

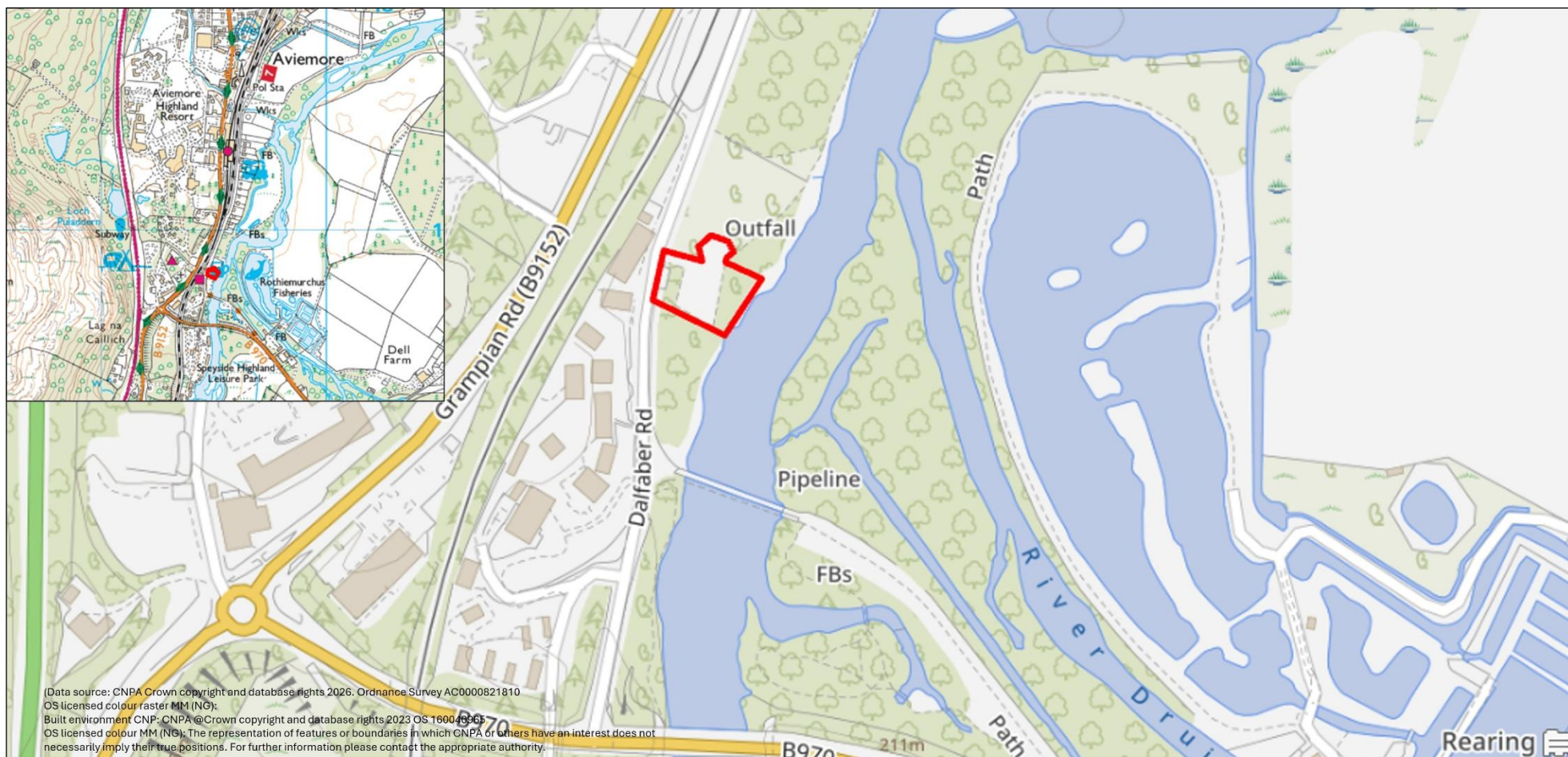


Committee report

Development proposed:

Installation of raised decking for outdoor eating / drinking; provision of 10 car parking spaces; and provision of picnic tables at Old Bridge Inn, 23 Dalfaber Road, Aviemore, PH22 1PU

Reference:	2026/0104/DET
Applicant:	Mr Owen Caldwell
Date called-in:	30 March 2026
Recommendation:	Approve subject to conditions
Case officer:	Katie Crerar, Planning Officer



This map 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.



Site description, proposal and history

Site description

1. The development site comprises a small area of cleared ground located between Dalfaber Road (adjacent to the Old Bridge Inn, Aviemore) and the River Spey.
2. The site has limited vegetation due to existing use but is contained by woodland to the north and south, Dalfaber Road to the west and the River Spey to the east.
3. The site was granted temporary consent (for two years) in March 2024 for use as a beer garden which also provided access to the River Spey, however this temporary permission has recently lapsed. Prior to this, it was used informally as a car park and picnic area, and the south east corner of the site is used as a launch point for people and groups using the River Spey for canoeing, kayaking and other uses. There is a core path (LBS137) running through the site providing access from Dalfaber Road to the river.

Proposal

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

[2026/0104/DET | Installation of raised decking for outdoor eating/drinking; provision of 10 car parking spaces; and provision of picnic tables | Old Bridge Inn 23 Dalfaber Road Aviemore Highland PH22 1PU](#)

Title	Drawing number	Date on plan*	Date received
Plan – Location Plan (Site Layout Plan)	100	01/02/26	26/03/26
Plan – Proposed Site Layout Plan (Updated)	101	01/02/26	27/05/26
Plan – Existing Plans and elevations	102	01/02/26	26/03/26
Plan – Proposed Plans and elevations	103	01/02/26	26/03/26
Other – Flood Risk Assessment		01/02/26	26/03/26
Other – Landscape Plan		01/04/2026	27/04/2026



Other – Supporting information for NPF4 Policy 3 Compliance (Biodiversity enhancement)		01/05/2026	25/05/2026
Other – Construction Method Statement		14/05/2026	27/05/2026
Other – Pollution Prevention Plan		01/05/2026	27/05/2026
Other – Preliminary Ecological Appraisal		01/05/2026	25/05/2026
Other – Tree Constraints Plan		25/06/2026	29/06/2026
Other – Tree Management During Site Construction Arboricultural Report		26/06/2026	29/06/2026
Other – Tree Protection Plan		25/06/2026	29/06/2026

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

5. This proposal seeks planning permission to create additional outdoor eating space and provide onsite parking as part of the Old Bridge Inn Restaurant. There is already an outdoor seating area serving the Inn known as 'The Shelter'. This proposal will extend this seating area as well as adding picnic benches around the site and creating 10 formal parking spaces to expand the business and increase capacity during the busy summer season.
6. The existing outdoor seating area will be extended to the east with timber decking measuring 4.5m by approximately 17.2m. The new decked extension will not be covered and will have 1.1m high timber railing around it with two openings on the western side to provide level access into the existing seating area. In addition, there will be an opening at the northern end of the new decking which will provide access via some stairs down to the lower part of the site where parking spaces are proposed (see Proposed Plans and Elevations at **Appendix 1**).
7. 10 designated parking spaces are proposed on the site, with a row of four being positioned adjacent to the extended decking area, another four being located to the southeast of these in an 'L' shape, and the final two to the east. The parking spaces will be demarcated using horizontal timber markers on the outer edges. The central area between the parking spaces will be open for turning and to maintain core path access. The existing hard standing sand and gravel surface on the site will be retained.



8. In addition to the decked extension and parking spaces, there will be picnic benches for customers to sit at in the northern part of the site and under the trees in the eastern part set back 10m from the river bank as previously.
9. Three trees are proposed to be removed as part of the development – a Goat Willow (T2092) which lies within close proximity of the new decking, and a Common Alder and Silver Birch group (TG2082) which are decaying and standing deadwood which pose a safety risk as they are leaning towards the seating area.
10. Compensatory planting for the removal of the three trees is proposed, which will comprise six broadleaf trees. In addition, biodiversity enhancement measures are proposed comprising six bat boxes, six bird nest boxes, native tree planting along the southern boundary of the site and raised planters with native wildflower mixes and native shrubs. The exact location of these have not yet been provided and will be confirmed prior to commencement of development if planning permission is granted.
11. The site has been used as a beer garden for the last two years and this application seeks to continue a similar use permanently. The development site provides access to a launch point on the River Spey which is also part of a core path. The layout of the site will maintain unimpeded pedestrian access to the river. Due to the constraints of the applicant's lease of the land, no provision for minibuses or canoe trailers to park and drop off canoes can be provided within the application site. However, the proposed layout has been designed to enable customers on the site to be more contained to specific areas which is intended to help maintain public right of access through the site.

History

12. There have been two previous applications on the site which include:
 - a) 2023/0399/DET - Change of use of land to beer garden (in retrospect), which was approved by the National Park Authority in March 2024 as a temporary consent for two years.
 - b) 20/04604/FUL – Erection of outdoor shelter, approved by The Highland Council in February 2021.

Habitats Regulations Appraisal

13. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of the



European sites listed within the HRA document, which is attached as **Appendix 2**. The European site in this case is the River Spey Special Area of Conservation (SAC) which is designated for its otter, freshwater pearl mussels (FWPM), sea lamprey and Atlantic salmon interests.

14. The HRA considers that due to the proximity of the development site to the River Spey, there is potential for indirect impacts on water quality. Pollution events during the construction phase could result in impacts on water quality or mobilised sediment entering the watercourse affecting Atlantic salmon, fresh water pearl mussels and juvenile sea lamprey. Whilst it is recognised that otters in this area will be habituated to existing levels of disturbance from recreational activity or temporary construction phase activity, there is also potential for construction phase pollution that could impact on otter habitats / food sources.
15. Therefore, mitigation measures are proposed including the implementation of an otter Species Protection Plan and a Pollution Prevention Plan to reduce potential effects to a minimal level. This will ensure that all the conservation objectives can be met and that there will be no adverse effects on the integrity of the River Spey SAC. Naturescot have confirmed agreement with the contents of the HRA and its conclusions.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	
Policy 6	Forestry, woodland and trees	X
Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	



Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	X
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
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	

16. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). The full wording of policies can be found at:
<https://www.gov.scot/publications/national-planning-framework-4/documents/>
and at:
<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

17. Supplementary guidance also supports 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 (x).

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	

Consultations

18. A summary of the main issues raised by consultees now follows:
19. **Scottish Environment Protection Agency (SEPA)** do not object to the proposed development. They acknowledge that the site is shown to be at risk of flooding but



are satisfied that the proposals are unlikely to impact on flood risk elsewhere given that the site will continue to flood and there is no loss of floodplain. They acknowledge the use is ancillary to the existing business and unlikely to increase overall risk. Whilst they note measures proposed by the applicant to reduce impacts such as removing items like picnic benches from the site in the event of a flood warning, they advise that the planning authority may wish to apply planning requirements for the picnic benches to be secured in situ at all times and to ensure that the proposed decking is designed to withstand the forces of floodwater to avoid these being washed out in the event of a flood.

20. **The Highland Council's Flood Risk Management Team** do not object to the application. They note that the site has been used over time as a carpark, picnic area and most recently a beer garden which is ancillary to the existing Old Bridge Inn. The raised decking is an open structure and does not propose any changes to ground levels. It will not impede the flow of floodwater or affect floodplain capacity. It is however stated that the applicant must have a suitable flood evacuation plan in place to ensure the site is evacuated in a timely manner when flooding is predicted. They note that they would not support any future applications that increase the vulnerability of the site or alter existing ground levels.
21. **The Highland Council's Transport Planning Team** do not object to the application. They state that the additional 72m² of decked seating area would require an additional 8 parking spaces based on their normal standard of 1 parking space per 10m² floorspace for developments of the nature proposed. Therefore, they are satisfied that the provision of 10 on-site parking spaces is adequate to accommodate the additional public floor area created by the development.
22. **The Highland Council's Forestry Officer** notes the poor condition of the birch and alder and is content for the three trees identified to be removed provided there is adequate replacement planting. They have requested a revised Tree Protection Plan showing individual trees with their root protection areas and crown spreads.
23. **Cairngorms National Park Authority's Ecological Advice Officer** notes that the development site is approximately 10m from the River Spey Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), so there is potential for indirect impacts from pollution and disturbance to protected species including Atlantic Salmon, Sea Lamprey, Freshwater Pearl Mussel and Otter. The Officer notes that a Construction Method Statement (CMS) and Pollution Prevention Plan have been submitted in support of the application and concludes that they set out appropriate and sufficient measures to mitigate the impacts of potential pollution events on the water environment. Whilst there was no evidence of protected species onsite, mitigation measures will also be required including pre-



construction checks for bats, otter and red squirrel as well as a Species Protection Plan for Otter to prevent disturbance during construction.

24. The Officer notes that the applicant's Preliminary Ecological Appraisal identified that the Alder (TG2082) just to the north of the application site has bat roosting features and as such, pre-construction checks for bats will be required prior to felling. If bats are detected, a Species Protection Plan will be required. A licence from NatureScot may be required to proceed.
25. The Officer also notes that compensatory planting of six broadleaf trees is proposed for the loss of the three mature trees and additional tree planting is proposed for biodiversity enhancement. An updated Landscaping Plan is recommended (preferably combined with a Biodiversity Enhancement Plan) detailing the location and specification of the proposed native broadleaf tree planting and the placement of the other biodiversity enhancement features.
26. **Cairngorms National Park Authority's Landscape Advisor** states that the proposal would result in limited landscape and visual impacts and broadly reflects the existing landscape and would improve the current hard standing.
27. **Cairngorm National Park Authority's Outdoor Access Officer** notes that the proposal will affect Core Path LBS36 and the River Spey Core Path LBS1. They highlight that there is a risk of congestion at the site entrance from vehicles manoeuvring to park alongside pedestrians using the site to access the river, often while carrying canoes or equipment. They request that the site access is wide enough to accommodate both cars and pedestrians and suggest clear, consistent signage across the site to facilitate quick and intuitive movement from the access to the river. They also suggest that there should be a designated area or space for loading and unloading canoes either within the site, next to it, or on the adjacent road subject to safety considerations.
28. **Aviemore and Vicinity Community Council** note the provision of 10 additional parking spaces however express concern about the volume of parking and behaviour of users in this area (which they acknowledge are not all associated with the Old Bridge Inn). They are concerned that increasing the capacity of the Old Bridge Inn will exacerbate these issues and that the proposed parking will be insufficient. They also express concern that the proposal could potentially impact or restrict access to the river as the 'put in' point is a community asset, and access has traditionally been via the car park.



Representations

29. No representations have been received.

Appraisal

30. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.
31. The main planning considerations in this case are: the principle of development; access and core path implications; traffic and parking; flood risk; landscape; and ecology. These are considered in detail below.

Principle of development

32. This proposal relates to the operation of a small established business, and there is limited reference to this in NPF4. **NPF4 Policy 26: Business and industry**, part c) states that development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area.
33. In addition, **LDP Policy 2: Supporting economic growth**, part 2.4 (other economic development) sets out that proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where they have no adverse environmental or amenity impacts on the site or neighbouring areas; are compatible / complementary with existing business activity in the area; and support the vitality and viability of the local economy. The supporting text of LDP Policy 2 recognises food and drink as a key sector within the National Park which is important for the sustainability of the Park's economy and states that opportunities to support, enhance and diversify these key sectors are encouraged.
34. The development site lies directly opposite the existing Old Bridge Inn and Bunkhouse and immediately north of several holiday lodges and chalets (part of another business). The proposal seeks to create additional outdoor eating space and associated car parking which would support and enhance the existing established restaurant at the Old Bridge Inn. There is already an outdoor seating area serving the Inn known as 'The Shelter' and this proposal will extend this to increase capacity during the busy summer season.



35. Due to the existing established operation which already has both inside and outside catering / seating, this proposal will not introduce a new or incompatible use. The area is already a popular location for visitors and residents visiting the Old Bridge Inn and staying in the nearby accommodation as well as canoeists / river users using the Spey Access Point. This already creates a significant degree of existing activity on the site and, as such, the proposal would not result in unacceptable additional environmental or amenity impacts.
36. The proposal is also compatible with the existing business activity in its immediate surroundings and will support the continued vitality of the local economy. Overall, the principle of this proposal therefore complies with NPF4 Policy 26: Business and industry and LDP Policy 2: Supporting economic growth.

Access and core path implications

37. **LDP Policy 3: Design and placemaking**, part 3.3 (sustainable design) requires, amongst other things, that development proposals must maintain all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.
38. There is a core path running along the northwestern edge of the site (LBS36 – along Dalfaber Road) and another through the site leading to an access point onto the River Spey (LBS137). The development site provides access to a launch point on the River Spey which is also part of a core path.
39. Concerns were raised in relation to the previous planning application on the site (2023/0381/DET) that the proposal could impact on the access point to the River Spey. As a result, conditions were imposed on that planning permission to ensure onsite provision was made for the loading and unloading of canoes and access to the river was maintained. Similar concerns have been raised in respect of this planning application, including by Aviemore and Vicinity Community Council and the Park Authority's Outdoor Access Officer.
40. The layout of the proposed development will maintain pedestrian access to the River Spey through the car parking area and the applicant has confirmed in their covering letter that there will be signage to ensure that access to the river will not be impeded. When compared with the layout of the previous temporary planning permission (2023/0381/DET), the layout of the current proposal has been designed to enable customers on the site to be more contained to specific areas, which will help to maintain public right of access through the site. A condition can be imposed if planning permission is granted to ensure that access through the site along Core Path LBS137 is maintained unimpeded at all times.



41. However, the applicant has clarified that, due to the constraints of their lease of the land, no provision for minibuses or canoe trailers to park and / or drop off canoes can be provided within the application boundary. The Park Authority's Outdoor Access Officer felt there should be a loading and unloading area for canoes on or adjacent to the site. Whilst it is beyond the remit of this application to provide such a facility within the application site, river users will continue to be able to park such vehicles in the vicinity of the application site, and the proposed site layout will ensure that they have appropriate access through the site to the river on foot.
42. Overall, with the condition to ensure that the core path access to the River Spey is maintained at all times, it is considered that the proposal meets the relevant requirements of LDP Policy 3.

Traffic and parking

43. **LDP Policy 3: Design and placemaking**, part 3.3 j) requires proposals to be designed to include, amongst other things, an appropriate means of access, egress and space for off street parking. **NPF4 Policy 13: Sustainable transport** also seeks to encourage, promote and facilitate proposals that prioritise active travel.
44. There is an existing established access to the site which will remain unaltered. The Park Authority's Outdoor Access Officer is of the view that the entrance to the site should be wide enough for cars and pedestrians, and the Community Council raised the wider issue of parking and traffic along Dalfaber Road as they are concerned that increasing the capacity of the Old Bridge Inn will exacerbate these issues and potentially impact or restrict access to the river.
45. Whilst these concerns are noted, the Highland Council's Transport Planning Team have no objection to the proposed development. The Old Bridge Inn will maintain their existing car park on the west side of Dalfaber Road, and the Transport Planning Team are satisfied that the provision of the additional 10 on-site parking spaces is adequate to accommodate the additional public floor area being created by the proposed development. The wider parking concerns in the area are not material to the determination of this planning application as adequate car parking for the proposed development has been provided. In addition, it is considered that there is adequate space for both cars and pedestrians at the entrance to the site.
46. As set out above, unimpeded pedestrian access will be maintained through the application site at all times, such that there will be no adverse impact on existing core paths or access to the River Spey.



47. In respect of active travel, the Old Bridge Inn is within close walking distance of Aviemore's town centre as well as being well connected with surrounding core paths and the cycle network. Cycle parking is also available at the Old Bridge Inn and, as such, these sustainable transport links to the site can also be utilised by visitors.
48. Overall, it is considered that there is adequate access and parking provision for this proposal, and it therefore complies with relevant development plan policy in this respect.

Flood risk

49. **NPF4 Policy 22: Flood risk and water management** sets out a presumption against developments at risk of flooding or in flood risk areas unless they would comprise one of four specific exceptions. One of the four exceptions includes redevelopment of an existing building or site for an equal or less vulnerable use. Where development is deemed acceptable in flood risk areas, applicants are required to demonstrate that flood resistant and resilient materials and construction methods will be used.
50. In addition, **LDP Policy 10: Resources**, part 10.2 (flooding) states that all development should be free from medium to high risk of flooding; not increase the risk of flooding elsewhere; not add to an area of land requiring flood prevention; and not impact on the functional floodplain.
51. Both SEPA and the Highland Council's Flood Risk Management Team acknowledge that the whole site lies within the floodplain of the River Spey. Both consultees are satisfied that use of the space for outdoor dining and car parking is ancillary to the existing Old Bridge Inn and is unlikely to increase the overall risk. The Highland Council are satisfied that the raised deck is an open design with no changes to existing ground levels, which will not impede the flow of floodwater or affect floodplain capacity. However, SEPA recommends that as the removal of picnic benches prior to flooding may not always be practical, the planning authority may wish to apply planning requirements that the picnic benches are secured in situ at all times and that the proposed decking should be designed to withstand the forces of floodwater. This requirement can be included as a condition if planning permission is granted.
52. In addition, the Highland Council's Flood Risk Management Team states that the applicant will need to have a suitable flood evacuation plan in place to ensure that



the site is evacuated / cleared in a timely fashion when flooding is predicted. This requirement will also be included as a condition if planning permission is granted.

53. Overall, whilst the development site is at risk of flooding, its use is ancillary to an existing business and the additional decking will not affect the flow of floodwater or affect floodplain capacity. As such, the proposal complies with the provisions of NPF4 Policy 22 and LDP Policy 10.

Landscape

54. **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.
55. **LDP Policy 5: Landscape** 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 National Park. In addition, **LDP Policy 3: Design and placemaking** requires proposals to (amongst other things) use landscaping and materials that will complement the setting of the development, be sympathetic to the pattern and character of the surrounding area, promote sustainable travel, and protect the amenity of neighbours.
56. This proposal would result in very limited on-site change with the only built development being the decked extension to the existing outdoor seating area. The proposed use is in keeping with the most recent use of the site and will result in very limited landscape and visual change. A condition to require a Landscaping Plan is recommended, and this will secure additional detail for the compensatory planting and biodiversity enhancements which will further improve the visual amenity of the site. As such, the proposal complies with relevant development plan policies with respect to landscape.

Ecology

57. **NPF4 Policy 1: Tackling the climate and nature crises** requires proposals to give significant weight to the global climate and nature crises. **NPF4 Policy 3: Biodiversity** requires development proposals to contribute to the enhancement of biodiversity, and **Policy 4: Natural places** to ensure that development will not have an unacceptable impact on the natural environment, or any significant effect on European Site designations including Special Areas of Conservation.



58. This is also reflected in **LDP Policy 4: Natural heritage** which requires new development to not adversely affect the integrity of designated sites, the National Park or protected species or habitats.
59. The development site lies adjacent to the River Spey which is a SSSI and SAC, and there is potential for indirect impacts from pollution and disturbance during construction to protected species including Atlantic Salmon, Sea Lamprey, Freshwater Pearl Mussell and Otter. The applicant has therefore provided a Construction Method Statement and Pollution Prevention Plan to reduce construction related risks to the River Spey. These set out appropriate measures to mitigate potential impacts and protect the water environment, and a condition can be imposed if planning permission is granted to ensure these measures are implemented during construction.
60. Whilst the Applicant's Preliminary Ecological Appraisal showed that there was no evidence of protected species onsite, mitigation measures will be required by condition including pre-construction checks for otter and red squirrel, and appropriate Species Protection Plans may be required to avoid disturbance during construction.
61. The application proposes the removal of three trees – a Goat Willow (T2092) which lies adjacent to the new decking and a Common Alder and Silver Birch group (TG2082) just to the north of the application site which are decaying and standing deadwood and pose a safety risk as they are leaning towards the seating area. The Preliminary Ecological Appraisal identified that the Alder (TG2082) just to the north of the application site has potential bat roosting features and, as such, additional checks for bats will be conditioned prior to felling. If bats are detected, a Species Protection Plan will be required.
62. The Highland Council's Forestry Officer is content with the proposed tree removals provided there is appropriate compensatory planting. To compensate, the planting of six broadleaf trees is proposed for the loss of the three mature trees and additional tree planting is proposed for biodiversity enhancement. An updated Landscaping Plan will be conditioned if planning permission is granted, and this should include the detailed location and specification of the proposed native broadleaf tree planting and the placement of the biodiversity enhancement features.
63. The Highland Council's Forestry Officer has requested an updated Tree Protection Plan showing the individual trees, root protection areas and crown spreads. A condition will be imposed to secure this if planning permission is granted.



64. Taking into account these mitigation measures, the proposal is therefore considered to comply with relevant development plan policies in respect of ecology and natural heritage.

Conclusion

65. This planning application seeks planning permission to extend an existing outdoor seating / dining area, add 10 parking spaces and picnic benches on a site that has already been used for a similar use for a number of years and is ancillary to the use of the Old Bridge Inn. The only built development proposed is the decked extension to the existing seating area. Whilst concerns have been raised about access to the River Spey, this proposal will ensure that unimpeded pedestrian access is maintained through the site at all times. It is acknowledged that there will be no vehicle access for loading / unloading of canoes within the application site, however, the applicant has confirmed that providing such a facility would breach the terms of their lease and that this therefore cannot be provided. Overall, the use of the site for outdoor dining and parking will not result in any adverse environmental or amenity impacts subject to the proposed conditions. The application complies with the relevant NPF4 and LDP policies and 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 installation of raised decking for outdoor eating / drinking; provision of 10 car parking spaces; and provision of picnic tables at Old Bridge Inn, 23 Dalfaber Road, Aviemore, PH22 1PU subject to the following conditions:

Conditions

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

1. The development to which this permission relates must be begun not later than the expiration of three 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 Pre-Construction Protected Species Survey (focussing on red squirrel and otter) has been undertaken by a suitably qualified person and the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. If any protected species are detected, then a Species Protection Plan detailing mitigation measures to prevent disturbance and injury shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority before any development commences on site.**

Thereafter any mitigation measures and Species Protection Plan shall be implemented in accordance with the approved details and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To ensure the protection of protected species in accordance with National Planning Framework 4 Policy 3: Biodiversity, and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

3. **No felling of tree TG2082 shall commence on site until a Pre-Construction bat roost feature inspection survey of this tree has been undertaken by a suitably qualified and licensed person and the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. If any bats are present, then a Species Protection Plan detailing appropriate mitigation measures shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority before any development commences on site.**

Thereafter any mitigation measures and Species Protection Plan shall be implemented in accordance with the approved details and overseen by the appointed Ecological Clerk of Works.

Reason: To ensure the protection of protected species in accordance with National Planning Framework 4 Policy 3: Biodiversity, and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

4. **No development (including ground preparation works) shall take place during the bird breeding season (March to August inclusive) unless under the supervision of a suitably qualified ecologist, who will conduct surveys to identify all active nests and produce a Species Protection Plan (SPP) for nesting species. The survey results**



together with any associated SPP (Breeding Birds) shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development.

Thereafter all mitigation measures shall be implemented in accordance with the approved SPP (Breeding Birds) and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To ensure the protection of protected species in accordance with National Planning Framework 4 Policy 3: Biodiversity, and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence onsite until a Landscaping Plan is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The Plan shall include, but not be limited to:**

- a) **location and specification of the proposed native broadleaf tree planting; and**
- b) **biodiversity enhancement measures.**

Thereafter the development shall be operated in full accordance with the approved Landscape Plan at all times.

Reason: To ensure the implementation and management of a satisfactory plan for landscaping and biodiversity enhancement in accordance with National Planning Framework 4 Policy 3: Biodiversity and Policy 4: Natural heritage, and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

6. All construction activities must be carried out in accordance with the approved Construction Method Statement and Pollution Prevention Plan.

Reason: In the interests of protecting the biodiversity and the environment in accordance with NPF4 Policy 3: Biodiversity and Policy 4: Natural heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

7. **No development shall commence on site until a revised Tree Protection Plan (to meet BS 5837:2012) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with The Highland Council. No development shall commence on site until the tree protection measures have been implemented on site in accordance with the approved plan.**



Thereafter all trees shall be retained and maintained in accordance with the approved Tree Protection Plan throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: In the interests of protecting and enhancing the woodland environment in accordance with National Planning Framework 4 Policy 3: Biodiversity and Policy 6: Forestry, woodland and trees and Policy 4: Natural heritage of the Cairngorms National Park Local Development Plan 2021.

8. **The development hereby approved shall not operate until a Flood Evacuation and Management Plan, including measures to ensure the safe evacuation of the site when flooding is predicted and to ensure all structures are appropriately designed to withstand the forces of flood water, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council's Flood Risk Management Team.**

Thereafter the development shall be operated in full accordance with the approved Flood Evacuation and Management Plan at all times.

Reason: To ensure the development is designed to be flood resilient and the site can be cleared in a timely manner when flooding is predicted and to comply with NPF4 Policy 22 and Local Development Plan Policy 10.

9. **Unobstructed public access between the entrance to the application site and the River Spey via Core Path LBS137 must be maintained unimpeded at all times.**

Reason: To ensure public access is maintained in accordance with Local Development Plan Policy 3: Design and Placemaking.

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.