
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: CONSTRUCTION OF QUAD BIKE TRACK AND USE OF LAND FOR QUAD BIKING AND PAINTBALLING, LAND AT PARKHEAD CROFT, DULNAIN BRIDGE (RETROSPECTIVE PERMISSION)

REFERENCE: 10/392/CP

APPLICANT: MR D MCCAFFERTY

DATE CALLED-IN: 12 NOVEMBER 2010

RECOMMENDATION: REFUSAL

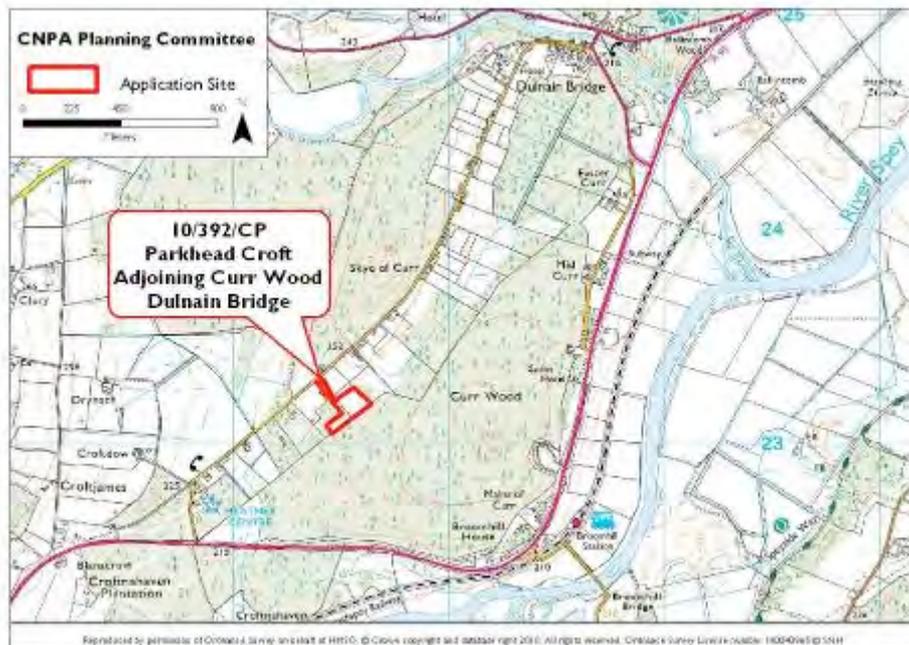


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located to the south west of the Skye of Curr Wood off a minor road which links Dulnain Bridge with the A95 at the Heather Centre (see fig 1). The site is located on Parkhead Croft in woodland that is characterised by birch and scots pine to the rear of a number of residential properties.
2. In May 2010 the CNPA Monitoring and Enforcement Officer was made aware of works being carried out on the croft. On inspecting the site it became clear that a number of trees had been felled and a track formed and edged with tyres to accommodate quad biking, it was understood at the time that part of the site was also being used for paintballing.
3. The works can best be seen from the photographs set out below. At present the site constitutes a formed track within the woodland with a marquee in which bikes are stored. There are also a number of practice points for paintballing.



Fig. 2 - Entrance to track/paintballing area



Fig. 3 - General track entrance view



Fig. 4 - General track view with marquee for storing bikes



Fig. 5 - General view of track



Fig. 6 - Paintballing area



Fig. 7 - Area with south west part of track reduced in area.

4. The site itself is approximately 200 metres long and the track loop is contained within this area. The site is adjacent to but outside of an area identified as Ancient Woodland on the Ancient Woodland Inventory. An area to the south west of the site nearest a neighbouring residential property has been cordoned off as can be seen by figure 7 reducing the overall length of the track by approximately 117 metres (applicant's figure, see fig. 8 below)

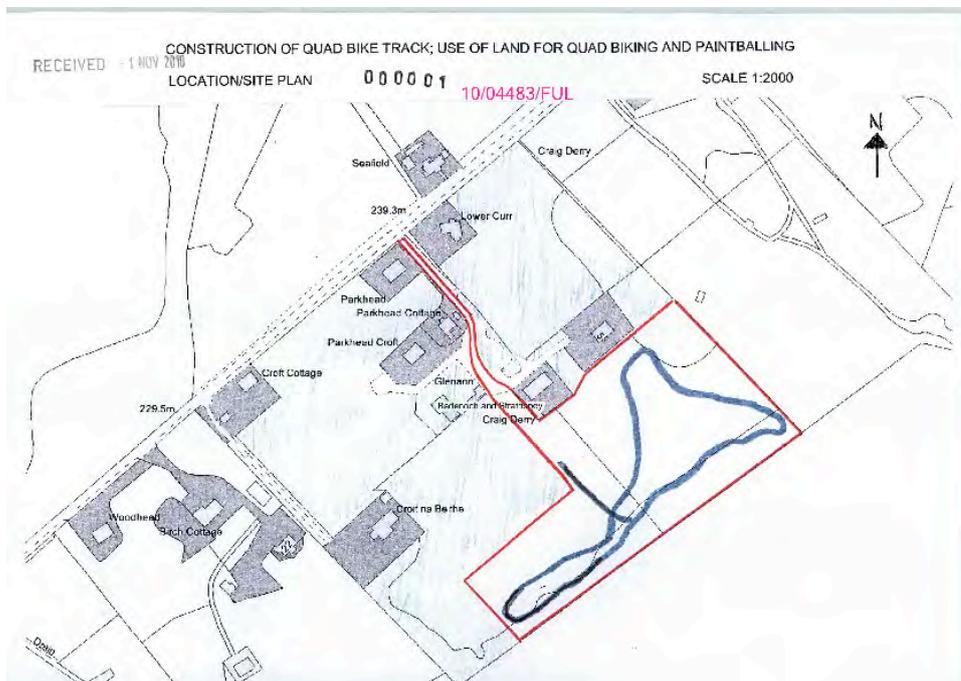


Fig. 8 - Site Layout plan showing track loop

DEVELOPMENT PLAN CONTEXT

National policy

5. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. *Rural development:* Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

¹ February 2010

10. Landscape and natural heritage: The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
11. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."
12. **Scottish Government Planning Advice Note 1/2011 Planning and Noise** provides advice with regard to noise and development. The advice considers that issues which may be relevant when considering noise in relation to a development proposal include: -The type of development and likelihood of significant noise impact, sensitivity of location (such as existing land uses), existing noise level and likely change in noise levels, character, duration, frequency of any repetition and time of day of noise that is likely to be generated, and absolute level and possible dose response. The guidance goes on to note that local circumstances, particularly the existing noise character of the area should be taken into account. It may also be appropriate to take a different approach to noise levels when considering the effects of new noisy development on existing residential properties from the approach taken to new residential development close to existing noisy land uses.
13. **Paragraph 33** refers to off road motor vehicle activities noting that noise impact assessments should take account of how frequently the noise will be generated and how disturbing it will be and should demonstrate that the proposed activity does not have an impact on nearby noise sensitive land uses.

² Para. 256.

14. **Scottish Government Planning Advice Note 73 Rural Diversification** considers that planning should encourage sustainable diversification; address issues of accessibility, infrastructure, scale and design and recognise individual circumstances. The guidance goes on to present a range of case studies

Cairngorms National Park Plan (2007)

15. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
16. Under Living and Working the plan sets out Strategic Objectives for Economy and Employment including a) creating conditions conducive to business growth and investment that are consistent with the special qualities of the Park and d) promoting opportunities for economic diversification across all areas of the Park.

Structure Plan Policy

Highland Council Structure Plan (2001)

17. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
18. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
19. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.

20. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
21. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community. **Policy A2 Farm Income Diversification** notes that the Council will generally encourage proposals for the diversification of farm incomes through adding value to products and through non- farming enterprises.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

22. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
23. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
24. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

25. Policy 1 Natura 2000 Sites: development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where: a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest, including those of a social or economic nature. Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons of overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).
26. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
27. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
28. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where:
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

29. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
30. Policy 16- Design Standards for New Development : design of all development will seek where appropriate to: a) minimise effect on climate change; b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and distinctiveness, whilst encouraging innovation in design and materials; c) use material and landscaping that will complement the setting of the development; d) demonstrate sustainable use of resources; e) enable storage and segregation of recyclable materials; f) reduce need to travel; g) protect neighbouring amenity; h) accord with Sustainable Design Guide. All proposals to be accompanied by a design statement.
31. Policy 25 Business Development: Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, is located within an allocated site identified on the proposals maps or where the a range of criteria are met. Outwith settlements proposals will be considered favourably where they are located in an existing business park or industrial estate; or where it can be demonstrated that there are no more sequentially appropriate sites available. Under Part C of the policy favourable consideration will be given where development supports the vitality and viability of a farm, croft or other business in a rural location; or is complementary to that current rural business activity; or promotes diversification within that business; or creates new small scale development which supports the local economy.
32. Policy 35 Sport and Recreation facilities: Development of formal sport and recreation facilities will be supported where a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas and b) they will meet an identified community or visitor need.
33. The CNP Local Plan is the subject of an appeal under section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and recommendation made in respect of this application.

The CNPA has published a range of **Supplementary Planning Guidance** including guidance on **Natural Heritage** which in particular sets out the likely natural heritage survey requirements for planning applications and also sets out 6 key principles for considering the effect of proposals on natural heritage interests. The **Sustainable Design Guide** sets out a checklist

which development proposals should address by means of submission of a sustainable design statement. This covers a wide range of issues including layout, proportions, landscaping, cultural heritage, natural heritage, materials, accessibility and site management.

CONSULTATIONS

34. **Scottish Natural Heritage (SNH)** does not object and advise that the proposal lies close to and could affect Craigmore Wood Special Protection Area (SPA) designated for breeding capercaillie. However, in SNH's view the proposal would be unlikely to have a significant effect on the capercaillie qualifying interest either directly or indirectly. An appropriate assessment is therefore not required.
35. **Forestry Commission Scotland** does not object to the application however, notes that a possible outcome of the proposal is that if it goes ahead an increase in disturbance may, in theory, deter capercaillie from re-colonising the woodland in the future.
36. **Highland Council TEC Services (Environmental Health)** originally commented that the service would raise concerns regarding loss of amenity to neighbouring properties from the noise and dust. A scheme for protecting neighbouring properties from dust from day to day operation of the track must be approved by the planning service. In addition the applicant should be required to carry out a noise assessment in order to assess the likely impact of noise on neighbouring premises. The applicant carried out a noise assessment which was received by the CNPA on 18 March (attached at back of report) and passed onto the Environmental Health Officer. Further concern is raised regarding noise and dust from the track affecting nearby sensitive receptor properties. To this end the applicant should be required to state times of operation (both commercial and non-commercial use) of the track, numbers and engine sizes of quads to be used, and any dust suppression/prevention methods to be employed at the time of use. In addition a daytime noise assessment is recommended in accordance with BS4142 which is a method of rating industrial noise affecting mixed residential and industrial areas. This assessment will give the planning authority an ability to assess the likelihood of complaints for the normal use of the track.
37. **Highland Council TEC Services (Roads)** recommends that conditions are attached to any consent given. Access from public road should have radii of 5.5 metres and a throat of 5.5 metres extending a minimum of 10 metres into the site. Visibility splays to be provided and maintained on each side of the access road at a distance of 160 metres from the centreline of the access road. At least one passing place shall be provided between the site and the public road and parking manoeuvring space for at least 1 or 2 participants plus 1 per 3 staff shall be provided within the curtilage of the site.

38. **CNPA Ecologist** comments that no ecological information has been provided it is therefore impossible to determine if there are any significant impacts upon species of conservation concern. Although the track has already been built it is recommended that a flora and walkover mammal survey is carried out. The area has in the past been used by capercaillie and if the population expands it could be used again in future.
39. **CNPA Landscape Officer** comments that the site is largely self contained and not visible from the road. There does not appear to be any frequently used footpaths in the near vicinity.
40. The site is criss-crossed by a number of bull dozed tracks edged with tyres. The nature of the site also suggests that a number of birch trees have been damaged and/or removed in the process of creating the tracks. Given the high degree of containment the development does not impinge extensively on the landscape character of the area, however, it does impact severely on the upon the quality and experience of the site and its immediate setting. As a development this fails to meet the objective in the Park Plan to complement and enhance the landscape character.
41. The impact of the development adds further to an area that is already chaotic in its appearance and a landscape managed in a way that demonstrates a lack of care. Some mitigation could be applied to the immediate site that would go some way to reducing the immediate on site impacts, but ultimately it would take management plan to be implemented for the wider area to achieve an outcome that would begin to complement the landscape character of this part of the Park.
42. Mitigation could include planting and protection of native trees and shrubs, removal of unnecessary machinery from the site, definition of car parking area and entrance to the site to give a degree of organisation and visual prompts for the user.
43. **Dulnain Bridge Community Council** notes that there has been considerable interest in the proposed construction of a quad bike track and paint balling facility at Parkhead Croft. The Council believe the CNPA has been notified of all objectors/supporters and that the CNPA is in possession of the signed petition presented by the applicant and that the CNPA are aware of the substantial input on Facebook /Go petition. The Community Council trust the CNPA to act impartially.

REPRESENTATIONS

44. A number of representations have been received and these are attached at the back of the report. A link to a petition has also been provided by the applicant as has a hard copy of a petition supporting the project. An e-mail supports the proposal and the economic gain that the proposal could bring to the area.

Concerns raised include:

- Effect of noise from both quad biking and paintballing on neighbouring amenity
- Noise assessment submitted not adequate
- Disturbance to wildlife including capercaillie
- Harm to other tourist facilities guest houses/B&B's
- Effect on existing tranquil nature of area and people who visit for that reason
- Disturbance from traffic including danger to pedestrians
- There are existing facilities in the area
- Health and safety issues and that paint ball pellets could be fired onto neighbouring properties
- Loss of habitat from trees felled
- Development should not be for profit and alcohol should not be served

APPRAISAL

45. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This report will consider the principle of the development proposed against the policies of the development plan then go on to consider the more detailed potential impacts upon neighbouring amenity and natural heritage. It is crucial to note that despite this being a retrospective application it should be considered on its merits in the same manner as any other planning application.
46. The most relevant policy to assess the proposal against in terms of the provision of the activities proposed is Policy 35 Sport and Recreation Facilities. The policy considers that development of formal sport and recreation facilities will be supported where they demonstrate best practice in terms of sustainable design and where there are no adverse environmental impacts on the site or neighbouring areas and they meet an identified community or visitor need. In addition Policy 25 Business Development supports, in principle, other business opportunities that support the vitality and viability of crofts.
47. There is some support for the facility as evidenced by the petition backing the project. However, the policy leads to a clear balance needing to be struck between support for such a facility and the potential environmental impacts upon the neighbouring and wider environment. This approach is emphasised by Policy 16 Design Standards for New Development where criteria g) in relation to all development requires the protection of amenity enjoyed by neighbouring properties.

48. Quad bike tracks and paintballing facilities can be difficult to accommodate and are often located in either industrial estates or countryside areas where there are few, or no, residential properties to be affected by the activities being promoted. For such facilities this can create tension between the need to be accessible while still being a sufficient distance from residential properties to protect neighbouring amenity. This tension has to be balanced in the consideration of this application.

49. In this case, the works are located in a countryside area but adjacent to a number of residential properties, several are in the ownership of the applicant's family however several are not. There is some concern about the accuracy of the plans submitted (in terms of distances between the track and neighbouring houses) but the relationship of the residential properties to the site and track are best seen at figures 1 and 8. Despite several neighbouring properties being within the same family it is important that potential environmental impacts from noise and disturbance are considered in relation to all residential properties other than the operator's house regardless of ownership. At the time of the CNPA Monitoring and Enforcement Officer finding out about the works in May 2010 the applicant was advised that a noise assessment would be necessary. The application was submitted without a noise assessment and since then further requests have been made for this. Planning advice is clear that noise assessments should be carried out for this type of development and one has been requested by Highland Council's Environmental Health Officer (EHO). A noise assessment in the form of a plan and covering letter was received on 18 March and the EHO considered that this was not adequate and provided further comments that a noise assessment should be submitted in accordance with normal British Standards and that information on dust suppression, times of use of the track, numbers and engine sizes of quads should also be provided. The EHO continues to raise concerns regarding noise and dust from the track affecting nearby residential properties.

50. This application must also be considered against the Conserving and Enhancing Section of the National Park Plan and the protective environmental policies of the CNP Local Plan. While not designated the site is part of an attractive birch and scots pine woodland. A number of trees have been felled to accommodate the track area. The CNPA Ecologist has noted that there is no ecological information with the application so it is difficult to provide meaningful comment. The site is adjacent to Curr Wood and Craigmore Wood Special Protection Area. Capercaillie are an interest in the area but SNH considers that there would be no significant impact upon capercaillie from the development.

51. The CNPA Landscape Officer has commented that the area appears chaotic in nature. The landscape impact is limited because the site is relatively contained and not well seen from public viewpoints. However, it is considered that the works carried out impact severely on the quality and experience of the site. Policy 6 Landscape of the CNP Local Plan requires that development conserves and enhances, the works carried out fail to meet this requirement. The Landscape Officer is of the view that a management plan for the wider site would have to be implemented before the

development would begin to conserve and enhance the landscape character of this part of the Park.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

52. The construction of the quad bike track and paintballing facility has resulted in the felling of a number of trees, the loss of habitat and the intrusion of works into an area of woodland in a way that fails to conserve and enhance the natural heritage of the area.

Promote Sustainable Use of Natural Resources

53. The proposal is difficult to assess against this aim. However, the majority of visitors would likely access the site by car rather than being able to use other forms of transport.

Promote Understanding and Enjoyment of the Area

54. People taking part in paintballing and quad biking would undoubtedly enjoy the activity at the site. However, given the intensity of the activity proposed it is doubtful whether it would contribute to any understanding and enjoyment of the wider area.

Promote Sustainable Economic and Social Development of the Area

55. The development would promote quad biking and paintballing for young people in the area and beyond and thereby provide some level of income for the applicant. However, this must be balanced against the need to protect neighbouring properties.

CONCLUSION

56. The facility would provide an income for the applicant and create a facility for young people in the area to use. However, facilities of this type can be difficult to accommodate and are often found on the edge of settlements or in areas of countryside where there would be little or no impact upon adjacent uses. The impacts of the proposal must be considered against the existing uses and character of the area. The existing area is clearly characterised by dwellings with woodland to the rear and while recognising that the site is part of an active croft this is not in itself a reason for introducing a use at the site that departs significantly from the existing character of a quiet rural area. Some houses appear relatively close to the area to be used for paintballing and quad biking and no reasonable noise assessment or mitigation proposals have been put forward by the applicant. In addition, the proposal performs poorly against the aims of the Park as set out above. Consequently, the recommendation is that the application to retain the facility is refused. This leads to a requirement that enforcement activity is undertaken to seek the restoration of the site towards something more akin to its previous woodland character.

RECOMMENDATION

57. That Members of the Committee support a recommendation to:

A. REFUSE PLANNING PERMISSION (RETROSPECTIVE) for the construction of quad bike track and use of land for quad biking and paintballing, land at Parkhead Croft, adjoining Curr Wood, Dulnain Bridge for the following reasons:

1. The retention and operation of the quad biking and paintballing facility would be detrimental to the existing quiet, rural character of the area. The application fails to put forward any appropriate noise assessments or mitigation measures to deal with the resulting environmental effects of the operation upon the residential amenity of nearby properties and the wider amenity of the area. Consequently, the proposal is contrary to Scottish Planning Policy, PAN 1/2011 Planning and Noise, Policy G2 of the Highland Structure Plan 2001 and Policy 16 Design Standards for New Development, Policy 25 Business Development and Policy 35 Sport and Recreation Facilities of the Cairngorms National Park Local Plan 2010.
2. The retention and operation of the quad biking and paintballing facility introduces a use into a woodland area that would be alien to the existing tranquil character of the area and has resulted in the felling of a number of trees and removal of ground vegetation. The proposal fails to maintain, complement or enhance the landscape character of this part of the Park contrary to the requirements of Scottish Planning Policy, the Cairngorms National Park Plan 2007. The proposal is also contrary to Policy G2 Design for Sustainability and Policy L4 Landscape Character of the Highland Structure Plan 2001 and Policy 2 National Natural Heritage Designations, Policy 6 Landscape and Policy 16 Design Standards for New Development of the Cairngorms National Park Local Plan 2010.

B. Authorise **ENFORCEMENT ACTION** should it be required to have the use ceased and the area restored generally in character with surroundings.

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16 May 2011

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.