

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 7no self catering cabins, toilet and shower block, erection of manager's house at Land 110M SE Of Boat Of Balliefurth, Grantown On Spey

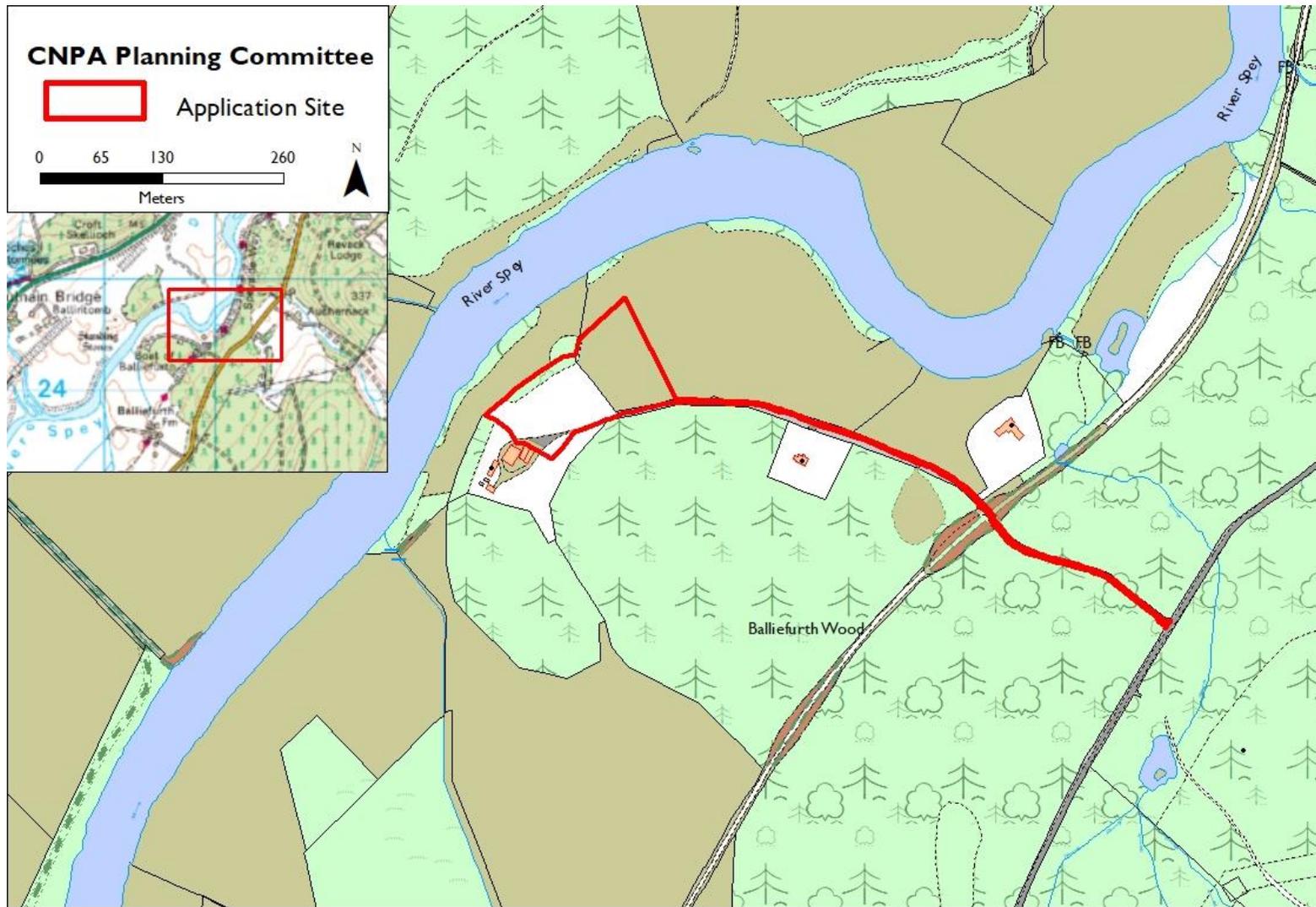
REFERENCE: 2023/0199/DET

APPLICANT: Mr And Mrs Ronald and Emmeline MacPherson

DATE CALLED-IN: 15 May 2023

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Emma Bryce - Planning Manager
(Development Management)



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The site is a field lying to the north east of the Boat of Balliefurth Croft. A woodland of mixed species (silver birch, alder, aspen, cherry, juniper) lies along the north west boundary and runs from north to south dividing it centrally. Grazing land lies to the north and east with the River Spey meandering beyond. A track serving the existing Boat of Balliefurth croft and associated buildings and Balliefurth Wood Cottage lies to the south. This track is unadopted and is accessed from the B970 which runs between Grantown on Spey and Nethy Bridge. The site is currently used for informal camping.

Proposal

2. 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=RU717FSI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan – General Plan – site Access Visibility	201039 (PL) 103	20/12/23	09/05/23
Plan – Location Plan	201039 (PL) 100	11/04/23	09/05/23
Plan – Proposed Site Plan	21039 (PL) 101	06/09/23	06/10/23
Plan – Topography Plan	RM-114-001	13/02/22	09/05/23
Plan – Section Plan – Cross Sections	CL-144-002	13/02/22	09/05/23
Plan – Proposed Holiday Pods	22010 (PL) 310	20/03/23	09/05/23
Plan – Proposed Toilet Shower Block	22010 (PL) 410	20/03/23	09/05/23

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Plan – Proposed House Floor Plans	22010 (PL) 110	07/03/23	09/05/23
Plan – Proposed House Elevations	210399 (SK) 111	07/03/23	09/05/23
Plan – Proposed Site Access	21039 (PL) 102	11/04/23	09/05/23
Plan – Tree Constraints Plan	001	17/03/22	09/05/23
Plan – Tree Protection Plan	002	16/10/23	18/10/23
Plan – Tree Planting Plan	003	18/04/23	09/05/23
Plan – Bike Shed	21039 PL510	15/11/23	15/11/23
Plan – Bin Store	21039 PL610	15/11/23	15/11/23
SUPPORTING INFORMATION			
Other – Supporting Statement		18/04/23	09/05/23
Other – Draft House Design			26/09/23
Other – Manager’s House Materials			05/10/23
Other – Pod Materials			
Other – Drainage Impact Assessment		06/04/23	
Other – Preliminary Ecological Appraisal		09/03/22	09/05/23
Other – Arboricultural Impact Assessment			18/10/23
Other – Road Survey Data			27/09/23

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

3. The application is for the construction of seven, self-catering cabins, a toilet and shower block, bike store and associated car parking, and a refuse and recycling point. The cabins will be rectangular in form finished in blackened vertical timber cladding with mono-pitched roofs clad in olive green, plastic coated corrugated sheets with matching flashings and fixings. Aluminium or steel rainwater goods will be used with exposed beams and posts made of timber. Windows and doors will also be timber. The toilet and shower block and the bike store will take the same form and finish as the cabins. There will also be a small refuse/recycling point. Low level bollard lighting will be employed to illuminate surrounding paths and parking areas.

4. The application also proposes the construction of a single dwelling house adjacent to the cabins. The house will be single storey, with a pitched roof and an integral garage. External finishes will be off-white harling or smooth white render with random natural stone work and blackened vertical timber cladding. The roof will be clad in natural slate with galvanised steel ridges and lead flashings. Rainwater goods will be either aluminium or steel and windows, doors and exposed beams and posts will be timber. The house will be occupied by the manager of the site and their family to oversee the running of the campsite and the wider croft.

History

4. Application reference 2022/0345/DET – erection of owner's/manager's accommodation; erection of 7no self catering cabins, shower/toilet block – application withdrawn.

HABITATS REGULATIONS APPRAISAL

5. 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 proposed development lies approximately 100 metres south of River Spey SAC and 600 metres north west of Craigmore Wood SPA.
6. The HRA identifies that there are potential impacts on the River Spey SAC in terms of impacts on otter in both the short term during construction activity and in the long term from activity associated with the occupation of the cabins and campsite and the manager's house. Freshwater pearl mussel, sea lamprey and Atlantic salmon are also potentially impacted in both the short term, during construction, and in the longer term from sediment released during construction activity entering the river. Given the current levels of recreational activity along this stretch of the River Spey, any otters within this territory are habituated to some level of human disturbance and therefore the proposal is unlikely to have a significant effect. In terms of freshwater pearl mussel, sea lamprey and Atlantic salmon, as no development will occur in the watercourse, there will be no direct impacts, however pollution from construction could indirectly affect habitats. A Pollution Prevention Plan is recommended to ensure good practice is undertaken during construction to reduce the risk of accidental pollution and if there is, any pollution is kept to an absolute minimum.

7. Craigmore Wood is known to support breeding capercaillie, however given the proposed development is unlikely to increase any off-path activity, it is not considered that it will cause additional disturbance.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	
POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 6	Forestry, Woodland and Trees	
POLICY 7	Historic Assets and Places	
POLICY 9	Brownfield, Vacant and Derelict Land and Empty Buildings	
POLICY 14	Design, Quality and Place	
POLICY 16	Quality Homes	
POLICY 17	Rural Homes	
POLICY 22	Flood Risk and Water Management	
POLICY 29	Rural Development	
POLICY 30	Tourism	

Strategic Policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local Plan Policy	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	X
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	X

8. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

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

Planning Guidance

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

Policy 1	Housing Supplementary Guidance	X
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Design and Placemaking Non-Statutory Guidance	X
Policy 4	Natural Heritage Non-Statutory Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Obligations Supplementary Guidance	X

CONSULTATIONS

10. A summary of the main issues raised by consultees now follows:
11. **Scottish Water** has no objection to the proposals, but suggest the applicant completes a Pre-Development Enquiry (PDE) form ensuring the development can be serviced. There is currently capacity in the Aviemore Water Treatment Works to service the proposed development. The proposed development is within the Aviemore Waste Water Treatment Works catchment area but suggest the applicant completes a Pre-Development Enquiry (PDE) form ensuring the development can be serviced.

12. There is no Scottish Water Wastewater infrastructure in the vicinity therefore the applicant is advised to investigate private treatment options. SW will only accept surface water connections into their combined sewer system in exceptional circumstances and advise the applicants to contact them with strong justification should they wish to make a connection request.
13. **SEPA** has no objections, however, note that there are historic records of flooding along the River Spey and in this area in general. The topographic level information and cross sections provided show there is marked elevation difference between the banks of the Spey and the proposed areas of development. They also note that the finished floor levels of the holiday pods and manager's house are to be at least 203.5 m AOD based on the drainage impact assessment. This further indicates that the development will be well elevated above the river bank and is unlikely to be at risk of flooding.
14. **Highland Council Transport Planning Team** initially raised objections seeking further information regarding the access layout, a maintenance agreement for the access road and visibility splays. The applicants have submitted additional information and the team are now satisfied with the proposals.
15. **Highland Council Flood Risk Management Team** has no objections to the proposals. They note that the Drainage Impact Assessment along with the topographic drawings and cross sections show that the site is elevated approximately 7m above the level of the River Spey. There is also a clear increase in elevation between the areas identified as being at risk of flooding on SEPA's indicative flood maps and the area where the pods and house are to be located. They are content that the flood risk is likely to be low and have no objection. They recommend that SEPA are consulted on flood risk as they may hold further information.
16. **Highland Council Contaminated Land Officer** has no objections subject to a questionnaire being completed and a condition requiring evidence to show that an assessment of potential contamination has been undertaken and that the site is suitable for the proposed development.
17. **Highland Council Forestry Officer** has no objection to the proposals subject to a conditions requiring the specified tree protection methods and the tree planting and maintenance are implemented in full.

18. **Highland Council Historic Environment Team (Archaeology)** has no objection, however given the site lies within an area of archaeological potential, they recommend a condition requiring a watching brief to be carried out during site clearance and excavation works. The applicant will need to engage the services of a professional archaeologist.
19. **Highland Council Environmental Health Officer** has no objections but recommend an informative regarding a short term let licence.
20. **CNPA Landscape Officer** states that the proposals will relate to some existing characteristics such as the agricultural use, existing buildings and woodland. The camping pods are located within the existing paddock, surrounded by trees and near to existing farm buildings and access track and will likely introduce an increase in activity. The manager's house will be more prominent located in an open setting. Further information was sought to enable a more comprehensive assessment and mitigation measures recommended to lessen the impact of the development.
21. **CNPA Ecology Officer** states the site is within 40m of the River Spey SSSI, 40m from the River Spey SAC and 600m from Craigmore Wood SPA. They have no objection to the proposals, however, subject to conditions requiring pre-construction surveys for protected species, all works to commence outwith the breeding bird season unless pre-start surveys are undertaken, the implementation of tree protection measures and tree planting and maintenance and a pollution prevention plan to be agreed and implemented accordingly. The only biodiversity enhancement is the planting of 93 trees between the pods and the dwelling house. Further enhancements could be achieved through the planting of wildflowers and installation of bee boxes, bug 'hotels' bird and bat boxes.
22. **CNPA Outdoor Access Officer** has no objections however states that if any works affect the existing path and gate these will have to be reinstated. Signage will also be required on the track given its increased usage. They note the provision of the existing camping area and its benefit for users of the River Spey. They are not clear if this will be retained.
23. **Nethy Bridge Community Council** object to the proposals on the grounds of its environmental impacts. They note that the area is home to several important species and several environmental designations. Furthermore, they believe the road is unsuitable for the increase in vehicular traffic that the development will cause.

REPRESENTATIONS

24. There have been three letters of objection, including one from the Badenoch and Strathspey Conservation Group. Copies of these can be viewed in **Appendix 2**. The main points of objection are summarised as follows:
- a) Detrimental impact on the scenic quality and landscape setting of the site contrary to LDP Policy 5: Landscape;
 - b) Detrimental impact on numerous species of birds, otter and hare that use the site due to increased disturbance as a result of the proposal contrary to Policy 4: Natural Heritage of the LDP;
 - c) Potential increase in dogs using the site will have detrimental impacts on the wildlife through disturbance and pollutants;
 - d) Potential impacts of fires on wildlife using the site;
 - e) Poor standard of design not appropriate to its location and setting;
 - f) Impact of lighting on the wildlife using the site;
 - g) The EIA does not specify any mitigation measures to ensure the protection of protected species and the risk to the environment has not been adequately addressed at this stage;
 - h) The submitted Preliminary Ecological Assessment does not provide sufficient information for this site of such quality, importance and complexity;
 - i) Submitted documents are out of date;
 - j) The revised application is now being viewed more favourably;
 - k) The development will have a detrimental impact on the private access road where there is no maintenance agreement for the road supporting this development;
 - l) Detrimental impact on neighbouring residential amenity in terms of LDP Policy 1.3: Other Housing in the Countryside, as the development does not reflect the existing pattern of development, does not support an existing business and is on a greenfield site;
 - m) Detrimental impact on neighbouring residential amenity in terms of LDP Policy 2.2: Tourism, as the environmental impacts have not been adequately addressed and the undisturbed character of the site will be significantly changed due to noise, light, smell and traffic;
 - n) Detrimental impact on neighbouring residential amenity in terms of LDP Policy 3.3: Sustainable Design given the development will introduce an unacceptable level of use onto the site, the access via the private road is inadequate and the visibility splays are not compliant and wildlife will be disturbed and there measures to promote biodiversity or ecological enhancement.

- o) Detrimental impact on neighbouring residential amenity in terms of LDP Policy 10.1: Water Resources, as the development will put a strain on existing private water supplies and the impact on the River Spey has not been adequately addressed.
- p) Detrimental to Policy 4.1: International Designations of the LDP as the proximity of the development to the River Spey SAC and the Craigmore SPA has not be adequately addressed.
- q) Detrimental to Policy 4.2: National Designations as the proximity of the development to the River Spey SSSI and the Wildcat Priority Area has not been adequately addressed.

APPRAISAL

- 25. 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. Where there is conflict between policies, NPF4 policies will take precedent.
- 26. The main planning considerations are considered to be: the principle of development; environmental impacts; landscape, siting and design; cultural heritage issues; contaminated land and access and servicing.

Principle

- 27. There are two elements to the proposed development, and each must be considered in determining the acceptability of the proposal in terms of principle. The first element of the proposal is formalising the use of the existing campsite with the introduction of seven, self-catering cabins with a shower and toilet block, bike store and recycling facilities. **Policy 9: Brownfield, vacant and derelict land and empty buildings** of National Planning Framework 4 (NPF4), paragraph **9 b)** states that 'proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.' The proposed development is a greenfield site, and forms part of an existing croft. **Policy 29: Rural development** of NPF4 encourages rural economic activity, innovation and diversification whilst ensuring the distinctive character of the rural area..., natural assets and cultural heritage are safeguarded. Specifically, the policy supports development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy.
- 28. **Policy 30: Tourism** of NPF4 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is

consistent with net zero and nature commitments and inspires people to visit Scotland. The policy requires tourism related development to take into account the contribution made to the local economy and its compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors.

29. The Cairngorms National Park Local Development Plan 2021 also encourages appropriate economic development, supporting new and existing businesses by creating a flexible framework which allows the best economic developments to thrive and prosper. **Policy 2: Supporting Economic Growth**, paragraph **2.2: Tourist accommodation** supports proposals for tourist related accommodation where they:
- a) have no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) contribute to/support the provision of a wide range of visitor accommodation options including low cost accommodation: and
 - c) support or contribute to a year-round economy.
30. Policy 2, under paragraph **2.4: Other Economic Development** favours proposals that support or extend the economy, or which enhance the range and quality of economic opportunities for facilities where they:
- a) have no adverse environmental or amenity impacts on the site or neighbouring areas;
 - b) are compatible/complementary with existing business activity in the area; and
 - c) support the vitality and viability of the local economy.
31. As stated above, the site forms part of an existing croft owned and operated by the applicants and their family. The croft covers an area of approximately 15 hectares where the applicants breed sheep and produce hay. The site was used for camping prior to the applicants purchasing the croft in 1986 and has continued to be used as an informal campsite since then. The applicants have submitted evidence demonstrating that the site has been established and used for informal camping for a number of years by a variety of individuals and groups from all over the UK. Given its location and its accessibility directly adjacent to the River Spey, the site has grown increasingly popular and the applicants are now seeking to formalise and improve the camping experience with the introduction of the camping pods and associated facilities to complement the more informal camping provision there. The part use of the land as a campsite complements the croft land use and in turn will contribute to the long term, sustainability of the croft. This element of the proposed development will introduce additional

tourist accommodation in a location that will be able to support such provision given the demand and high number of visitors using it.

32. The second part of the proposed development is the introduction of a single dwelling house which will provide accommodation for the applicant and their family who manage the existing croft and the campsite. **Policy 17: Rural homes** of NPF4 supports new homes in rural areas where it can be demonstrated to be necessary to support the sustainable management of a viable rural business...and there is an essential need for a worker to live permanently at or near their place of work. **Policy 1: New Housing Development**, paragraph **1.3: Other housing in the countryside** of the Cairngorms National Park Local Development Plan 2021 supports proposals where they reinforce the existing pattern of development, and:
- a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside; or
 - b) are on a rural brownfield site.
33. The applicants consider that being permanently based on the site is integral to the success of the campsite and the running of the wider croft land surrounding the site. Their family have owned and managed the Boat of Balliefurth Croft for over 40 years and they and their elderly parents are keen for the croft to be retained in a long-term sustainable use. The campsite is currently used by a number of individuals and groups from all over the UK. The proposed development will intensify this use which the applicants suggest will require a level of management and supervision that justifies them being permanently located there. The applicants have submitted supporting information evidencing the use of the site over a long period of time by such individuals and groups who take advantage of its location directly adjacent to the River Spey. Notwithstanding this is a greenfield site, it is considered that there is sufficient evidence to demonstrate that there is an established business on the site. It is clear the unique location of site contributes to its informal use as a campsite and the proposal will further enhance this by offering an additional type of tourist accommodation which is not seasonally limited allowing year long use.
34. Policy 11: Developer Obligations and Policy 1, paragraph 1.4: Designing for affordability and specialist needs and paragraph 1.5: Affordable housing of the Local Development Plan seek to ensure that developments provide a mix of dwelling types, with an emphasis on smaller dwellings and that proposals for fewer than four market dwellings will be required to make a contribution towards affordable housing. This will be a monetary payment towards meeting housing

need in the local community. The proposal is for a three bedroom house and is not a type of development that is exempt from providing an affordable housing contribution. In this instance a commuted sum of £1850 (cost per unit for residential developments of under four units) will be required to be paid by the applicants.

35. The principle of the proposed development is considered to be acceptable on this site, in accordance with both NPF4 and LDP policies, however subject to compliance with other relevant development plan policies and the payment of the specified commuted sum.

Environmental Impacts

36. **Policy 1: Tackling the climate and nature crises** of NPF4 requires that significant weight is given to the global climate and nature crisis when consideration is given to new development. **Policy 3: Biodiversity** seeks to ensure that development will conserve, restore and enhance biodiversity while **Policy 4: Natural Places** seeks to protect, restore and enhance natural assets including protected areas.
37. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
38. The site lies adjacent to the River Spey SAC and Craigmore Wood SPA. A Habitats Regulations Appraisal has been undertaken by CNPA to assess any impacts on the qualifying interests. NatureScot has been consulted and agree with the conclusion reached and the recommendations made. There are no objections to the proposals, however this is subject to the imposition of appropriate conditions which will require pre-construction surveys for protected species to be undertaken and any subsequent species protection plans to be approved, all works commencing outwith the breeding bird season unless pre-start surveys are undertaken and a pollution prevention plan to be agreed and implemented accordingly. Biodiversity enhancement proposals include the planting of 93 trees between the cabins and the house. Further enhancements should be sought through the imposition of appropriate conditions.
39. **NPF Policy 6: Forestry, woodland and trees** supports development proposals that enhance, expand and improve woodland and tree cover while stating that development will not be supported where it would result in fragmenting or severing woodland habitats. Where woodland

removal is necessary compensatory planting will be expected to be delivered.

40. Both the Ecology Officer and the Council's Forestry Officer do not have any objections to the proposed development in terms of its impact on existing trees and woodland, however they recommend a condition requiring the implementation of the specified tree protection measures and the submission of a tree planting and maintenance programme for subsequent approval.
41. Subject to the imposition of the recommended conditions, the proposed development will comply with the terms of Policy 1: Tackling the climate and nature crises, Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 and Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2021.

Landscape, Siting and Design

42. **NPF4 Policy 14: Design, quality and place** supports development where it is consistent with the six qualities of successful places; healthy, pleasant, connected, distinctive, sustainable and adaptable while **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that all new development is sympathetic to the traditional pattern and character of the area, whilst encouraging innovative design and finishes.
43. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development.
44. In terms of its landscape context, the application site is fairly discreet with surrounding woodland and the screening provided by the river bank terraces. The proposed cabins will be located within an existing field to the west of the site surrounded by trees to the northwest and northeast, with existing buildings and their access track lying directly adjacent. The impact of the cabins will be minimal. The proposed manager's house is sited within a more open location. This will be visible from aspects from the east and in the distance from the north. It is unlikely to be seen from the Speyside Way due to landform and tree screening from this route. Both elements of the proposals will introduce different levels of human and vehicular activity. It is predicted that there is some landscape capacity for the type of development being proposed. The Landscape Officer is still concerned about the visual

impacts and recommends suspensive conditions requiring further landscape mitigation and its long-term maintenance and management.

45. Subject to suitably worded conditions to ensure additional landscape mitigation measures are implemented along with its proper establishment and long-term management the proposed development is considered to comply with NPF4 Policy 14 and Policy 3 and 5 of the Cairngorms National Park Local Development Plan 2021.

Cultural Heritage Issues

46. **NPF4 Policy 7: Historic assets and places** of NPF4 states that development proposals with potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The policy goes on to state that where there is potential for non-designated buried archaeological remains to exist below site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. **Policy 9: Cultural Heritage** of the Cairngorms National Park Local Development Plan 2021 requires development that affects a site, feature or use of land of local or wider cultural, historic or archaeological significance or its setting should;
 - a) conserve and enhance the feature and its setting in situ where possible; or
 - b) take reasonable measures to avoid, minimise and mitigate any adverse effects.
47. It has been identified by the Council's archaeologist that the site lies within an area of archaeological potential. In accordance with both national and local policies they have recommended a condition requiring a watching brief is undertaken during the clearance of the site and the subsequent excavation works. They have recommended that the applicant engages the services of a professional archaeologist to ensure the works are carried out competently.

Contaminated Land

48. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 states that development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts, on site and off site, of all stages of development proposals on the risks to human

health and to the Park's biodiversity, geodiversity, hydrology and other special qualities.

49. The Contaminated Land officer has no objections to the proposals but recommends a condition to ensure any potential contamination is identified and appropriately addressed. Subject to this the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Access and Servicing

50. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 seeks to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network. The waymarked Craigmore trail runs on a path adjacent to the B970, leaving the path at Boat of Balliefurth junction. Walkers and cyclists then use the Boat of Balliefurth track before joining the Speyside Way. If any works are required at the junction (e.g., the creation of visibility splays) that affect the existing path and gate, these will be required to be reinstated to a reasonable standard. Given the increase in traffic on the access track cautionary signs are recommended.
51. **Policy 3: Design and Placemaking** also states that all new development must include an appropriate means of access, egress and space for off street parking. The proposed development will be accessed via an existing track that serves the properties of Balliefurth Wood Cottage, Boat of Balliefurth and the adjacent cottage. The Roads team initially raised objections to the proposals. In terms of the access layout arrangements, they are seeking that this should be designed to Roads and Transport Guidelines for New Developments. This can be covered by the imposition of an appropriately worded condition.
52. They also sought further information on the proposed visibility splay at the junction of the access track with the main road (the B970). They noted that this was not compliant and sought further survey work to be undertaken to support any relaxation in visibility standards. The applicants have since provided the data collected from a road survey they undertook, and the Team are now satisfied with the proposed visibility splays. Given the site is accessed via an existing shared track, a maintenance agreement with all parties that uses this is required to ensure it is maintained to an acceptable standard. The applicants have since provided evidence confirming there is a legal agreement in place requiring all users of the track have equal liability in maintaining it.

53. Subject to the recommended condition it is considered that the proposals comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Other Issues Raised in Consultations and Representations

54. All issues raised by contributors have been addressed in this report. Issues about the use of the site regarding dogs and fires are not material in this instance, these matters will fall within the remit of the applicants and how they operate the campsite.
55. The submitted information was appropriate in terms of the dates survey work was undertaken for the purposes of determining this application.
56. Scottish Water have been consulted and there are no issues regarding the impact on private water supplies.

CONCLUSION

57. The application will introduce formal campsite facilities onto the site contributing to the provision of further, low cost tourist accommodation within the area whilst complementing the operational and economic viability of the existing croft business. Subject to appropriately worded conditions any environmental and landscape impacts will be suitably mitigated against and in the longer term kept to a minimum. The development has been sited and designed to respect its setting and the wider landscape character of the site. It will incorporate external finishes to complement its surroundings. The proposals are considered to comply with all other relevant policies of NPF4 and the Cairngorms National Park Local Development Plan 2021 and in turn the collective aims of the National Park. Approval is recommended subject to appropriate planning conditions.

RECOMMENDATION

<p>That Members of the Committee support a recommendation to APPROVE the Erection of 7No. self catering cabins, toilet and shower block, erection of managers' house at Land 110M SE Of Boat Of Balliefurth Grantown On Spey for the following reasons/subject to the following conditions:</p>
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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 begin not later than the expiration of 3 years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reason: To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. **No development shall commence on site until pre-construction surveys are carried out by a suitably qualified ecologist for breeding birds (if works are to be undertaken during the breeding bird season of March to August - inclusive) and for pine marten, badger, red squirrel, otter and reptiles. The results, together with any associated Species Protection Plans shall be submitted to and approved in writing by the Cairngorms National Park Authority acting at Planning Authority.**

Thereafter all breeding bird and appropriate mitigation measures shall be implemented in accordance with any approved species protection plans and overseen by a suitably qualified Ecological Clerk of Works.

Reason: To determine the effects of the proposals on the ecology of the site and to inform mitigation measures for protected species during construction works in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a Pollution Prevention Plan to ensure the risk of pollution from sediment or other pollutants (fuels/oil, etc.) that may be released during construction from entering the River Spey, has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To protect the water environment and the integrity of the River Spey SAC in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until a revised Tree Protection Plan (to meet BS5837) has been submitted to and approved in writing by Cairngorms National Park Authority acting as Planning Authority. 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 and landscape maintenance programme throughout the lifetime of the development hereby approved unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure a proper assessment of the potential tree loss and to protect those trees which contribute to the landscape character and biodiversity of the area during and after construction works in

5. **No development shall commence on site until a fully detailed landscaping scheme both hard and soft landscaping proposals and the future maintenance and management of the proposed scheme has been submitted to and approved in writing by the CNPA acting as Planning Authority. This shall include, but not be limited to hard landscaping material specification, soft landscaping, plant and tree species and planting specifications and details of boundary treatments and footways.**

Thereafter the development shall be implemented in accordance with those approved details and not later than the expiry of the next planting season following commencement of the development or within such time as approved by CNPA acting as Planning Authority.

Reason: To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity and to ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of NPF4 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 a finalised Construction Method Statement, covering all construction and other works, is submitted to, and approved in writing by the Cairngorm National Park Authority acting as Planning Authority. Thereafter, the development shall be implemented in accordance with those approved details.**

Reason: To ensure that work on site proceeds without damage to the environment in accordance with Policy 3: Biodiversity and Policy 4: Natural places of NPF4 and Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

accordance with 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 full details and specifications (samples may be required) of all external finishing materials and external lighting have been submitted to and approved in writing by the CNPA acting as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.**

Reason: To ensure a full assessment is undertaken of the appropriateness of the external materials and that the development will not have an adverse impact on its landscape setting in accordance with Policy 14: Design, quality and place of and NPF4 Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

8. **No development or work (including site clearance) shall commence on site until proposals for an archaeological watching brief is carried out during site clearance and excavation works and is submitted to, and approved in writing by the CNPA acting as the Planning Authority in consultation with the Highland Council's Historic Environment Team (Archaeology). Thereafter, the watching brief shall be implemented as approved.**

Reason: In order to protect the archaeological and historic interest of the site in accordance with NPF4 Policy 7: Historic assets and places of NPF4 and Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

9. **No development shall commence on site until evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, has been submitted to, and approved in writing by the CNPA acting as Planning Authority in consultation with the Highland Council's Contaminated Land Officer. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice. In the event that contamination is found, details of the measures required to**

treat/remove contamination (a remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to, and approved in writing by, the Planning Authority. The approved remedial strategy shall be implemented prior to development commencing.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public safety in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

10. The access layout shall be designed in accordance with the Highland Council's Roads and Transport Guidelines for New Developments.

Reason: In the interests of road safety in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Informatives

1. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
2. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
3. The applicants should submit a formal connection application to Scottish Water following the granting of planning permission for review of the availability of capacity. They will also require to contact Scottish Water's Assets Impact Team with regard to any Scottish Water infrastructure on the application site. There is no Scottish Water Wastewater infrastructure in the vicinity therefore the applicant is advised to investigate private treatment options. SW will only accept surface water connections into their combined sewer system in exceptional circumstances and advise the applicants to contact them with strong justification should they wish to make a connection request.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.
5. If any works undertaken at the junction of the B970 (e.g., the creation of visibility splays) affect the existing path and gate these must be

reinstated to a reasonable standard. It is also recommended that cautionary signage is displayed on the track given the expected increase in traffic levels on the track.

6. The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduced a new mandatory licensing scheme for short term let properties on 1st October 2022. Any short term let properties must comply with the licensing scheme and satisfy the licence conditions adopted by the Council for such properties.

Further information on short term lets can be found on the Highland Council website www.highland.gov.uk

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.