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Communities
Planning and Architecture Division :
Planning Decisions



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Balavil Estate Limited
[REDACTED]
ABC Planning & Design
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[REDACTED]

Our ref: NA-CNP-002
19 July 2019

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING PERMISSION IN PRINCIPLE FOR RELOCATION OF BALAVIL HOME
FARM (DUE TO THE DUALLING OF THE A9) AND CONSTRUCTION OF NEW
FARM BUILDINGS, FARMYARD, ASSOCIATED UTILITIES/DRAINAGE,
LANDSCAPE AND ACCESS ROAD TO NEW FARM AT LAND EAST OF
LYNOVOAN, LYNCHAT, KINGUSSIE**

1. This letter contains Scottish Ministers' decision on the above application submitted to Highland Council by ABC Planning & Design on behalf of Balavil Estate Limited. The application was called-in by The Cairngorms National Park Authority, and then called-in for Scottish Ministers' determination.

2. The application was considered by [REDACTED], a reporter appointed for that purpose on 2 October 2018. The application was considered by means of written representations and a site visit was carried out. A copy of the reporter's report is enclosed.

Consideration by the Reporters'

3. The reporters' overall conclusions and recommendations are set out in Chapter

Scottish Ministers' Decision

4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation and adopt them for the purpose of their own decision.

5. Accordingly, Scottish Ministers grant planning permission in principle subject to the attached conditions for the relocation of Balavil home farm and construction of new farm buildings, farmyard, associated utilities/drainage, landscape and access road to new farm at, Land East of Lynovoan, Lynchat, Kingussie, PH21 1LG.

6. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

7. A copy of this letter and the report has been sent to Highland Council, Cairngorms National Park Authority and Transport Scotland. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

PLANNING DECISIONS

CONDITIONS ATTACHED TO THE GRANT OF PLANNING PERMISSION IN PRINCIPLE

1. Prior to the commencement of development and to the submission for the approval of the matters as specified in condition 2 below a layout plan shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland and with Highland Council as Roads Authority. This layout plan should show:

The proposed position of buildings, all ancillary development (including drainage design and SUDS) and the proposed access along with the areas to be reserved free of development as necessary for the delivery of the A9 Dualling Scheme. The areas to be retained free of development shall be identified in accordance with Areas A, B and C on the plan DMRB Stage 3 Balavil Access Plan" **[Document TS018]** as docketed to this planning permission in principle unless as otherwise specified and agreed in advance and in writing by the planning authority in consultation with Transport Scotland.

Thereafter the development shall be carried out in accordance with the approved layout plan and the areas reserved for the delivery of A9 Dualling Scheme shall be retained free of development unless and until it is otherwise confirmed in writing with the Cairngorms National Park Authority, acting as planning authority, in consultation with Transport Scotland, that these areas are no longer required for that purpose.

Reason: To clarify that the layout plan, access and drainage details as submitted as part of this application do not form part of this planning permission in principle. These matters are reserved in order to safeguard the land necessary for the delivery of the nationally important A9 Dualling Scheme and its associated environmental mitigation.

2. The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include the following matters and shall be in accordance with the layout plan as approved through Condition One.

No work shall begin until the written approval of the planning authority has been given on these matters and thereafter the development shall be carried out in accordance with that approval.

- a) Design, siting and external appearance of buildings, open space and any other structures;
- b) a contour base plan to demonstrate a good fit of the proposed layout of buildings and all ancillary development (including drainage provision and SUDs) with landform and local hydrology
- c) Existing and finished ground levels in relation to Ordnance Datum;
- d) A minimum of 6 detailed sections through the site north/south and east/west, extending beyond the red line boundary to demonstrate a good fit with landform.

- e) the proposed access track and its surface treatment showing all associated cut/fill, earth strengthening and/or retaining structures and a good fit with landform.
- f) A detailed specification of all external materials – note: samples may be required;
- g) Detailed landscaping plan with full specification for on-site and any offsite planting. All species should be native, typical of the area, and of local provenance. New planting should screen/filter views from the A9, include planting within the building cluster to enhance the immediate environment and reflect existing tree and woodland features in the landscape. The Landscape Plan shall be implemented in full during the first planting season following commencement of development.
- h) A Long term landscape maintenance schedule and management plan for all planting areas;
- i) Tree survey, arboricultural impact assessment and tree protection plan for the site, the tree-covered knoll north-east of the site and along the route of the access in order to demonstrate that the key woodland and tree characteristics of this landscape will be conserved and enhanced.
- j) Boundary treatments including heights and materials;
- l) Design and siting of farm and visitor vehicle parking;
- m) Drainage Impact Assessment;
- n) Final Drainage Plan including SUDS scheme and SUDS maintenance plan, percolation tests at the location of any infiltration features, and design calculations provided for 30 year and 200 year return periods plus climate change storm events;
- o) Lighting plan to minimise light spillage and light pollution;
- p) Bird and bat box plan;
- q) Construction method statement that incorporates the mitigation identified in the Preliminary Ecological Appraisal;
- r) Waste management and recycling facilities;

The development shall be implemented in accordance with those approved details unless otherwise approved in writing by the Cairngorms National Park Authority and be retained and maintained for the lifetime of the development hereby approved.

ADVISORY NOTES

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

SCHEDULE OF PLANS

[013 Location Plan](#)

Plan as docketed to Condition 1 above "DMRB Stage 3 Balavil Access Plan"
[\[Document TS018\]](#).

[Preliminary Ecological Appraisal](#)