **Proposal**

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNYMOISIOBY00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>PLANS</b>			
Plan - Location Plan	10141 PL001 REVB	2/12/2022	26/10/23
Plan - Site Plan	10141 PL002 REVE	02/12/2022	26/10/2023
Plan - Landscape Plan	10141 PL005 REVA	23/10/2023	26/10/2023

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 5**

Plan - Landscape Plan	10141 PL006 REVA	23/10/2023	26/10/2023
Plan – Drainage Strategy /Test Hole Locataion	GMC23-1002	Jan 23	16/10/2023
Plan - Floor Elevation Plan (Lodge Type 1)	10141PL002	01/01/2021	05/01/2023
Plan - Floor Elevation Plan (Lodge Type 2)	10141PL004	01/01/2021	05/01/2023
Plan - Floor Elevation Plan (Disabled Lodge 2D)	10141 PL005	0/101/2021	25/01/2023
Plan - Tree Constraints Plan 1	100186017	06/07/2022	05/01/2023
Plan- Tree Constraints Plan 2	100186018	06/07/2022	05/01/2023
Plan - Indicative Access Arrangements and Visibility Splays.	22103 002 REVA	23/01/2023	10/02/2023
<b>Supporting Information</b>			
Other - Design and Access Statement	100186004	01/12/2022	05/01/2023
Other - Pre- Application Consultation Report	100186010	01/12/2022	05/01/2023
Other - Supporting Statement	100186014	01/11/2022	05/01/2023
Other - Topographical Study	100186015		05/01/2023
Other - Transport Statement	100186016	01/12/2022	05/01/2023
Arboricultural Impact Assessment		24/04/2023	26/10/2023
Flood Statement		15/08/2023	25/8/2023
Other – Drainage Impact Assessment		29/01/2023	16/10/2023
Other - Data Schedule	100186003		05/01/2023
Outdoor Access Plan		24/10/2023	26/20/2023
Other - Preliminary Ecological Appraisal	100186803	30/05/2022	05/01/2023
Other - Hotel Weekday Multi- Modal	100187049	01/07/2021	25/02/2023

---

\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month

5. It is proposed to develop 25 holiday lodges, an access road and landscaping. The lodges will be chalet type buildings, with pitched roofs, and of a contemporary design with dark timber cladding. The lodges will be two storey with 3 bedrooms, en-suite bathrooms and open plan living / dining / kitchen accommodation. Two of the units are explicitly designed to be accessible for wheelchair users on their ground level and all the units have a bedroom and toilet/bathroom on their ground level. The lodges will incorporate vertical larch cladding with double glazed windows and doors, glass balconies and timber terraces. The lodges will be constructed using flat panel, timber framing on a flat base, with timber pilings and ground screw foundations to minimise disturbance to the ground and neighbouring tree root systems.
6. The proposed development will include an 5m wide access road, which will serve the new lodges and link them to the wider resort. Parking will be located adjacent to the access track for each lodge, and all new roads, footpaths and parking areas will be constructed using locally sourced crushed aggregate. There is landscaping proposed throughout the site, providing areas of green space that will complement the setting of the development.
7. Plans of the proposal are attached as **Appendix 1**.

## History

8. The application site has a historic use as a former dry ski slope facility, and amenity space or temporary event space beside the main resort buildings.. Within the wider MacDonald Highland Resort there are several applications running concurrently to this application which are outlined below:
  - a) 2023/0030/PPP – Planning permission in principle for the residential development, staff accommodation and infrastructure. Application submitted 19/12/2022, and currently under consideration by the CNPA.
  - b) 2022/0328/PPP – Planning permission in principle for the erection of holiday apartments at land west of Cairngorm Hotel. Application submitted on 03/10/2022 and currently under consideration by the CNPA.
  - c) 2022/0241/DET – Alteration and extension to MacDonald Aviemore Hotel. Application submitted 13/07/2022 and currently under consideration by the CNPA.
9. As required for major developments, a Proposal of Application Notice, for this application proposal was submitted to and reported to CNPA Committee under reference: PRE/2022/0014.

## Habitats Regulations Appraisal

10. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites, as listed within the document attached as **Appendix 2**. The sites potentially affected are the:
- a) Kinveachy Forest Special Protection Area [SPA]
  - b) River Spey – Insh Marshes Special Protection Area.
11. The HRA concludes that the proposal will not have an adverse impact on site integrity of the Kinveachy Forest SPA as the conservation objectives can be met. Regarding the River Spey-Inch Marshes SPA, the Assessment confirms that there will not be an adverse impact on site integrity subject to the inclusion of a planning condition requiring the development to be constructed outwith the active osprey season together with the agreement of a species protection plan.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	
POLICY 3	Biodiversity	
POLICY 4	Natural Heritage	
POLICY 6	Forestry, Woodland, and Trees	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 18	Infrastructure first	
POLICY 21	Play, Recreation and Sport	
POLICY 22	Flood Risk and Water Management	
POLICY 30	Tourism	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 - 2027	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	DESIGN AND PLACEMAKING.	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>

POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS.	X

12. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

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

13. Within the Cairngorms National Park Local Development Plan 2021, the site forms part of a wider allocated area for 'mixed use', under allocation Aviemore- M1. The Aviemore Highland Resort is a large site in the centre of Aviemore. It currently has a range of different uses including hotels and holiday accommodation, retail, recreation, and housing and has undergone significant development to create the resort it is today. The allocation offers an opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation, and employment spaces.

## **Planning Guidance**

14. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	Housing Supplementary Guidance.	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Design and Placemaking Non Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	

Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

15. **Scottish Water** have not objected to the proposed development but suggest the applicant completes a Pre-Development Enquiry form ensuring that the development can be serviced and contacts Scottish Water regarding the proposed drainage plan. They confirm that the development would be fed from Aviemore Water Treatment Works, although capacity will have to be reviewed once permission is granted for the scheme.
  
16. According to existing records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction Surface water.
  
17. **Transport Scotland** have no objection to the proposals subject to conditions requiring the details of drainage and boundary treatments along the boundary with the A9 and the compulsory purchase order boundaries and servitudes for the dualled A9 being submitted to the planning authority and approved in writing in consultation with Transport Scotland.
  
18. **Highland Council Contaminated Land Team** have stated that, having checked their database, historical Ordnance Survey maps and aerial photos, there does not appear to be a potential source of contamination at the development site. Therefore, no further information is required.
  
19. **Highland Council Transport Planning Team** had no objection to the site layout with or dimensions of roads but noted that footpaths connecting lodges to car parking should be 1.5m wide to comply with DDA guidance. The team require that each lodge has three car parking spaces so identify a shortfall (that would be 20 spaces under the most recent layout) that they would be willing to accept an index-linked developer contribution to address the shortfall and would be used to install car counting sensors on Grampian Road to monitor and manage congestion. They recommend a condition for secure and covered cycle parking to be incorporated as part of the development and made comments on the alignment and finish of the core



path, which the developer has since addressed. The Transport Planning Team object to the development on the basis that the full impact of traffic on the B9152 (Grampian Road) had not been satisfactorily quantified.

20. **Highland Council Flood Risk Management Team** removed an initial objection following the submission of a revised Drainage information assessment and are satisfied that the site should have sufficient drainage capacity for the proposed surface water drainage, all subject to the inclusion of conditions that prevent ground raising to facilitate construction of a SUDS pond; that roads and paths constructed do not prevent drainage of surface water naturally reaching low points within the site; the submission of a finalised Drainage Impact Assessment and associated calculations; and that a drawing is provided to evidence that finished floor levels of buildings are all 300mm above ground levels or 600mm above ground level for cabins beside the surface water risk areas.
21. **CNPA Landscape Officer** is satisfied that the site has capacity for the proposed development and that the principles of the landscape information provided are acceptable, but requires that further detail on the landscaping proposals, including further detail on trees that will be lost to the development and appropriate compensatory planting are secured for approval through condition.
22. **CNPA Ecology Officer** is satisfied that the proposal will not have any significant adverse ecological impacts on the site and surrounding area. The development avoids trees within the defined ancient woodland area to the south east of the site, though any trees that would be affected are covered by a site-wide tree preservation order and would require to have appropriate compensatory planting.
23. In terms of protected species, the submitted ecological surveys have identified signs of otter and badger within the development site, but no resting sites were found. It is recommended that a condition is included that pre-construction surveys for badger, otter, red squirrel are undertaken prior to works commencing on site. The checks should be undertaken by a suitably experienced ecologist and follow NatureScot standing advice. A preliminary bat roost assessment did not identify any bat roosts, but the provision of bat boxes on buildings would provide potential bat roosts and there would continue to be good bat foraging habitat available once the development was operational. The site has the potential to support a small population of reptiles, and, therefore, a condition is recommended that pre-construction checks for reptiles should be undertaken prior to vegetation removal or ground works, from April / October. Any suitable hibernacula should be checked by an experienced ecologist before works commence during winter months

24. The site is suitable to support breeding birds, and Osprey, a Schedule 1 protected species, is known to feed at the fish-stocked pond within the site. Ospreys are well known to become habituated to the presence of people unless near their nesting sites and Ospreys fishing at the pond will have been used to the presence of children in the nearby play area and many people walking, including with dogs on the paths around the pond. A condition is recommended that works should be scheduled to commence out with the breeding bird season. If works commence during this period, nesting bird checks should be undertaken by a suitably experienced ecologists within 24 to 48 hours of works commencing.
25. There are two man-made lochans within the site boundary. However, the site plan shows that no development will occur within the high water level areas of the lochans. There could be an impact on the water environment in the event of a pollution incident. Therefore, a condition is recommended that a Pollution Prevention Plan is submitted prior to works commencing on site.
26. There are opportunities to enhance the biodiversity of the site with additional woodland planting, creation of species-rich meadow areas and the inclusion of bat and bird boxes on the new buildings.
27. **Highland Council Forestry Officer** has objected because the information on impacts on trees (that are all covered by tree preservation orders) is inadequate and information on mitigation planting to address loss of trees therefore also inaccurate. They also note a series of potential conflicts between tree protection measures and root protection zones with the footprint of lodge or services.
28. **CNPA Outdoor Access Team** have stated that an Outdoor Access Plan must be submitted for approval, to ensure that local access rights are being upheld and that the adjacent core path / right of way is protected and enhanced.
29. **Aviemore and Vicinity Community Council** have objected to the application on the following grounds: (full copy available to view at **Appendix 3**)
  - a) The proposed development will result in an increase in vehicle traffic and will have an adverse impact on the local infrastructure.
  - b) The proposals will result in a loss of green space and a high-quality play park.
  - c) The pond that is located on site is used by ospreys for fishing. The new holiday lodges will have an impact on the ospreys and other protected species that may use the site.
  - d) The siting of the proposed lodges adjacent to the core path that runs through the site will raise the potential for conflict between path users and visitors.

- e) As a result of the proposed development, there will be the potential for an impact on the existing woodland.
- f) The proposed two storey lodges will detract from the views to and from the Craigellachie National Nature Reserve.

## REPRESENTATIONS

30. There have been 10 letters of representation submitted as a result of this application. Copies of the public responses can be viewed in **Appendix 4**. The main points are summarised as follows:

- a) There is a lack of greenspace proposed for the site.
- b) The proposal development will lead to an increase in traffic congestion on Grampian Road.
- c) The proposals will result in a loss of green space and a children's playpark.
- d) There are no staff in Aviemore to maintain the additional lodges, and no staff accommodation available locally.
- e) The proposals will lead to the overdevelopment of Aviemore with tourist accommodation.
- f) The proposed development will have an adverse impact on the ospreys that feed on site, thus reducing biodiversity locally. The current stocking of the pond with fish may also provide food for otter.
- g) The development would affect the existing business that stocks the pond with fish to encourage osprey to visit.
- h) The wider site has rabbits which badger and otter will eat and worms which badger eat and will have amphibians that could be killed on roads or trapped in infrastructure.
- i) The proposed development is too domineering in design, and insensitive to the character of the surrounding area.
- j) There are lodges proposed very close to the core path, which will detract from the high quality that users currently experience and will change the character of the Aviemore orbital path.
- k) The proposed access road will detract from the natural character of the existing woodland paths.
- l) The landscaping proposals are inadequate
- m) The proposed development will lead to a large increase in visitor numbers and disturbance which will impact negatively on the nearby woodlands that support capercaillie.

## APPRAISAL

31. The main planning considerations are considered to be the principle of development; the impact upon the landscape; environmental impacts layout, siting, design and amenity; and servicing and access.

## Principle of Development

32. Aviemore plays a key role as an employment and service centre for the wider Badenoch and Strathspey area. Local Plan policy supports opportunities which will increase Aviemore's attractiveness as a tourist and recreation destination. The Aviemore Highland Resort is a large site in the centre of Aviemore, which has been allocated for mixed uses in the Cairngorms National Park Authority Local Development Plan 2021 through M1: Aviemore Highland Resort. It currently has a range of different uses including hotels and holiday accommodation, retail, recreation and housing, and over the years has undergone significant development. The allocation in the Local Development Plan offers opportunity for the enhancement and diversification of the current uses, including the provision of additional housing, retail, recreation and employment spaces.
33. **Policy 30: Tourism** (paragraph a) of National Planning Framework 4 (NPF4) provides clear support for new or extended tourist facilities and accommodation.
34. **Policy 2.2: Tourist Accommodation** of the Cairngorms National Park Local Development Plan 2021 supports tourist related accommodation where it contributes to the provision of a wide range of visitor accommodation options, supports a year round economy and does not have adverse environmental or amenity impacts on the site or neighbouring areas.
35. In this instance, the proposals would result in the creation of 25 additional lodges at the MacDonald Aviemore Highland Resort and supplement the existing accommodation on the site. The proposed development will introduce additional tourist accommodation in a location which is likely to be able to support such provision given the high number of visitors to this area. The proposal would generate construction employment opportunities, and in the longer term permanent employment for a small number of staff to service the units. This in turn will support the vitality and viability of the local economy and support the year round economy.
36. Given the above it is considered that the principle of the development accords with Policy 30: Tourism of NPF4 and Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021 subject to compliance with other relevant Development Plan policies.

## Landscape Impacts

37. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development that does not conserve and enhance the

landscape character and special qualities of the National Park and in particular the setting of the proposed development.

38. The site has capacity for further development and with appropriate woodland and tree planting will extend the wooded character of the site, albeit with lodges as part of the area. The dark cladding of the lodges and dark roofs will reduce their immediate impact and they will be located on the existing landform of the site so will reflect that topography. Over time, additional tree planting will help the lodges blend into the landform. Most views to the site are currently dominated by the crags of Craigellachie and the wooded slopes beyond the A9 and this sense of the site sitting beneath Craigellachie will continue once the development is completed. The site would continue to contrast with the main resort buildings to the northeast of the site with their white rendered finishes and greater size.
39. There are two elements of the application where information is inadequate at this stage. Firstly, while the development has provided tree constraints plans, an arboricultural assessment and tree protection information, this is insufficiently detailed in the vicinity of the three most southerly lodges where a number of additional trees would be lost under the proposals. Those trees are outside the ancient woodland inventory area, and new and additional woodland planting could mitigate their loss both in biodiversity and landscape terms, but would require to be identified and quantified prior to development in order that the necessary tree planting is incorporated in landscape proposals for the site. Secondly, the landscaping proposals with the application follow some sensible principles but require to be significantly more detailed, reflect the required mitigation planting from trees lost, and to included detail on appropriate tree species for different locations, and all matters relating to the seeding and management of areas. These matters can be secured through appropriate condition.
40. Subject to inclusion of appropriate conditions, the proposals are considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

## **Environmental Impacts**

41. **Policy 3: Biodiversity** and **Policy 4: Natural Heritage** of NPF4 along with **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 all seek to ensure that biodiversity is enhanced and better connected and that natural assets are managed in a sustainable way for their essential benefits.
42. Much of the site is already relatively intensely used by people and therefore subject to disturbance that mobile species will either tolerate or will avoid at times. Most of the ground within the site where development is proposed has

been modified through past engineering works and historic management that includes intensive mowing of many grassland areas. The pond areas to the south end of the site are man-made and are stocked with fish by a tenant of the landowner to attract osprey to the site.

43. While osprey are a protected species and associated with nearby protected sites, they do not nest in the vicinity of the site and their feeding at this site is managed. If for any reason the fish-stocking of the ponds ceases, osprey would be unlikely to visit once the fish stocks are exhausted but this would not affect the distribution or range of osprey within the wider area where they have multiple natural food sources. If the pond were to continue to be stocked with fish, osprey would probably continue to feed there once the development was completed, and very likely during much of the construction activity.
44. The habitats regulations appraisal (HRA) for the application undertaken by the CNPA concludes that subject to a condition ensure development is commenced outside the active osprey season of March to September and the submission of a Species Protection Plan with measures to minimise disturbance to osprey throughout construction, there will be no significant disturbance to the species and the population of osprey will be unaffected, so there will not be an adverse effect on the site integrity of sites protected for osprey.
45. Some trees will be lost to the development but there is an opportunity to provide significantly more tree planting across the site and for woodland and grassland habitats, along with the pond and wetland areas to be managed for biodiversity gain. The lodges themselves have appropriate bird and bat boxes installed to provide roosting and nesting sites. These matters can be addressed through suspensive conditions. Finally, a construction method statement that demonstrates how impacts on protected trees will be avoided during the construction of lodges and services and how pollution prevention measures will avoid harm to the water environment on the site can also be secured through a suspensive condition.
46. Subject to appropriate conditions, the proposal is considered to comply with Policy 3: Biodiversity and Policy 4: Natural Heritage of NPF4 as well as Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

### **Layout, Siting, Design and Amenity and Outdoor Access**

47. **Policy 14: Design, quality and place** of NPF4 and **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021

require that developments are consistent with the six qualities of successful places.

48. The lodges are contemporary in their design and will be finished in materials to complement their setting, incorporating timber cladding and glazed balconies. The proposed development will sit sympathetically within its landscape setting and the lodges will be located a sufficient distance from adjacent properties that will not introduce issues of overlooking, loss of privacy. The lodges will not detract from the character of the woodland and surrounding area and will not result in a loss of amenity for the existing lodges on site. Furthermore, given the proposed height of the lodges, local views will not be compromised. The proposed method of construction of the lodges, with timber-clad, highly insulated buildings minimises the carbon footprint and should create energy efficient buildings. Two of the units are explicitly designed to be accessible for wheelchair users.
49. The permeable nature of the development will mean that people will be able to move across the entire area more effectively than is currently the case, where fencing currently isolates the play area and ground nearer the ponds. Shared use roads limit traffic speeds and the outdoor access plan submitted with the application upgrades the core path route through the site towards Craigellachie NNR and its path network. The Aviemore Orbital path shares some of that core path, but will become less clearly defined in the section that runs north from the lower centre of the site uphill. The route will still be accessible, and generally on improved surfaces, but requires clear marking and possibly some realignment of short sections of path to be effectively maintained and to avoid potential conflict with occupants of the lodges. This detail can be secured by condition.
50. **Policy 21: Play, recreation and sport** of NPF4 and **Policy 8: Open Space, Sport and Recreation** of the Cairngorms National Park Local Development Plan 2021 both seek to protect against the loss of valued amenity areas and play facilities.
51. Some of the activities that the site is currently used for will be less likely be possible once the development is completed. The knoll to the north of the site is occasionally used for organised children's activities and informally used for sledging in winter. There will still be a central area of open space and sloping areas within the development once constructed, that could still be used informally but may be less well used than currently.
52. The play equipment area on the site is a private facility but is accessible to and popular with the wider public too. The applicant has stated that they intend to relocate the play area to another part of the land, which makes commercial sense as it is likely to be positive part of their offering to visiting families. The applicant has many suitable potential locations, potentially more

easily accessible to a wide range of guests and the public on their land but none are part of this application. Given that the applicant has expressed their willingness to relocate the play area to another site within their control, a condition is recommended that only allows development of this application once an equivalent play area has been opened elsewhere on the resort.

53. Subject an appropriate condition to ensure paths are appropriately provided and promoted as part of the development and to ensure the relocation of the play area, the development is considered to comply with **Policy 14: Design, quality and place** and **Policy 21: Play, recreation and sport** of NPF4 as well as **Policy 3: Design and Placemaking** and **Policy 8: Open Space, Sport and Recreation** of the Cairngorms National Park Local Development Plan 2021.

### **Servicing and Access**

54. **Policy 13: Sustainable Transport** and **Policy 18: Infrastructure first** of NPF4 and **Policy 3: Design and Placemaking** and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 require that development sites are suitable serviced, located where they reduce the need to use cars for travel and if necessary, make appropriate contributions to essential infrastructure. The site will be served by the public water supply and connected to the public waste water system.
55. The site is located in Aviemore, within a few minutes' walk of the train station and bus routes, though it is acknowledged that most visitors will drive to the site. Highland Council's Transport Planning Team have requested that a developer obligation is required to address what they consider a shortage of car parking that will be used to monitor and manage traffic congestion on Grampian Road.
56. The Transport Planning team have also objected to the proposals because they don't consider the trip generation data provided by the applicant for the site to be sufficient to assess the impacts of additional traffic on the B9152 (Grampian Road). Given that other recent planning applications that would increase traffic use of Grampian Road (including the recent application for planning permission in principle for 180 residential units) have not resulted in significant requirements for change to the B9152, it is not immediately clear why the 25 Lodges should have different impacts in the context of the overall site, its existing uses and other traffic in Aviemore. Nevertheless, a condition is recommended to provide an updated traffic impact assessment and proposals and together with evidence of an agreed delivery mechanisms with Highland Council as the transport planning authority, for any improvements required to the offsite road network as a result of the traffic impact assessment, all to be submitted to and approved in writing by the CNPA in consultation with Highland Council's transport planning team.



57. Subject to that condition and the payment of a developer obligation to address a shortage of car parking on the site, the proposal is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.
58. **Policy 22: Flood risk and water management** of NPF4 and **Policy 10: Resources**, of the Cairngorms National Park Local Development Plan 2021 sets out the need to fully consider impacts on flooding and water resources. The site does not have any water courses, simply lower lying areas of ground that water drains to and soaks away. The drainage from roads surfaces is all proposed to drain to the main central depression of the site (identified by SEPA as a location of potential surface water flooding) which will act as a shallow SUDs pond.
59. Highland Council's Flood Risk Planning Team are satisfied that the drainage information supplied demonstrates this should be sufficient and that ground conditions will allow the roof water from lodges to run to soakaways nearby. They ask for some conditions to refine and finalise the details as well as ensure no bund is created to form the central SUDs area. A finalised drainage plan will also require to address some improbable soakaways at locations higher than they are intended to serve, but the site has sufficient space and ground conditions to accommodate such small changes without having significant impacts on trees or other habitats. Subject to inclusion of appropriate conditions, the proposal is considered to comply with Policy 22: Flood risk and water management of NPF4 and Policy 10: Resources, of the Cairngorms National Park Local Development Plan 2021.

### **Other Issues Raised in Consultations and Representations**

60. Concerns have been raised that the proposed development will lead to a loss of green space and change in character of the site and the paths on it as well as potentially disturb ospreys feeding in the ponds and by implication, the business that currently operates there and generally having potential to disturb wildlife.
61. All other relevant issues raised by consultees and third parties have been addressed above. Any other matters raised are not material in the determination of this application.

### **CONCLUSION**

62. Although the application has a number of areas where further information is required to ensure it complies with development plan policy, those matters can all be addressed through condition and a developer obligation and approval is recommended subject to them.

## RECOMMENDATION

That Members of the Committee support a recommendation to **APPROVE** the Change of use of land for siting of 25 lodges, access road, landscaping at Site of Dry Ski Slope, Grampian Road, Aviemore, Highland subject to the following conditions and a developer obligation related to shortage of car parking.

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

### Conditions

1. The development to which this permission relates must begin not later than the expiration of 3 years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

**Reason:** To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. **No development shall commence until an outdoor play area of equivalent size and quality has been opened for use elsewhere on the resort grounds.**

**Reason:** To ensure there is no loss of children's outdoor play facilities in accordance with Development Plan policies.

3. **No development shall commence until details of the frontage landscaping and environmental screening along the boundary of the site with the A9 trunk road (and the servitude) have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with Transport Scotland.**

**Reason:** To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

4. **No development shall commence until details of the fencing and barrier proposals along the boundary of the site with the A9 trunk road (and the servitude) have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with Transport Scotland.**

**Reason:** To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

5. **No development shall commence until a plan which demonstrates that finished floor levels will be elevated 300mm above the ground or 600mm above ground nearer the surface water risk areas has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with Highland Council Flood Risk Planning Team.**

**Reason:** To ensure that lodges are not at risk of surface water flood in accordance with Development Plan policies.

6. **No development shall commence until a finalised Drainage Impact Assessment, showing the finalised drainage layout, including any additional infiltration SUDS basin and with the remaining DIA calculations updated to FEH, showing the finalised drainage layout, including any additional infiltration SUDS basin has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with Highland Council Flood Risk Planning Team.**

**Reason:** To ensure the development has adequate surface water drainage measures in accordance with Development Plan policies.

7. There shall be no ground raising to facilitate the construction of a SUDS basin and site access roads and paths shall not be raised in such a way as to prevent pluvial flow being naturally conveyed to the low points, as shown on drawing, PreDevelopment Catchments, 30658-000-CAM-DR-C-490.

**Reason:** To ensure that there is no reduction in the capacity or function of the existing pluvial flood plain in accordance with Development Plan policies.

8. **No development shall commence until details of the drainage proposals have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with Transport Scotland. Measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road. There shall be no drainage connections to the trunk road drainage system.**

**Reason:** To ensure water run-off from the site does not enter the trunk road.

9. **No development shall commence until:**
  - a) **a schedule of pre-construction species checks for badger, otter, red squirrel and reptiles following NatureScot standing advice has been**

submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority; and

- b) the results of those pre-construction checks and any further species protection plans required for licence applications have been submitted and approved in writing by the Cairngorms National Park Authority, acting as planning authority.

**Reason:** To ensure potential impacts on protected species are considered appropriately in accordance with Development Plan policies.

10. **No development shall commence until an Osprey Species Protection Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority. The Osprey Species protection Plan shall establish time that development shall not commence within the active osprey season of March to September and incorporate measures to minimise disturbance to osprey throughout the construction period.**

**Reason:** To minimise disturbance to osprey feeding in the ponds to the south of the site in accordance with Development Plan policies and to comply with the Wildlife and Countryside Act.

11. **No development shall commence within the bird breeding season unless nesting bird checks have been undertaken by a suitably experienced ecologist within 24 to 48 hours of works commencing.**

**Reason:** To ensure breeding birds are not disturbed in accordance with Development Plan policies and to comply with the Wildlife and Countryside Act.

12. **No development shall commence until revised Tree Survey, Tree Protection Plan and Tree Impact Assessment has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority.**

**Reason:** To minimise loss of and damage to trees in accordance with Development Plan policies.

13. **No development shall commence until a Construction Environment Method Statement (CMS) has been submitted and approved in writing by the Cairngorms National Park Authority, acting as planning authority. The CMS shall include but not be limited to:**
  - a) **A Pollution Prevention Plan to demonstrate no pollution of the water environment shall occur;**
  - b) **Details of the method of installation of ground screw foundations for lodges and how they will avoid root protection zones of trees to be protected;**

- c) Details of the protection measures for tree root protection zones where any footpath crosses them;
- d) Details of how foul water drainage and other services within the ground will avoid damage to tree root protection zones;

**Reason:** To ensure that construction of the development avoids harm to the water environment and trees on the site in accordance with Development Plan policies.

14. **No development shall commence until a revised Landscape Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority. The Landscape Plan shall include:**
- a) Details of tree planting and maintenance across the site to create a woodland setting, incorporating a schedule of locally provenanced native tree species including as a minimum birch, aspen and willow and at a number greater than the rate of 3 to 1 compared to the trees identified for removal in the revised tree survey and Tree Impact Assessment;
  - b) Details of grassland specifications to appropriate management specifications to create a network of species rich grassland habitats, including an appropriate wetland species mix for the SUDS attenuation area, in addition to any amenity grassland areas;
  - c) Details of any hedging or other planting and maintenance across the site;
  - d) Details of management for biodiversity of the wider habitats on the site, including the pond/wetland areas and existing woodland and trees;
  - e) Details of any fencing or other boundary treatments on the site.

**Reason:** To ensure the site is consistent with the qualities of successful places and makes a positive makes a positive contribution to biodiversity in accordance with Development Plan policies.

15. **No development shall commence until final details of the lodges, including specification and samples of external finishes and details of bird and bat boxes to be installed and maintained have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority.**

**Reason:** To ensure the site is consistent with the qualities of successful places and makes a positive makes a positive contribution to biodiversity in accordance with Development Plan policies.

16. **No development shall commence until a revised outdoor access plan been submitted to and approved in writing by the Cairngorms National Park**

Authority, acting as planning authority. The revised outdoor access plan shall include:

- a) full details of the route, road crossing and specifications of the upgraded core path through the site;
- b) details of the route and specification for the realigned Aviemore Orbital Path through the site;
- c) details of signage for each route at the edges and within the site;
- d) Details of any temporary diversions and appropriate signage during construction.

**Reason:** To ensure that existing paths and promoted routes are maintained through the site in accordance with Development Plan policies.

17. **No development shall commence until details of secure, covered bicycle storage facilities have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with the Highland Council Transport Planning Team.**

**Reason:** To ensure that the development supports active travel opportunities for visitors staying at the lodges in in accordance with Development Plan policies.

18. **No development shall commence until a traffic impact assessment following best practice, together with proposals and delivery mechanisms for any improvements required to the local road network as a result of the assessment, all agreed with Highland Council as the transport planning authority, have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as planning authority in consultation with the Highland Council Transport Planning Team.**

**Reason:** To ensure that any impacts of increased traffic on the local road network are fully considered and addressed in accordance with Development Plan policies.

## **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
5. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (P.D.E.) Form, and submit to Scottish Water via the customer portal, or contact Development Services.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.