

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Retention of ten wigwam accommodation units at Speyside Trust Badaguish Outdoor Centre Glenmore Aviemore Highland PH22 1QU

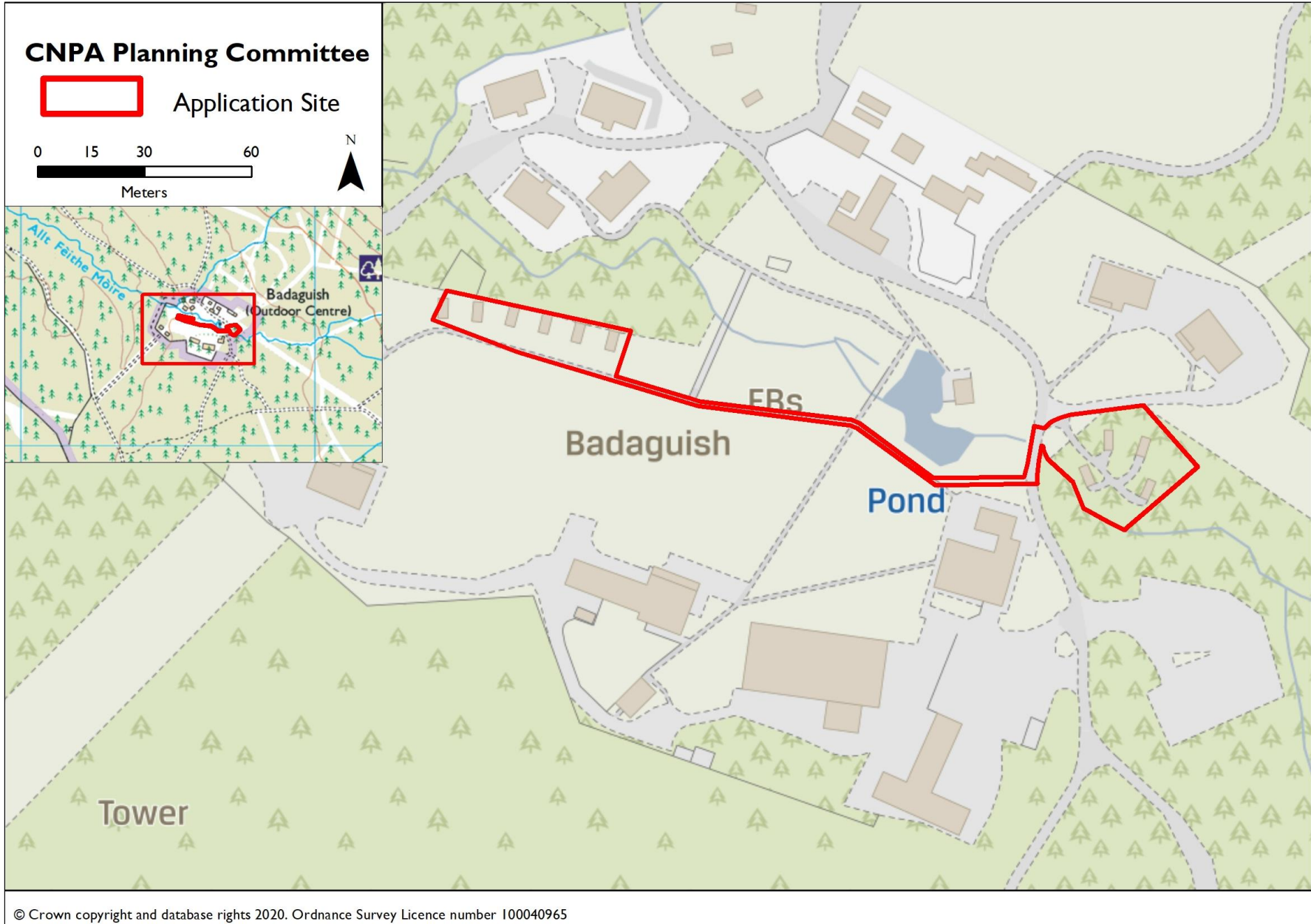
REFERENCE: 2020/0081/DET

APPLICANT: Speyside Trust

DATE CALLED-IN: 30 March 2020

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Ed Swales, Monitoring and Enforcement Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located at Badaguish, 6km to the east of Aviemore, along the road commonly known as the ski road towards Cairngorm Mountain. This is an established outdoor education centre with numerous existing facilities on site (offices, toilet/shower block, lodges, café, play area, camping, wigwams, paths etc.) in a woodland setting.
2. Land to the south of the Badaguish complex is designated as a Special Protection Area, SSSI, and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.

Proposal

3. 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=Q6NXTISI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	4111/LOC	01/11/15	30/03/20
Site Layout	4111/062	11/11/15	30/03/20
Supporting Statement			30/03/20
Site Photos	4111/002		30/03/20

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

4. The proposal is for the continuation of use for a further three years for 10 wooden wigwams. These are located on two different sites within the wider complex. These wigwams were granted temporary planning permission in 2015 as part of the wider development of the site for 35 wigwams and overall upgrading of the existing infrastructure.
5. The reason for the required continuation on a temporary basis is to raise the necessary funding for the remainder of the development whilst retaining some income from their use.
6. A Supporting Statement has been submitted explaining the reasoning behind the proposal.

History

7. Temporary planning permission was granted for the siting of the 10 wigwams in 2010 by the CNPA Planning Committee (10/107/CP). In 2012 this consent was extended to the end of 2014 (2012/0107/DET).
8. This consent expired and a subsequent retrospective application (2015/0375/DET) was granted consent to retain the wigwams for a further year.
9. In 2017 a further temporary consent was granted for the retention of the 10 wigwams for a period of 3 years (2017/0008/DET).
10. The wider site has a lengthy planning history. In 2011 an application (2011/0206/DET) was approved for the erection of 35 wigwams, site activity area and mountain bike free ride trail. It was later deemed that this permission had been breached and a section 33a notice was served requiring the resubmission of the applications to remedy the breaches of planning control. These were submitted and approved in 2015 (2015/0133/DET and 2015/0132/DET).
11. In 2016 an application for planning permission (2016/00092/ DET) was granted consent for the erection of cooking and toilet facilities. This was later amended to become accommodation for a 24 hour warden service (2017/0325/DET).

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	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

12. 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>

13. Other relevant local policies are (delete if not applicable)

Planning Guidance

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

Policy 1	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	X
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

15. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 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 still progressing its contents currently carry limited weight.

CONSULTATIONS

16. A summary of the main issues raised by consultees now follows:
17. **Scottish Natural Heritage** state that the Cairngorms National Park Authority is leading on the HRA aspect of this and as such offer no comment on the application.
18. **CNPA Conservation Officer** states the advice remains the same from the 2017 application on the basis of the conclusions of the Habitats Regulation Appraisal carried out then.
19. **Aviemore and Vicinity Community Council** offered no comment on the application.

REPRESENTATIONS

20. One objection has been received in relation to this development focusing on the wider site and its scale that has already been granted permission under the 2015 planning applications.

APPRAISAL

Principle

21. The principle of recreational development at Badaguish is well established and fits well with the existing activities on site. Planning permission has previously been granted on a number of occasions for temporary wigwams in the current location. The issue to be considered now is whether it is appropriate to continue to permit the retention of these wigwams, again on this site until such time as the site to the north is more fully developed to a stage when these 10 wigwams may be relocated.
22. If the application were to be refused, the wigwams would have to be removed from their current locations and the ground restored, but the wigwams themselves could be relocated to other sites within the area as the wider development is built out.
23. **Policy 2.2:** Supporting Economic Growth states that development which enhances formal and informal tourism and leisure related infrastructure facilities including accommodation will be supported where it has no adverse environmental impacts on the site and adds to or extends the core tourist season. The development fits well within its woodland setting allowing a year round outdoor learning experience as well as accommodation. The continued retention of these wigwams allows the centre to generate income until such time as further funding becomes available for the wider development. As such the proposal complies with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan.
24. **Policy 8:** Sport and Recreation also supports the provision of this type of facilities where they are sustainably designed, do not introduce any environmental impacts and contribute to an identified visitor need.
25. The principle of retaining the 10 wigwams is acceptable subject to compliance with policies relating to design, servicing, landscape and environmental impacts.

Design and Servicing

26. **Policy 3:** Sustainable Design states that a design statement must accompany all development proposals to demonstrate how the proposal has been designed to use materials and landscaping that will complement the setting of the development. The 10 wigwams have been on site for a number of years now and have bedded into their surroundings and relate well to the existing buildings and infrastructure.

27. **Policy 10:** Resources states that all development should have no significant adverse impact on existing or private water supplies or wastewater treatment services and that they should be connected to the public sewerage network unless it is in a small settlement where there is a limited collection system. The centre is a pre-existing standalone development and these facilities discharge to the existing sewage treatment plant which is regulated by the Scottish Environment Protection Agency (SEPA). Access arrangements and waste management provision will remain the same. Given the above it is considered that the proposal complies with both Policy 3: Sustainable Development and Policy 10: Resources of the Cairngorms National Park Local Development Plan.

Environmental Issues

28. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to protect designated sites and protected species and conserve biodiversity. The key potential environmental impact relates to any impacts upon the Cairngorms Special Protection Area (SPA) in terms of any impacts upon capercaillie in the SPA. It is necessary to fully consider these impacts and this has been done through the Habitats Regulation Assessment and Appropriate Assessment (**Appendix 3**). This was undertaken during the previous assessment of this application in 2017 following advice from SNH. The advice within that Assessment remains as it was at that time. This concludes that any potential impacts may be satisfactorily mitigated by the ongoing implementation of the Visitor Management Plan. Subject to this assessment, the conditions attached to this permission as well as the wider permissions will ensure that there are no adverse impacts on NATURA interests and that the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.

Landscape

29. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 seeks to conserve and enhance landscape character and special qualities of the Cairngorm National Park. The wigwams have been on site for a number of years and relate well within their context and woodland setting. As such the landscape impact of these structures has lessened and is insignificant now. Furthermore there is a wider Visitor Management Plan which ensures all landscaping is carried out and any dying trees are replaced. Landscaping of the wider site remains controlled through conditions on the previous permissions and as such the proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

Other Issues Raised in Consultations and Representations

30. One objection has been received in relation to this development, but it relates to their disagreement with the wider 2015 consent and general operation of the Badaguish site. Issues regarding the landscaping relating to those applications are not relevant to this planning application.

CONCLUSIONS

31. It is considered that this proposal to retain ten wigwams on this site at Badaguish, until such time as the larger wigwam site to the north is in a suitable condition to relocate them to, is acceptable on its own merits in land use planning terms. Servicing impacts from the development are limited and any landscape impacts and environmental impacts upon NATURA interests can be controlled by planning conditions requiring adherence to the existing Visitor Management Plan. It is important to ensure there are no more than 35 wigwams in total on the wider site as it is on that basis that the application has been assessed. It is therefore recommended that a planning condition be attached requiring relocation or removal of the ten wigwams into the main site within 3 years or as soon as there are 25 wigwams on the main site, whichever is the sooner.
32. On this basis the application is considered to comply with Local Development Plan policies and approval is recommended subject to the suggested planning conditions.

RECOMMENDATION

That members of the Committee support a recommendation GRANT TEMPORARY PLANNING PERMISSION to retain existing established 10. no wigwam accommodation and associated landscaping (Renewal of permission 2017/0008/DET (16/05607/FUL)) at Speyside Trust, Badaguish Outdoor Centre, Glenmore, Aviemore 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. Notwithstanding the approved supporting statement the wigwams hereby approved and any supporting pads shall be removed from site within 3 years of the date of this permission or before more than 25 wigwams are erected on the land to the north which is the subject of planning application references 2015/0132/DET, 2015/0133/DET and 2011/0206/DET, whichever is the sooner and the ground restored to its previous condition prior to the erection of the wigwams.

Reason: To ensure the development is controlled to that applied for as environmental impacts have been considered in relation to a total of 35 wigwams in compliance with Policies 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2015.

2. No more than 35 wigwams shall be located on the entire site, as outlined in blue on the approved location plan (4111/LOC) at any given time.

Reason: To ensure the development is controlled to that applied for as environmental impacts have been considered in relation to a total of 35 wigwams in compliance with Policies 4: Natural Heritage, and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2015.

3. The development hereby approved shall be operated in accordance with the approved Visitor Management Plan Version 5 dated November 2015. Ongoing monitoring shall be undertaken in accordance with the recommendations of the approved Visitor Management Plan throughout the lifetime of the development hereby approved. The results of monitoring (together with details of any mitigation carried out) shall be submitted on an annual basis to the Cairngorms National Park Authority acting as Planning Authority, starting from January 2021 (and then every January thereafter).

Reason: To ensure the development conserves and enhances the natural heritage of the area and does not adversely affect the Cairngorms Special Protection Area in terms of impacts upon capercaillie from the users of the site, and complies with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2015.

4. The wigwams shall be used only as short term tourist accommodation. No single period of occupation shall exceed two months in any calendar year unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. Occupation shall be restricted to use by persons staying in the area for recreational purposes.

Reason: To ensure that the units are used for recreational purposes in connection with the operation of a tourist facility in accordance with Policy 2: Economic Growth of the Cairngorms National Park Authority Local Development Plan 2015.

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.

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.