

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Formation of touring motorhome / caravan site at Land 85M North of Birchview, Dalwhinnie

**REFERENCE:** 2023/0245/DET

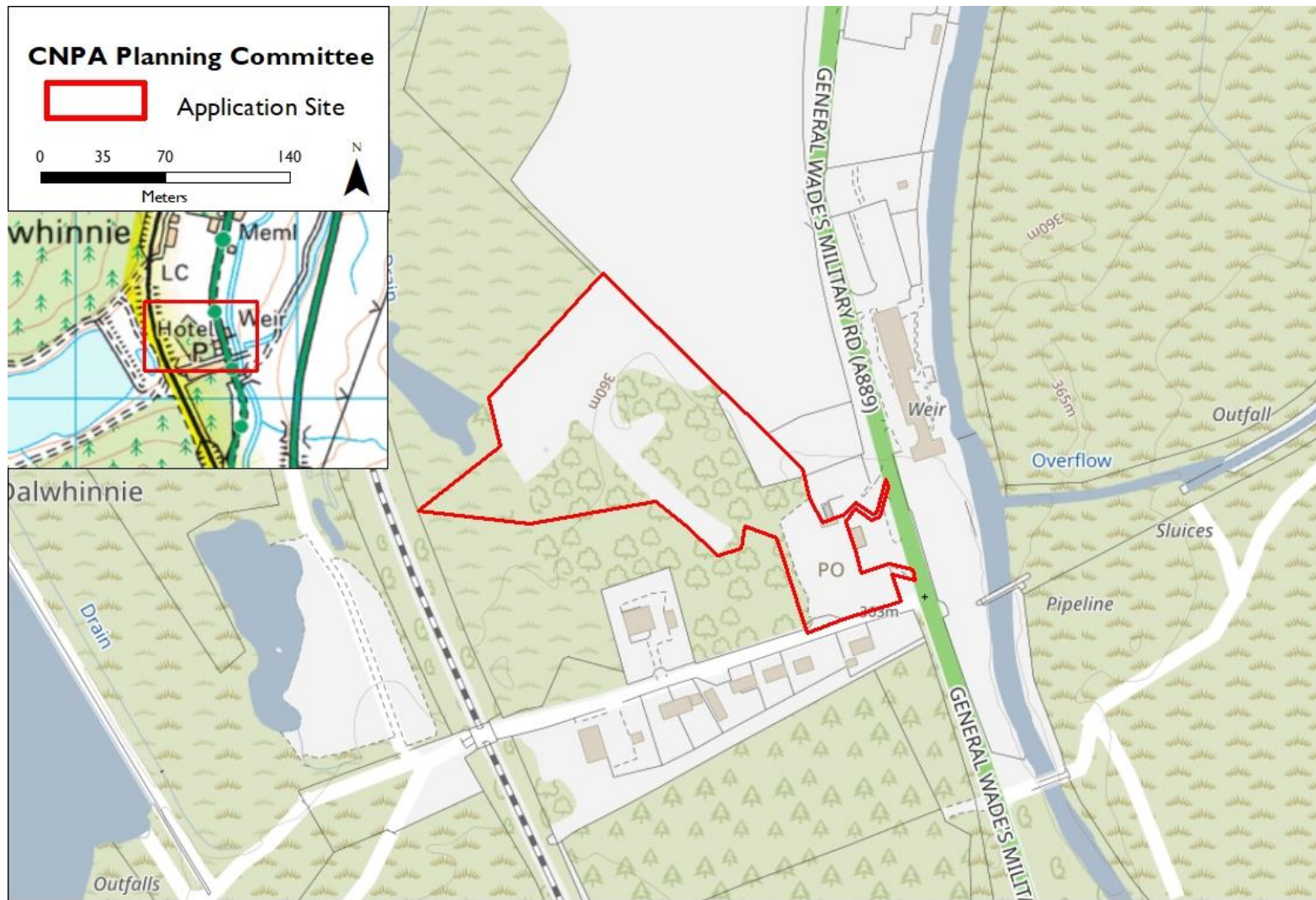
**APPLICANT:** Mr Connor Fraser

**DATE CALLED-IN:** 13 June 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 Dalwhinnie to the west of the A889 trunk road through the village. It comprises around 1.9 hectares of mixed grazing land and woodland, predominantly birch, together with rough land/yard area adjacent to an existing 24 hour filling station. The site is located to the rear (west) of the filling station and extends westwards towards the main Inverness to Perth railway line which runs to the west the site at a higher level. The boundary of the Cairngorms National Park runs to the immediate west of the railway line. There is a watercourse and pond to the west of the site between it and the railway embankment. Immediately north of the filling station and within its environs is a small parking area and recycling point.
2. The site itself is reasonably level. There are open fields to the north. On the opposite (east) side of the trunk road is the Loch Ericht Hotel and further east of this is the main A9 road at a higher level. To the south of the site is a private road which serves a number of houses at Ben Alder Cottages and Woodside on the opposite (south) side of the minor road. This road leads under the railway line to Loch Ericht beyond, and also serves a workshop building. The Dalwhinnie to Loch Ericht core path UBS27 runs along this access road and there is another core path UBS35 further north of the site leading from Dalwhinnie Station to the village hall which also links to other paths in the wider area. An electricity line crosses over part of the site.
3. Birchview, a detached property in its own grounds, lies on the same (north) side of the private road as the development site and adjoins land under the applicant's control which is largely birch woodland.
4. Land to the north of the site is located within an area designated on SEPA's flood maps as being at medium and high risk of flooding as is land to the east of the main road, along with a small part of the site immediately north of the filling station which is designated as being of low to medium risk of flooding. The site is also partly located within an area designated as native woodland (birch.) The River Truim to the far east is designated as part of the River Spey Special Area of Conservation,

### **Proposal**

5. This application seeks full planning permission to form a 38-bay touring caravan/motorhome site. Provision is also proposed for 10

overnight parking spaces on the south-western part of the site adjacent to the filling station yard and bounding onto the track to the south. This area is to be enclosed by 2.4 metre high screen fencing, with some planting proposed between the fence and the track although on site there is little room for planting here.

6. Access to the site will be from the existing southern junction off the filling station forecourt from the main A889 road to the immediate south of the filling station and leading past the proposed overnight stay area. A compacted permeable hardcore track will then be formed leading westwards through the site with a turning hammerhead at the far end and loop track to serve all the caravan/motorhome stances. Vehicles will then exit the site via a road onto the north part of the filling station forecourt onto the A889 road at the existing northern access point. A 0.9 metre wide lit footpath is proposed linking through from the north western stance area to the main site entrance.
7. Surface water drainage will be dealt with by permeable surfacing of the new access tracks and stances. Grey water soakaways are proposed for surface water disposal for the wash block area and wash standpipe within the caravan site area. Foul water will be dealt with by septic tank with soakaway positioned in southwestern part of the site. There will also be provision for chemical toilet disposal facilities beside the overnight stay parking area.
8. Water supply is proposed by connection to the public system and the applicant has provided confirmation from Scottish Water that there is sufficient capacity to serve the development. A 5,000-litre underground water tank is also proposed on site.
9. Proposed buildings/structures on site include:
  - a) Recycling store comprising larch boarded 1.8metre high screen fencing around storage area situated adjacent to the loop road serving stances in the northwestern part of site. A grey water disposal area is also proposed here with discharge to tank and standpipe with discharge to soakaway.
  - b) Bin collection area, again screened by 1.8-metre-high larch fencing, located adjacent to overnight stay area.
  - c) Small site office measuring around 3.6 metres by 2.4 metres, comprising portacabin clad in timber, of lean to roofed design and located at the site entrance.
  - d) Washing and toilet facilities comprising two lean to roofed structures clad in timber with access decking entrance and ramp running

between the buildings to offer level access. There are located near site entrance behind the filling station.

10. An indicative landscape plan has been provided to show areas of proposed native planting around and within the site. The site layout was revised slightly during consideration of the application to minimise tree removal and to enable siting of the caravan/motorhome stances within the trees. Some of the motorhome/caravan stances are set around the new access track into the birch woodland and the remainder to the north and west are located on rough grazing land.
11. Proposed boundaries are post and wire fencing around the site and 2.4 metre high timber screen fencing around the overnight stay area.
12. The application is supported by documents including:
  - a) Contaminated Land Study which highlights that the main area for the caravan site is currently grassland /woodland with some compacted tracks with no previous contaminating use, being used for agricultural grazing in the past. The area to be used for overnight parking and for office/toilets is currently concreted and this will not be disturbed- it is therefore submitted that there are no contamination issues,
  - b) Arboricultural Impact Assessment, Tree Protection Plan and Tree Constraints Plan based upon the original site layout which surveyed 140 trees on the site comprising a mixture of rowan, birch, and occasional pine and sitka spruce. At that time it was indicated that around 72 trees were to be removed– 33 of these categorised as being of moderate quality (B), 13 low quality (C) and 26 unsuitable for retention ( U). The survey noted that the condition of the trees was variable with a significant number of the rowan having had bark stripped at lower level by horse grazing. It also noted that the majority of the U class trees were to be removed due to their condition rather than to accommodate the development. As noted earlier the site layout was subsequently amended to retain more trees with the applicant submitting a tree protection plan and supporting tree management statement illustrating that fewer trees will now be removed.
  - c) Landscape strategy – which explains the concept to provide some screening for local residents and to create a development nestled into the landscape with infrastructure laid out to minimise tree loss.
  - d) Hydraulic Modelling Technical Report/ Flood Risk Assessment undertaken to assess the risk from flooding from the River Truim with hydraulic modelling carried out. This concluded that the site is

not at risk of flooding, with the site access located outwith areas at risk of flooding.

- e) Drainage Impact Assessment which explains that tracks and stances will be permeable in term of surface water and grey and foul water will be disposed of via soakaways, with supporting calculations provided.
- f) Design and Strategic Design Reports which refers to the aspirations of the Local Development Plan to encourage tourism and economic development proposals in Dalwhinnie. These reports explain that the location provides an ideal point to break up a long journey from the south and is strategically located to be a launch point for the exploration of the north and west. It offers the opportunity to relieve the mounting pressure on laybys along the A9 and other trunk roads increasingly used by motorhomes, by providing stopover, litter and waste disposal facilities. It is close to the Loch Erich Hotel which can provide eating /drinking provision and it will support local business. The development is intended to provide for customers who only need to stay overnight and for also those who wish stay longer to take advantage of the site's location. It concludes that the development will promote Dalwhinnie, help to grow it and make it more sustainable for its future development. The reports also explain how the development is designed to respect the birch woodland setting and will include provision of play/amenity area.
- g) Services Supply statement.
- h) Site Standards report.
- i) Method Statement hardstanding and tracks.
- j) Transport Statement which explains that the site is well located to major traffic routes with the main road through the village having capacity for the additional traffic. It also submits that the proposed development will alleviate the layby loading and associated litter and waste issues encountered in the summer months along this stretch of the A9 corridor and further to the south by providing a 9 bay "Late Arrival Pay and Stay" facility.
- k) Lighting Strategy which explains the proposal is for limited low-level lighting to illuminate paths. This is intended to be movement sensitive to ensure that night skies remain visible and that flooding of area with light is avoided.
- l) Phase 1 Habitat Survey set out survey work carried out and detailed mitigation measures for any impacts including pre-construction

checks for pine marten, badgers, squirrels, water voles and otter together with recommended mitigation at construction stage including no dig methods for path construction. Use of downwards pointing lighting, checks for ground nesting birds and enhancement/management of land for newts are also recommended along with recommendation that any new planting be of suitable species of local provenance.

m) Preliminary Wading Bird Assessment which concluded that the planting of a screening woodland band along the north edge of the site may deter nesting within the 'shadow'. However, bird counts suggested that the field has sufficient displacement capacity which would mitigate the effect to an acceptable low level.

13. 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=RVM MX9SI0CP00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Plan - Site Location	SL101	16/08/23	05/10/23
Plan - Site Plan Existing	SA101	25/08/20	05/10/23
Plan - Site Plan Proposed	SA102	19/03/24	19/03/24
Plan - Site Landscaping	SA103	18/03/24	19/03/24
Plan - Site Traffic Arrangement	SA104	18/03/24	19/03/24
Other - Arboricultural Impact Assessment/Method Statement	Urban Arb	03/05/21	05/06/23
Plan - Visibility Splays	SA106	03/02/21	05/06/23
Other - Contaminated Land Statement		03/11/21	05/06/23
Plan - Drainage Plan	SA108	18/03/24	19/03/24
Plan - Tree Plan Proposed Arrangement	SA109	04/01/24	19/03/24
Plan - Flue Vent Screen	GA103B	29/04/21	05/06/23
Plan - Entrance Layout	GA104	03/04/21	05/06/23
Plan - Floor and Elevation Plans Wash house	GA101	29/05/19	05/06/23
Plan - Floor and Elevation Plans	GA102	07/02/20	05/06/23

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**Planning Committee Item 5 26/04/2024**

Recycling Stores			
Plan - Floor and Elevation Plans Site Office	GA105	26/04/21	05/06/23
Plan - New Clearwater Connection Plan	008214- NC-001- OB	12/05/21	05/06/23
Plan - Tree Constraints/Protection Plan	Urban Arb Drawing	04/05/21	05/06/23
Plan - Tree Protection Plan sheet 1 of 2	Urban Arb Drawing	04/05/21	05/06/23
Plan - Tree Protection Plan sheet 2 of 2	Urban Arb Drawing	04/05/21	05/06/23
Plan - Site Transits Overview	ST101	25/01/21	04/01/24
Plan - Site Transit North South	ST102	25/01/21	04/01/24
Plan - Site Transit East West	ST103	25/01/21	04/01/24
Other - Lighting Strategy		02/05/21	05/06/23
Other - Extended Phase 1 Habitat Survey and Assessment	BE20-227	01/01/21	05/06/23
Other - Foul Loadings			05/06/23
Other - Hydraulic Modelling Technical Note	AEG0608 PH19	31/01/23	05/06/23
Other - Klargester Sigma Septic Tank Guide			05/06/23
Other - Method Statement Hardstanding and Tracks		02/07/21	05/06/23
Other - Preliminary Wader Bird Assessment	BE18-212	19/05/21	05/06/23
Other - Scottish Water Capacity Confirmation	DSCAs- 0036711- V7Y	20/04/21	05/06/23
Other - Services Supply Statement			05/06/23
Other - Soakaway Preliminary Suitability Screening	BE18-219	08/01/21	05/06/23
Other - Strategic Design Report			05/06/23
Other - Transport Statement		04/02/21	05/06/23
Other - Water Requirement		18/03/21	05/06/23
Other - Drainage Impact Assessment			04/01/24



Other - Site Standards			04/01/24
Other - Design Report			04/01/24
Other - Flood Risk Assessment	AEG0608 PH19	31/01/23	04/01/24
Other - Landscape Strategy			19/04/24
Other - Tree Protection Method Statement Rev A			19/04/24

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

14. Plans of the proposals are attached as **Appendix 1**.

### **History**

15. A planning application for the formation of touring motorhome/caravan site was withdrawn in November 2022 to enable the applicant to address issues raised by SEPA. The current application is a revised submission. (Reference 2021/0065/DET).

16. Pre application advice was provided in 2020 (Reference PRE/2020/0024).

### **HABITATS REGULATIONS APPRAISAL**

17. 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 Spey Special Area of Conservation (SAC) which is designated for its Atlantic salmon, sea lamprey, freshwater pearl mussels (FWPM) and otter interests. The River Truim which runs to the far east of the site on the other side of the main road is a tributary of the Spey.

18. The HRA considers that there could be potential for likely significant effects upon Atlantic salmon, sea lamprey and FWPM given that the River Truim is some 100 metres to the east of the site with a pond located to the north west of the site some 5 metres away from the nearest proposed works (boundary fence) with this pond draining to the Truim.

19. Whilst there is no works proposed in the SAC there is potential for indirect impacts from construction activities e.g. sediments or fuels

entering the Truim with potential temporary effects of changes in water quality and if significant amounts of sediment reach the watercourse then potential long -term effects from smothering of habitats which are used by salmon for spawning and habitats suitable for supporting FWPM. Similarly for sea lamprey there is potential for pollution from construction activities indirectly impacting upon spawning substrates and water quality.

20. These impacts could be mitigated by adherence to a pollution prevention plan and the HRA concludes that there will not be an adverse effect on site integrity if a site-specific Pollution Prevention Plan is secured, and implemented, by condition. The HRA highlights that this plan should include standard good practise such as maintaining a minimum 30 metres buffer for storing chemicals/concrete wash out or any other potentially polluting activity.
21. In terms of otter as there was no evidence of otter during the ecological assessment of the site with limited habitat for otter they were not considered further.
22. 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 9	Brownfield, Vacant and Derelict Land, and Empty Buildings	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 20	Blue and Green Infrastructure	
POLICY 22	Flood Risk and Water Management	
POLICY 23	Health and Safety	
POLICY 25	Community Wealth Building	
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	
POLICY 10	RESOURCES	x
POLICY 11	DEVELOPER OBLIGATIONS	

23. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

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

## Planning Guidance

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

24. 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.

## CONSULTATIONS

25. A summary of the main issues raised by consultees now follows:
26. **Network Rail** – has no objections in principle. However, due to the close proximity to the operational railway they request that applicant takes into account the need to undertake construction in a safe manner which does not disturb the operation of the nearby railway and be aware of any embankments and supporting structures which are close to the development. Appropriate advisory notes should be attached to any planning consent which may be granted.
27. **Transport Scotland** was consulted as the access is onto a trunk road. They have confirmed no objection to the proposals.
28. **Scottish Water** has no objections. They note that there is currently sufficient capacity in the Dalwhinnie Water Treatment Works to service the development but note that further investigations may require to be carried out once a formal connection application has been submitted to them. They have also confirmed that there is no public wastewater infrastructure in the area, so the applicant will require to investigate private treatment options. They also note that surface water discharge will not be permitted to any combined sewer system.
29. **Scottish Fire and Rescue Service** advised that they only comment on planning applications in relation to access and water supplies. They highlight that the Highland Council will consult them on licensing of a caravan/camping site and if they had any concerns/objections they would inform the Council. The license would not be granted until the Fire and Rescue Service were satisfied that any fire safety concerns had been addressed. They referred to Scottish Government guidance on caravan sites which may be used by the Planning Authority if they wish to consider points raised by objectors. This guidance is also used by the Fire and Rescue Service if conducting site inspections etc.
30. With regard to water supply issues, the Service have confirmed that an alternative water supply for firefighting purposes comprising a water tank capable of storing/providing at least 5000 litres of water may be acceptable, providing there is access and hardstanding no more than 60 metres from the proposed building. The tank may be buried with an easy open hatch or have a 100 mm round thread female adapter for fire service connection. Regarding access, the Service confirm that the proposed access is acceptable at this stage, although if the proposals change at the building warrant stage the Service will require to be reconsulted.

31. **Nature Scot** was consulted on the Habitats Regulations Appraisal (HRA) undertaken by the CNPA. They have confirmed agreement with its conclusions providing that an appropriate Pollution Prevention Plan is implemented as a condition which will prevent adverse effects to the site integrity of the River Spey SAC.
  
32. **SEPA** note that, based on their maps, the site lies partly within an area shown to be at risk of flooding from the River Truim and that with the previous withdrawn application they had asked for confirmation that the topographic information used within the hydraulic modelling was appropriate. They note that the Flood Risk Assessment (FRA) has been updated for the current submission with a topographical survey carried out for the site and surrounding area. Whilst noting that there are some remaining uncertainties in the hydraulic modelling, they are satisfied that the conclusions of the FRA and flood extents provided are in accordance with other available information on flood risk for this location. The results show that the pitches will avoid areas of flood risk and are located on land above the 1 in 1000 year (including climate change) flood level with a 0.6 metre freeboard provided to those pitches adjacent to the flood extent. Other pitches and access road are further from the edge of the flood extent with some freeboard provided. It is also noted that safe pedestrian access and egress can be provided from the site.
  
33. They conclude that they are satisfied that there is unlikely to be significant flood risk to the development, nor any increase in flood risk as a result of the development and have no objections.
  
34. **The Highland Council Flood Risk Management Team** confirm that they have no objections in relation to flood risk or access noting that the submitted FRA shows that site access lies outwith the flood risk area. They initially objected on the grounds of insufficient drainage information in relation to how areas of existing and proposed hardstanding including roads and pitches would be drained.
  
35. On receipt of a drainage assessment the Team has confirmed that now have no objections. They note that an infiltration strategy for surface water generated on hardstanding and for foul drainage is proposed. Evidence has been provided of acceptable soakaway testing with confirmation provided that new hardstanding will be permeable with the proposed infiltration beds intended to cater for any water that fails to infiltrate through the porous hardstanding. It is also noted that the system will be privately maintained which is acceptable for this commercial development.

36. They note that foul drainage is outwith their remit and recommend that SEPA be consulted on foul drainage and chemical waste disposal and nearby watercourses.

*Note - In this regard SEPA has confirmed that this is covered by their standing guidance which includes guidance on chemical waste disposal.*

37. **Highland Council Contaminated Land Officer** has no concerns in respect of contaminated land issues relating to development on the grazing/woodland areas. With regard to the operational filling station which forms part of the site, the Officer had previously had concerns regarding potential for vapour and gas migration and intrusion to new structures on site. On the basis that it was confirmed that all new buildings and structures to be erected on the site (for example the new wash facilities building and site office) were to be raised off the ground to a height which would allow ventilation underneath the buildings; there would be no breaking out of the ground or installation of foundations; there would be no service entry points from ground level to any building; there would be no water supply to the office building situated directly behind the filling station; and that services to the wash facility building would be mitigated to prevent migration of vapours into the building, or penetration of water supply pipes by hydrocarbons the Officer has no objections.
38. **Highland Council Environmental Health Officer** raised concern that due to the close proximity to existing houses noise from the operations could impact upon the amenity of residents. Whilst noting that the proximity to the A9 will mean that background noise levels are higher than in other rural locations the officer noted that there was still potential for noise/disturbance. No objections are raised providing conditions are attached covering site waste management plan, restriction of timing of vehicular access to site, operation of motorhome engines/generation prohibited when stationary, implementation of boundary fencing around overnight stay area, approval of details of lighting and dust suppression during construction.
39. At the time of the initial response a bund was shown between the caravan stances and Birchview (the house to the south of the site) and the Environmental Health Service noted that this could offer some mitigation. This bund proposal is no longer proposed following discussion on the details/location/visual impact with trees/vegetation now proposed. The officer has advised that planting does not offer much in the way of noise attenuation unless it is at least 15m thick and densely planted with the effectiveness dependent on the times of year when the site is open and whether the trees are deciduous. However, the Officer expects that noise and disturbance should be controlled by

adequate site management. It is further noted that, whilst increased planting might help in providing a visual barrier to improve privacy for residents and reducing perception of noise, it is not something the Service would recommend a condition on, although they do support increased planting.

40. **The Highland Council Transport Planning Team** initially advised, that amongst other matters, the internal road should be designed to reduce the speed of traffic to 11 mph and that suitable parking bays should be provided. On receipt of further information from the applicants, which included clarification that cycle stores were not being provided because if touring holiday makers take bikes they will keep them at their pitch so that the bikes are accessible, the Team has confirmed no objections to the proposal.
  
41. **The Highland Council Trading Standards Officer** noted that the adjoining petrol filling station (PFS) is currently certificated by them as the Petroleum Enforcement Authority. The certificate holder is responsible for the safe storage of petroleum spirit and the safe operations of the PFS. The Team will require clear signage to be put in place, alerting those entering the area that parts of the PFS installation are present and present a danger should warning signs not be followed. They are particularly aware of the risk of fire and explosion should these warnings not be followed when the PFS is operating as unmanned. The areas referred to are specifically the vent pipe stack and the tank farm where appropriate signage will be required. They consider that the signage should be placed on the vent stack and on the gable end building at the tank farm as there will be an increase of foot traffic to the site. These matters will be part of the PFS risk assessment document, held by the certificate holder and a visit to the PFS will be undertaken by the Team to ensure appropriate signage and documentation is in place if permission is granted.
  
42. **CNPA Ecology Officer** initially sought additional information to assess the application. On receipt of additional information, the officer has noted that tree felling has been minimised whereby significance of effects on woodland is considered to be slight subject to submission of updated tree protection plan and arboricultural assessment, with works supervised by an experienced arboricultural clerk of works. It is also noted that survey work was carried out to identify potential to support protected species and there is potential for construction activities to disturb species. This may be mitigated by carrying out pre-construction surveys with any species protection plans submitted for approval.

43. In terms of breeding birds, it is noted that survey work was undertaken. Although this did not meet standard guidance for assessing wader populations, it is considered that as the development is proposed within or close to an existing woodland edge it is unlikely to impact on breeding waders who typically do not nest close to woodland cover, with the development avoiding the open marshy ground on the adjacent fields which is likely to be used by waders. Mitigation for impacts on birds is proposed by avoiding work during breeding season and if this is not possible then carrying out nesting bird checks and preparing Species Protection Plans.
44. The officer has noted with regard to the water environment that whilst there are no obvious watercourses within the site a small pond and drain have been identified close to the site boundary. Mitigation for any potential pollution can be achieved through implementing a Construction Method Statement.
45. With regard to biodiversity, it is noted that there are some enhancement measures detailed within the applicant's ecological reports including management measures for grazing to enhance grasslands on site and tree planting (both compensation and enhancement) using native species already present in the area e.g. birch, rowan and hazel. The officer also noted that other habitat enhancement measures could be used such as using any felled materials to create habitat for insects and other species and installation of bird and bat boxes around the site. It was recommended that a statement from the applicant demonstrating methods for delivery of positive effects be submitted prior to determination.
46. On this overall basis no objections are raised.
47. **CNPA** Landscape Officer sought further information on impact on trees and provided considerable input on key trees to be retained. On receipt of revised plans showing layout revised to minimise impacts on trees the Officer has no objections to the proposals subject to conditions to ensure that trees are satisfactorily protected, and that suitable landscaping is secured including landscaping beside the screen fencing to the south of the overnight stay parking area.
48. **CNPA Outdoor Access Officer** has no significant comments to make in respect of public access or access issues generally. The officer however advises that on the basis that the proposals may develop and attract more visitors to the area it would be appropriate to consider incorporating suitable information/interpretative material within the design and layout. This would be aimed at assisting visitors in understanding local land uses where certain restrictions may occur



(e.g. deer stalking season) along with principles of responsible access. This could be achieved through strategically placed panel/panels.

49. **Dalwhinnie Community Council** fully support the application. They consider it will benefit the village, residents and visitors highlighting that Dalwhinnie being at the bottom of the highland part of the National Park is often forgotten with investment, yet should be seen as the gateway to the highlands. The proposals will offer more employment opportunities, so bringing more people to live in the village which may also increase the chances of improved public transport in terms of buses. It will help support local businesses such as the hotel and cafes.
50. They also consider that it will help address existing issues relating to rubbish and waste by providing dedicated recycling and waste facilities, so providing better facilities for the increased visitors. Their comments are attached as **Appendix 3**.

## REPRESENTATIONS

51. The application was advertised and a total of 15 letters of representation (from 10 individuals) have been received including two letters providing additional comments and two providing further comments following renotification of changes. One letter was noted as “general” as it sought further information. The writer has now objected to the application so essentially all submissions object to the proposed development. A copy of these comments is attached as **Appendix 4**. Key issues are summarised as follows:
- a) Site is outwith the current local plan designations.
  - b) Size of development out of character with small village and its services, will have adverse impact on tranquil and unspoilt character of area and change character of village.
  - c) If the proposal leads to Dalwhinnie becoming a tourist spot, then there will be risks of another community with second homes and AirB&Bs rather than a place for people to live.
  - d) Proposed screen fencing around site will have adverse visual impacts.
  - e) Adverse impacts on natural habitat of wide range of wildlife using the site and the birch woodland.
  - f) Environmental studies accompanying the application have not been updated from previous withdrawn case and raise numerous issues including the sub optimal timing of surveys. Concern is raised

regarding the ability of the CNPA to monitor the mitigation assurances made in the report.

- g) Loss of trees as a result of development/stances/paths etc in addition to trees already removed on site.
- h) Access onto the A9 is dangerous, as are the additional traffic movements across the A889 which is becoming increasingly busy with construction and other traffic.
- i) Increased traffic presents risk to pedestrians – there are also safety issues around the increased traffic which will occur at the forecourt and the use of the track serving Ben Alder Cottages which is heavily used by hillwalkers.
- j) Proposed traffic layout does not take into account the filling station traffic layout, which is not one way, and does not show the filling station pumps on plan. It also does not address potential conflicts with other uses here such as recycling centre and post office.
- k) No provision for electric vehicle charging.
- l) Increased flood risk resulting from removal of trees and formation of hard standings and bunding.

*Note – proposals for bunding have been removed from the submission.*

- m) Light pollution in area with naturally dark skies.
- n) Noise and air pollution resulting from large numbers of visitors which will outnumber current residents.
- o) Odours from cooking and consumption of food on site will attract vermin as well as creating smell nuisance for residents.
- p) Increased litter and fire risk from overnight stay holiday makers. Detailed comments have been provided in respect of fire safety and how the application is considered to fail to comply with Fire and Rescue Service guidance. Concern is raised about continuous woodland between site and residences (one being of timber construction) creating fire risk concerns along with use of BBQ and bottled gas and use of shared access with filling station, with local fire services being located a considerable distance away. Also consider that minimum spacing distances between stances have not been achieved and that the access tracks are sub-standard in terms of the needs of fire appliances, with fire hydrant too far away from furthest stances. Also erecting site boundaries mean there is no effective escape for users, with further concern raised regarding the potential for contamination of the River Truim resulting from use of, for example, firefighting foam should there be any fires and the need for designated holding tanks which are not shown on the plans. Objectors consider that these issues mean that site is a high risk one, and that a full fire risk assessment should have been

undertaken in consultation with the Fire and Rescue Service and taken into account at this planning stage to avoid any later conflicts with, for example, ecological requirements.

- q) Insufficient public water supply to service the development with Scottish Water already having to tanker in water to Dalwhinnie. This also has implications for pressure for the fire hydrant serving the site with no alternative arrangements proposed.
- r) Encouraging visitors into the area who may not have full understanding of the countryside and will be put at risk with further strain on for example mountain rescue.
- s) Restricted access for walkers
- t) Concerns regarding future restoration of the site should the venture fail
- u) No need for proposal – there is at least 3 caravan parks within 15 miles of the proposed site, and these have not prevented overnight parking in laybys.
- v) No clarity on paths and play areas in site suggesting that users will take short cuts further damaging habitats.
- w) Concerns regarding confusing nature of submitted plans which do not all match and show tracks that do not exist.
- x) Adverse impact on broadband and electricity supplies in area which are already intermittent.
- y) Proximity of development to residential properties including the emergency access road from the site to the track serving Ben Alder Cottages and Loch Ericht and proposed bunding [*Note: there is no longer a proposal for an emergency access or bunding as part of the development*]. Concern is raised regarding loss of privacy from users walking past existing residences to access Loch Ericht and from the close proximity of some stances to houses.

52. When the application was initially submitted a number of inaccuracies were noted by contributors, including the fact that the drainage soakaway was located outwith the red line application site. The plans were subsequently amended to show the soakaway within the application site and bunding was removed. Neighbours were re-notified, and the application was readvertised. Further representations raised concerns as follows:

- 53. a) Discrepancies in plans.
- b) Expanded on concerns regarding the potential for congestion and conflict at the forecourt area, particularly in relation to campervans/caravans using the pumps and how this would relate to the one-way system.

- c) Queried distances from fire hydrants and the need for more than one water storage tank.
- d) Fencing around overnight stay area means that there is only one means of escape in the event of fire, towards incoming emergency vehicles.
- e) Drainage assessment and arrangements for chemical waste are substandard.
- f) Information on mitigation sought by the CNPA Ecology report has not been provided, and the proposed tree planting will not compensate for the number of trees which have been felled on site.
- g) Proposal fails to meet National Planning Framework policies.
- h) CNPA Environmental Impact Assessment screening opinion contains inaccuracies in terms of not taking full account of unspoilt deciduous woodland, noise, risk of accidents in terms of fire risk, surface water risks, loss of open space. Consider EIA is required.
- i) Development will result in loss of all designated housing land in Dalwhinnie. There is already lack of housing in the village and this will be exacerbated in an already fragile area.
  - i. There are other brownfield sites in the village which could have been used.
- j) Other tourism developments in Dalwhinnie have failed/vacant so it is not considered appropriate to create another venture.
- k) Development does not comply with place making principles and NPF and Local Development plan policies particularly in terms of impacts on health of population, does not create pleasant natural and built places, loses protected open space, does not provide for campers /walkers so increases dependency on private vehicles, adversely affects wildlife and finally is unsustainable as it prevents use of designated housing land which is needed for a balanced and stable population.
- l) Contrary to Cairngorms Local Development Plan policies as does not support all year-round economy.
- m) Request that if the application is supported, a condition is to be attached to ensure that a track is not made from the site to the road to the south.

## **APPRAISAL**

- 54. 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.
- 55. 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

### General Principles

56. National Planning Framework 4 (NPF4) sets out the objective of wanting future places to work for everyone bringing together environmental, social, and economic objectives to achieve sustainable development, highlighting that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. Within the section on the “national spatial strategy” 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 further explains that applying the spatial principles of the NPF will 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.

57. 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. 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. The policy outcome is

stated as being (1) rural places are vibrant and sustainable and rural communities and businesses are supported, and (2) a balanced and sustainable rural population. **Policy 30: Tourism** also applies which supports proposals for new or extended tourism facilities or accommodation including caravan and camping sites in locations identified in the Local Development Plan. This policy explains that proposals for new tourism related developments, amongst other criteria, will 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, impacts on communities, for example by hindering the provision of homes and services for local people, 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 opportunities to provide access to the natural environment. .

58. Similarly **Policy 2: Supporting Economic Growth part 2.2 Tourist Accommodation** of the Cairngorms Local Development Plan 2021 sets out that proposals for tourist related accommodation (other than dwellings built to residential standards) will be supported where they have no adverse environmental or amenity impacts on the site or neighbouring areas, contribute to/support the provision of a wide range of visitor accommodation options including low cost accommodation, and support or contribute to a year round economy. **Part 2.3 Other Tourism and Leisure Developments** also supports development which enhances tourism-based business activities and attractions subject to similar criteria and including the need to make a positive contribution to the experience of visitors. The supporting text to Policy 2 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, with tourism the most significant one.
59. The applicant's supporting material as noted earlier has explained how the proposal is considered to form an ideal gateway to the northern Highlands, capitalising on tourists visiting the wider area and encouraging them to stay in Dalwhinnie, so supporting existing services and facilities in this fragile rural community, as well as providing job opportunities. It also explains that the development will help alleviate existing issues with motorhomes parking in laybys etc. on the A9 by providing a serviced site for people to stop at.
60. Set against this general background the *principle* of a development that seeks to support promote tourism and provide facilities for

motorhomes and caravans that may be using the A9 corridor heading to other parts of Scotland is considered to be generally in line with both NPF4 and LDP policies. This is, however, subject to satisfactory siting, design and servicing which will be considered later in this report.

61. The provision of a motorhome and caravan site is considered to comply with Policy 2 Supporting Economic Growth of the Cairngorms Local Development Plan by providing for a wider range of visitor accommodation which should have a positive contribution to the experience of visitors. Policy 2 also requires development to support or contribute to a year-round economy. Whilst the site will not be operated in the winter months, it is considered that its spring/summer use will contribute considerably to the local economy and will help support local business through extra custom. This may help such businesses (hotel and cafes) to be more profitable during the main season so helping support their future sustainability too. As such the development is considered to support this objective.

## Settlement Designation

62. Also, in terms of the principle of development, the application site lies partly within the rural settlement of Dalwhinnie as designated in the Cairngorms Local Development Plan. The southeastern part of the site (where the overnight motorhome parking is proposed) lies partly within an area designated for Economic Development Use under designation ED1 which also the filling station itself too. The statement explains that this is an existing petrol filling station with some capacity for further economic development. The remaining part of the motorhome parking area lies within an area designated for residential development under H1. This designation explains that the wider site (which extends westwards to Birchview) is allocated for up to 6 dwellings. The remainder of the application site lies outwith the settlement boundary and is not specifically designated for any use.
63. The settlement statement for Dalwhinnie sets out that it is a small settlement at the southern end of Badenoch with a well known distillery which is an important tourist attraction and local employer. It explains that the local economy is land based and opportunities for new tourism and economic development should be encouraged, noting that Dalwhinnie has fragile facilities and future housing is needed to support these and to sustain a stable population.
64. **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** also applies which supports the sustainable use of brownfield land (including vacant and derelict land and buildings)

whether permanent or temporary. This policy also states that proposals on greenfield sites will not be supported unless the site has been allocated for the development or the proposal is explicitly supported by the policies of the Local Development Plan.

65. Set against this background the use of part of the designated economic development land for the overnight stay parking area readily complies with NPF policy and does not conflict with the settlement designation.
66. However, some of the designated housing land will also be developed in terms of the overnight stay parking area. This involves land which is presently a yard (brownfield), and the development will use approximately 20 metres of the 80 metre total frontage of designated land here - the remaining part of the designated site is birch woodland. The proposed development of the brownfield area does not involve any ground breaking which is acceptable to the Contaminated Land Officer given the proximity to the filling station and potential contamination issues. As such it would seem unlikely that this brownfield area would be developed for housing without considerable investment in decontamination. Additionally, given the relatively small scale of the reduction in designated housing land and the fact that the proposed development does not in itself prejudice any future development of the remaining housing land there is not considered to be an unacceptable conflict with the designation.
67. Finally, with regard to housing issues, one of the objectors has raised concerns regarding introducing more people to the village so aggravating the housing crises in Dalwhinnie for local people, coupled with the loss of housing land. This concern is noted, but it may be considered that the provision of employment opportunities locally together with the introduction of more visitors to use existing facilities and amenities could help support and sustain the local population.
68. The remaining land proposed for development is not designated, and lies outwith the settlement boundary. However, as noted earlier in this report, the principle of a motorhome/caravan site here is supported by the economic development policies of the LDP whereby it is considered that there is no conflict with NPF4 Policy 9 in principle. In these overall circumstances the principle of the proposed development is considered to comply with NPF4 and LDP planning policies subject to compliance with other detailed policies in respect of siting, landscaping, layout and servicing which will now be considered.



## Impacts on Landscape and Special Landscape Qualities

69. **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.
70. **Policy 5: Landscape** of the Cairngorms Local Development Plan 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
71. The proposed site is clearly visible from Dalwhinnie and the immediate environs, being located on the west side of the main road through the village as well as visible from the A9 itself for a short distance and the main train line to the east which looks down on the site. It is also visible from a section of the road leading to the station.
72. In terms of landscape impacts the site has a backdrop to the west formed by the railway embankment and the existing birch woodland to the south both of which provide a setting for the development. The proposed development, as explained in the supporting material, is intended to nestle into the landscape. Following ongoing discussion with the CNPA Landscape Advisor the layout was revised to ensure that as few trees as possible were removed and help achieve this objective. This has resulted in the new stances within the woodland being designed to avoid tree loss and so ensuring that the woodland does indeed form a visual setting. Similarly, paths and tracks are routed to minimise tree loss, with construction to be undertaken in a manner to ensure the rootballs of the trees remain unaffected. Should the application be supported the supporting Tree Protection and Arboricultural Impact information will need to be updated to reflect the revised layout which has resulted in less tree loss – this could be secured by condition.
73. Further landscaping in and around the site will also help achieve a good visual setting, with the application presenting an ideal opportunity to secure the ongoing management and reinforcement of the birch woodland here. At present the landscape submission is only

indicative in terms of planting and in the event of the application being supported full details could be secured by condition. It will be particularly important to ensure that any planting along the southern boundary is suitable in terms of enhancing visual screening towards Birchview, the nearest property.

74. Along the southern boundary of the overnight parking area there is an existing larch screen fence which is positioned almost hard onto the access road here. Consequently, whilst offering screening of this part of the site from the houses to the south the visual impact could be softened by planting as was indicated on the applicant's landscape plan. There is not however sufficient space on the verge to carry out any significant planting here so an alternative may be to consider climbing plants which would soften the impact of the fencing. These matters could be controlled by planning condition in the event of the application being supported.
75. To the north the site bounds wading bird habitat whereby it will also be important to ensure that planting here does not create enhanced habitat for predator. Care will be needed in choice and location of planting to ensure a good visual setting is achieved whilst also ensuring that ecological interests are met. Suitable planning conditions can help secure this in the event of the application being supported.
76. The supporting text of Policy 5: Landscape of the Local Development Plan also sets out that dark skies are an important characteristic of many parts of the National Park contributing to the sense of wildness. In this regard the applicants have indicated an intention for downward lit minimal lighting at the site. Full details can be secured by planning condition should the application be supported and this will help ensure that this special landscape quality is not adversely affected.
77. In these overall circumstances it is considered that effects on the landscape would not be significant, and the proposed development is considered to comply with NPF4 and LDP policies.

## **Design and Siting**

78. **NPF4 Policy 14: Design** 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** Cairngorms Local Development Plan 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.

79. In this case the development layout has been amended to minimise impacts on the birch woodland and ensure the new stances sit amongst the trees with paths routed to avoid tree loss. It is intended that the new infrastructure (paths and access roads) be finished in permeable surfaces which would be appropriate to the rural setting with the main access/egress onto the trunk road being existing beside the existing petrol station forecourt. The boundaries around most of the site will be post and wire fencing which is again appropriate to the rural setting. This should all help ensure the infrastructure itself is low key visually- this may be secured by planning condition in the event of the application being supported.
80. Although there are houses in the vicinity of the development it is considered that the properties at Woodside and Ben Alder Cottages on the opposite (south) side of the track here will be satisfactorily screened from the development by existing birch woodland and from the overnight parking area by the screen fencing around the overnight stay parking area. The visual impact of this fencing will require to be mitigated by landscaping and this can be secure by planning condition in the event of the application being supported. Finally, it is understood that this land was previously used for contractor storage and on balance it is considered that screening it off, removing existing debris and using it for organised overnight parking may help improve visual amenity here.
81. The other residence affected by the development is at Birchview which lies on the same side (north) of the access track to Loch Ericht as the proposed development. This property sits in its own fairly large wooded grounds with its boundary some 30 metres from the southern part of the application site with the stances set further north into the application site. Furthermore there is birch woodland between this house and the applicationsite. Additional planting can be undertaken to enhance this visual screening and on this basis it is considered that the siting is considered to be satisfactory.
82. In terms of new buildings/structures proposed these are all located in the immediate vicinity of the petrol filling station with some structures on site dating from previous contractor use of the land to the rear of the filling station. The new fairly small structures (office, washroom etc) are to be clad in larch which will fit well with their surroundings. They

will form a visual grouping with the existing filling station and as such are considered to fit in acceptably as required by policy.

83. At present this yard area to the rear of the filling station is of little merit with assorted debris on site and it is considered the proposed development should help secure a visual improvement overall. The scale of the development is also considered to be appropriate with permanent infrastructure such as paths, roads, stances and facilities all being low key.
84. In these overall circumstances the development is considered to comply with NPF4 and LDP planning policies subject to appropriate planning conditions requiring full details of landscaping including finishes of tracks/stances.

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

85. **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 to contribute to the enhancements of biodiversity 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.
86. **Policy 4: Natural Heritage** of the Cairngorms Local Development Plan 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.

87. In terms of impacts upon **trees and woodland** the layout has been amended to minimise tree loss with supporting information setting out how work could be undertaken to avoid damage to tree roots. Supporting arboricultural studies explain the condition of the existing birch woodland and following discussion with the CNPA Landscape officer the revised layout ensured retention of key trees. Updated arboricultural studies will be required in the event of the application being supported in order to tie in clearly with the revised layout, but in general terms the changes are considered to ensure that tree loss is minimised and with a suitable detailed landscape plan those trees which are lost can be satisfactorily compensated. The application also offers an opportunity to secure the ongoing management of this small area of birch woodland. On this basis the application is considered to comply with policy subject to appropriate conditions.
88. In terms of **biodiversity and ecology** interests it is considered that, overall, the proposed development offers opportunities to enhance biodiversity by providing further native planting on site and securing management of the woodland here. The applicants supporting material, as noted earlier in the consultations section, along with the CNPA Ecology Officer's response set out measures which could be taken to enhance biodiversity such as enhancement/management of land for newts, new planting of suitable species of local provenance, any felled materials used to create habitat for insects and other species, and installation of bird and bat boxes around the site. There may also be opportunities to plant suitable species in relation to SUDS areas. In the event of the application being approved full details by way of a detailed biodiversity plan could be secured by planning condition and at this stage there is considered to be sufficient potential to enhance biodiversity to ensure compliance with policy.
89. With regards to protected species, it is considered that they can be protected at the construction stage by suitably worded conditions requiring pre-construction surveys and species protection plans as necessary as recommended by the CNPA Ecology Officer. Similarly breeding birds can be checked for by way of survey and species protection plans as necessary should works be proposed during the breeding season.
90. The final issue with regard to wildlife relates to the potential for impacts on wading bird habitat in the adjacent fields to the north. As noted earlier by the CNPA Ecology Officer survey work was undertaken and although this did not meet standard guidance for assessing wader populations, it is considered that as the development is proposed within or close to an existing woodland edge it is unlikely to impact on

breeding waders who typically do not nest close to woodland cover, with the development avoiding the open marshy ground on the adjacent fields which is likely to be used by waders. The need to take waders into account with regard to avoiding denser planting on the north side of site may also be reinforced in any landscape conditions in the event of the application being approved.

91. As noted earlier in this report whilst there are not considered to be direct impacts on the River Spey (which is a SSSI and SAC) given that the new development does not directly affect the river, but 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 Construction Method Statement including site specific pollution prevention methods is secured by condition and fully implemented during construction.
92. Finally, as recommended by the CNPA Ecology Advisor supervision by an Environmental Clerk of Works (who should have arboricultural experience) of the implementation of the construction method statement, pre-construction surveys and any Species Protection Plans will be required. This can be secured by planning condition.
93. On this basis it is considered that the proposed development should not adversely affect ecological interests and is capable of delivering biodiversity enhancements. It is therefore considered to comply with NPF4 and LDP policies.

## **Water Environment**

94. **NPF Policy 22: Flood Risk and Water Management** creates a presumption against all development at risk from flooding and seeks to ensure that 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.

95. With regard to **Flooding** issues the development avoids the areas at risk of flooding to the north, with the access/egress roads being located to be free from flood risk. Following submission of flood risk assessment information the technical consultees (SEPA and Highland Council Flood Risk Management Team) have no objections to the development on flood risk grounds concluding that there is unlikely to be significant flood risk to the development or any increase in flood risk as a result of the proposals.
96. With regard to **surface water drainage** following submission of further drainage impact assessment information the technical consultee (Highland Council Flood Risk Management Team) has no objections to the proposals, noting that these involve an infiltration strategy for any surface water generated on the permeable hardstanding with satisfactory testing provided.
97. For **foul drainage** soakaway disposal and chemical toilet collection point is proposed. It is noted that some objections raise concern regarding the size and design of the chemical toilet collection provision. This is considered to be a matter for the site management, building standards and licensing regimes with SEPA advising that this matter is covered by their standing guidance which includes guidance on chemical waste disposal. This can be highlighted by informative in the event of the application being supported
98. With regard to **water supplies** it is proposed to connect to the public water supply in Dalwhinnie. The technical consultee (Scottish Water) has no objection to the proposals advising that there is currently sufficient water capacity in the Dalwhinnie Water Treatment work. The applicant will of course require to make the necessary arrangements to secure connection. As noted in the consultations section, the Fire and Rescue Service were also consulted with regard to water supply issues given that objectors raised concern regarding the ability of the water supply to cope should there be any fires. The Service has advised that a water that an alternative water supply for firefighting purposes may be acceptable here by way of a 5,000 litre capacity water tank. This is now shown within the site on the plans.
99. 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

## Amenity and Safety Issues

100. **NPF4 Policy 23: Health and Safety** seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It sets out that development which is likely to have a significant adverse effect on health or air quality, or which are likely to raise unacceptable noise issues will not be supported 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 sets also out that new development must protect the amenity enjoyed by residents including minimisation of disturbance caused by access to the development site.
101. In terms of **general amenity and privacy** impacts, as noted in the landscape section, the nearest residential property to the proposed motorhome/caravan site stances is at Birchview some 30 metres from the site boundary and with intervening birch woodland. This woodland will provide a degree of screening which can be reinforced by further planting. Furthermore, as the site will not be operational during the winter months it is likely that the trees will be in leaf for much of the season so enhancing the screening abilities. The actual stances are around further north into the site too. The technical consultee (Highland Council Environmental Health Service) has no objection to the proposal and expects that noise and disturbance should be controlled by adequate site management. It is further noted that, whilst increased planting might help in providing a visual barrier to improve privacy for residents and reducing perception of noise it is not something they would recommend a condition on, although they do support increased planting here.
102. Other residential properties at Woodview and Ben Alder Cottages on the south side of the access track which bounds the site to the south are closer to the overnight stay parking area with Woodview being directly opposite (to the south) of this area on the other side of the track here. As noted earlier this overnight parking area is to be screened by screen fencing which is acceptable to the technical consultee (Environmental Health Service) in terms of addressing amenity issues.
103. Furthermore as noted in the consultations section of this report the consultee has recommended planning conditions to mitigate/minimise residential disturbance including restricting times when vehicles can access the site to between 8 am and 10 pm, preventing running of engines when vehicles are stationary, control of lighting, requiring



details of a dust suppression scheme, along with a robust site management plan which will require to set out measures to minimise any disturbance to neighbouring residents from noise, BBQ smoke, litter etc. These can be readily attached as planning conditions if the application was supported.

104. It is noted that some objectors consider that the proposal will deter other visitors from coming to the area as a result of adversely affecting the existing tranquil nature of the area. Overall, it is considered that any potential amenity impacts can be suitably mitigated. Furthermore, as the site is located beside a 24 hour filling station with the railway line to the west there is already a degree of disturbance here.
105. Other amenity concerns have been raised regarding **litter and waste**. In this regard facilities for recycling and collection of waste are proposed which should address issues regarding waste disposal. Litter is a matter which, as noted by the Environmental Health Service, can be addressed by a robust site management plan. It is also noted that there is a small existing recycling point located to the north of the existing filling station too.
106. Considerable and detailed concern has been raised by objectors regarding fire safety issues. As noted earlier the Fire and Rescue Service has been consulted and have no objections in terms of the access and water supply issues (which is their locus with planning applications) subject to provision of a water tank within the proposed site. They have also noted that the Highland Council will consult them on licensing of the site and if they had any concerns/objections they would inform the Council. The license would not be granted until the Service were satisfied that any fire safety concerns had been addressed. They have referred to Scottish Government guidance on caravan sites which may be used by the Planning Authority if they wish to consider points raised by objectors. This guidance is also used by the Fire and Rescue Service if conducting site inspections etc.
107. The detailed consideration of fire safety issues is not considered to be a land use planning issue particularly given that the licensing authority (Highland Council) will be consulting the Fire and Rescue Service on the proposals before granting a license. Given that the Fire and Rescue Service has no objections on access/water supply issues it is not anticipated that there should be any significant changes to the layout required which could affect the land use planning issues here. However, should the layout change, the applicant would require to come back to the Planning Authority to check if the changes were material and has already been advised to speak to the Fire and Rescue service at an early stage to avoid any changes.

108. Whilst objectors' concerns regarding birch woodland being a fire risk are noted, it is considered that robust site management should minimise any fire risks, with it not being unusual for caravan/motor home sites to be located in wooded settings. Similarly concerns regarding potential pollution from firefighting incidents will be a common theme for many developments and would be dealt with by the appropriate authorities at the time of any such incident. It is not however considered to be a land use planning issue in this case.
109. In terms of **health and safety** issues it is noted that the site lies adjacent to an operational 24 hour filling station. The technical consultee (Highland Council Trading Standards who are the Petroleum Enforcement Authority) have noted that the certificate holder is responsible for the safe storage of petroleum spirit and the safe operation of the petrol filling station. They have highlighted the need for clear warning signage to be in place for users specifically around the vent pipe stack and the tank farm and have provided advise to this end which may be attached as informatives should the application be supported. They have noted that these matters will be part of risk assessment document, held by the certificate holder and a visit to filling station will be undertaken by the Trading Standards Team to ensure appropriate signage and documentation is in place if permission is granted. It is therefore clear that health and safety issues will be adequately regulated and controlled by the appropriate authority in this case.
110. 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.

### **Contamination Issues**

111. **NPF Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** sets out that where land is known or suspected to be contaminated then proposals will need to demonstrate that the land is, or can be made, safe and suitable for the proposed use. Similarly, **Policy 10: Resources** of the Cairngorms Local Development Plan sets out under part 10.8 Contaminated Land that development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts and effective remedial action taken.
112. In this case as noted by the technical consultee (Highland Council Contaminated Land Officer) there was some concern regarding vapour

and gas migration and intrusion to any new structures on the site due to the proximity to a petrol filling station. However it was confirmed that all new buildings and structures will be raised off the ground to allow ventilation underneath the buildings, there would be no breaking out of the ground or installation of foundations, no service entry points from ground level to any building or water supply to the office building and that services to the wash facility building would be mitigated to prevent migration of vapours into the building, or penetration of water supply pipes by hydrocarbons. On this basis the consultee had no objections.

113. In these circumstances the development is considered to comply with NPF4 and LDP policies.

### **Transport Issues**

114. **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 also requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel.
115. The application site is well located in terms of the wider transport network for vehicles for motorhomes/caravans being close to the A9 main trunk road and also beside the A889 trunk Road leading west to Laggan off which access is proposed. Whilst planning policies promote sustainable transport in terms of public transport this does not translate to a motorhome/caravan site where clearly transport will be by private vehicle.
116. In relation to **sustainable transport** the potential for providing electric vehicle charging points on site has been discussed with the applicant's agent who has advised that at present no provision is being made as towing caravans with Electric Vehicles is currently problematic and electric motorhomes are somewhat untested at present with the cost of installing electric charging restrictive.

Following further discussion with the applicant, it has been pointed out that there is an electric charging point within the existing car park at the Loch Ericht hotel on the opposite (east) side of the trunk road. This property is under the applicant's control and users of the hotel facilities may use the charging point. Given the proximity of the application site to the hotel and the likelihood that users of the proposed development may use the eating/drinking facilities at the hotel it appears that there is some existing provision in the immediate area. Whilst it would be ideal to make electric charging provision available on the proposed new site at this planning stage the costs are appreciated. It is therefore recommended that an informative be attached highlighting to the developer the desirability of making such provision and recommending that contact be made with potential funding partners.

117. Finally in relation to sustainable transport it is noted that once vehicles arrive at the site users are within easy walking distance of the amenities and facilities of Dalwhinnie. There is a petrol filling station with some food/snack provision directly adjacent, a hotel opposite and a surfaced path link north to the rest of the village and the distillery, as well as ready access to hill walking in the area. As such the development is considered to be well located.
118. With regard to the **access arrangements** for the development, the technical consultees (Highland Council Transport Team and Transport Scotland) have no objections to the proposals nor to the proposed means of access with no upgrades required. It is noted that objectors have concerns regarding road safety and suitability of the access and road network, but these concerns are not shared by the consultees.
119. Concerns have also been raised by objectors regarding potential conflicts with users of the development and the users of the filling station. Again, these concerns have not been raised by consultees. It would appear that any potential conflicts could be addressed by robust site management as there is a reasonable amount of space at the forecourt for vehicles, plus provision to turn within the application site itself.
120. 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.

## Public access/ Core paths

121. **NPF4 Policy 13: Sustainable Transport** supports new development where it is line with the sustainable transport and investment hierarchies and where they adequately mitigate any impact on local public access routes. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 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.
122. The proposed development does not impede or obstruct any existing core paths in the area. As noted by the CNPA Outdoor Access Officer the development has potential to promote visits to the area. As such it could represent an ideal opportunity to not only promote the attractions of the area, but to assist visitors in understanding local land uses and responsible outdoor access. This could be readily achieved by interpretative material on site and a suitable planning condition could be attached in the event of the application being supported. This would also address concerns raised by some objectors relating to unprepared visitors accessing the wider countryside here.
123. 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

## Sustainability and Climate Change

124. 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.
125. In general terms the proposed development has been sited to minimise environmental impacts and to avoid climate change risks in

terms of flood risk. It has been redesigned to avoid minimise tree loss with additional native planting proposed.

126. Although as noted earlier the development solely involves the use of private vehicles this is inevitable given the proposal. As noted by the applicant there are already motorhomes/caravans traversing this route north and the proposal seeks to capitalise on this and provide stop over facilities as well as to attract people to stay in the area. This fits readily with tourism objectives, particularly in a fragile settlement such as Dalwhinnie where additional visitors can help support existing local services, with the site well located in terms of proximity to these services and amenities The potential for providing electric vehicle charging points on site has been considered earlier in this report.
127. In these overall circumstances it is considered that the proposed development complies with NPF4 and Local Development Plan policies.

### **Community Wealth Building**

128. **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 etc.
129. This proposal is considered to be consistent with local economic priorities as outlined earlier. Overall, it is considered that the proposed development, which may help support local jobs as well as offering some additional opportunities and provide local economic spin off at the construction stage, complies with policy.

### **Waste and Soils**

130. 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 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 also seeks to ensure minimisation of waste during construction and life of developments.

131. 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 operational perspective facilities are proposed to enable the recycling of waste and the collection of waste. The development is therefore considered to support zero waste objectives.
132. 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 soil management plan. In this regard site construction soils should be able to be reused on site. Appropriate planning conditions can be attached to this end.
133. In these circumstances the development is considered to comply with NPF4 and Local Development Plan policies subject to appropriate planning conditions being attached.

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

134. **Impact on Railway:** The development will not alter ground levels in the immediate vicinity of the main Inverness to Perth railway line to the immediate west of the site, and it will not intrude into or affect the railway embankment. The recommendations of the technical consultee (Network Rail) to highlight the need to contact them about safe working practises in the vicinity of the railway can be readily addressed by way of an informative attached to any consent granted. On this basis there are not considered to be any adverse impacts upon the adjacent railway line.
135. **Adverse impact on broadband and electricity supplies** -objectors note that these supplies are already intermittent. This is not a material land use planning consideration.
136. **EIA screening** – concerns raised that EIA screening did not take into account all ecological and site characteristics. It is considered that the EIA screening was based upon information available at time of

submission of the application. The decision that EIA was not required was explained within the screening and has been recorded. All environmental impacts have been fully considered during assessment of this application with no significant environmental impacts arising.

137. **Better alternative sites, and no need for proposal with other caravan/motorhome sites 15 miles away-** There is not an explicit policy requirement for tourism proposals such as this to consider alternative sites or to demonstrate a need. The Planning Authority is obliged to consider the merits of the application site as submitted and whether the proposed location complies with policy. Whilst there may be brownfield sites in Dalwhinnie, the use of a greenfield site is considered to be justified as outlined in the “principles” section of this report with the applicant’s supporting information setting out the merits of the application site.
138. **Emergency access onto road to south and storage of material at this gateway -** as noted earlier in this report the applicant has confirmed that it is not proposed to form an emergency access from the application site south to the Ben Alder Cottages Road. In any event this land lies outwith the application site as outlined in red on the submitted plans. Any proposal for a new access here would require further consent. There is rubble and other material currently at the gateway as noted by objectors. This has been discussed with the applicant who advises it dates from previous contracting work in area and will be removed. This can be monitored as necessary.

## CONCLUSION

139. The proposed development is considered to support the objectives and aims of both NPF4 and the Local Development Plan, supporting tourism in the area by providing a serviced facility for motorhome and caravan users on the main A9 corridor. It also has the potential to support local employment and amenities in Dalwhinnie by bringing visitors to the area who can use the existing facilities of the village. Subject to suitable conditions regarding landscape, finishes and tree retention the proposed development is considered to fit in satisfactorily to the local landscape. Any impacts on adjoining residents are capable of being satisfactorily mitigated and there are no servicing or flooding issues with the development which can be accessed and serviced to the satisfaction of the technical consultees. New buildings/structures are low key and located close to the existing filling station grouping here whereby visual impacts are limited. Biodiversity enhancements can be secured and there are no significant environmental impacts. Health and safety issues have been fully considered and do not raise



any particular land use planning issues. Finally, the use of greenfield site is justified by compliance with other planning policies with the loss of a small area of designated housing land not considered to be significant all as outlined earlier in the report.

140. In these overall circumstances the proposed development is considered to comply with the policies and objectives of the NPF4 and the Cairngorms Local Development Plan. Approval is therefore recommended, subject to appropriate conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Formation of touring motorhome / caravan site at Land 85M North of Birchview, Dalwhinnie subject to the following conditions:**

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

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. **No development shall commence on site until a site-specific Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority in consultation with Nature Scot. The CEMP shall include the following information:**
  - a) **Site waste management plan including details of the management/storage of soil;**
  - b) **Details of appointed Environmental Clerk of Works (ECoW) their remit, scope of their work, and reporting and monitoring schedule. This should include the ability to supervise arboricultural works; and**
  - c) **Pollution Prevention Plan including site specific pollution prevention measures to protect the water environment from the**

release of sediments or other pollutants at all stages of construction. This plan to adhere to good practise guidance measures including maintaining a minimum 30 metres buffer for storing chemicals/concrete wash out or any other potentially polluting activity;

- d) Details of the mitigation measures set out in the approved section 4 of the approved Extended Phase 1 Habitat Survey and Assessment Report;
- e) Details of working within woodland to ensure no damage to tree roots and vegetation with reference to the Tree Protection Plan and Arboricultural impact Assessment/ Method Statement.

All work shall thereafter proceed in accordance with the approved details with monitoring reports from the ECoW provided to the Cairngorms National Park Authority in accordance with the agreed monitoring schedule.

**Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests, or any pollution of watercourses in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

- 3. **No development shall commence on site until a Biodiversity Enhancement Plan/Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall reflect the principles set out in section 4 of the approved Extended Phase 1 Habitat Survey and Assessment Report and shall include the following requirements:**
  - a) Measures for land management to enhance grasslands on site, benefiting a number of species including newts;
  - b) Summary of tree planting proposals (linked to landscape scheme) using native species already present in the area e.g. birch, rowan and hazel. For enhancement more trees should be planted than that felled for development;
  - c) Habitat creation – for example felled materials could be used to create habitat for insects and other species -more information on homes for nature in <https://www.nature.scot/doc/developing-nature-guidance>

- d) Installation of bird and bat boxes around the site;
- e) Timetable for implementation.

The proposals shall thereafter be implemented, managed and monitored in accordance with the approved details under the supervision of the appointed Ecological Clerk of Works.

**Reason:** To ensure that biodiversity is enhanced in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 4. **No development shall commence until pre-construction surveys for protected species including red squirrel, pine marten, badger, water vole, newts and reptiles (in accordance with species specific guidance) have been undertaken by a suitably qualified ecologist and the results, together with any associated Species Protection Plans, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. All mitigation measures shall thereafter be implemented in accordance with any approved Species Protection Plans and overseen by the appointed Environmental Clerk of Works.**

**Reason:** To determine the effects of the development on the ecology of the site and to inform mitigation measures for protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 5. **No development shall commence on site until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall include the following information:**
  - a) **Details and specification of all proposed trees and plants including plant sizes, numbers, species, and locations prepared to BS11091 - this shall reflect the need to use native species which are suited to the site-specific conditions;**
  - b) **Details of all hard surfacing of paths, parking areas, and access including edging of stances which shall reflect the requirement for natural finishes appropriate to the rural setting;**
  - c) **Details of future management and maintenance of woodland, including new planting, up to at least 5 years post construction;**

- d) Provision of enhanced planting along southern boundary facing towards Birchview;
- e) Reflect the requirement to avoid dense planting on northeastern boundary alongside wading bird habitat;
- f) Details of any proposed planting of infiltration areas for drainage;
- g) Provision of planting along the southern site boundary beside the road to Ben Alder Cottages. This could include planting of climbing plants alongside the screen fencing to soften the impact of the fencing.

The approved landscape scheme shall be implemented in accordance with the approved details in the first planting season following the development being brought into use and maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, protection of trees and to ensure the development complements and enhances the landscape 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.

6. **No development shall commence on site until an updated Tree Protection Plan and Arboricultural Impact Assessment / Method Statement has been prepared by a professional Arboriculturist following BS5837:2021 (including updated Tree Survey Schedule) reflecting the approved site layout has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Thereafter no development shall commence until trees have been protected in accordance with the approved Tree Protection Plan and these measures shall be retained throughout the construction stage of development. All construction works shall take place in accordance with the approved details and shall be supervised by an experienced Arboricultural Clerk of Works/professional arboriculturist.

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, protection of existing trees and woodland, and to ensure the development complements and enhances the landscape 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.

7. **No development shall commence on site until details of the proposed lighting for the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. This scheme to include details of the strength, design, and direction of all lighting, reflecting the need to avoid lighting the remaining woodland, vegetation and surrounding environment. It shall be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document “Guidance Notes for the Reduction of Obtrusive Light” and guidance on wildlife sensitive lighting. The scheme shall thereafter be implemented in accordance with the approved plans throughout the lifetime of the development hereby approved.**

**Reason:** To minimise light pollution from the development in accordance with Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking, and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

8. **No development shall commence on site until details of interpretative material on site to promote understanding of local land uses and responsible outdoor access has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the interpretative material shall be implemented in accordance with the approved details before the development is brought into use.**

**Reason:** To ensure the development takes into account the impacts of an increased number of visitors and maximises the opportunities for responsible outdoor access in accordance with Policy 30: Tourism of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

9. **Work on site should seek to commence outwith the bird breeding season - March to August inclusive. If work is proposed during the breeding season no works shall commence on site until the Ecological Clerk of Works has undertaken nesting bird checks and a breeding bird Species Protection Plan has been submitted to and**

approved in writing by the Cairngorms National Park Authority acting as Planning Authority The development shall thereafter be constructed in accordance with the approved details. This plan should also ensure that any trees to be felled which support bird boxes should be checked and boxes moved to trees outwith the immediate footprint prior to the bird breeding season commencing.

**Reason:** To prevent any breaches of wildlife legislation and to ensure that any impacts on the natural heritage of the National Park are satisfactorily mitigated in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

10. **No development shall commence on site until details of a dust suppression scheme designed to protect neighbouring residents from dust that may arise during construction has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. All mitigation measures shall thereafter be implemented in accordance with the approved details throughout the construction stage.**

**Reason:** To minimise disturbance and loss of amenity for residents in the area in accordance with Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

11. **No development shall commence on site until a site management plan which includes details of on-site staffing and site supervision and any proposed site instructions or procedures to be put in place to minimise disturbance to neighbouring residents from noise, BBQs smoke, litter etc. has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. Thereafter, the site shall operate in accordance with that management plan.**

**Reason:** To minimise disturbance and loss of amenity for residents in the area in accordance with Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and

Placemaking of the Cairngorms Local Development Plan  
2021.

12. **No structures shall be erected on the play/amenity area until details of the proposals have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details to reflect the rural location in terms of design and finishes and shall be implemented in accordance with the approved plans before the play/amenity area is brought into use.**

**Reason:** To minimise any loss of amenity for residents in the area and ensure that the development complements and enhances the landscape accordance with Policy 23: Health and Safety and Policy 4: Natural Places of the National Planning Framework and Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

13. The development hereby approved shall not be brought into use until it is connected to a public water supply.

**Reason:** As the development has been assessed on the basis of connection to a public water supply with no private supply assessed and in accordance with Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

14. The development hereby approved shall not be brought into use until all parking, access, turning areas, paths, and water tank arrangements have been completed in accordance with the approved plans. This infrastructure to be retained thereafter throughout of the lifetime of the development hereby approved.

**Reason:** To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms Local Development Plan 2021.

15. The development hereby approved shall be constructed in accordance with the approved site sections and plans.

**Reason:** To ensure the development complements and enhances the landscape 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.

16. The operation of motorhome engines/generators shall be prohibited when stationary.

**Reason:** To minimise disturbance and loss of amenity for residents in the area in accordance with Policy 23: Health and Safety of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

17. The development hereby approved shall operate during the months April to October only.

**Reason:** As the development has been assessed on this basis, taking account of minimising disturbance and loss of amenity for residents in the area and complementing and enhancing the landscape in accordance with Policy 23: Health and Safety and Policy 4: Natural Places of the National Planning Framework 4 and Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms Local Development Plan 2021.

18. Vehicular access to and egress from the site shall be restricted to between the hours 8am and 10pm

**Reason:** To minimise disturbance and loss of amenity for residents in the area in accordance with Policy 23: Health and Safety of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

19. The development hereby approved shall not be brought into use until the drainage arrangements (foul and surface) have been implemented in accordance with the approved details and thereafter the drainage scheme shall be maintained in accordance with the approved details throughout the lifetime of the development hereby approved.

**Reason:** To ensure that sustainable drainage arrangements avoiding unacceptable impacts on the environment are implemented in



accordance with Policy 22: Flood Risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

20. All new buildings and structures shall be raised off the ground to allow ventilation underneath the buildings with: no breaking out of the ground or installation of foundations; no service entry points from ground level to any building; no water supply to the office building situated directly behind the filling station and; with services to the wash facility building mitigated to prevent migration of vapours into the building, or penetration of water supply pipes by hydrocarbons.

**Reason:** To ensure that there is no vapour and gas migration and intrusion to any new structures on the site as a result of the proximity to a petrol filling station in accordance with Policy 23: Health and Safety and Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

21. Boundary enclosures shall be erected in accordance with the approved plans before the development is brought into use. This includes the southern and western boundaries of the motorhome parking area which shall be enclosed by a 2.4m high close boarded wooden larch fence.

**Reason:** To minimise disturbance and loss of amenity for residents in the area and to ensure that the development complements and enhances the landscape in accordance with Policy 23: Health and Safety and Policy 4: Natural Places of the National Planning Framework 4 and Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms 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 on Bank Holidays to minimise disturbance to residents in the area.
4. Network Rail have advised that all construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to the development. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
5. The person undertaking the development must contact their Asset Protection Engineers regarding the above matters, see contact details below: Network Rail Asset Protection Engineer, 151 St. Vincent Street, GLASGOW, G2 5NW E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)
6. The Highland Council Environmental Health Officer has advised that the site will require to be licensed in terms of The Caravan Sites and Control of Development Act 1960. The person undertaking the

development will require to ensure that the site will be able to comply with the relevant licence conditions.

7. The person undertaking the development should ensure that the development is compliant with the requirements of the Fire and Rescue Service – it is recommended that the Service is contacted at an early stage as they will be a consultee to the Licensing Authority (The Highland Council)
8. The person undertaking the development should note with regard to Condition 8 - Interpretive Material that the CNPA Visitor Service can assist with input if helpful.
9. The person undertaking the development should note with regard to Condition 2, that best practise guidance should be followed, available on the following links:

Protected species - <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-standing-advice-and-guidance-documents>

Water environment- <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

Wildlife friendly lighting <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

10. The Highland Council Contaminated Land Officer has advised that any future adaptations to the buildings would have to be regulated, and Building /Trading Standards should be consulted regarding the intrinsic safety of the new proposed use and any new buildings to be constructed on the site.
11. The Highland Council Trading Standards Officer has advised that the adjoining petrol filling station (PFS) is currently certificated by them as the Petroleum Enforcement Authority. The certificate holder is responsible for the safe storage of petroleum spirit and the safe operations of the PFS. Clear signage will require to be put in place, alerting those entering the area that parts of the PFS installation are present and present a danger should warning signs not be followed. They are particularly aware of the risk of fire and explosion should these warning not be followed when the PFS is operating as unmanned. The signage should include the wording; Petroleum Spirit

Highly Flammable, No Smoking, No naked lights, Do not use mobile phone. The areas referred to are specifically the vent pipe stack and the tank farm where appropriate signage will be required. These matters will be part of the PFS risk assessment document, held by the certificate holder and a visit to the PFS will be undertaken by the Team to ensure appropriate signage and documentation is in place.

12. SEPA have advised that details of regulatory requirements and good practice advice can be found on the regulations section of their website. If the developer is unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [GS@sepa.org.uk](mailto:GS@sepa.org.uk) The person undertaking the development should also note the following from SEPA's website - Campervan and motorhome waste disposal: applicants should follow A Guide for Independent Developments particularly for 'black water' (containing chemicals) - [Campervan and Waste Disposal](#)
13. The person undertaking the development will require to contact Transport Scotland's Route Manager to obtain permission for any work within the trunk road boundary. The operating company has responsibility for coordination and supervision, and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained. Director, Trunk Roads Network Management TS Contact: Area Manager (A889) 0141 272 7100 Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow G1 2AD; Operating Company: North West Address: Bear, Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth - Telephone Number: 0845 4130200 and e-mail address: [NWplanning@bearsotland.co.uk](mailto:NWplanning@bearsotland.co.uk)
14. The person undertaking the development should note that Scottish Water are unable to reserve capacity at their water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, they will review the availability of capacity at that time and advise the applicant accordingly. More information is contained in their consultation response which also addresses trade effluent issues.
15. The person undertaking the development should contact SSE to ensure they comply fully with safe working practises in the vicinity of an electricity line.
16. The person undertaking the development is recommended to fully consider the potential for providing electric charging points at the site in order to support a move to sustainable travel. Sources of support

such as Enterprise Companies and Scottish Government should be approached for assistance.

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.