

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DEVELOPMENT PROPOSED:**

Permitted retention of car park and associated toilet and refuse facilities (previous planning permission reference APP/2021/0891) at Land At Clarack Farmhouse Dinnet Aboyne AB34 5LP

**REFERENCE:** 2023/0302/DET

**APPLICANT:** Dinnet and Kinord Estate

**DATE CALLED-IN:** 24 July 2023

**RECOMMENDATION:** APPROVE subject to conditions

**CASE OFFICER:** Katherine Donnachie Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The proposed site is located at Clarack just west of Dinnet, and directly adjacent to the A93 Ballater to Aberdeen road. The site itself is an existing hardcore parking area. It takes access via the existing upgraded access point onto the A93 road to the south. Farm buildings at Clarack lie to the west and north and comprise a mixture of traditional stone and slate steadings and more modern buildings including Dutch barn to north. There is also a stone and slate farmhouse to the east of the internal access.
2. The house, farm steading and dairy buildings are listed as being of historic and architectural interest – Category C. Historic Environment
3. Site access is shared with the farm buildings and house. From the car park there is access to the path network to and around Loch Kinnord which lies to the north. This network is a core path, and the Deeside Way lies to the south on the other side of the main road.
4. The site itself is not designated but is adjacent to the Muir of Dinnet National Nature Reserve with designated sites to the north being the Muir of Dinnet Special Protection Area (SPA) and Special Area of Conservation (SAC) and the River Dee SAC.

### Proposal

5. 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=RXQG13SI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
General - Location Plan		01/04/21	20/07/23
General - Existing General Arrangements Plan	L (90)0001 Rev E	18/05/23	20/07/23
General - Site Plan		16/06/23	20/07/23
General - Toilet Block Screening	2023-	01/11/23	17/11/23

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	102/PO1 rev A		
General - General Arrangement Plan hard and soft landscaping	L (90)0001 Rev G	17/11/23	17/11/23
General - Vehicle Swept paths	21002- 003 Rev B	27/11/23	17/11/23
Other - Waste Agreement			17/11/23

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

6. Following on from an earlier grant of temporary consent in 2021 this application seeks permanent consent for the change of use of the farmyard to car park, with associated toilet block and refuse facilities. The toilet block is presently a brightly coloured self-contained small toilet facility with no associated external drainage. This structure measures some 2.2 metres by 1.6 metres and some 2.2 metres high. It is proposed to retain this structure and to screen it with 2.3-metre-high timber larch board fencing on three sides. It is proposed to have a litter bin on site. There are also car parking ticket machines, bike racks and signage on site comprising CCTV camera and five signs advising of parking charges. The facility is intended to provide access to Loch Kinord. No changes to the farm buildings around the site are proposed nor to the surfacing of this yard area with a total of 59 parking spaces indicated on the site plan.
  
7. The submitted landscape plan shows planting along the eastern site boundary, part of the northern site boundary to the west of the Dutch Barn, and native hedging along the roadside to the east of the access point – this land is also under the applicant’s control. The plan also provides details of trees previously planted which have failed and will be replaced. Native tree planting is proposed, a mixture of rowan, silver birch, oak, cherry,
  
8. The proposal was initially put forward for a two-year temporary permission to address visitor needs in the area whilst the applicant developed detailed plans for longer term visitor facilities in the area which is the current application.
  
9. In terms of servicing there are no changes proposed with the toilet facility being self- contained with no connections to water or drainage supplies, being serviced by the suppliers. A supporting waste

statement has been submitted which is essentially a trade waste agreement with Aberdeenshire Council for uplifting of waste.

10. Plans for the proposals are included within **Appendix 1**

## **History**

11. Pre application advice was provided in 2020 (Reference PRE/2020/0019) for the formation of a car park and caravan / campervan servicing station.
12. In 2021 consent was granted for the temporary change of use of the farmyard to car park, with toilet and refuse facilities. (reference 2021/0143//DET) This consent was for a two year period and was subject to suspensive conditions including landscaping and construction method statement requirements which were subsequently discharged.

## **Habitats Regulations Appraisal**

13. 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. This is attached as **Appendix 2**. The Natura sites in this case are Muir of Dinnet Special Area of Conservation (SAC) designated for otter, degraded raised bogs, dry heaths, clear water lakes and lochs , transition mires and quaking bogs interest; Muir of Dinnet Special Protection Area (SPA) designated for non-breeding greylag goose and waterfowl assemblage; and the River Dee SAC which is designated for its Atlantic salmon, freshwater pearl mussels (FWPM) and otter interests.
14. A HRA was carried out with the original application for temporary consent. This noted that there was potential for likely significant effects to otter, grey lag goose and waterfowl assemblage through disturbance caused by increased human activity highlighting that users would be likely to keep to well used existing paths and concluded that there will not be an adverse effect on site integrity for the designated sites.
15. The current HRA notes that the proposal is for the permanent retention of the temporary car park noting that it has not been overly used in the period in which it has been operating with the original assessment of users using the existing networks of paths remaining valid. It is further noted that the car park includes signage for avoiding disturbing

activities around the loch during the nesting season (1<sup>st</sup> March - 31<sup>st</sup> August).

16. Nature Scot has been consulted and has no comments.

## **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 6	Forestry, Woodland and Trees	
POLICY 7	Historic Assets and Places	
POLICY 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 22	Flood Risk and Water Management	
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	
POLICY 2	SUPPORTING ECONOMIC GROWTH	x
POLICY 3	DESIGN AND PLACEMAKING	x
POLICY 4	NATURAL HERITAGE	x
POLICY 5	LANDSCAPE	x
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	x
POLICY 10	RESOURCES	x
POLICY 11	DEVELOPER OBLIGATIONS	

17. 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**

18. 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 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	x
Policy 10	Resources Non-Statutory Guidance	x
Policy 11	Developer Obligations Supplementary Guidance	

### **CONSULTATIONS**

19. A summary of the main issues raised by consultees now follows:
20. **Nature Scot** - when initially consulted noted that the previous HRA of the proposal for a temporary car park noted a potential increase in levels of human activity caused by users going on walks in area. Although the temporary car park does not appear to have been well used it has potential to be. The HRA previously concluded that this increase would occur on well used paths already experiencing disturbance and concluded that all conservation objectives would be

met. They do not consider there are any changes requiring reassessment and as noted earlier have no comments on the HRA.

21. **Transport Scotland** has no objections
22. **Scottish Water** has no objections, they note that this does not mean the site can be serviced by them and highlight that they will not accept any surface water connections into their combined systems.
23. **Aberdeenshire Council Environmental Health Officer** has no comments.
24. **Aberdeenshire Council Flood Risk and Coastal Protection Team** advise that assuming there has been no changes to the arrangements they commented upon in 2021 they have no comments.
25. **Aberdeenshire Council Roads Development** has no objections
26. **Aberdeenshire Council Waste Service** initially requested further information regarding details of servicing, waste collection point and swept paths analysis. On receipt of additional information, they have confirmed no objections subject to the Roads Development service having no objections to the proposed layout in terms of vehicular access for large vehicles
27. **Aberdeenshire Council Conservation Officer** noted that the site is beside the category C listed Clarack farmhouse and steading whereby the setting of the buildings must be considered. They consider that the current parking surface is appropriate, and preferable to a harder surface such as tar, with any marking of spacing recommended to be carried out by logs in order not to detract from the setting. They also recommend that consideration be given to cladding the toilet block in timber as opposed to the current brightly coloured temporary appearance.
28. **CNPA Outdoor Ecology Officer** has no objections noting that biodiversity enhancements could be secured simply by maintenance of planting and greenspaces and ensuring that any failed trees are replaced. No impacts on protected species are anticipated with the car park being operational whereby species will have become accustomed to activity here. The potential for slight impacts upon designated sites due to increased visitor numbers is addressed the HRA process.
29. **CNPA Outdoor Landscape Officer** considers that the landscape and visual effects are limited by the discrete location adjacent to existing farm buildings and woodland to the west, north and east. However,



some failed landscaping on site and the existing car park infrastructure results in some negative effects in the local area. Mitigation is recommended by way of redesign of the toilet block (which is prominent and incongruous to the rural character of the area); rationalise and improve existing signage on site which are numerous and have cumulative effects; assess existing planting and failures, and provide new roadside hedging to compensate for the loss of the original roadside hedging here; and commit to improved maintenance/aftercare scheme for two years post planting. Following receipt of further information, the Officer is now generally satisfied with the proposals, although expresses disappointment with the limited extent of new hedging.

- 30. **CNPA Outdoor Access Officer** has no objections.
- 31. **Mid Deeside Community Council** was consulted but has not provided a response to date.

## **REPRESENTATIONS**

- 32. There have been no representations received.

## **APPRAISAL**

- 33. 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.
- 34. The main planning considerations in this case are the principle of development, the impact upon landscape, any environmental impacts, access and servicing, and any impacts on amenity of residents in the area. These will now be considered

## **Principle**

- 35. **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. 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. More specifically in this case **NPF4 Policy 30: Tourism** sets out that proposals for new or

extended tourist facilities or accommodation in locations identified in the Local Development Plan will be supported. It also seeks to ensure that proposals for 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, accessibility for disabled people, measures taken to minimise carbon emissions and the opportunities to provide access to the natural environment. **Policy 9: Brownfield, vacant and derelict land and empty buildings** supports development which will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary.

36. In terms of the Local Development Plan the application site is part of a site expressly designated for economic development in the Dinnet settlement statement under the designation ED1. This sets out that the site is a former farm, now redundant and provides an opportunity for economic development. It notes that there is a medium to high probability flood risk adjacent to the site and that it lies distant from public wastewater network so this will need to be considered with any proposals. It also explains that Dinnet is a key gateway into the National Park
37. **Policy 2: Supporting Economic Growth** of the Cairngorms Local Development Plan 2021 sets out that development which enhances formal and informal recreation and leisure facilities; tourism and leisure-based business activities and attractions; and improved opportunities for responsible outdoor access will be supported where:  
a) it has no adverse environmental or amenity impacts on the site or neighbouring areas; and b) it makes a positive contribution to the experience of visitors; and c) it supports or contributes to a year-round economy
38. When the original application for temporary consent was submitted it was explained that it sought to address the lack of suitable parking, toilet and waste disposal facilities in the area, improve management, and ease the growing pressure from cars and camper vans within the wider area. It was noted then that the site involved an existing area of hard standing located in a less sensitive location than some smaller parking areas around the Lochs Kinord and Davan on the estate here.
39. This proposal is for the permanent retention of this car park and associated services, which effectively service the adjacent visitor destination at Loch Kinord, situated on designated brownfield land

directly beside a main traffic route. As such it is considered to be in principle to readily comply with NPF4 and Local Development Plan policy subject to design, landscaping, servicing and environmental issues which will now be considered.

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

40. **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.
41. **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
42. In this instance, as noted by the CNPA Landscape Advisor, the site is discretely located on an existing hardstanding/farmyard beside an existing farm complex comprising a mixture of traditional listed buildings (including farm house) and more modern ones, whereby there are not considered to be any significant impacts. Some landscaping has been implemented around the site, but some of these trees have failed. Once these are replaced and the landscaping matures the site will benefit from an improved landscaped setting. This will be assisted by the proposed roadside hedging to the east of the access point. Although further hedging on the western side of the access point would have been ideal the applicants have explained that this would not be practical in terms of the operation of the farm. Overall, it is considered that the proposed landscaping is sufficient to create a suitable landscape setting.
43. The other element of the developments which has landscape impacts is the toilet block. At present it is a small brightly coloured structure which, even taking into consideration its location to the rear of the site and near to more modern agricultural buildings, appears somewhat incongruous due to its colouring. The applicants have amended the current proposals to include larch screening around the block. This mitigation is considered to be appropriate to the setting here and will help to minimise any visual and landscape impacts.

44. In these circumstances the proposed development is considered to comply with NPF4 and LDP policies in terms of landscape impacts and special qualities – the detail of the design and layout will now be considered.

### **Design, Layout and Cultural Impacts**

45. **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.
46. In this case as the site is located beside listed buildings **NPF4 Policy 7: Historic Assets and Places** also applies which 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. It 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.
47. In terms of design the car park is located on a hardcore farm yard with limited changes/impacts arising. The toilet block as noted earlier is of bright colour, incongruous in the area, but this will be satisfactorily addressed by the proposed larch board screening. The bike stands are low key in terms of scale and of simple design entirely appropriate to the area.
48. The only remaining visual impact is that of signage. The location of the car park is important in that it effectively provides an entrance to Loch Kinord and as noted in the Local Development Plan settlement statement, Dinnet itself is a key gateway into the National Park. At

present the car park is somewhat dominated by signage advising of parking costs. It is understood that this signage is required to ensure that appropriate notice is given to drivers of the charges in place. Whilst it would be ideal if the number of these signs could be reduced, this requirement is understood, however it is considered that provision could be made for prominent, welcoming interpretative material for visitor to help minimise negative impacts from the parking signage. This could be addressed by a suitably worded planning condition.

49. In these overall circumstances and subject to appropriate planning conditions to secure screening of the toilet block and suitable signage strategy the development is considered to comply with NPF4 Policy 14 and Local Development Plan Policy 3.
50. With regard to cultural heritage, there is no ground excavation proposed so no impacts on archaeology, and at the time of the original application here the Aberdeenshire Council Archaeology Team did not require any mitigation. In terms of impacts upon the adjacent listed buildings the farm complex is still in use and the parking area is similar to a farmyard in nature and appearance so there will be little impact on the listed buildings. Whilst the toilet block is located some distance from the listed buildings timber screening is now proposed to render it more sympathetic visually. Consequently there are not considered to be any adverse impacts upon the buildings or their setting whereby the development is considered to comply with NPF4 Policy 7 and LDP Policy 9.

## **Transport issues**

51. **NPF4 Policy 13: Sustainable Transport** supports new development where it is 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.

52. In this case the development is well sited in relation to the public road network taking direct access onto the A93 Ballater to Aberdeen main road and will continue to provide a useful facility for those persons accessing Loch Kinord and the wider area. At present the car park does not appear to be heavily used, but this could change in the future and it would have been ideal to consider the potential to provide electric vehicle charging points here. The applicant has advised that they have investigated this and are not minded to include it at this point – however this potential could be highlighted by an appropriate informative attached to any consent issued.
53. The access point has been upgraded in accordance with the terms of the original consent here and the technical consultees (Transport Scotland and Aberdeenshire Roads Development) have no objections to the proposals. Conditions previously required regarding the maintenance of the visibility splays can be reimposed here for completeness.
54. In terms of sustainable transport, as noted the site is located beside the main A93 road where there is a bus route. It is also well placed in relation to the Deeside Way (which runs on the other side of the A93, with further core paths to the north leading around Loch Kinord from Dinnet. In addition, ample bike stands are provided on site.
55. Finally in terms of transport issues the farm use is still operating in conjunction with the car park use with the layout facilitating both uses with no apparent conflicts. In this regard the car park use is not considered to prejudice the ongoing use of the buildings or the designation for economic development
56. In these overall circumstances the development is considered to comply with NPF and Local Development Plan policies

### **Water environment and drainage**

57. **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 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.

58. With regard to foul drainage for the toilet block this is as noted earlier a self-contained toilet which is emptied and serviced by the supplier so there is no connection to water supplies or any new drainage/soakaway involved. Providing this is properly maintained by the applicants there is no environmental impacts arising.
59. With regard to surface water and flooding issues, the car park surface is permeable. Surface water drainage arrangements for this and the road improvements which have been carried out were agreed at the time of the previous application with the technical consultee (Aberdeenshire Council Flood Risk Team) with no flood risk issues arising. There are no proposals to change these arrangements with the current application.
60. In these overall circumstances the proposals are considered to comply with NPF4 and Local Development Plan policies

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

61. **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.

62. **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.
63. In this regard no trees will be lost as a result of the development and existing failed trees which formed the landscaping for the temporary consent are to be replaced. Roadside hedging is also proposed. Overall, this is considered to represent an opportunity for enhancing biodiversity at the site.
64. In terms of other environmental issues the development does not involve any loss of habitat or impacts upon protected species, with the potential for any significant effects upon the designated sites in the vicinity fully considered in the HRA process (**Appendix 2** refers) This concluded that there will not be an adverse effect on the integrity of the designated sites.
65. In these circumstances the development is considered to comply with NPF and Local Development Plan policies

### **Amenity Issues**

66. **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. **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.
67. There is one currently unoccupied residential property directly adjacent to the site, along with the agricultural buildings. Clarack Cottage is located east of the site and there is another residential property located west of the site on the south side of the A93. Any landscape/visual impacts may be mitigated by the measures outlined earlier with regard to landscaping and screening. The operation of the car park itself is unlikely to give rise to any particular loss of residential amenity, with the development operating for the past few years with no apparent issues/conflicts.



68. On this overall basis the proposal is considered to comply with NPF4 and Local Development Plan policies

### **Waste Issues**

69. The NPF 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.
70. Other than the screening of the toilet block there is no new construction activities proposed on site. From an operational perspective, a refuse bin is provided on site with this waste to be uplifted by Aberdeenshire Council who have no objections to the proposal. It is considered that in order to comply with the policy direction to promote the waste hierarchy there is a need to support recycling whereby an additional bin for recyclable material or advice on recycling should be provided. This may be secured by an appropriate planning condition.
71. On this basis the development is considered to comply with NPF4 and Local Development Plan policies.

### **Other Issues Raised in Representations**

72. As noted earlier there have been no representations to the application.

### **CONCLUSION**

73. This application seeks to permanently retain a car park with associated facilities which has operated without raising any land use planning issues for the past two years under the terms of a temporary planning consent granted in 2021. The development is located on designated economic development land and is intended to serve nearby visitor attractions at Loch Kinord and the Muir of Dinnet Nature Reserve. It is well placed in relation to transport routes and has no particular environmental or amenity impacts, involving brownfield land with access shared with existing agricultural complex.

74. It is considered to fully comply with NPF4 and LDP policies subject to conditions to ensure the best landscape fit, achieve zero waste aims and to deliver biodiversity enhancements all as outlined earlier in the report.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Permitted retention of car park and associated toilet and refuse facilities (previous planning permission reference APP/2021/0891) at Land At Clarack Farmhouse Dinnet Aboyne AB34 5LP to the following conditions**

Those conditions listed below in bold text are time limited conditions, which require to be discharged within a specified time period from issuing of consent given that the facilities are existing.

### Conditions

- 1. Within six months of the date of this consent the toilet block screening shall be implemented in accordance with the approved plans**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework 4 and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 2. Within three months of the date of this consent a signage and interpretation strategy (including details of design, size and siting of all signage and timetable for implementation) shall be submitted to the Cairngorms National Park Authority acting as Planning Authority. This strategy shall reflect the requirement to mitigate the dominance of parking payment signs and provide welcoming interpretation signage on site. The signage shall thereafter be implemented in accordance with the approved timetable.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework 4 and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021 and enhances recreation, leisure and tourism facilities in accordance with Policy 30: Tourism of the National Planning Framework 4 and Policy 2 :

Supporting Economic Growth of the Cairngorms National  
Park Local Development Plan 2021

3. **Within three months of the date of this consent details of the measures to be taken to promote recycling of waste shall be submitted to the Cairngorms National Park Authority acting as Planning Authority in consultation with Aberdeenshire Council Waste Management Team, for example additional bin for recyclable material or appropriate information for visitors. The provision shall thereafter be provided in accordance with the approved details within 6 months of approval of the details unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority**

**Reason:** to ensure that adequate waste management provision is made on site in accordance with Policies 4: Natural Places and 12: Zero Waste of the National Planning Framework 4 and Policies 3: Design and Placemaking and 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. Visibility splays, measuring 2.4 metres by 215 metres on either side of the junction of the vehicular access with the public road shall be kept free of all permanent obstructions above the adjacent carriageway level throughout the lifetime of the development

**Reason:** To ensure that safe access with satisfactory visibility is retained at the site entrance in accordance with Policy 13 Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

5. All landscaping shall be implemented in accordance with the approved landscape plan (drawing number L (90)0001 Rev G) not later than the expiry of the first planting season following the date of this consent. The landscaping shall thereafter be maintained in accordance with this approved landscape plan.

**Reason:** To ensure the creation and retention of an appropriate landscaping setting, enhanced biodiversity, and to ensure the development complements and enhances the landscape in accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

## **Informatives**

1. 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.
2. 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.
3. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
4. The person undertaking the development should ensure that the toilet provision is appropriately managed and serviced at all times.
5. The person undertaking the development is recommended to fully consider the potential for providing electric charging points at the site in order to support customers using electric cars and a move to sustainable travel.
6. The developer should refer to the comments of the Aberdeenshire Council Waste Management Team with regard to refuse collection

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.