

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Formation of bunding, provision of services, and laying out of access road, hardstanding and tarmac area with associated landscaping (retrospective) at Land 165M SW Of Hillview Kincaig

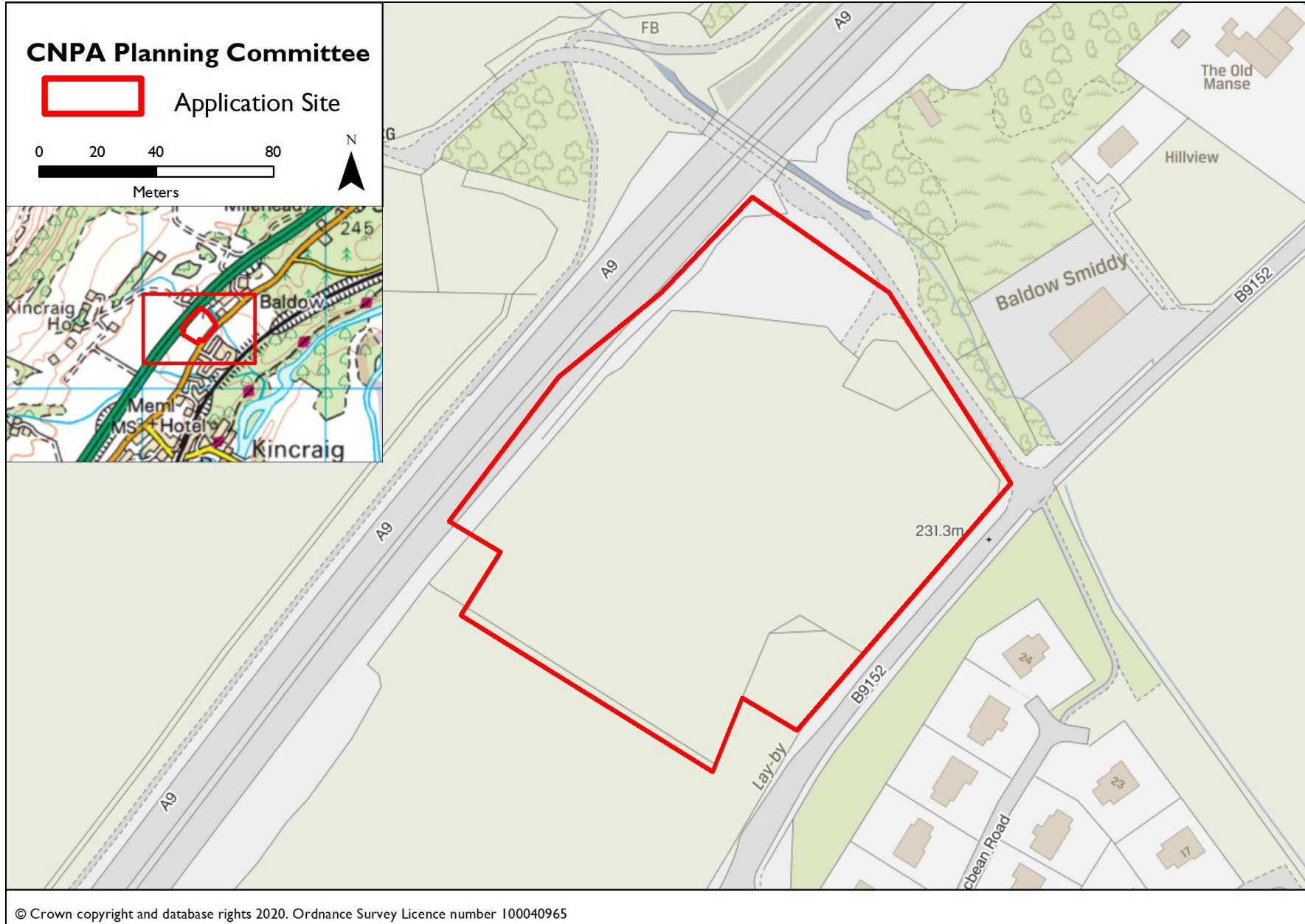
REFERENCE: 2020/0080/DET

APPLICANT: Dunachton Estate

DATE CALLED-IN: 23 March 2020

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Robbie Calvert, Graduate Planner



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is on land 165m south west of Hillview and is adjacent to the north-western settlement boundary of Kincaig, bounded to the south-east by the B9152 and the A9 to the north-west. The site is currently an unused compound constructed under the Roads (Scotland) Act 1984 to support the road widening of the A9. To the north-east of the site is an existing car garage on land allocated for economic development land in the Cairngorms National Park Local Development Plan 2015. To the south of the application site lie residential dwellings of the Macbean Road development, separated by a band of trees.
2. The application site is approximately 1.6ha. The site comprises a built up level area, elevated above the public road, bounded by a fence.
3. Access is currently taken from a private track leading from an unclassified road.
4. A watercourse runs to the north of the application site feeding into the River Spey – Insh Marshes Special Area of Conservation (SAC). There is a further small, culverted watercourse to the south of the site.

Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7E17OSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	453288/PL01	01/12/19	23/03/20
Location Plan	453288/PL01 Revision A	01/12/19	23/03/20
Site Plan & Landscape Mounds	453288/PL02	01/12/19	23/03/20
Site Plan & Landscape Mounds	453288/PL02 Revision A	01/12/19	23/03/20

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

6. Plans of the proposals are included within **Appendix I**
7. The application seeks retrospective planning permission for the continued occupation of an existing compound. This was constructed by Transport

Scotland/BEAR as a compound/lay-down area associated with the A9 dualling, this section of the A9 around Kincaig is now complete. The application seeks to regularise the temporary occupation of the site. Proposals include groundwork undertaken to level the site, hardstanding and bunding created adjacent to the public road and site access.

History

8. This area was originally grazing land before the construction compound for the Kincaig section of the A9 Dualling project. The compound was deemed permitted development under the Roads (Scotland) Act 1984. It was intended to be a temporary facility only for the road works and under contract for the road scheme the site was intended to be restored back to an agricultural field.
9. Planning permission was granted by Highland Council on 10/12/2018 for a retrospective application for the change of use to temporary site compound, installation of site accommodation units, day to day running of the project, storage of material and equipment and reinstatement to existing condition on completion of the work (18/05071/FUL). This permission ceased 14 months ago.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) 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	SUSTAINABLE DESIGN	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	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

10. 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:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

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

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

Cairngorms National Park Local Development Plan 2020

12. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period of 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is on-going, the Proposed Plan and its contents currently carry limited weight.

CONSULTATIONS

13. A summary of the main issues raised by consultees now follows:
14. **Scottish Water** advised that they had no objection to the proposal.
15. **Highland Council Transport Planning** were initially consulted and advised that information submitted was inadequate, requesting more information in order to fully assess the impacts of the proposal. After clarification was made that planning permission will only extend temporary consent, existing access arrangements were considered sufficient with a condition attached in the event the application is supported to ensure that no surface water from the access road will discharge onto the public road.

16. **CNPA Landscape Officer** advised that retention of the site in its current condition would not conserve or enhance the landscape character of the area or its special landscape qualities. They request that in the event that the application is supported a condition be attached requiring a full landscape scheme including reshaping of the bunding, new fencing if required and a full planting/seeding scheme.
17. **CNPA Ecology Officer** advised that they had no objection to the proposal.
18. **Kincraig Community Council** was consulted on the proposal but has not provided any comments.

REPRESENTATIONS

19. One letter of representation has been received from a member of public making a general comment on the application. A copy of the response can be viewed at **Appendix 2**. A summary of the comments is provided below:
 - a) Given current economic climate site will not be developed in short-term.
 - b) Site has significant negative impact upon landscape quality of area.
 - c) Removal of existing service on site and reinstatement of land will not have an adverse impact on the potential for the site to be developed in the future.
 - d) Landscaping plans have not been submitted.

APPRAISAL

Principle of development

20. **Policy 2.3:** Supporting Economic Growth – Other economic development provides support for developments that support or extend the economy or which enhance the range and quality of economic opportunities or facilities, where they are compatible or complement existing business activity in the area and support the vitality and viability of the local economy and the broader economy of the Park. The Cairngorms National Park Local Development Plan 2015 and the Kingussie settlement statement within it encourages appropriate economic growth which supports a thriving community and there is general policy support for the protection of existing sustainable economic activity and where development or intensification of brownfield land is proposed within the settlement boundary.
21. Whilst not an allocated site in the Cairngorms National Park Local Development Plan 2015, the site is proposed to be allocated as economic development land (ED2) under the emerging Cairngorms National Park Local Development Plan 2020. Only limited weight can be given to the Proposed Plan but it is officers are of the opinion that if the current use of the site as a compound was a temporary state as a stepping stone to a later more positive economic use, it would support the delivery of the proposed LDP. More importantly, that same case of

a temporary use and retention of services leading to a more productive use is considered to support policy 2.3 of the adopted LDP, and the temporary use of the ground for a site compound has been previously established by both the original A9-related permission and later Highland Council temporary permission.

22. Subject to assessment of the landscape impacts and access and servicing issues, as well as a condition limiting the duration of the current, the application is considered to with Policy 2 Economic Development of the Cairngorms National Park Local Development Plan 2015.

Landscape Impacts, Layout and Design

23. **Policy 5:** Landscape of the Cairngorms Local Development Plan 2015 seeks to ensure that all new development conserves and enhances the landscape character and special landscape qualities of the National Park. Similarly, **Policy 3:** Sustainable Design seeks to ensure that development is suitably designed.
24. It is acknowledged that in landscape terms the site is prominent, being elevated above the main Kincaig village public road. The CNPA Landscape Officer considers that the retention of the site in its current condition would not conserve or enhance the landscape character of the area or its special landscape qualities. Their assessment is based on the assumption that the site would have been restored following completion or that Kincaig section of A9 upgrade and that the application is considered as a permanent development. However, in the event that the application is supported, appropriate mitigation can be applied by way of a condition. This would require the submission of a full landscape scheme including the relocation of the fencing located adjacent to the bund and the replacement of this with a full planting/seeding scheme to provide screening of the site for the duration of the temporary permission.
25. The CNPA planning service does not consider a permanent consent for what is by its nature intended to be a temporary use appropriate but does consider that the development would be acceptable as a temporary use. Because of this, we consider that a two-stage approach to mitigation is more appropriate and reasonable, with some initial remedial mitigation to be implemented during a temporary consent, followed by either full reinstatement under the terms of a temporary consent, or an appropriate landscape scheme for subsequent development approved for the site.
26. Subject to an appropriate planning conditions limiting the period of use and requiring short term mitigation and full reinstatement of the site at its end, the proposal is considered to comply with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Environmental Issues

27. **Policy 4:** Natural Heritage of the Cairngorms Local Development Plan 2015 seeks to ensure that there are no adverse effects on natural heritage interests, designated sites or protected species and that any impacts upon biodiversity are avoided, minimised or compensated.

28. There are natural heritage interests of international importance within the wider area, however the development is proposed outside the boundary of any nature conservation sites designated for their ecological or geological interests. The CNPA Ecology Officer has no objection to proposals.
29. In these overall circumstances the application is considered to comply with Policy 4: Natural Heritage.

Access and Servicing

30. **Policy 3: Sustainable Design** and **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2015 require new development to be satisfactorily serviced and without harm to resources or the environment.
31. When initially consulted the Highland Council Transport Team requested additional information in order to assess proposals. However it was clarified that planning permission would be temporary, simply retaining servicing to the compound are for a period of time and the ground either reinstated at its end, or an application for a permanent development made. Under those circumstances, the Transport Planning Team considered the proposal acceptable as long as a condition is attached to ensure that no surface water from the access road will discharge onto the public road.
32. Subject to appropriate conditions, the proposed temporary development is considered to comply with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

33. The proposed development is inherently a temporary use of land to allow for more detailed and productive proposals to come forward in future. With a consent that is time limited and that requires reinstatement at its end, the proposal complies with LDP policies and allows the promoter time to come forward with a positive proposal for business use of the land. Those proposals would also be expected to include appropriate long term landscape details commensurate with a permanent development.
34. In these overall circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to approve the formation of bunding, provision of services, and laying out of access road, hardstanding and tarmac area with associated landscaping (retrospective) at Land 165M SW Of Hillview Kincaig subject to the following conditions:

Conditions

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 26 June 2023 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission, including all fencing, bunding, hardstanding and access tracks, and the ground reinstated to grassland.

Reason: In recognition of the temporary nature of the proposed development, to enable the Cairngorms National Park Authority as acting Planning Authority to reassess the impact of the development after a given period of time.

2. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the adopted road. Such provision shall be installed within one month from the date of this decision notice and shall thereafter be maintained for the approved temporary period of this development.

Reason: To ensure that surface water drainage is satisfactorily managed in the interest of road safety in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

3. Within 3 months of the date of this decision, a Landscape Mitigation Plan, with measures to reduce the landscape impact of the development must be submitted to and thereafter approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The Landscape Mitigation Plan shall thereafter be implemented in full.

Reason: In the interests of amenity and to ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015

4. Operations for which noise is audible at the boundary of the application site shall only be carried out between:
 - i. 0800 hours and 1800 hours Monday to Friday; and
 - ii. 0800 hours and 1800 hours on Saturdays
 - iii. 08:00 hours and 1600 hours on Sundays

Notwithstanding the above, no such operations shall take place at any time on Christmas Day, Boxing Day, New Year's Day, 2nd January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise approved in writing by the Cairngorms National Park Authority, acting as Planning Authority as an exceptional instance for operating outwith these hours.

Reason: To protect the amenity enjoyed by neighbours by minimising disturbance/nuisance from noise in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Development Plan 2015

Informatives

1. Following completion of the development, a notification of the 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.
2. It should be confirmed by the applicant with the local SEPA team whether the site falls under the requirements for a CAR Licence. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Below the thresholds the applicant will still need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

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.