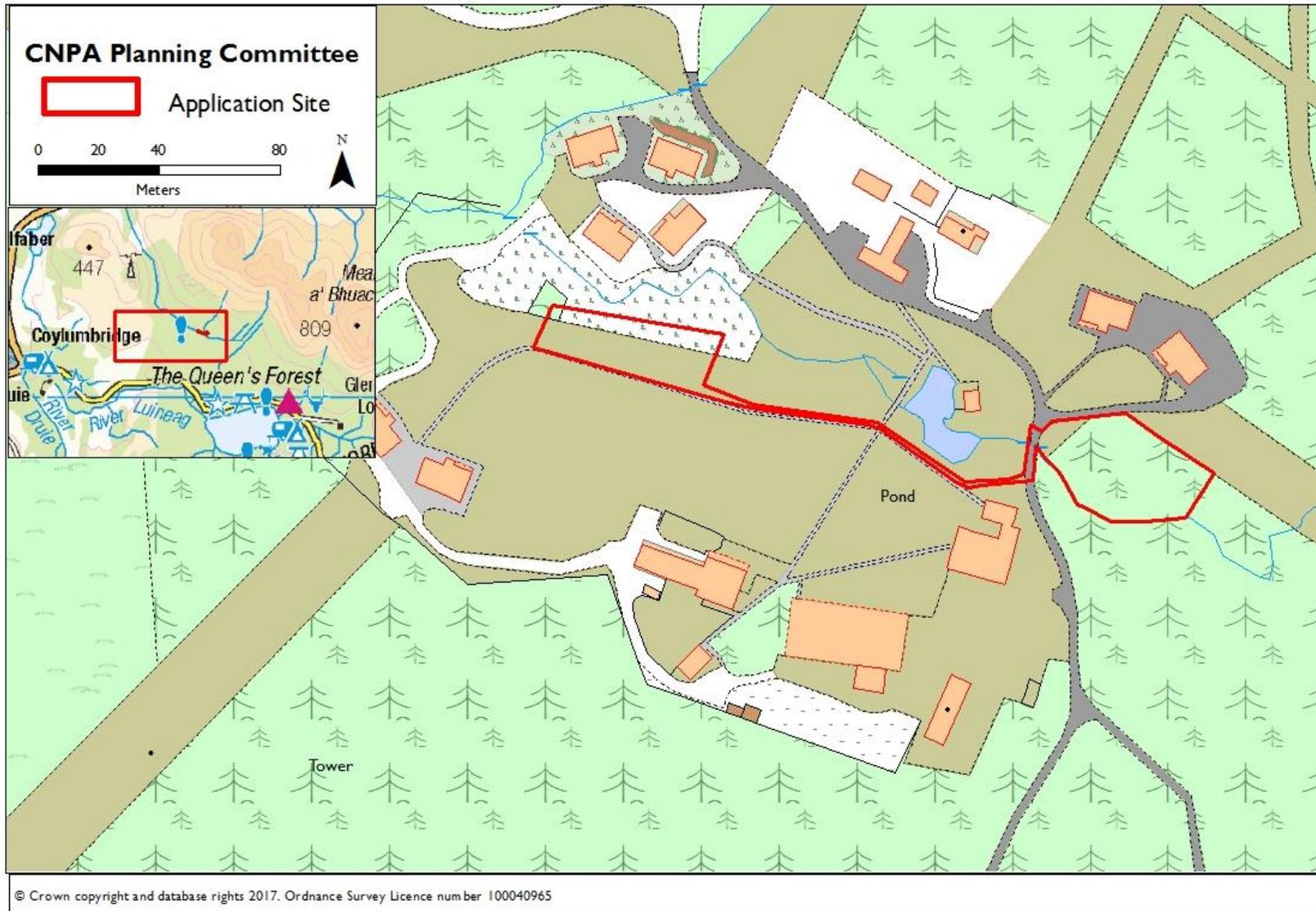

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:	
Retain existing established 10.no wigwam accommodation and associated landscaping (Renewal of permission 2015/0375/DET (15/04219/FUL)) at Speyside Trust, Badaguish Outdoor Centre, Glenmore, Aviemore.	
REFERENCE:	2017/0008/DET
APPLICANT:	Speyside Trust
DATE CALLED-IN:	09/01/2017
RECOMMENDATION:	APPROVE WITH CONDITIONS
CASE OFFICER:	Katherine Donnachie, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located at Badaguish, some 6km to the east of Aviemore. This is an established recreational site offering an environmental and outdoor education service for youth and community groups with numerous existing facilities on site (offices, toilet/shower block, lodges, café, play area, camping, wigwams, paths etc.) It takes access of the Glenmore road via a private road and it is situated in a woodland setting. Land to the south of the Badaguish complex is designated as a Special Protection Area, SSSI, and Special Area of Conservation and the entire site lies within the Cairngorms National Scenic Area.

Proposal

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/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Visitor Management Plan Version 5		18 November 2015	
Location Plan	4111/LOC	November 2015	
Long Term Masterplan	3663-03 Rev A	June 2016	
Site Layout	4111/O62 Rev A	December 2015	
Supporting Statement by Bracewell Stirling		Undated	
Wigwam Site Photos	4111/002	Undated	

3. This application seeks temporary planning permission for the continued siting of ten wigwams on land within the Badaguish complex. It is understood that only 12 of the approved 35 wigwams to the north have been located on site and that this larger site is being developed in terms of its infrastructure and landscaping. Until such time as these works are further developed and an attractive site for more wigwams is created the applicants wish to retain the ten wigwams and relocate them into the larger site at a later date. They estimate that it will be a further three years before they will be in a position to relocate these ten wigwams.
4. It is understood that the rationale for retaining these ten wigwams is economic, as their continued use brings in an income for the wider site which can also be used to invest in the development, including landscaping, of the larger 35 wigwam site. Furthermore these 10 “pilot” wigwams are now well established

and their retention will enable a smooth transition when the larger site becomes established.

5. The development involves the continued siting of ten wooden wigwams over two different locations at Badaguish. The sites of the wigwams lie within this Badaguish complex – 6 wigwams are located in the western part of the site looking over a central grassed area. The remaining 4 wigwams are located in the eastern part of the site, to the north of the existing car parking area closely related to existing chalets to the north. This layout is shown in **Appendix I** together with the wider site layout and relationship to the approved 35 wigwam development to the north.
6. The style of the wigwams is also as shown in **Appendix I**. Each wigwam can accommodate up to five persons. The electricity connection is existing and there will be no new water or drainage connection with existing on site facilities continuing to be used. Surface water from the wooden wigwams will discharge to the grass around the individual sites in the same way as canvas tents operate.
7. Supporting information has been provided with the application as follows:
 - a) Supporting statement, which explains the background and rationale for the development
 - b) Visitor Management Plan, which was been developed following ongoing discussion with CNPA and Scottish Natural Heritage (SNH) on earlier applications in 2015 at Badaguish. This plan sets out how visitors will be managed in way to complement the aims of Badaguish to provide a sheltered and supportive setting. It explains that the main purpose of Badaguish is to provide a central residential base for off-site activities and attractions in the surrounding area, with some exceptions as follows:
 - i) Disabled respite care visitors who require staff with skills and training and spend more time at the centre,
 - ii) Larger organised events which utilize trails in surrounding area and which are the subject of consultation with Forest Enterprise Scotland who own the surrounding land and,
 - iii) Limited use of facilities by day groups arranged by pre-booking or membership scheme.
8. Projected annual visitor numbers at the overall site are around 13,000, with 5,300 being related to wigwam camping. The plan outlines how these visitors will be managed in order to minimise any environmental disturbance, for example, encouraging visitors to keep to designated paths and trails, preventing creation of informal new trails, and ensuring dogs are controlled (with no dogs permitted in the wigwams). Management of visitors will be achieved through provision of information, signage and monitoring as well as landscaping to provide screening and to discourage visitors to attempt to access surrounding area. Ongoing liaison will continue with Forest Enterprise Scotland and outdoor activity providers in order to manage visitors by offering positive information and guidance. Forest Enterprise Scotland previously confirmed they were signed up to the principles of this plan. This visitor management plan set out that annual

monitoring reports would be provided and the first of these has been submitted as required by the planning conditions of earlier planning permissions. This report indicates that visitor numbers have been less than predicted overall. Mitigation measures set out in the Plan in relation to provision of signage have been completed.

History

9. There is a lengthy planning history at Badaguish. Since 2003 there have been numerous planning applications approved for various developments including chalets, accommodation lodges, shower block, footpaths, antennae and conversion of bothy to form coffee shop and restaurant, and formation of walk/cycle way adjacent to the access road to the site, passing places and additional car parking.
10. On the application site itself temporary planning permission was granted in 2010 by the CNPA Planning Committee for the siting of ten wigwams (10/107/CP.) An application to extend this time period to the end of 2014 was approved in 2012 (2012/0107/DET). This permission expired and a further application to retain the wigwams on site was approved at the February 2016 CNPA Planning Committee (2015/0375/DET) subject to conditions. Officer recommendation was to grant a further three year period but members decided to limit the time period to one further year to ensure progression of the main site where the wigwams are to be relocated to. This permission expired on 22 February 2017. The current application was submitted prior to expiry and seeks to retain the wigwams for a further 3 year period.
11. Members may also recall other recent retrospective planning applications at Badaguish which were considered at the November 2015 Planning Committee. At this time retrospective planning permission was granted for:
 - a) Altering the location of 12 timber wigwam camping units out of 35 originally permitted units (moving them closer to the existing on site facilities (2015/0133/DET) and,
 - b) Changing the configuration of the bike trail and camping area of the originally approved layout (2015/0132/DET).

These applications related to changes which were carried out to the approved layout for the erection of 35 wooden wigwams, on site activity area/canvas tent area and mountain bike free ride trail dating from 2011 (2011/0206/DET). This larger site lies on cleared woodland to the north of the current application site for ten wigwams.

12. Also related to this original 2011 permission was application 2013/0096/DET. This application was submitted in March 2013 under Section 42 of the Planning Act, and sought to vary Condition 3 of the 2011 permission in order to allow work to start on site without compliance with this condition. Condition 3 required the footpath alongside the access road, passing places and car parking to be completed before work started. It was approved at the June 2013 meeting of the CNPA Planning Committee. Revised wording was agreed to allow work

to start, but that none of the facilities approved by the 2011 permission (wigwams, bike trail and camping site) were permitted to be brought into use until these access/footpath works were completed. The footpath, passing places and car parking have provided.

13. More recently an application was approved by the CNPA Planning Committee for the erection of a building to provide accessible cooking and toilet facilities for wigwams, siting of temporary portaloos facilities and the formation of parking area (2016/0092/DET) on land to the north of the application site. This application was the subject of a site visit by the Committee.
14. A further application has recently been submitted for the change of use of an existing toilet and laundry block to provide accommodation for a 24 hour on-site warden service (16/05426/FUL) to meet Care Inspectorate requirements for additional resident on-site support. This case will be determined by the Highland Council.
15. **Appendix 2** seeks to illustrate the relationship of the various recent planning permissions at Badaguish.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2012 - 2017	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

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

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

Planning Guidance

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

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

CONSULTATIONS

18. A summary of the main issues raised by consultees now follows:
19. **SEPA** note that the development falls below the threshold where they would provide bespoke advice noting that with previous consultations they had no comments from a planning perspective. From a regulatory perspective they advise that the site currently has authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. They have confirmed that they have received information from the applicant that there would be no additional loading onto the existing sewage treatment works and confirm that the site is compliant with the CAR consent. A site review will be undertaken later this year.
20. **Scottish Natural Heritage** advises that the site lies close to the Cairngorms Special Area of Conservation designated for its Caledonian forest and bog woodland interest, and the Cairngorms Special Protection Area designated for its capercaillie interest. Accordingly the requirements of the Habitats Regulations apply whereby the CNPA is required to consider the effect of the proposal on the SPA before it can be granted, commonly known as a Habitats Regulations Appraisal (HRA). In SNH's view the proposal is likely to have a significant impact on capercaillie interests whereby an appropriate assessment is required.
21. They further advise that based on the previous HRA and approved Visitor Management Plan that the proposal will not adversely affect the integrity of the site.
22. **CNPA Landscape Adviser** has no comment on landscape grounds. The advisor notes that tree planting on the wider site must to be carried out to the correct specification and cared for in a way that ensure that it thrives.

23. **CNPA Ecology Adviser** advises that there are no particular ecology issues. Following advice from SNH a Habitats Regulation Appraisal was carried out on previous applications for the larger wigwam site here to the north in order to assess the impacts on capercaillie and the Cairngorms SPA. Due to the provision of a Visitor Management Plan no adverse effects on the integrity of the site were identified.
24. A Habitats Regulation Appraisal has also been carried out for this current proposal following advice from SNH and this is attached as **Appendix 3**. This screened the likely significant effects of the development and also considered any in combination effects.
25. Likely significant effects were found in relation to the Cairngorms SPA in terms of potential impacts upon capercaillie. Consequently an Appropriate Assessment (AA) was undertaken to assess the implications for the conservation objectives of the SPA. The Appropriate Assessment concluded that with the measures outlined in the Visitor Management Plan there will be no adverse effects on the conservation objectives of the SPAs.
26. **Aviemore and Vicinity Community Council** advise that they remain neutral on this proposal. They note this is a renewal of a previous application and that a masterplan was used to justify previous cases. This has not been included in the current submission and a clear picture of proposals is not provided. Up to date drawings should be submitted. A copy of their comments are attached as **Appendix 4**.

Note the applicant has now submitted the previous masterplan drawing

27. **Inclusive Cairngorms** has no comments.

REPRESENTATIONS

28. No representations have been received.

APPRAISAL

Principle

29. The principle of recreational development at Badaguish is well established and fits well with the existing activities on site. Planning permission has previously been granted on a number of occasions for temporary wigwams on the current application site. The issue to be considered now is whether it is appropriate to continue to permit the retention of these wigwams on this site until such time as the site to the north is further developed to a stage when these 10 wigwams may be relocated.
30. Local Development Plan Policy 2.2: Tourism and Leisure Development offers strong support for the principle of this type of development subject to satisfying other relevant planning policies on landscape, heritage and servicing. Policy 8:

Sport and Recreation also supports the provision of such facilities. The principle of development is therefore supported by policy and it is the details of design, siting and servicing that require to be considered.

Servicing

31. There are no changes to the servicing arrangements for this development with surface water to be disposed of on site. The overall load on the foul sewage treatment plant, which is currently operating to the satisfaction of SEPA, will not alter as a result of the development (providing a total of 35 wigwams for the entire Badaguish site are controlled), with no new foul drainage facilities proposed in relation to the new wigwams. Access to the site remains unchanged. Waste management provision will also be as per existing arrangements with a refuse and recycling collection point located beside the toilet/shower block.
32. With regard to access for disabled persons, this group are a key customer of the applicant's business and it is noted that Inclusive Cairngorms have no comments to make.
33. In these overall circumstances the development is considered to comply with Policy 3: Sustainable Development and Policy 10: Resources in respect of ensuring that new development is satisfactorily serviced.

Landscape

34. The development is located within the existing developed complex at Badaguish, relating well to existing buildings and infrastructure. As such the landscape impacts are insignificant, with the wooden wigwams fitting in well to their setting and of a design wholly appropriate to the woodland setting.
35. The applicants have indicated that they are likely to be in position to have landscaping for the wider site established within three years in order to create a good setting for the overall development of the site and thus relocate the wigwams at that point into the main site to the north.
36. Implementation of the landscaping of the wider site is ongoing with around half as required by previous permissions at Badaguish carried out last year. CNPA staff have pursued implementation of the remainder of the planting and it is anticipated that this will be completed by the end of the current planting season. Advice has also been provided to ensure that any unsuccessful planting is rectified.
37. The development is therefore considered to comply with Policy 5: Landscape.

Environmental Impacts

38. The proposed development has little direct ecological impacts, being located within the developed complex at Badaguish on land of limited ecological value. It

is therefore considered to comply with Policy 4: Natural Heritage with no adverse ecological impacts.

39. However, the key potential environmental impact relates to any impacts upon the Cairngorms Special Protection Area (SPA) in terms of any impacts upon capercaillie in the SPA. It is necessary to fully consider these impacts and this has been done through the Habitats Regulation Assessment and Appropriate Assessment (**Appendix 3**) undertaken by the Heritage Team following advice from SNH. This concludes that any potential impacts may be satisfactorily mitigated by the ongoing implementation of the visitor management plan.
40. Continued adherence to this Visitor Management Plan will help ensure that there are no adverse impacts upon NATURA interests and thus ensure compliance with Local Development Plan Policy 4: Natural Heritage. It is therefore important to ensure this is effectively implemented. The fact that Forest Enterprise Scotland, a key partner in managing visitors here previously signed up to the principles of the Plan gives further confidence that this will be achieved. The annual monitoring report demonstrates that the Plan is being followed to date.

CONCLUSION

41. It is considered that this proposal to retain ten wigwams on this site at Badaguish, until such time as the larger wigwam site to the north is in a suitable condition to relocate these ten wigwams onto, is acceptable on its own merits in land use planning terms. Landscape and servicing impacts from the development are limited and the environmental impacts upon NATURA interests may be controlled by planning conditions requiring adherence to the Visitor Management Plan.
42. There is no particular land use planning reason to restrict the period of permission to shorter than that sought by the applicants given that there are no landscape, ecological or servicing issues with the development. What is important is to ensure that there are no more than 35 wigwams in total on site as it is on that basis that the application has been assessed. As previously, to achieve this it is therefore recommended that a planning condition be attached requiring relocation or removal of the ten wigwams into the main site within 3 years or as soon as there are 25 wigwams on the main site, whichever is the sooner.
43. On this basis the application is considered to comply with Local Development Plan policies and approval is recommended subject to those appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT TEMPORARY PLANNING PERMISSION to Retain existing established 10. no wigwam accommodation and associated landscaping (Renewal of permission 2015/0375/DET (15/04219/FUL)) at Speyside Trust, Badaguish Outdoor Centre, Glenmore, Aviemore subject to the following conditions:

1. The wigwams hereby approved and any supporting pads shall be removed from site within 3 years of the date of this permission or before more than 25 wigwams are erected on the land to the north which is the subject of planning application references 2015/0132/DET, 2015/0133/DET and 2011/0206/DET, whichever is the sooner.

Reason: To ensure the development is controlled to that applied for and considered, as environmental impacts have been considered in relation to a total of 35 wigwams to ensure compliance with Local Development Plan Policies 4: Natural Heritage, and Policy 10: Resources.

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

Reason: To ensure the development is controlled to that applied for and considered, as environmental impacts have been considered in relation to a total of 35 wigwams to ensure compliance with Local Development Plan Policies 4: Natural Heritage and Policy 10: Resources

3. The development hereby approved shall be operated in accordance with the approved Visitor Management Plan Version 5 dated November 2015. Ongoing monitoring shall be undertaken in accordance with the recommendations of the approved Visitor Management Plan throughout the lifetime of the development hereby approved. The results of monitoring (together with details of any mitigation carried out) shall be submitted on an annual basis to the Cairngorms National Park Authority acting as Planning Authority, starting from January 2017 (and then every January thereafter).

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

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

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

Informatives:

1. It is noted that the existing toilet facilities on site at the Badaguish Centre will be used to service the wigwams hereby approved. These facilities discharge to the existing sewage treatment plant which is regulated by the Scottish Environment Protection Agency (SEPA) and caters for design capacity of 120 persons. This will be monitored by SEPA and any changes will require the consent of the Agency.
2. The Cairngorms National Park Authority recommends that the opportunity be taken to provide educational and interpretive materials to the users of the site regarding the special qualities of the National Park. CNPA staff would be happy to work with the developer on this and suggest contact be made to our Grantown Office (telephone 01479 873535) for further advice and provision of materials.

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.