

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DEVELOPMENT PROPOSED:**

Erection of farm shop / cafe / staff accommodation and shed and installation of free standing solar panels and associated works at Balbregon Farm Adjacent To Carrue Cottage Logie Coldstone Aboyne Aberdeenshire

**REFERENCE:** 2023/0295/DET

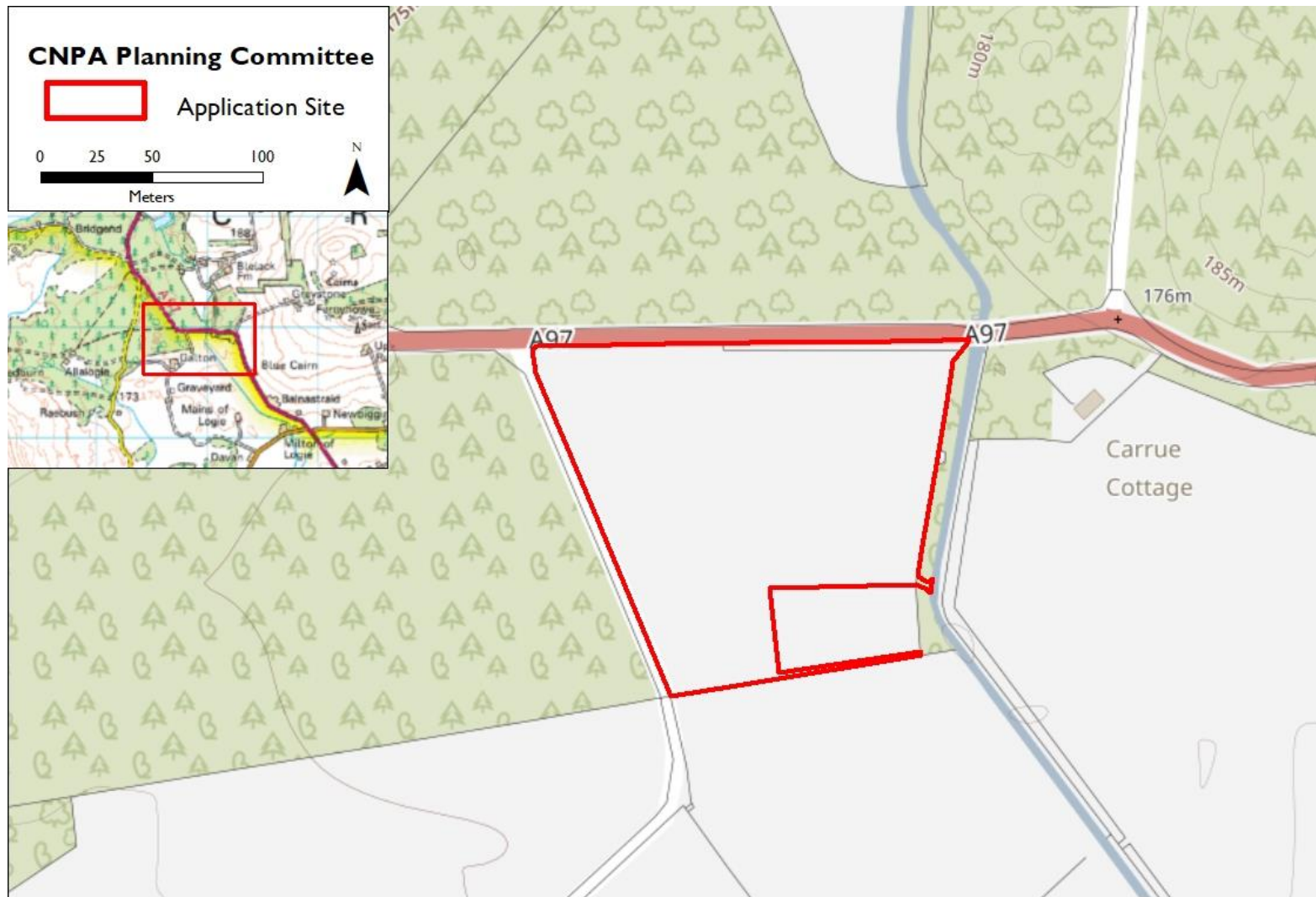
**APPLICANT:** Mr And Mrs Labib And Fiona Hassoun

**DATE CALLED-IN:** 17 July 2023

**RECOMMENDATION:** REFUSE

**CASE OFFICER:** Katherine Donnachie Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The site comprises farmland located to the south of the A97 road from Logie Coldstone to Dinnet around 1 mile south of the small settlement of Logie Coldstone. The applicant owns a total of around 2 hectares of land here as shown on the site plan outlined in blue. It is bounded to the north by the public road with woodland beyond this, to the east by the Logie Burn with an area of riverside woodland adjacent to the burn, to the south by the fields of Galton Farm with the access track to that farm lying to the immediate west and woodland beyond. Carrue Cottage, a traditional property, lies to the east on the other side of the burn, in its own grounds and separated from the application site by the burn and some woodland.
2. The eastern part of the site lies within the SEPA flood risk maps and is noted as being at low- medium risk of flooding. The Logie Burn, which runs along the eastern boundary, is part of the River Dee Special Area of Conservation (SAC).
3. The site is presently enclosed by post and wire fencing and is in agricultural use. There is a ditch running alongside part of the roadside boundary.

### 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=RXMK9ISI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - Topographical plan	GRB-067-SU-TS-01 Rev 02	24/04/23	13/07/23
Plan - Location Plan	2022-041-PO4	01/06/23	13/07/23

Plan - Flood Plain levels plan and sections	2022-041-PO5 Rev A	01/06/23	13/07/23
Plan - Elevations	2022-041-PO3 Rev B	01/06/23	13/07/23
Plan - Floor Plan	2022-041-PO1 Rev A	01/06/23	13/07/23
Plan - Site Plan	2022-041-PO2 Rev I	01/10/23	19/10/23
Other - Ecology Survey and Ecological Impact Assessment		12/05/23	17/07/23
Other - Flood Risk Assessment	MNV/LH0 01/2329 V2	22/11/23	23/11/23
Other - Design Statement		12/12/23	12/12/23
Other – Drainage Report		02/06/23	13/07/23
Other – Arboricultural Impact Assessment and Tree Protection Plan		25/05/23	13/07/23
Other- Vision Statement			13/07/23
Other - Applicant justification statement			25/10/23

\*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. This application seeks full planning permission to establish a new business comprising farm shop / cafe / staff accommodation building, farm shed, free standing solar panels and associated works. The supporting design statement explains that the applicants propose to set up a farm growing business based upon fruit trees, soft fruits (ground and hydroponic) and organic vegetables together with beehives for on-site production of jams, jellies and relishes. These products will be sold and used in the proposed on site building which will also offer locally produced artisan products and aims to serve tourists and the local community. The statement also explains that the site is considered to be well located in relation to visitors to the Burn of Vat area, skiers heading to the Lecht area, visitors to the Strathdon and Deeside are as well as general passers-by. The statement outlines

the other attractions in the area such as the Cairngorm Lodges at Logie Coldstone and the Tarland Trails which the proposed development may support, explaining that many of the local attractions are located to the north of the main A93 Ballater to Aberdeen road whereby the site is well located to serve these attractions, as opposed to concentrating facilities at Ballater. It is submitted that this will help diversify and enhance local services as well as providing local employment. The design statement also includes information and images to illustrate how the development may fit into the landscape and benefit from a wooded backdrop along with new landscaping to provide a good visual setting. It also explains that the layout has been designed to reflect the traditional pattern of small informal groupings in the immediate area, and that the development will be of a smaller scale than these farmsteads.

6. The proposed development comprises the following components:
  - a) Main Building - L shaped 1 ½ storey building which will house retail space and café for around 50 covers. The café space will face southwards towards the views to the hills beyond, with the building designed to maximise the outdoor- indoor connection including outside seating, large overhangs and glazed southern gable. Kitchen facilities (including a separate preparation kitchen for on-site production) are included together with office, toilets and staff areas. A multi-use function area is also proposed, with the design statement explaining that this space could be used in the future for functions such as classes and weddings. This is proposed in the upper floor of the west wing of the building. Owner/caretakers staff accommodation is proposed by way of self-contained 3 bedroom flat at first floor level in the eastern wing, with living spaces looking southwards. Each room will have en-suite facilities and there will be a shared, communal kitchen/dining area. The building will be finished in natural stone facing the public road and as feature work on other elevations, cream wet dash render on the west wing, grey standing seam roof finish and metal clad windows and doors. The supporting submission explains that the materials have been chosen for low maintenance and quality. Photovoltaic panels are proposed on the south-western elevation.
  - b) Farm Shed – of pitched roof design and measuring some 12.3 metres by 9.5 metres is proposed to the north of the main building. This will be used for housing tools and machinery and will be finished in grey profiled steel sheeting.
  - c) Two arrays of free -standing solar panels are proposed in the southern part of the site. These will be sloping panels sited at

highest point 2.8 metres above the ground and some 2.8 metres wide. The two arrays will be divided by areas of planting.

- d) Two greenhouses are proposed to the north of the solar panel array with production/growing area between these and the main buildings. These are of traditional pitched roof glazed and metal frame construction with brick basecourse.
7. These proposed buildings and structures are located on the western part of the site outwith the area identified as being at risk of flooding. Access is proposed from a new access point onto the A47 main road positioned to achieve maximum visibility along the road. Part of the ditch that runs along the roadside here will be culverted to accommodate the new access point. A secondary access is also proposed as outlined below.
8. Parking is proposed between the buildings and the public road with two parking areas shown, one for 20 spaces and one for 8 spaces. Vehicle turning, refuse storage, electric charging provision, disabled spaces and cycle parking are indicated on plan.
9. A Flood Risk Assessment (FRA) was undertaken to consider the likely sources and magnitude of flooding, develop a hydraulic model of the site, assess the capacity of the watercourse to contain the 200 year plus climate change event and assess the risk of flooding of the development site. The FRA shows the predicted extent of flooding during a 200 year plus climate change event, with this flooding potentially extending across much of the eastern part of the site. The area to be used for built development is located outwith the flood extent as noted earlier. The floor levels of the proposed development at 172 metres AOD are noted to be above the required 600 mm freeboard above maximum flood level. The FRA also noted that the proposed site access lies at the low point in the public road where flood water spills over. It therefore recommends that either the access point be moved westwards or an emergency access point is provided further west. This secondary emergency access is now shown on the site plan. It will use the existing field gate opening onto the A97 road and will be surfaced in grass with geogrid or similar reinforcement. Access will be restricted during normal operations by gate or bollard.
10. Existing trees are to be retained with indicative landscaping proposals shown to enhance local biodiversity by way of hedging and tree planting as well as the fruit trees proposed on site. A stone dyke is proposed along the northern roadside boundary and a pond/wetland area is proposed in the north-west corner of the site.

11. Supporting information has been provided as follows;
- a) Arboricultural Impact Assessment and Tree Protection Plan – this confirms that no tree felling is proposed with all trees on site retained including mature beech tree on the north side of the main road. Natural regeneration of alder and willow wet woodland along the Logie Burn will be promoted by retaining a fenced strip along the burn. Details of tree protection during construction have been provided.
  - b) Ecology Survey and Ecological Impact Assessment – this includes phase 1 habitat and protected species surveys. It concludes that the grassland site is of low ecological value with capacity to enhance biodiversity through planting and regeneration, and by providing bat boxes. It recommends to avoid lighting being directed towards the burn. The report also recommends various mitigation/enhancement measures including construction works be carried out in accordance with a Construction Environment Management Plan (CEMP) to ensure no pollution of the river habitat which is part of the River Dee Special Area of Conservation (SAC) pre-construction surveys be undertaken for otter, squirrels, pine marten and badgers to ensure no disturbance; and that clearance of ground vegetation avoids the bird breeding season
  - c) Drainage Report – this recommends installation of a treatment plant for foul drainage as a conventional septic tank and soakaway would not be suitable here due to high percolation rate. It also sets out that pumping may be required to convey discharge from treatment plant to the burn due to the topography here. The report recommends that surface water be discharged to a partial soakaway prior to discharge to the burn
  - d) Vision statement- which explains the applicants' vision to provide a relaxed and pet friendly environment where residents, tourists and travellers can relax, enjoy the views and connect with nature at a day out destination. It also explains the applicants' backgrounds and experience and the desire to employ local people.
12. A Design Statement was submitted which explains how the design has evolved. This sets out the merits of the site in terms of south facing aspect, visually secluded site, wooded backdrop, easy vehicular and cycling access with areas of flooding avoided in the siting of the built development and biodiversity enhancements proposed through proposed landscaping. It explains that the choice of location capitalises on existing attractions in the area north of the Aberdeen to Ballater A93 road, being centrally located relative to these, offering an opportunity to diversify the local services, as well as to fulfil a role for local residents and bring employment to the area. It also explains that it will sell locally sourced products and produce so providing direct

benefits to local producers, is considered to be complementary /compatible with existing business activity in the area with few similar businesses in this area whereby services in the National Park will be enhanced.

13. In terms of sustainable travel, it is noted that the site is not located on a major public transport route with limited scope for encouraging foot traffic beyond the immediate area (such as those staying at the Cairngorm Lodges) with most of the local attractions accessed by car. The development will cater well for such users providing electric charging and accessible parking provision. Bicycle travel will be encouraged by provided cycle storage and showering facilities for staff to encourage them to cycle to work.
14. The statement also explains how the design has evolved to fit into the landscape through careful choice of low maintenance materials pallet and layout, whilst also taking advantage of south views through use of glazing. It explains how the layout has been designed to reflect the pattern of rural groupings in the immediate area with roadside development not unusual in this area, and the development itself being of a smaller scale than some of the farm groupings in the area. Care has been taken with boundary treatments, including use of stone roadside dyke, to help soften any visual impact given the roadside location along with careful landscaping to create a natural setting
15. The statement finally sets out how the development is considered to comply with Local Development Plan policies and provides a detailed response to contributions received to the application.
16. The applicants have also submitted a Justification Statement which refers to the CNPA visitor survey and the results of that survey which included suggestions that there should be improved choice and quality of cafes/restaurants in the National Park, with a need for dog friendly provision and toilets. The applicants submit that the proposed development will help achieve this. They also note this survey revealed that there is a need for increased parking/toilet facilities within the National Park, with 4/5 of visitors travelling to the National Park by car. They submit that without backing and financial investment in public transport this dynamic is unlikely to change.
17. The statement highlights the importance of tourism to the National Park and the relationship between mental health and the natural environment, submitting that. the proposed development will provide a relaxed environment for visitors similar to the trend of farm shops in agricultural areas which are popular with tourists and day trippers in the north-east, with no such provision at present in the immediate



area. It also represents agricultural diversification as well as providing local facilities which is considered to be in line with the Government's policy that everyone should have access to very local facilities in the interests of sustainability as well as supporting the aims of the National Park.

18. This statement explains that the location has been chosen because it is mortgage/loan free being under the applicants control located within a beautiful part of the National Park on a sunny, sheltered south facing location with no impacts on local residential properties.
19. Whilst acknowledging that the site is outwith a settlement the applicants highlight that it is easily accessible, being in close proximity to increasingly popular attractions of Tarland Trails bike park, Loch Kinord and Burn of Vat, as well as the Deeside way itself and cycling facilities in the area. The location is also considered to be attractive as a welcoming service area for skiing tourists in the winter with a cultural history of folklore and legends also of interest to visitors.
20. Employment opportunities are summarised as a gardener (with potential for an apprentice), 2 cooks,/chefs supported by 2 -3 kitchen assistants, 4- 6 waiting and shop staff, and 2 cleaners During the summer season casual fruit pickers will also be required. Accommodation for a manager on site to maintain vital site security as well as for any seasonal staff is proposed by way of the residential accommodation/flat.
21. Plans of the proposals are attached as **Appendix 1**

## **History**

22. There is no specific planning history on the site. The CNPA planning service input into pre application inquiry to Aberdeenshire Council. Initially this related to a farm shop/café earlier in 2022 (Reference PRE/2022/0013) and then again later in 2022 for a farm shop, café, store and residential accommodation. Issues to be addressed were highlighted including landscape and economic impacts. (Reference PRE/2022/0028)

## **HABITATS REGULATIONS APPRAISAL**

23. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of the Natura sites listed within the HRA document which is attached as **Appendix 2**. The Natura site in this

case is the River Dee Special Area of Conservation (SAC) which is designated for its Atlantic salmon, freshwater pearl mussels (FWPM) and otter interests. The Logie Burn which runs along the eastern boundary of the site feeds into the Dee.

24. The HRA considers that there could be potential for likely significant effects upon Atlantic salmon and FWPM as a result of fuel or silt entering the watercourse during construction with potential short-term effects of changes in water quality or longer term effects from smothering of any suitable breeding habitats downstream of the works. It is considered that mitigation measures such as a site specific pollution prevention plan would reduce pollution to a minimal level. This would need to include measures to protect the Logie Burn from release of sediment or other pollutants and adhere to good practice guidance measures.
25. In terms of otter the HRA considers that there are no likely significant effects given that there were no resting sites identified within 30 metres of the proposed development, that the built elements are furthest away from the burn and riparian habitats are unaffected
26. The HRA concludes that, providing a Pollution Prevention Plan is produced and agreed prior to any works commencing on site and then fully implemented during construction, then the conservation objectives will not be undermined whereby there will not be an adverse effect on site integrity for the River Dee SAC. This may be secured by condition.
27. Nature Scot have confirmed agreement with these conclusions.

## **DEVELOPMENT PLAN CONTEXT**

### Policies

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	
POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 5	Soils	
POLICY 6	Forestry, Woodland and Trees	
POLICY 7	Historic Assets	

POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 11	Energy	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 17	Rural Homes	
POLICY 20	Blue and Green Infrastructure	
POLICY 22	Flood Risk and Water Management	
POLICY 23	Health and Safety	
POLICY 25	Community Wealth Building	
POLICY 26	Business and Industry	
POLICY 28	Retail	
POLICY 29	Rural Development	
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	x
POLICY 2	SUPPORTING ECONOMIC GROWTH	x
POLICY 3	DESIGN AND PLACEMAKING	x
POLICY 4	NATURAL HERITAGE	x
POLICY 5	LANDSCAPE	x
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	X
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	x
POLICY 11	DEVELOPER OBLIGATIONS	x

28. 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>

## **Planning Guidance**

29. 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	x
Policy 2	Supporting Economic Growth Non-Statutory Guidance	x
Policy 3	Design and Placemaking Non-Statutory Guidance	x
Policy 4	Natural Heritage Non-Statutory Guidance	x
Policy 5	Landscape Non-Statutory Guidance	x
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	x
Policy 11	Developer Obligations Supplementary Guidance	x

## **CONSULTATIONS**

30. A summary of the main issues raised by consultees now follows:

31. **SEPA** was consulted as the development lies within an area identified on their flood risk maps. Having considered representations received which showed evidence of flooding on the site and public road they sought submission of a Flood Risk Assessment (FRA) to determine the flood risk from the Logie Burn and small drainage ditch. On receipt of a FRA to address all points they raised they have confirmed that they do not object to the proposals noting that the proposed farm shop and café building lie outwith the 200 year plus climate change design flood extent. They further note that the minimum ground level of the building is to be at least 0.44 metres above the design flood level with the finished floor level to be set 0.8 metres above the design flood level thus including an appropriate freeboard allowance to accommodate any modelling uncertainty. They therefore consider the building is unlikely to be at risk of flooding. They do, however, recommend that flood resilient materials are adopted during construction of the development given the proximity to the design flood event.

32. With regard to the solar farm, they note that under National Planning Framework Policy 22 development proposals at risk of flooding or in a flood risk area can be supported if they are for essential infrastructure where the location is required for operational reasons – solar farms are classed as essential infrastructure whereby this aspect is considered to fall under their standing advice which sets out criteria to be met.
33. They further note that although the site access is at risk of flooding an additional emergency access route is now proposed and they have no objection on this basis either. They do, however, note that this matter of emergency access is considered to be largely the remit of the local authority whereby the planning authority should work closely with the flood risk management, roads building standards and emergency planning functions to determine whether this risk is considered to be acceptable.
34. **Nature Scot** initially noted that the site was adjacent to the Logie Burn which is in the River Dee SAC. They advised that they did not consider that the interests of the SAC would be adversely affected if works were carried out in accordance with a construction method statement, concluding that the CNPA would require to carry out an appropriate assessment of the impacts. Nature Scot was duly consulted on the Habitats Regulations Appraisal (HRA) undertaken by the CNPA and have confirmed agreement with its conclusions.
35. **Scottish Water** has no objections to the proposals, confirming in terms of water supply that there is currently sufficient capacity in the Ballater water treatment works – the applicants will require to make a formal application for connection and this matter will then be considered further. They also confirm that there is no public waste water infrastructure in the area. They also note that the development lies within a drinking water catchment where a Scottish Water abstraction is located. This is a relatively large catchment, and they consider the development to be sufficiently distant from the intake whereby it is considered to be low risk. However, they highlight that water quality must be protected during construction and thereafter. In particular mitigation measures will be required during installation of the culvert under the new access point and when clearing the existing roadside ditch, with reference made to their guidance in this regard
36. **Aberdeenshire Council Flood Risk and Coast Protection Team** – initially sought submission of an FRA and set out matters to be addressed. On receipt of the FRA, they requested submission of a plan which overlaid the modelled flood extent on the site plan in order to establish which areas of the development were within the flood plain

and to consider the impact of the solar farm as they had concerns about any impacts downstream or in the flood plain should the panels block debris or get washed away. They also sought confirmation that there would be no land raising on the site. On receipt of further information from the applicants on these points the Team sought clarification on the detail and future maintenance of the surface water drainage arrangements, the development strategy for dealing with any existing drainage that may be affected, and the sizing of the culvert for the new access road. The applicants have provided a response explaining that the new culvert will be suitably sized to be at least the same size as existing culverts, all as requested by SEPA, and that the cattle grid at the site entrance could be designed to drain back to the ditch with silt trap to catch any surface water crossing the access. They have also advised that the surfacing of the parking area can be designed to ensure permeability and responded to other points of detail. The Flood Risk Team have now advised that their concerns with the Flood Risk Assessment are now addressed and that the final details of surface water drainage may be addressed by planning condition together with details of the sizing of culverts.

37. **Aberdeenshire Council Infrastructure Services Roads Development** – has no objections to the proposals subject to conditions being imposed regarding provision of visibility splays, turning area, surfacing and construction of new access, and provision of bin storage and parking. They were consulted on the emergency access proposal and confirmed no objection to this aspect either subject to it being formed as per the submitted plans, being closed off by a gate and used only in emergency situations.
38. **Aberdeenshire Council Waste Management Team** has been consulted and no comments have been provided to date.
39. **Aberdeenshire Council Archaeology Team** – advise that no archaeological mitigation is required
40. **Aberdeenshire Council Developer Obligations Team** – advise that as the development is for a business premises with staff accommodation built in then developer obligations and affordable housing contributions are not required.
41. **Aberdeenshire Council Environmental Health Service** initially requested further information on the private water supply arrangements if it was not proposed to connect to the public water systems. On confirmation that the development was to be connected to the public supply they have no comments other than to note the

premises would require to be registered with them in terms of the food safety act.

42. **Aberdeenshire Council Contaminated Land Officer** – initially sought additional information on previous use of land and on receipt of such information has confirmed no objections as there is no indication of any past use which may have caused contamination
43. **CNPA Outdoor Access Officer** – notes that there are no nearby existing access routes which would be affected and no nearby paths to provide opportunities for linking to or enhancing access networks
44. **CNPA Ecology Officer** – no objections subject to appropriate mitigation for any impacts including pre-construction checks for protected species (and for birds if work commences during the bird breeding season); control of lighting to avoid lighting habitats along the Logie Burn and woodland edge; submission of a Construction Environmental Management Plan including a site specific pollution prevention plan to protect the water environment; and implementation of tree protection measures set out in the tree protection plan. Finally, biodiversity enhancements set out in the supporting ecology studies would require to be implemented and overseen by an experienced ecologist.
45. **CNPA Landscape Officer**- notes that the site is fairly discrete within the wider landscape due to the presence of adjacent woodland although it is clearly visible by people travelling along the A97 road (albeit fleeting) as well as by some local residents. It lies within a landscape of mixed woodland, agriculture, and settlement beside the A97 road with the landscape character description highlighting the importance of the Logie Burn and stone dykes as landscape features.
46. The officer concludes that the proposed development would generally relate to the local landscape character, visual amenity, and the Special Landscape Qualities of the National Park. At a broad level, the proposal would fit within the existing patchy landscape pattern of farms, houses, woodland, and agricultural fields, although its commercial function outwith a settlement would seem slightly out of place and the farm shop and café building would appear large in scale and be prominent within the immediate vicinity. This could be mitigated by changing the orientation of the building and/or reducing the main building into separate/linked units smaller in scale. The effects of the parking could be mitigated by sensitive choice of surfacing appropriate to rural area and the use of unstained vertical wood cladding may be the most suitable choice for some of the walls of the buildings. It is noted that if natural stone is used then the choice of stone including

dressing and block size and method of laying must relate to the local vernacular.

47. The officer also notes that the proposal includes some positive landscape elements such as contemporary architectural features, a line of trees and stone wall along the A97 main road, a wildlife pond, hedging and fruit trees, and, importantly, no tree felling is proposed together with protection measures for existing trees.
48. The officer highlights that it will be important that the final design details and materials relate to the rural landscape setting with further information required on the detail of landscaping, finishes, boundaries, design of solar farm and construction method statement. This could be addressed by suspensive planning conditions.
49. **Cromar Community Council** advised that they consulted the nearby community of Logie Coldstone during the summer and the only concerns expressed related to potential flood risk. They note that further work on flooding has been undertaken since. These comments are attached as **Appendix 3**

## **REPRESENTATIONS**

50. The application was advertised and a total of 17 letters of representation have been received – 9 objecting, one noting general comments and 7 supporting. A copy of these comments are attached as **Appendices 4 (a) (b) and (c)**. Key issues from those objecting are summarised as follows:
  - a) Electric charging provision not in line with Scottish Government building standards.
  - b) Increased traffic arising from bringing in material to sell and disposing of waste as well as visitors will cause road safety issues.
  - c) Unsuitable location with no footpaths/bike access – it is only accessible by car.
  - d) Road safety concerns -dangerous section of road which often suffers from surface water and flooding leading to accidents
  - e) Flooding issues on site already which will increase with climate change and are more extensive than shown on SEPA's flood maps- detailed information on previous flood events provided.
  - f) Impacts on quality of adjacent private water supply from flooding and on animal welfare (potential pollution to animal drinking supplies).



- g) Concern regarding impacts on quantity of private water supply if development is not connected to the public water supply.
- h) Suitability of proposed foul drainage systems which may be affected by flooding and cause contamination.
- i) Adverse impacts upon wildlife in area.
- j) Impacts on bees on existing bee colonies due to competing for foraging in local areas.
- k) Dogs potentially worrying livestock with no secure dog walking area for this proposed dog friendly business, and potential issues with dog faeces which could cause pollution to sensitive area such as the Logie Burn (which is part of a SAC) as well as pollution of the proposed production growing areas.
- l) Additional amenity impacts for neighbouring properties as a result of additional people, weddings, etc.
- m) Impact on farming works and animal welfare- this type of development would be more suitably located beside a settlement rather than beside agricultural land.
- n) Potential light pollution.
- o) Adequacy of refuse and recycling facilities with waste management issues raising vermin issues.
- p) Adequacy of parking – no disabled parking.
- q) Wildfire risk from increased events at the site, visiting members of the public and potential for sparks from malfunctioning equipment.
- r) No justification for greenfield site – queries raised regarding limited extent of land to support organic production with no business case submitted to justify choice of site or how it will support local economy, contrary to planning policies.
- s) No justification for staff accommodation for shop and café – may be forerunner of move to a residential property should the development not succeed.
- t) Shop to serve local community would be welcomed but should be in village location – no passing trade to sustain such a shop with previous shop in Dinnet closing due to operating costs/lack of support.
- u) This type of use may impede other farms and businesses from expanding/diversifying and have impacts on local businesses.

51. Key Issues from those supporting are as follows:

- a) Local employment will allow people to stay in rural area, provide outlet for local artisan producers and provide locally produced fruit and veg for the area. It will also provide community space/café for visitors and locals.

- b) Will provide local shop in area where nearest provision is at Aboyne or Ballater with elderly residents relying on sporadic bus service.
- c) Dog friendly, quality café/shop will add to the areas attractions and provide economic benefits, providing support to the use of other nearby attractions/facilities and attract more people to the area, and to spend locally.

## **APPRAISAL**

52. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 and the National Planning Framework 4(NPF4). Where there is conflict between policies, NPF4 policies will be used.
53. The main planning considerations in this case are the principle of development, the impact upon landscape, siting and design, environmental impacts, flooding, access and servicing, and impacts on amenity of residents in the area. These are considered in detail below.

## **Principle**

54. National Policy as contained in NPF4 sets out the objective of wanting future places to work for everyone, bringing together environmental, social and economic objectives to achieve sustainable development in order to support the planning and delivery of:
- a) sustainable places where we reduce emissions, restore and better connect biodiversity;
  - b) liveable places where we can all live better healthier lives;
  - c) productive places where we can have a greener fairer and more inclusive wellbeing economy.
55. This is similar to the objectives of the Cairngorms Local Development Plan with its policies seeking to implement the aims of the National Park as set out by Parliament and the aims, policies and objectives of the National Park Partnership Plan) The aims of the National Park 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.

- d) To promote sustainable economic and social development of the area's communities.
56. The National Planning Framework 4 highlights that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. This is reinforced by NPF4 **Policy 1: Tackling the Climate and Nature Crises** which applies to all development and sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate Mitigation and Adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to minimise the effects on climate change in terms of siting and construction, to make sustainable use of resources and promote sustainable transport methods.
57. Within the section on the “national spatial strategy” the NPF sets out the need to encourage sustainable development in rural areas. It expressly states that Scotland’s future places will be net zero, nature positive places that are designed to reduce emissions and adapt to the impacts of climate change whilst protecting, recovering and restoring our environment, explaining that every decision on our future development must contribute to making Scotland a more sustainable place with the need to be accessible by sustainable travel highlighted.
58. In terms of productive places, the NPF explains that planning will play a key role in creating a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone. It states that rural revitalisation, achieved by distributing development, investment and infrastructure strategically and by actively enabling rural development in particular, will play an important role in this. It explains that key sectors including energy and food and drink focus on natural resources and provide significant employment in rural parts of Scotland. These sectors also depend on supporting services and access to markets and there is significant potential for associated investment to develop a sustainable supply chain.
59. Set against this background the *principle* of a business based around locally produced food and products has merit and generally complies with these objectives subject to sustainable siting and satisfactory details of design, servicing etc, with proposals for new visitor facilities in the National Park in general complying with these policy principles.

60. More specifically **NPF4 Policy 29: Rural Development** seeks to support development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. This includes farms, crofts, woodland crofts or other land use businesses where use of good quality land is minimised, and business viability is not adversely affected. It also includes diversification of existing business and production and processing facilities for local produce and materials, for example local food production. It explains that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area and should consider how they will contribute to local living and take into account the transport needs as appropriate for the rural location. It also sets out that in remote rural areas where new development can often help to sustain fragile communities, proposals will be supported where they support local employment, support and sustain existing communities, for example through provision of digital infrastructure and are suitable in terms of location, access, siting, design and environmental impacts. The supporting text explains that the policy intent is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage is safeguarded and enhanced. **Policy 30: Tourism** also has some relevance given the nature of the development to create a café/retail space. This policy seeks to ensure that proposals for new tourism related developments, amongst other criteria take into account the contribution to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors, and the opportunities for sustainable travel, appropriate management of parking and traffic generation and the scope for sustaining public transport services particularly in rural areas. **NPF4 Policy 28: Retail** also applies which sets out that the policy intent is to encourage, promote and facilitate retail investment to the most sustainable locations that are accessible by a range of sustainable transport modes explaining that new retail proposals should be consistent with the town centre first principle. In rural areas development for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported subject to various criteria including traffic generation, serving local living, needs and jobs, impacts on nearby towns etc.
61. Similarly **Policy 2: Supporting Economic Growth** of the Cairngorms Local Development Plan 2021 sets out that proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities will be considered favourably where (a) they have no adverse environmental or amenity impacts on the site or neighbouring areas (b) are compatible/complimentary with existing

business activity in the area and (c) support the vitality and viability of the local economy. The supporting text explains that economic growth is central in sustaining the long-term vitality of the National Park's town and communities and to retaining young people in this rural area. It notes that the economy of the National Park is based on a number of sectors including food and drink with tourism the most significant sector. Policy 2 also explains that development which enhances tourism and leisure based activities and attractions and improved opportunities for responsible outdoor access will be supported where there are no adverse environmental or amenity impacts, it makes a positive contribution to the experience of visitors and supports or contributes to a year round economy.

62. In this case the development is for a new café/retail development based around food production and locally produced artisan products. As noted in the applicant's supporting material there are no other similar developments in the immediate area, and examples of this type of use elsewhere in the wider region have proved to be popular. The applicants also submit that the development will offer local job opportunities and support the local economy.

63. Although there is no detailed business plan supporting the application the applicant's other supporting material has set out the advantages of the development in terms of economic opportunities. It is considered that there is some merit in their general argument and that in principle the proposed development may not detract from the viability or vitality of the surrounding area/economy offering an additional visitor attraction in the National Park. In this regard it is considered that is the retail aspect of around 90 square metres floorspace is associated with the café use, rather than a retail use in its own right.

64. As such there is not considered to be a direct conflict with the policy principles. However, a key theme running through these policy principles is that of sustainable development which will be considered later in this report given that when considering *all* new development the principle of the sustainability of the location is key.

65. In addition in terms of principles, as the development involves a residential element **Policy 1.3: Other Housing in the Countryside** of the Cairngorms Local Development Plan 2021 has some relevance. This sets out that proposals will be supported where they reinforce the existing pattern of development and (a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside or (b) are on a rural brownfield site. **NPF4 Policy 17: Rural Homes** also applies which sets out that proposals for new homes in rural areas will be supported

where the development is suitably scaled, site and designed and is demonstrated to be necessary for the sustainable management of a viable rural business or croft and there is an essential need for a worker to live permanently at or near their place of work.

66. In this case the residential element is not a new house as such, but rather staff accommodation required to support the new development which, as noted earlier in this report, will result in a number of new staff being required. The lack of affordable accommodation in the National Park is appreciated and the proposed staff accommodation is an integral part of the new building designed with communal living area and individual bedrooms with en-suite provision. As such it is considered to be part of the wider proposals here rather than new residential accommodation. On this basis as noted earlier no developer obligations have been sought. Accordingly, it is considered that, providing the accommodation remains as staff accommodation, there is no conflict with rural housing policies. In the event of the application being supported suitable planning conditions could be attached to cover this aspect.
67. Finally in terms of principles **Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. As the application site is a greenfield one and is not allocated for development this policy applies and unless the development is explicitly supported by the policies of the Cairngorms National Park Local Development Plan it will not comply with policy 9. Compliance with the LDP will be considered in detail in this report.

### **Siting Issues - Sustainability and Climate Change**

68. As set out in the above section of this report the NPF4 is seeking to achieve sustainable development, with **Policy 1: Tackling the Climate and Nature Crises** setting out that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate Mitigation and Adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to minimise the effects on climate change in terms of siting and construction and to make sustainable use of resources.

69. The key issue in this regard is the sustainability of the proposed location. As noted earlier the site lies within an area identified as being at risk of flooding with the applicants' Flood Risk Assessment identifying that the new access may be affected by flooding whereby a secondary emergency access/egress is now proposed. In addition much of the area identified for food production lies within the flood risk area. The applicants have advised that this will not affect production, but in terms of land use planning issues it raises an initial concern regarding the suitability of a site where much of its supporting area of land may be affected by flooding. (The risk to buildings and the safety of users is fully considered later in this report in the flood risk section). Whilst it is appreciated that this matter of flooding of supporting land is in essence a risk which the applicants must consider it is a concern in terms of the general policy aim to be able to adapt to climate change risks and for new development to be sustainable, with the sustainability of the new food based venture here appearing to be dependent in part on the ability of the adjoining land to produce enough fruit/vegetables to sustain the business.
70. It is appreciated that the applicants control the site and wish to develop it and that other sites which may be suitable for the proposed use are outwith their control – for example designated economic development land at Clarack to the west of Dinnet which is located directly beside the main Ballater to Aberdeen A93 road. There is also land designated in the Aberdeenshire Local Development Plan at Logie Coldstone to the north for community use (relating to the village hall extension) and housing. Although this site lies outwith the National Park boundaries it is a short distance from the application site. However, the Planning Authority is obliged to consider the merits of the application site as submitted and whether the location of the site complies with policy.
71. In these overall circumstances there is concern regarding the principle of the sustainability of the site with a key land use planning issue in terms of sustainable development being that of sustainable transport which will be considered in the next section of this report.
72. Finally in terms of sustainable design and energy issues it is noted that the applicants propose considerable planting on site, along with photovoltaic panels on the roof of the new building, electric charging points and an array of solar panels. Consequently, in renewable energy terms it is considered in principle to perform well in relation to NPF4 **Policy 11: Energy** and **Policy 7: Renewable Energy** of the Cairngorms Local Development Plan 2021 both of which seek to support renewable energy generation subject to detail of siting, servicing etc

## Transport issues

73. **NPF4 Policy 13: Sustainable Transport** supports new development where it is in line with the sustainable transport and investment hierarchies and where appropriate provides safe links to local facilities via walking, wheeling and cycling networks, is accessible by public transport, provides low or zero emission charging points and secure cycling parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, and takes account of the transport needs of diverse groups and adequately mitigates any impact on local public access routes. It also refers to requirements for developments proposals for significant traffic generating uses. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.
74. The applicants have submitted that the site will benefit from passing traffic and as such is sustainably located, making the point that the majority of visitors to the National Park rely on car transport with limited opportunity for public transport. They have also noted in their design statement that whilst the site is not on a major public transport, (that being along the A93) it may also be served by the Mid Deeside 'dial a bus' service if required and the applicants submit that this service could be said to be supported by the development.
75. Whilst these points are appreciated the fact remains that the development will be largely reliant on car transport and as it is likely to become a destination for visitors it is important to fully consider whether the development complies with policy on sustainable transport. As noted above there is no public transport along the main road which bounds the site other than the 'dial a bus' service which appears from the online timetable to only operate to Logie Coldstone one day a week.
76. There are no path links to the communities of Logie Coldstone or Dinnet. Accordingly, any parties wishing to walk or cycle to the site from the local communities would need to do so on the main road. Whilst the Aberdeenshire Local Development Plan identifies in the settlement statement for Logie Coldstone that there is a community aspiration for the creation of footpaths linking Logie Coldstone to Migvie, Tarland and Dinnet, there are no current proposals for this which the development site could link into now.



77. Set against this policy background and as noted in the earlier “principle” section of this report it is difficult to reconcile a new café/retail space in the countryside outwith existing settlements and only accessible by car with sustainable development in terms of transport issues. In these circumstances the proposed development is considered to fail to comply with policies on sustainable transport and accordingly policies for sustainable development
78. In terms of the detail of the site access itself, adequate visibility can be achieved to the satisfaction of the technical consultee (Aberdeenshire Council Transport Team) along with satisfactory parking and turning provision within the site. The proposed site access will be taken from the A97 public road with the consultee raising no concerns regarding the ability of this A class road to accommodate the additional traffic. The emergency site access/egress which may be required in times of flooding is also acceptable to the consultee in terms of road safety subject to it being used for emergency access only and gated at other times. This could be achieved by planning condition if the application was supported.
79. The proposed layout also makes provision for electric vehicle charging and bike storage in accordance with the requirements of the consultee. Planning conditions as requested by the Transport Team will require to be attached in the event of the application being supported.
80. The development is therefore considered to comply with transport policies in terms of the detail of the layout and access.

## **Water environment**

81. **NPF4 Policy 22: Flood Risk and Water Management** creates a presumption against all development at risk from flooding and seeks to ensure that there is no risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SUDS) with area of impermeable surfaces minimised. **NPF4 Policy 20: Green and Blue Infrastructure** is also of some relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included. **Policy 10: Resources** of the Cairngorms Local Development Plan 2021 requires development to minimise the use of treated and abstracted water, treat surface water in accordance with the SUDS manual, ensure no adverse impacts on private water supplies, and ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.

82. With regard to **Flooding** issues, the applicant's Flood Risk Assessment (FRA) has set out the flood risk issues all as outlined earlier. The buildings and infrastructure will be located on land which is free from flooding with emergency access/egress to be provided.
83. Following submission of supporting material and information all as noted in the consultations section the technical consultees (SEPA and Aberdeenshire Council Flood Risk Management Team) have now advised that they have no objections on grounds of flood risk. They do however wish to ensure that there is no ground raising on areas identified as being at risk of flooding, The applicants have confirmed this will not be the case and this requirement may be readily addressed by a suitable planning condition should the application be supported.
84. With regard to **surface water drainage**, the proposals are now acceptable to the technical consultee (Highland Council Flood Risk Management Team) subject to various planning conditions being applied including final details of culverts, surfacing and maintenance if the application was supported.
85. With regard to **water supplies** the site will be served by a public water supply with Scottish Water advising that one is available – the applicant will of course require to make the necessary arrangements to secure connection. As noted earlier in the consultations section, Scottish Water also advise that the development lies within a drinking water catchment where a Scottish Water abstraction is located. This is a relatively large catchment and they consider the development to be sufficiently distant from the intake whereby it is considered to be low risk. However they have highlighted that water quality must be protected during construction and thereafter. Mitigation measures will be required during installation of the culvert under the new access point and when clearing the existing roadside ditch with reference made to their guidance in this regard. This could be included in any construction method statement and pollution prevention plan and addressed by a suitable planning condition should the development be supported
86. With regard to existing private water supplies, including those serving animals, as noted earlier objectors have raised concern that these supplies could be affected should the site flood and the drainage arrangements for the development be affected leading to contamination. Providing the foul drainage arrangements for the development are properly installed (which will be required under the building warrant process in any event) it is considered that this should not be a particular issue.

87. In these overall circumstances the proposed development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached.

## **Impacts on Landscape and Special Landscape Qualities**

88. **NPF4 Policy 4: Natural Places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
89. **Policy 5: Landscape** of the Cairngorms Local Development Plan 2021 sets out that there will be a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the Cairngorms National Park, with development that does not achieve this again only to be permitted where any significant effects are clearly outweighed by outweighed by social, environmental or economic benefits of national importance and all adverse effects on the setting have been minimised and mitigated
90. In general terms, as noted by the CNPA Landsape Advisor, the site is relatively discrete with views of the new development fleeting from surrounding roads and over a short distance whereby it is not considered that the development will have a significant adverse effect on the qualities of the National Park. As noted by the advisor the impacts of the development could be reduced by splitting the building into smaller components, but the applicant does not wish to do this , considering that the building has been designed and laid out to fit into the landscape. On balance it is considered, providing suitable finishes and landscaping are secured, then the scale of the building is not inappropriate for the site, given the fact that it is enclosed visually on three sides by mature woodland with the building design taking advantage of the open views to the south. The proposed produce production areas (trees, soft fruits etc) will also help form a landscape setting for the development appropriate to its agricultural setting together with hedging proposed along the western boundary and tree planting along the northern boundary.
91. In these overall circumstances the proposed development is considered to comply with NPF and LDP policies in terms of landscape impacts and special qualities – the detail of the design itself will now be considered.

## Design and Layout

92. **NPF4 Policy 14: Design, Quality and Place** states development proposals should improve the quality of an area and be consistent with the six qualities of successful places. It also sets out that proposals which are poorly designed and detrimental to the amenity of the area will not be supported. This echoes the requirements of **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 which also sets out principles of sustainable design to be met with new development including requirements to ensure that new development is sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and material, minimising the effects on climate change in terms of siting and construction and using materials and landscaping to complement the setting of development.
93. In this regard the overall design of the main building is considered to be satisfactory in terms of scale given the existing wooded backdrop and the fact that there is considerable potential for additional planting to create a good visual setting linking through to the existing woodland on either side. Whilst the contemporary roof finish of grey standing seam is considered appropriate here as it will help to visually “lighten” the roof, it is considered that the use of timber finishes would be ideal in terms of relating the building to its woodland setting and again reducing its visual impact. This has been discussed with the applicants who do not wish to use timber due to the long-term maintenance issues and also because they consider carefully constructed natural stone would be appropriate to the local vernacular here. Should the application be supported this matter of final finishes could be addressed by planning condition.
94. In terms of the other structures proposed it is considered that the storage shed is of typical agricultural design with dark finishes which will help it to recede into its setting and link to the main building. Similarly the glazed greenhouses and fairly low level solar panels located to the rear (south) of the site are considered to be of suitable design, appropriate to the agricultural setting with limited landscape impacts which will be further alleviated by the proposed planting and horticultural use proposed here.
95. Careful treatment of boundary enclosures appropriate to the rural area such as post and wire fencing will be required, with potential for planting along the southern boundary to reinforce the setting of the development – this is indicated on the proposed site plan. As noted by

the CNPA Landscape Advisor the proposed stone dyke along the site frontage adjacent to the public road will create a strong design feature which will help to anchor the development visually in the local landscape and compliment and respect traditional stone dyke features of the wider landscape here. This will be reinforced by the proposed tree planting along this northern boundary too. As noted earlier it would also be important to ensure that the finishes of the car parking area are appropriate to the rural setting using sympathetic natural finishes and edging. These matters can all be controlled by appropriate planning conditions in the event of the application being supported.

96. The development is therefore considered to comply with NPF4 and LDP planning policies subject to appropriate planning conditions being attached.

### **Environmental, Biodiversity, Ecology and Trees Issues**

97. **NPF4 Policy 6: Forestry, Woodland and Trees** supports development that enhances, expands and improves woodland and tree cover and sets out that development will not be supported where there are adverse impacts on native woodland and hedgerows of high biodiversity value or identified for protection. Fragmentation of woodland habitats is not supported. Any woodland removal must deliver significant and clearly defined public benefits with compensatory planting required. **NPF4 Policy 3: Biodiversity** requires that the development proposals including where relevant restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature based solutions where possible, and include appropriate measures to conserve, restore and enhance biodiversity proportionate to the scale of the development. **NPF4 Policy 4: Natural Places** does not support development which will have an unacceptable impact on the natural environment or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest.
98. **Policy 4: Natural Heritage** of the Cairngorms Local Development Plan 2021 similarly requires new development to have no adverse effects on the integrity of designated sites, the National Park or on protected species or habitats. Woodland removal is only permitted where it complies with Scottish Government policy on the control of woodland removal and where removal would achieve clearly defined additional public benefits, with a strong presumption against removal of ancient semi natural woodland.
99. In terms of impacts upon **trees and woodland** the proposed development will not involve loss of any of the woodland bordering the

site with the riparian woodland which lies within the site alongside the Logie Burn to be retained and protected. Satisfactory tree protection measures have been included and there is not considered to be any adverse impacts upon trees and woodland. Tree protection may be secured by appropriate planning conditions in the event of the application being supported and on this basis the application is considered to comply with NPF4 and Local Development Plan policies.

100. In terms of **biodiversity and ecology** interests it is considered that overall, the proposed development offers opportunities to enhance biodiversity on the site by creating new habitats as compared to the current largely grassland condition, together with the potential to create habitat links to the adjacent woodland areas. There are also opportunities to secure biodiversity enhancements through planting of the proposed water garden/wetland area, provision of nest boxes for birds, and bat boxes on trees or buildings. Suitable planning conditions would require to be attached in the event of the application being supported to secure these requirements.
101. Similarly, it is considered that protected species can be protected at the construction stage by suitably worded conditions requiring pre-construction surveys in addition to the mitigation measures set out by the CNPA Ecology Officer including construction method statement and control of lighting.
102. Whilst there are not considered to be direct impacts on the River Dee SAC given that the new development does not directly affect the river, there is potential for impacts /pollution at the construction stage. This has been fully considered during the HRA process (refer to **Appendix 2**) which has concluded that there will not be an adverse effect on the integrity of the designated site and that the conservation objectives will be met providing a Pollution Prevention Plan is secured by condition and fully implemented during construction. Supervision by an Environmental Clerk of Works of the implementation of the Pollution Prevention Plan, pre-construction surveys, any Species Protection Plans and implementation of biodiversity enhancements will be required. This can be secured by planning condition.
103. In these overall circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies subject to appropriate planning conditions being attached in the event of the application being supported.

## Amenity Issues

104. **NPF4 Policy 23: Health and Safety** has requirements with regards to noise and air quality. The policy explains that development proposals which will have an adverse effect on health will not be supported. **NPF4 Policy 26: Business and Industry** also explains that development proposals must take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment.
105. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 sets also out that new development must protect the amenity enjoyed by residents including minimisation of disturbance caused by access to the development site.
106. In terms of amenity impacts the nearest residential properties in the immediate vicinity of the site are at Galton Farm and Carrue Cottage. Galton Farm lies some 180 metres to the south and is separated from the development by farmland. The built part of the proposed development lies in the northern part of the site with trees to the west. Overall, it is considered that the development is sufficiently distant from Galton to ensure no particular loss of amenity with traffic to the proposed development using the new access onto the main road whereby there should not be any direct impacts from traffic disturbance at the farm. Carrue Cottage, a traditional property set in its own grounds is located to the east of the site on the other side of the Logie Burn and separated from the application site by existing woodland whereby it is not considered that there will be any significant loss of amenity in terms of visual impact or loss of amenity. Concerns have been raised by objectors relating to disturbance from the use of the building with extra visitors to the area and events at the building. Whilst it is appreciated that the new use will introduce change into a rural area, given the distances involved, topography and the nature/layout of the use it is not considered that this should prove to be a significant issue in this case. In addition should any such disturbance arise this is a matter which the Environmental Health Service or Police could address as necessary
107. Objectors have also raised amenity concerns relating to dogs potentially worrying livestock with no secure dog walking area for this dog friendly business, together with associated concerns regarding dog faeces which could cause pollution to sensitive area such as the Logie Burn which is part of a SAC as well as pollution of the proposed production growing areas. In this regard the applicants propose to enclose the site by stock proof deer fence adjacent to the farmland which should adequately address any such concerns. They have also

confirmed that it is anticipated that visitors to the site will have dogs under control – this is essentially a management issue as is the issue of dog faeces which it would be in the applicants' own interests to monitor/control.

108. It is not considered that this proposed café/retail use should give rise to any other particular noise, dust or air quality issues and in these overall circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies.

## Cultural heritage

109. **NPF4 Policy 7: Historic Assets and Places** sets out that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site an early stage, with non-designated historic environment assets and their settings to be protected and preserved in situ wherever feasible. This policy also seeks to ensure that any proposals affecting the setting of a listed building should preserve its character and special interest, with developments affecting scheduled monuments only supported where direct or significant adverse impacts are avoided. Cairngorms Local Development Plan 2021 **Policy 9: Cultural Heritage** has similar requirements.
110. In terms of archaeology the technical consultee (Aberdeenshire Council Archaeologist) has no objections to the application and does not require any archaeological mitigation in this case. There are no listed buildings in the immediate vicinity of the site which would be impacted by the development **and** in these circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies.

## Waste and Soils

111. The NPF4 recognises the need to minimise waste with **NPF4 Policy 12: Zero Waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy. Similarly **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. **Policy 10: Resources** of the Cairngorms Local Development Plan 2021 also seeks to ensure minimisation of waste during construction and life of developments.



112. From a construction perspective, and as part of any requirement for a Construction Environment Management Plan here, a site waste management plan can be required to ensure construction waste is minimised and that recycling is undertaken. From an operational perspective, refuse storage facilities are shown on the site plan and the detailed design of these facilities can be secured by planning condition if the application was supported.
113. Associated with these above objectives to minimise waste **NPF4 Policy 5: Soils** states that development proposals will only be supported where they minimise the amount of disturbance to soils on undeveloped land and is undertaken in a manner that protects soils from damage including compaction and erosion. Whilst the application site does not involve prime agricultural land it is still important to protect soil resources and this should be capable of being readily achieved through a robust soil management plan. In this regard it is anticipated that site construction soils should be able to be reused on site although upfilling of land would not be permissible in any flood risk areas. Appropriate planning conditions can be attached to this end in the event of the application being supported.
114. In these circumstances the development is considered to comply with NPF4 and Local Development Plan policies.

### **Community Wealth Building**

115. **NPF4 Policy 25: Community Wealth Building** sets out that development proposals which contribute to local or regional community wealth building strategies and which are consistent with local economic priorities will be supported explaining that this could include improving community resilience and reducing inequalities, increasing spending within communities, ensuring the use of local supply chains, local job creation and supporting community led proposals etc.
116. This proposal is considered to be generally consistent with policy, as it may secure local job creation, as well as providing local economic spin off at the construction stage and potentially supporting local supply chains if using local artisan produce , so generally complying with policies.

## Other Issues Raised in Consultations and Representations

117. All material planning considerations raised by contributors have been addressed throughout this report. Additional matters not covered are as follows.
118. One contributor raised concern that electric charging provision not in line with the specifics of Scottish Government building standards. In this regard it is noted that electric charging points are proposed on site and the details of the exact provision are not considered to be a material land use planning consideration. It is noted that the applicants in their design statement have indicated a preference for fast charging provision as they consider this will be beneficial to customers.
119. With regard to ecology/biodiversity issues an objector has raised concerns that there may be adverse impacts on existing bee colonies arising from the siting of the proposed new bee hives, due to bees having to compete for foraging in local areas. The siting of beehives is not a matter which the Planning Authority can control and is not a land use planning consideration in this case.
120. Another objection raises concerns regarding the wildfire risk from increased events at the site, visiting members of the public and potential for sparks from malfunctioning equipment. There is an operational matter and would not be anticipated to be a particular issue on a properly managed site. It is not considered to be a material land use planning consideration.

## CONCLUSION

121. The siting of the proposed new café/shop/staff accommodation and ancillary facilities and infrastructure in this rural location is on balance considered to be satisfactory in terms of the relationship to the local economy and could provide a useful visitor facility. The design and servicing are considered appropriate subject to suitable planning conditions, including landscaping to create a good setting and biodiversity links.
122. Flooding issues have been addressed to the satisfaction of the appropriate consultees although this Service has some concern regarding (a) how the production land supporting the proposed enterprise will operate in the event of a flooding incident, and (b) the choice of a site where an emergency access is required to ensure the development is safe. These are however arguably viability issues for the applicants to consider. Other environmental impacts are considered

to be acceptable subject to appropriate planning conditions with potential for biodiversity enhancements.

123. However, in terms of the overall sustainability of the siting of the development, it is not considered to comply with NPF4 or Local Development Plan policies. The development will be reliant on car transport with no path links or regular public transport network serving it. It is likely to act as a destination for visitors as well as attracting passing trade – all reliant on the private car.
124. As such it fails to comply with the policies and aims of the National Planning Framework 4 and the delivery of sustainable development. NPF4 Policy 13: Sustainable Transport sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably, seeking the outcome that developments are in locations which support sustainable travel. Due to the unsustainable location the development also fails to comply with other key NPF4 policies on the climate and nature crises and climate mitigation and adaptation as well as Local Development Plan policy on Design and Placemaking. Any merits of the development are not considered to outweigh this basic policy conflict and refusal is recommended on the grounds of sustainability.
125. Finally a number of aspects of the development would require the submission of further information such as landscaping, drainage and finishes to render it compliant with policy. If the application was supported these details could be secured by planning conditions. However as the application is not being recommended for approval these matters constitute ancillary reasons for refusal at this stage, which it is appreciated could be overcome.

## RECOMMENDATION

**That Members of the Committee support a recommendation to REFUSE the Erection of farm shop / cafe / staff accommodation and shed and installation of free standing solar panels and associated works at Balbregon Farm Adjacent To Carrue Cottage Logie Coldstone Aboyne Aberdeenshire for the following reasons**

### Reasons for Refusal

1. The proposed development is Contrary to Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 and Policies 1: Tackling the Climate and Nature Crises,

Policy 2: Climate Mitigation and Adaptation, Policy 9 Brownfield, vacant and derelict land and empty buildings, Policy 13: Sustainable Transport, Policy 14: Design, Quality and Place, Policy 29: Rural Development and Policy 30: Tourism of the National Planning Framework 4 for the following reasons:

- a) The location of the proposed development does not promote sustainable transport methods and active travel or reduce reliance of private motor vehicles due to its location which lies outwith a settlement, is not on a public transport route and has no path links to the nearby settlements.
  - b) The location of the development outwith a settlement (attracting users who will be reliant on private motor vehicles for transport to the site and creating a destination which is likely to attract more than passing traffic) has not demonstrated that the transport requirements have been considered in line with the sustainable travel and investment hierarchies: is not accessible by public transport for either staff or visitors: will increase reliance on the private car instead of reducing car dependency: has not ensured that development is sited to minimise lifecycle greenhouse gas emissions as far as possible and is not consistent with the qualities of a successful place in terms of connections; and does not give sufficient weight to the global climate and nature crises in terms of the continued reliance on the use of the private car for transport.
  - c) The proposed development on an unallocated greenfield site is not explicitly supported by Local Development Plan policies
2. The proposed development and its accompanying Drainage Report does not currently provide sufficient detail on the disposal of surface water including details of sizing of culverts, design of proposals for parking areas and overland flood flows, and supporting calculations resulting in potential impacts on the water environment and flooding which is contrary to Policy 22: Flood risk and water management of NPF4 and Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
  3. The proposed development does not currently provide sufficient detail on design, specification, maintenance and management of hard and soft landscaping, (including boundary treatments): details of the finishes of the proposed new buildings: design of bin stores and bike stands; and details of lighting so does not presently conserve and enhance biodiversity, landscape and natural assets which is contrary to Policy 3: Biodiversity and Policy 4: Natural

Places of NPF4 and Policy 4: Natural Heritage and Policy 5:  
Landscape of the Cairngorms National Park Local Development  
Plan 2021.

4. The proposed development does not currently provide sufficient information on pollution prevention measures and construction methods nor include a detailed Construction Environment Management Plan so does not presently fully address effects on the water environment and integrity of the River Spey SAC, the Scottish Water drinking catchment area and local wildlife which is contrary to Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

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