
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 8 Industrial Units (Class 4 - Business) Associated Infrastructure and Formation of Access at Lions Face Quarry Depot Braemar Aberdeenshire

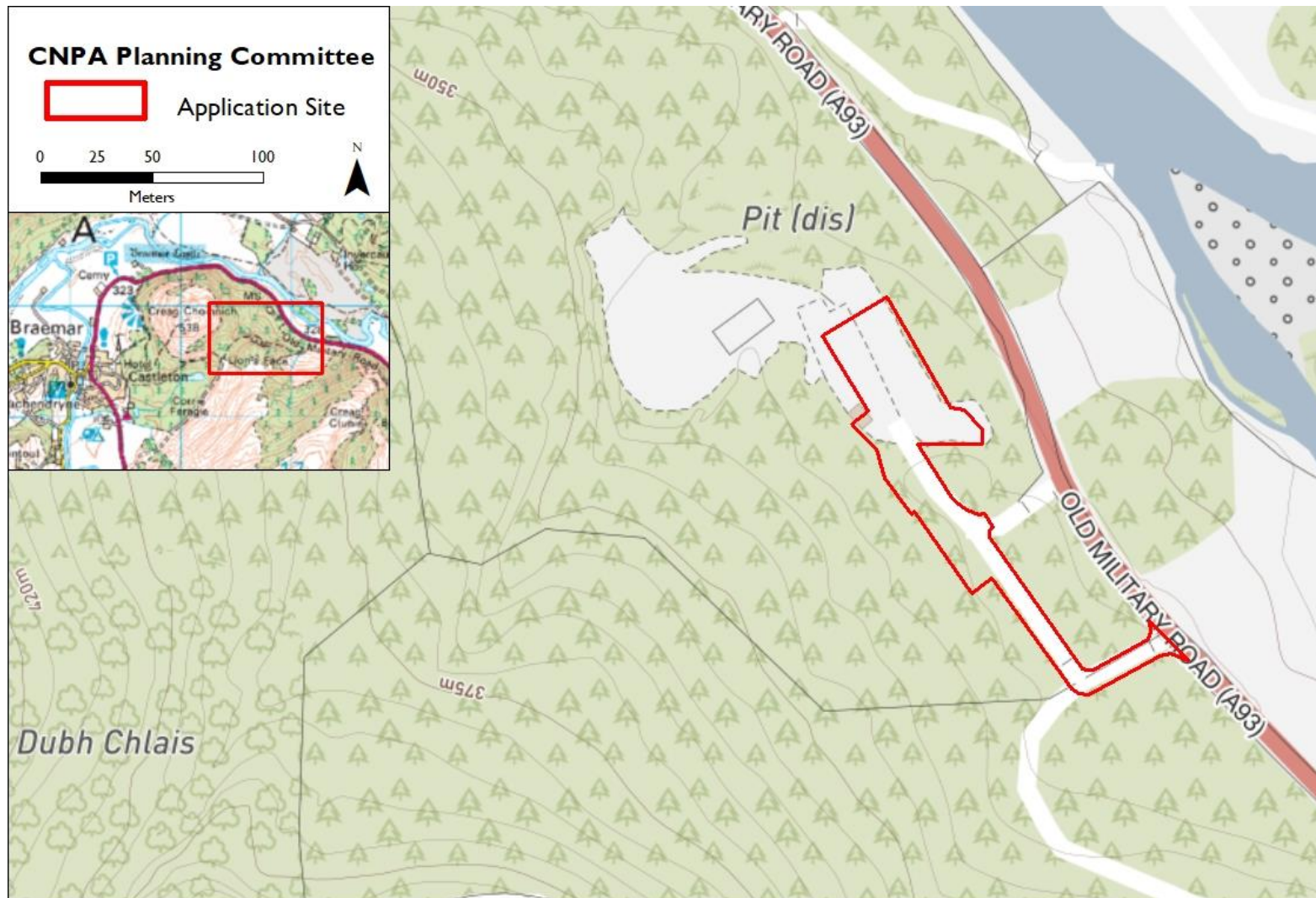
REFERENCE: 2021/0258/DET

APPLICANT: Invercauld Estate

DATE CALLED-IN: 16 August 2021

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Stephanie Wade, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is a former quarry which has been used in more recent years by the Aberdeenshire Council's Roads Maintenance Department as a depot. The site known as "Lion's Face Quarry" lies within the grounds of Invercauld Estate approximately 1.5 miles north-east of the centre of Braemar. Access is via the southern side of the A93 Old Military Road, in which a track leads in parallel to the A93 in a westerly direction within the site to serve a wider hardcore area. Within the site are existing light infrastructure, and two sheds in poor repair. To the northern side of the A93 lies the River Dee which is separated from the road by agricultural fields. The surrounding land on the southern side of the A93 is managed plantation woodland, with the immediate land adjoining the site being clear-felled.
2. Regarding designated areas, the application site is located within 200m of the Ballochbuie Special Protection Area; Ballochbuie Special Area of Conservation and the Creag Clunie and the Lion's Face Site of Special Scientific Interest. The River Dee Special Area of Conservation is also near to the site being located on the northern side of the A93. The site lies within the Deeside and Lochnagar National Scenic Area and is within the vicinity of Core Paths UDE16 and UDE17. The site sits to the immediate south west of the Invercauld Garden and Designed Landscape designation (GDL00224) and the A listed Invercauld House, including Butler's Flat, Secretary's Flat and Ancillary Structures (LB2995).

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=QXO2V7SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan - Location Plan I:10000		09/08/21	16/08/21
Plan - Location Plan	6183-21_EX_LO C	01/07/21	16/08/21
Plan - Existing Overall Site Plan	6183-21_EX_001	01/04/21	16/08/21
Plan - Existing Site Plan	6183-21_EX_002	01/04/21	16/08/21
Plan - Proposed Overall Site Plan	6183-21_PL_001	01/04/21	16/08/21

Plan - Proposed Site Plan	6183-21_PL_002	01/04/21	16/08/21
Plan - Proposed Plan and Elevations	6183-21_PL_003	01/04/21	16/08/21
Plan - Site Sections and Existing Panorama	6183-21_PL_004	01/04/21	16/08/21
Plan - Access Junction Visibility Splays	18085_007	21/10/21	03/11/21
SUPPORTING INFORMATION			
Other - Supporting Planning Statement	100367459	01/07/21	16/08/21
Other - Tree Survey, Arboricultural Impact and Tree Protection Plan		26/06/21	16/08/21
Other - Ground Assessment and Drainage Recommendation Report	2776/21	01/06/21	16/08/21
Other - Bat Survey Report		02/12/20	16/08/21
Other - Artist Impression			16/08/21
Other- Extended Phase I Habitat Survey and Protected Species Assessment		03/12/20	17/09/21

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

4. This application seeks planning permission for the erection of eight light industrial units together with an amenity WC block, vehicular parking areas and water and waste water services. The units are proposed for use under Use Class 4 - Business. The proposal seeks to offer the industrial units in two separate blocks - one with 5 units and one with 3 units. The amenity block would adjoin the north-western elevation of the southern block. The industrial units take form from a steel portal frame construction with steel sheeted elevations and a steel roller shutter door; all to be coloured forest green. The roof is proposed as a shallow, mono-pitched design also of forest green coloured steel sheeting. Each unit is served by car parking space and a larger vehicular parking space to the principal elevation and a separate area for further vehicular parking for 9 vehicles is proposed to be located to the south east of the industrial units. An improved vehicular access is proposed to the A93 and the proposal is to be connected to a private septic tank foul water disposal.
5. The application is supported by the following information:
 - a) **Supporting Planning Statement:** outlines the rationale for the application submission including the policy context. The document states that the Estate has played a longstanding role in facilitating the local economy in the provision of land and built development for occupation by others and in response to a number of enquiries seeking premises suited to small scale enterprises, the Estate undertook a review and found there was no existing stock of premises apart from the former sawmill buildings at Keiloch which are unsuited to alternative use due to their

construction, condition and scale. The application looks to address the need for relatively low cost premises suited to occupation by local businesses at the application site. The quarry is currently used by the Aberdeenshire Council in connection with road maintenance operations and this use will continue on an adjacent section of land to the application proposal which will utilise the same, new access arrangement.

- b) **Drainage Information:** The Ground Assessment and Drainage Recommendation Report confirms that there are no existing foul drainage provision on site and a 3,800-litre septic tank linking to a foul water soakaway is proposed. Regarding surface water disposal, an infiltration trench is proposed for the surface water run-off from the roof areas and hardstanding areas prior to disposal to the ground.
- c) **Ecology Surveys:** An Extended Phase I Habitat Survey and Protected Species Assessment has been undertaken for the site. The survey notes that the site is an area of cleared ground with hard standing and minimal ecological value. 26 conifers are to be felled to facilitate the site access and the majority of conifers will be retained in the area and the wider surrounding area will not be directly impacted by the proposed work and the wider landscape will not be changed. There was evidence of red squirrel activity in the area and appropriate steps to minimise disturbance to any breeding red squirrel must be taken during construction. It is not anticipated that the proposed works will have an adverse long term impact on red squirrels. No sign of pine martin signs was recorded. The impact of the development on any bat potentially roosting in the trees is expected to be low and the commuting and foraging habits will remain intact. There were no signs of any other protected species recorded on site during the surveys. There is a low likelihood to the presence/disturbance of rare, protected species of birds although there is a high likelihood of common breeding birds being within the adjacent site. The survey demonstrates the proposal will have a low impact overall on any wildlife within the site and surrounding area, and a low impact on the existing habitat. A Bat Survey was also submitted to assess the likelihood of bats roosting at the two existing buildings at the site, and this demonstrated a negligible and moderate suitability for the presence of bat roosts. The proposed works will not have a detrimental impact on the bat population at the site as no bat roosts were identified and the foraging and commuting habitat will remain the same. There was evidence of nesting birds having previously nested in Building I and it is recommended that prior to any demolition works commencing during the breeding bird season, a nest check is carried out.
- d) **Tree Survey:** The submitted survey confirms that 26 trees are proposed to be felled for the creation of the new access track, visibility splay and parking area. These trees are 19 Category C, and 7 Category B. The report states that best practice is to retain category B where possible and category C trees should not usually be retained where they pose a constraint on development. The report states that the category B trees to be felled include a mix of non-native Norway spruce and 4 Scots pine. The felling would have a short term impact due to the loss of the trees but in the long term, compensatory planting is proposed reducing the Arboricultural impact to low. Root protection areas are also recommended within the report.

6. Plans of the proposal are included within **Appendix I**.

History

7. The site has no recent planning history. Historically an application was submitted and subsequently withdrawn in 2005 under reference 05/331/CP for the 'Operation of Composting Plan' on part of the application site.

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 (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	X

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

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

Planning Guidance

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	New Housing Development Non-Statutory Guidance (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X

Policy 7	Renewable Energy Supplementary 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 Contributions Supplementary Guidance (2015)	X

CONSULTATIONS

Summary of the main issues raised by consultees

10. **Historic Environment Scotland** note that the proposal has the potential to affect the Invercauld Garden and Designed Landscape but after considering the information, they do not have any comments to make on the proposal.
11. **NatureScot** note that the proposed development is located within 200 metres from three sites designated for habitat and species which are: Ballochbuie Special Protection Area [SPA]; Ballochbuie Special Area of Conservation [SAC] and Creag Clunie and the Lion's Face Site of Special Scientific Interest [SSSI]. NatureScot consider that the proposal is unlikely to have a significant effect on any of the qualifying habitats or species either directly or indirectly and advise that an Appropriate Assessment is not required. Regarding the SSSI, the Team advises that the natural heritage interests of the SSSI will not be affected by the proposal. NatureScot reference the proximity of the site to the River Dee SAC but confirm that they do not anticipate any negative effects because it is usual for the foul treatment and surface water drainage proposals to meet the standards required.
12. **Aberdeenshire Environmental Health Officer** has no objections to the scheme although requests the inclusion of a planning condition to obtain the details of the water supply arrangements on site to ensure that the development is appropriately served by an adequate, potable water supply.
13. **Aberdeenshire Council Flood Risk and Coast Protection Officer** has no objection to the application following review of the submitted Drainage Recommendation Report.
14. **Aberdeenshire Council Roads Department** originally had a holding objection requiring the submission of further information in relation to the visibility splays for the existing junction. Following receipt of this information the Roads Team confirm that the required visibility splay has been demonstrated as achievable and the Service does not object to the application subject to the inclusion of planning conditions relating to: access gradient, access paving, and provision of visibility splays.
15. **Aberdeenshire Council Contaminated Land Officer** confirms that the site is a quarry later used as a council depot in which salt and fuel were stored and previous remedial work recommendations from 2004 were not carried out at that time. The Officer therefore recommends the inclusion of a planning condition for the submission of an intrusive investigation to account for potential contaminant addition, movement, and breakdown as well as remediation of the on-site fuel tank.

16. **Aberdeenshire Council Environment Planner South (Built Heritage)** has no objections to the scheme, noting the site's proximity to the Designated Gardens of Invercauld and to the listed Invercauld House and associated structures. The Officer considers the site is well screened and the site dips slightly creating a visual barrier between the designed landscape and the proposal. The Officer considers that due to the topography of the site and the density of the trees, the units would not be visible in the wider landscape.
17. **Aberdeenshire Council's Developer Obligations Officer** has reviewed the proposal and confirms no contributions are required as part of this development proposal.
18. **Scottish Forestry** advises that the CNPA should test the application against the Scottish Government's Control of Woodland Removal Policy and if thought necessary, require compensatory planting to be undertaken by way of planning condition on any subsequent consent.
19. **CNPA Outdoor Access Officer** originally requested the submission of further information to understand how the proposal will affect the Core Paths UDE16 and UDE17. As it stands Core Path UDE17 is located as such that it will become concurrent with the proposed new access road into the site.
20. **CNPA Landscape Officer** considers that the proposed development would result in some adverse landscape and visual effects, however subject to mitigation measures being incorporated, the proposal would be unlikely to result in significant landscape and visual effects that would affect the integrity of the National Park landscape.
21. The sensitivity of the site is reduced by the presence of the former quarry and being currently used for road maintenance works as well as views from the A93 being filtered along some stretches by intervening trees and landform banks. The Officer recommends the inclusion of further mitigation measures to include: the use of wooden cladding for the buildings, replacement/ enhancement tree planting, relocation of the car park to increase the width of separation to screen further from the A93, a construction method statement and lighting information and landscaping details.
22. **CNPA Ecology Officer** has reviewed the submitted ecological information and following a site visit has the following comments. The Officer considers that the development may result in disturbance to foraging otter and pine marten along the river, which can be mitigated by protection measures incorporated during the construction phase including species protection plans. The Officer also recommends planning conditions for: a lighting plan designed to minimise light pollution and compensatory tree planting for the loss of 26 trees. A compensatory nest plan should be submitted for the loss of swallow nests within the current building on site. A pre-demolition/felling check is required for the small buildings and trees to be removed for pine marten, red squirrel and breeding birds. The River Dee is adjacent to the site and a high specification wastewater treatment and surface water plan should be specified for this development. The quarry site is very suitable for nesting peregrine and consultation should be undertaken with BTO and RSPB to determine whether there

are any records which can form part of a pre-construction breeding bird survey by condition.

23. **Aberdeenshire South Access Panel** notes that consideration should be given for the provision of a disabled toilet and disabled parking. The latter of which should be suitable for wheelchairs with a hard, smooth surface. The comments are additional to the requirements of the Building Standards Verifier.
24. **Braemar Community Council** support the application noting that the Lion's Face Quarry is an area which would benefit from development and the proposal would provide some much needed commercial units for the village. The Community Council's full comments can be found at **Appendix 2**.

REPRESENTATIONS

25. The application was advertised when first submitted. One letter of public representation has been received noting their support for the scheme. A copy of their response can be found at **Appendix 3**. Within the representation, the respondent makes reference to their own requirement for a premises to develop their business and within the locality of Braemar.

APPRAISAL

26. The main planning considerations are considered to be: the principle of development; the impact upon the landscape, layout and design; the environmental impacts; the historic environment impacts; access and servicing and developer contributions.

Principle of Development

27. **Policy 2: Supporting Economic Growth** of the Cairngorms national Park Local Development Plan 2021 states that developments that contribute to the provision of an identified local economic need, such as the provision of small business units, will be particularly encouraged. **Criterion 2.4:** Other Economic Development permits development which supports or extends the economy, or which enhances the range and quality of economic opportunities or facilities within the National Park, where they:
 - a) Have no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) Are compatible/ complementary with existing business activity in the area; and
 - c) Support the vitality and viability of the local economy.
28. The development seeks to address a local need identified for low cost, business premises to serve local businesses within the Braemar area. This need is supported by the Community Council who consider that the proposal would provide some much needed commercial units for the village in a location which would benefit from development. The one letter of public representation received also notes their support for the scheme as a local business looking for small scale business premises within the

area. The proposal is therefore considered to support the vitality and viability of the local economy.

29. The application site, known as Lion's Face Quarry is a brownfield site, comprising cleared land, hardstanding and a couple of buildings in poor condition. Surrounding the site is plantation woodland. The Quarry has been used for a number of years by the Aberdeenshire Council in connection with road maintenance operations, however it is understood that the site is underused and has capacity to accommodate further compatible uses on site. The proposed erection of Class 4 business premises on site is therefore considered to be compatible with the adjacent Aberdeenshire Council operations and makes use of an existing brownfield site. The principle of development is therefore considered to be acceptable in accordance with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021 subject to compliance with other relevant Local Development Plan policies as outlined in more detail below.

Landscape Impacts, Siting and Design

30. **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.
31. The proposal comprises a block of eight light industrial units and ancillary facilities upon existing hardstanding near the former Lion's Face Quarry. The buildings are proposed to be of steel frame construction, with sheet steel walls and roofs, and steel roller shutter doors, to be 'forest green' in colour. The proposal lies within the Upper Deeside - Invercauld Landscape Character Area for which includes the distinctive strath landform and linear feature of the River Dee, rocky hills and exposed crags, extensive glacial-fluvial deposits along the edges of the floodplain, extensive pine woodland and historic landscape features associated with Invercauld House designed landscape.
32. The CNPA Landscape Officer considers that the landscape possesses some capacity for the type of development being proposed subject to the finer details of the scheme being agreed and mitigation being undertaken by way of additional planting, compensatory planting for the tree loss and details on the construction and lighting. It is therefore proposed that these elements are confirmed by the addition of planning conditions on any subsequent decision notice.
33. It is acknowledged that the proposed development would be located outside of the settlement of Braemar and would contrast to the prevailing rural landscape characteristics of the surrounding site. However, the sensitivity of the site to the proposed development is reduced by the presence of the former quarry and the existing hardstanding as well as by the existing commercial use for road maintenance operations. The siting of the proposal, utilising underused, brownfield land for an intensified commercial use to that existing, together with its proximity to the village and road network is considered to be acceptable in this case. The siting in this location is also supported by the Community Council.

34. Regarding design, the Landscape Officer advises that to appear more befitting of the rural landscape character and wooded setting within the National Park, timber cladding should be used in place of the proposed sheet steel for the buildings elevations. The applicant has confirmed that due to the proposed use of the buildings being for light industrial activities, the sheet metal is more appropriate on safety grounds for such activity. In addition, the proposed materials and design are in keeping with other commercial premises and agricultural buildings as seen throughout the National Park and the design and materials of the proposal are considered to be acceptable in these circumstances. The Officer also recommends that the proposed parking on the east side of the site is relocated to retain/reinforce a wider band of trees in between the site and the A93. It is understood that the design and layout of the proposal has taken account of the topography and site constraints and designed to minimise tree loss. The site layout as presented is therefore considered to be acceptable on this basis and additional screening could be further achieved through the planning condition requiring planting enhancements within the site.
35. Subject to an appropriate landscape conditions regarding a construction method statement, lighting details, landscape/ planting plan and maintenance details together with compensatory planting details, the proposal is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Environmental Issues

36. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources.
37. The proposed development is located within 200 metres of the designated sites: Ballochbuie Special Protection Area; Ballochbuie Special Area of Conservation and Creag Clunie and the Lion's Face Site of Special Scientific Interest [SSSI]. NatureScot consider that the proposal is unlikely to have a significant effect on any of the qualifying habitats or species either directly or indirectly. Regarding the SSSI, the Team advises that the natural heritage interests of the SSSI will not be affected by the proposal.
38. NatureScot reference the proximity of the site to the River Dee SAC but confirm that they do not anticipate any negative effects because it is usual for the foul treatment and surface water drainage proposals to meet the standards required. The CNPA Ecology Officer also references the proposal's proximity to the River Dee recommends that wastewater should be treated through a Package Sewage Treatment plant to give the highest water quality output instead of the proposed septic tank and soakaway arrangement. The proposed wastewater arrangements would meet building regulations and SEPA requirements. In addition, the soakaway would be located over 100m from the River Dee SAC and there do not appear to be any other watercourses connecting the development site to the SAC and no discharge to any watercourse is proposed. It is therefore considered, that in line with NatureScot's advice, while a secondary treatment system will further reduce impacts on the environment in general, an additional system is not likely to be necessary to avoid an adverse effect on the integrity of the River Dee. A Construction Method Statement is recommended as a

planning condition to ensure protection of the water environment from silt or pollutant laden surface water during the construction phase of the development.

39. Regarding protected species and habitats, the CNPA Ecology Officer notes that a Species Protection Plan for otter is required by condition due to the potential disturbance the development may have to foraging otter along the river during the construction phase. Pre-construction checks are also recommended for pine martin, red squirrel, bats and breeding birds. These are required as although evidence was not found during the survey work submitted with the proposal, signs of suitable habitat was found during the CNPA Ecology Officer's site visit and therefore conditions are required to ensure that the proposal would not have a negative impact on any protected species around the site. On this basis the proposal is considered to accord with **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021.
40. A total of 26 trees are proposed to be felled during the construction of the site access and visibility splays. Removal of woodland is only permitted where it complies with the Scottish Government's Control of Woodland Removal Policy and where the removal of the woodland would achieve clearly defined benefits. It is confirmed that the trees to be felled include a mix of non-native and native species of category B and C quality. None of the trees form part of any ancient semi-natural woodland or any woodland recorded in the Ancient Woodland Inventory. The proposed public benefit of supporting the local economy, on an existing, brownfield site, together with road safety improvements through the new access works is considered, on balance to outweigh the local contribution of the subject trees and a planning condition for compensatory planting is recommended, in accordance with the advice of Scottish Forestry.
41. Regarding other environmental matters, it is confirmed that the site is not at risk of flooding from any source nor will it impact on any neighbouring residential properties in terms of flooding. The Aberdeenshire Council Contaminated Land Officer references the site's former use as a quarry and council depot in which salt and fuel were stored. The Officer therefore recommends the inclusion of a planning condition for the submission of an intrusive investigation report to account for potential contaminant addition, movement and breakdown as well as remediation of the on-site fuel tank. Subject to the inclusion of the planning condition, the proposal is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

Impact on the Historic Environment

42. **Policy 9: Cultural Heritage** of the Cairngorms national Park Local Development Plan 2021 requires development that would affect the setting of a listed building to preserve the special qualities of the building or structure, and enhance the character, and the contribution it makes to the cultural heritage of the National Park. Policy 9 also ensures that development affecting a designed landscape has no adverse effect on the setting and conserves the historic designation. The site sits to the immediate south west of the Invercauld Designed Landscape and the category A Listed Invercauld House and associated structures. The Aberdeenshire Council Built Heritage Officer

considers the site to be well screened by the existing trees and due to the topography of the site, which creates a visual barrier between the site and the historic designations, the Officer does not foresee the units being visible in the wider landscape. Historic Environment Scotland also have no objections to the scheme with regards to its potential impact on the Invercauld Garden and Designed Landscape. The proposal is therefore not considered to negatively impact the historic environment in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

Servicing and Access

43. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced and without harm to resources or the environment.
44. The proposed drainage measures of a septic tank for foul water and an infiltration trench for surface water run-off are considered sufficient to deal with the wastewater arising from this scale of development and in this location. The Aberdeenshire Flood Risk and Coast Protection Officer has no objection to the proposed drainage measures. The drainage measures are acceptable on this basis in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
45. There is no public water supply within the area and the proposal will therefore be serviced utilising a private water supply. The Environmental Health Officer has no objections to the proposal subject to a planning condition being attached to any subsequent decision notice to ensure the details of the water supply are provided to ensure the supply is adequate and potable.
46. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking. The proposal looks to install an upgraded access to that currently serving the site with improved visibility sight lines of 4.5m by 160m in either direction of the access. Parking arrangements are to cater for 25 vehicles on site. The space within the site is sufficient to provide adequate parking and circulation space for vehicles for ensure a forward gear egress onto the road. Aberdeenshire Council Infrastructure Services Roads Development has no objection to the proposal and subject to the inclusion of their recommended planning conditions, the proposal is considered to accord with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021 with regards to road safety matters.
47. **Policy 3: Design and Placemaking** also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access. It is noted that there are two core paths within the vicinity of the development site and further information is required to understand how the proposal will affect the core paths. The CNPA Outdoor Access Officer notes that Core Path UDE17 is located as such it will become concurrent with the proposed new access road into the site and a planning condition is therefore recommended to ensure an access plan is provided to ensure the core paths remain unaffected by the development during the construction

works. On this overall basis the proposal is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Developer Contributions

48. **Policy 11: Developer Obligations of the Cairngorms National Park Local Development Plan 2021** states that where development creates a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements. The Aberdeenshire Council Developer Obligations Officer has confirmed that the proposal does not give rise to the requirement of any developer contribution.

Amenity

49. **Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that new development protects amenity currently enjoyed by neighbouring occupants to development sites. The proposed buildings are located at an appropriate distance to the nearest residential dwelling at Invercauld House which is over 0.7km away, as the crow flies. Between the two sites is the road, the river Dee, woodland and grassland. On this basis the proposal is not considered to give rise to any adverse impacts on the amenity of neighbouring land uses in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Other Issues Raised in Consultations and Representations

50. All matters raised by consultees and third parties have been addressed above. One letter of support has been received from a member of the public and support, as stated earlier, has been received from the Community Council.
51. The Aberdeenshire South Access Panel recommend that consideration is given to disabled access facilities within the development such as disabled toilet and parking facilities. The proposal meets the Aberdeenshire Council Parking standards requirements and will subsequently need to comply with building standards. An informative is therefore recommended to highlight the Access Panel's recommendation to the developer.

CONCLUSION

52. The redevelopment of the former quarry site will bring this underused, brownfield site back into a productive use fulfilling a need to support the local economy by providing business premises for the local community.
53. Any remaining points of detail that have not been sufficiently addressed will be resolved through the imposition of suitable conditions. Subject to these recommended conditions, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Erection of 8 Industrial Units (Class 4 - Business) Associated Infrastructure and Formation of Access at Lions Face Quarry Depot Braemar Aberdeenshire 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. **No development shall commence on site until the arrangements for securing an adequate, potable water supply to the development has been submitted to and agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Aberdeenshire Council Environmental Health Officer. The water supply shall thereafter be installed in accordance with the approved arrangements prior to the first operation of the development.**

Reason: The water supplying the commercial units must comply with the requirements of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and the condition is required to ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

2. **No development shall commence on site until a Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
 - a) **The approach to site preparation, soil management, restoration and reinstatement;**
 - b) **Construction stage SUDs;**
 - c) **Reference to pre-construction surveys and relevant species protection plans and how they will be adhered to during construction;**
 - d) **Provide details of lighting arrangements during construction;**
 - e) **Reference to the tree protection plan and measures;**
 - f) **Construction pollution prevention measures;**
 - g) **Programme of works;**

The construction of the development shall thereafter be implemented in accordance with the approved details.

Reason: The works are to be undertaken in an environmentally sensitive area. It is therefore necessary for a Construction Method Statement to be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment in accordance with Policy 4:

Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence on site until the tree protection measures have been installed on site in accordance with the approved tree protection plan and maintained in accordance with those details for the duration of construction.**

Reason: To ensure that trees adjacent to the site, which contribute to the landscape character and biodiversity of the area are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site, until the visibility splays, measuring 4.5m by 160m to be formed on either side of the junction of the vehicular access with the public access. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.**

Reason: To ensure acceptable infrastructure at the development access in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

5. **No works in connection with the development hereby permitted, (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A2:2017- 'Investigation of Potentially Contaminated Sites- Code of Practice' and a report of that investigation, together with any remedial scheme (if required) has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Aberdeenshire Council Environment and Infrastructure Services. The development shall thereafter be undertaken in accordance with the remedial scheme in its entirety and a validation report shall be submitted to and approved in writing by the Cairngorms National Park Authority prior to the first use of the development.**

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

6. **No development shall commence until a Species Protection Plan for otter has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The proposal shall thereafter be implemented in strict accordance with the approved species protection plan.**

Reason: In order to ensure there is no adverse impact upon the European Protected Species of otter which have suitable foraging habitat within the area. Mitigation measures by way of the species protection plan are required in accordance with Policy 3: Design and Placemaking and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 7. No development shall commence, until a pre-construction surveys for bats and breeding birds have been undertaken and the results, together with any associated species protection plan have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority - details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before construction works commence.**

Reason: In order to ensure there is no adverse impact upon the environment and European Protected Species, pre-construction survey work and subsequent mitigation measures are required in accordance with Policy 3: Design and Placemaking and Policy 4: Natural Heritage the Cairngorms National Park Local Development Plan 2021.

- 8. No demolition or tree felling shall commence, until pre-demolition/felling checks for pine martin, breeding squirrel and swallows have been undertaken and their results together with any associated species protection plan have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority - details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before demolition/ tree felling works commence.**

Reason: In order to ensure there is no adverse impact upon the environment and European Protected Species, pre-demolition/felling survey work and subsequent mitigation measures are required in accordance with Policy 3: Design and Placemaking and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 9. No development shall commence until a Landscape Plan and Maintenance Programme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The documents shall include:**
- a) Technical details of plants, planting operation, ground preparation and after care;**
 - b) Long term management of the landscaping maintenance of the site;**
 - c) Technical details for the compensatory wood planting including species, density, planting locations, fencing/ tubing protection measures, planting operations and maintenance.**

The Landscape Plan shall be implemented in full, by a suitably qualified landscape consultant, during the first planting season, following commencement of construction work on site, or as otherwise agreed in

writing by the Cairngorms National Park Authority, acting as Planning Authority, and shall be maintained thereafter in accordance with the approved maintenance programme.

Reason: In accordance with the consultation comments received by the CNPA Landscape Officer, a landscaping scheme is required in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan to ensure that the development delivers a richer set of micro habitats to aid biodiversity and to provide the required compensatory planting for the tree loss.

- 10. No development shall commence until a Core Path Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The plan shall include details of the core paths and how the works will be constructed to avoid affecting these routes. The works shall therefore be constructed in accordance with the approved plan.**

Reason: In order to ensure that the core paths within the immediate area remain unaffected by the construction works and operation of the approved scheme in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

- 11. No commercial unit shall be constructed on site until details of the provision of compensatory swallow nests have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the development shall be implemented in accordance with those approved details prior to the occupation of any commercial unit. The compensatory swallow nests shall be maintained and retained in situ thereafter.**

Reason: To ensure the provision of enhanced opportunities for swallow nesting following the demolition of the existing buildings on site in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 12. Prior to the first operation of the site, all parking, paths, turning and access arrangements, including visibility splays shall be fully implemented in accordance with the approved details.**

Reason: To ensure that the site is satisfactorily serviced and accessed in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

- 13. No lighting shall be installed on site until details (position, type and intensity) have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting, if being provided, shall be installed and operated in strict accordance with the approved plans.**

Reason: To ensure that the development does not adversely affect European Protected Species including the commuter bats in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

14. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation by Condition 5, and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without prior written approval of the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Aberdeenshire Council Environment and Infrastructure Services.

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

15. The maximum gradient of the first 5m of the new access must not exceed 1 in 20.

Reason: To ensure acceptable infrastructure at the development access in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

16. Prior to the first occupancy of the development hereby permitted, the first 10m of access (measured from the edge of the road) shall be fully paved.

Reason: To ensure acceptable infrastructure at the development access in the interests of road safety and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. 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.
3. 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.
4. You are advised that should any work commence within the bird breeding season, (April to September) then pre-construction surveys for breeding birds must be undertaken.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Bank Holidays to minimise disturbance to residents in the area.
6. Consideration should be given for the provision of a disabled toilet and disabled parking. The latter of which should be suitable for wheelchairs with a hard, smooth surface. The comments are additional to the requirements of the Building Standards Verifier.

Road Informatives

7. The proposed vehicular access onto the public road shall be formed at the Developer's expense & must be constructed in accordance with the Council's Specification.
8. Adequate provision to be made for internal surface water drainage to ensure that surface water does not run from the site onto the public road or vice versa.
9. Adequate precautions to be taken to protect any Statutory Undertaker's plant which may be affected by the works development.

10. An application for a Road Excavation permit must be submitted to Infrastructure Services, Area Roads Officer at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. Note: The public road may incorporate- carriageway, verge, cycleway/ footway and visibility envelopes. Further details and application forms may be obtained by emailing the relevant Area Roads Office or on the Councils website:
marr.roads@aberdeenshire.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.