
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Alterations and Extension to Ruigh Aiteachain Bothy, Glen Feshie

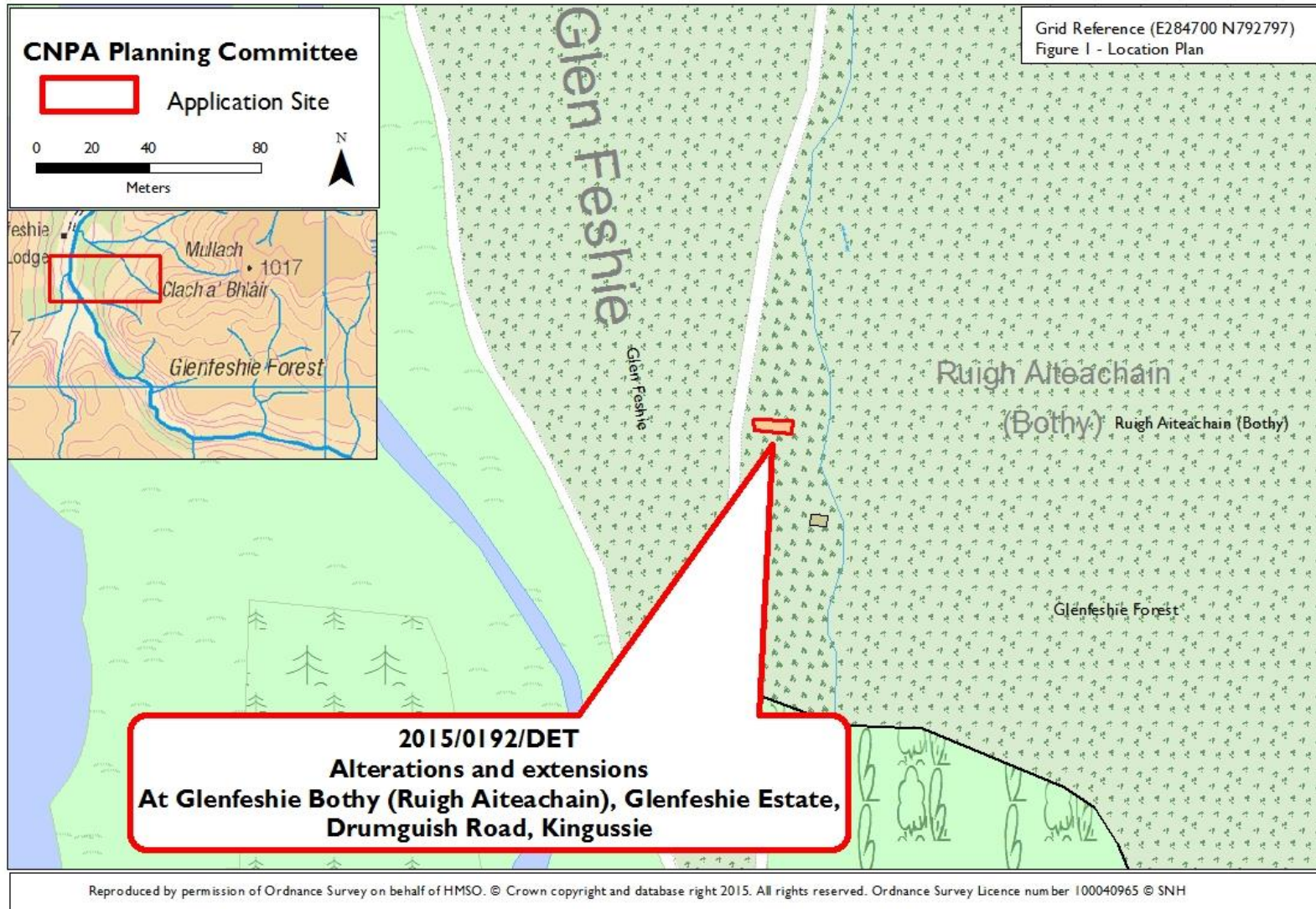
REFERENCE: 2015/0192/DET

APPLICANT: Glenfeshie Estate Ltd

DATE CALLED-IN: 15 June 2015

REASON FOR CALL IN: The proposals are a resubmission of a previously withdrawn application which was called in by the CNPA because it potentially raised issues of general relevance and significance to the aims of the Cairngorms National Park, including visitor and public access, conservation and landscape management.

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



SITE DESCRIPTION AND PROPOSAL

- I. 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
Bat Survey Report		October 2015	2 Oct 2015
Species Protection Plan		October 2015	2 Oct 2015
Bat Survey Report SUPERSEDED		June 2015	15 June 2015
Species Protection Plan SUPERSEDED		June 2015	15 June 2015
Location Map	PL-001	June 2015	15 June 2015
Site Plan	PL-002	June 2015	15 June 2015
Existing Plans and Elevations	PL-101	June 2015	15 June 2015
Proposed Plans	PL-102	June 2015	15 June 2015
Proposed Elevations	PL-301	June 2015	15 June 2015
Proposed Sections	PL-201	June 2015	15 June 2015

Site Description

2. The Glenfeshie Bothy is located in an extremely attractive location on the river flats within an area of grassland amongst mature and regenerating pine trees (see **Figure 4**). Glen Feshie is within the Cairngorm Mountains National Scenic Area and within the Cairngorms Wild Land Area (WLA 15). The quality of the site within the wider area is further recognised through statutory protection as Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). The wider statutory designations serve to protect a wide range of features from golden eagles to fluvial geomorphology.

Development Proposal

3. The proposed works are to alter and extend Glenfeshie Bothy. This is an existing single storey traditional bothy constructed from natural random rubble masonry with profile sheeting to the roof, and single chimney stack off-centre of the building, and is located on the river flats within an area of grassland amongst mature and regenerating pine trees. The location of the bothy is shown on **Figure 1** with a photograph of the bothy shown on **Figure 2**.
4. The proposal would retain 2 compartments (rooms) to the ground floor, with a modest rear extension to accommodate a porch to the principle entrance and internal stairway to a further sleeping compartment to be provided on the first floor. The rear extension would also provide an area for log store to fuel the wood burning stoves within the ground floor rooms.



Figure 2: Photograph of Glenfeshie Bothy

5. The external materials to be used for the refurbishment works and extension are locally sourced natural random rubble un-coursed stone walling to match the existing construction, with renewed traditional pattern profile sheeting (corrugated iron) to the roof structure and two additional conservation pattern roof lights installed. Replacement timber windows are to be installed in a traditional 6 over 6 pattern to the south elevation, 6 pane to the rear extension on the north elevation, and 4 pane to a small window on the east elevation. External timber work including doors, windows, and fascia etc are to be painted dark green. The proposed elevations are shown on **Figure 3**. There are no site landscaping proposals presented.

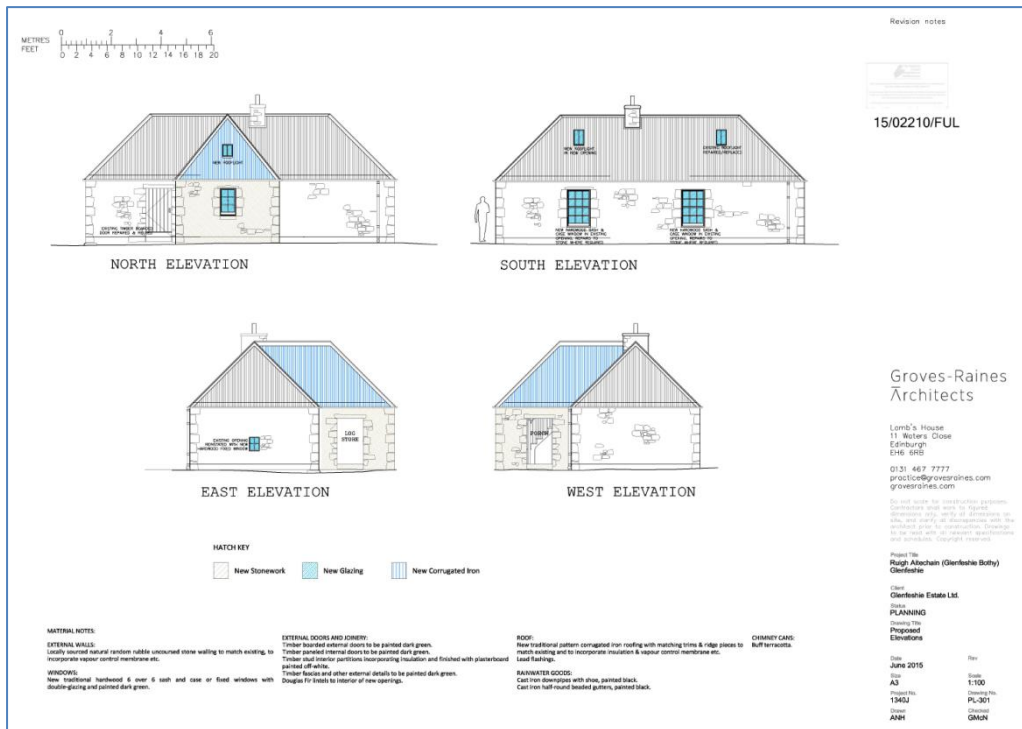


Figure 3: Proposed elevations

- It is important to note that the applicant does not seek permission for a change of use of the building. The building shall remain in use as a bothy and any permission granted for this proposal would not permit a change of use to occur.

Site History

- The proposed development was originally detailed on a planning application submitted in July 2014 under planning reference 2014/0224/DET. However, the submission did not include the required 'bat survey' and therefore following a recommendation by the CNPA the application was withdrawn pending the completion of the survey and resubmission.

DEVELOPMENT PLAN CONTEXT

National policy

- Scottish Planning Policy (SPP, revised 2014)** sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland whiles allowing sufficient flexibility to reflect local circumstances.

9. The SPP sits alongside four other Scottish Government planning policy documents:
- 1) The National Planning Framework (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - 2) Creating Places, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - 3) Designing Streets, a policy statement putting street design at the centre of place making. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - 4) Circulars, which contain policy on the implementation of legislation or procedures.

Strategic Policy

Cairngorms National Park Partnership Plan (2012-2017)

10. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
11. Three long term outcomes for the Park are set out as follows:
- 1) A sustainable economy supporting thriving businesses and communities;
 - 2) A special place for people and nature with natural and cultural heritage enhanced; and
 - 3) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

12. 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>

13. Key policies relevant to the proposed development are summarised below:
14. *Policy 2: Supporting Economic Growth* seeks to support developments that enhance formal and informal recreation and leisure facilities; tourism and leisure based business activities and attractions etc provided there are no adverse environmental impacts, it extends the core tourist season, and makes a positive contribution to the experience of visitors.
15. *Policy 3.4: Sustainable Design – Alterations to the existing building stock* states that alterations to the existing building stock will be considered favourably where they respect the design, massing, proportions, materials and general visual appearance of the area.
16. *Policy 4: Natural Heritage* recognises that key to the long term success of the Park is the protection of habitats and species. The policy also recognises that many of the special habitats and species of the Cairngorms need active management to continue to thrive. The policy will ensure that development conserves and enhances the outstanding natural heritage of the Cairngorms National Park. It offers the necessary level of protection from adverse development and enables enhancement.
17. *Policy 5: Landscape* presumes against any development that does not conserve and enhance the landscape character and special qualities of the Park.
18. *Policy 8: Sport and Recreation* seeks to prevent developments that would see a reduction of public access rights or loss of existing path network.
19. *Policy 9: Cultural Heritage* seeks to ensure that development affecting a site, feature, or use of land of local or wider or cultural historic significance or its setting will protect or conserve and enhance the feature and its setting; or take reasonable measures to avoid, minimise and mitigate any adverse effects.

Supplementary Guidance

20. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support the delivery of the Plan. Key topics in this case are guidance on natural heritage, sustainable design, landscape, sport and recreation and cultural heritage.

CONSULTATIONS

21. **Scottish Natural Heritage (SNH)** provided a response to the re-submission, including the bat survey report with species protection plan. SNH stated that although this had been supplied there was inadequate information to ascertain whether it will be possible to meet the licence tests. Further information was requested. SNH stated that if CNPA approved this application without this

further information they risk the applicant being unable to make practical use of the planning permission or committing an offence under protected species legislation.

22. The applicant undertook additional survey work and submitted a revised bat survey report and species protection plan which was received by the CNPA on 2nd October 2015. SNH were re-consulted and offered the following return: Further information has been provided that addresses the issues raised in our previous response. It is likely the licensing tests would be met and a licence would be granted.
23. SNH provided no further comment in respect of the proposals location within designated sites or the potential impact upon the sites qualifying interests.
24. **CNPA Natural Heritage Officer** The revised bat survey includes additional dawn and dusk surveys. The species protection plan proposes to retain the existing roost within the roof by maintaining access under ridge flashing. Additionally two Schwegler bat tubes are to be provided on the extension as an alternative roost space to the roof. Also, two bat boxes will be erected onto trees close to the bothy, for any bats found during the renovation works.
25. These measures should ensure that the existing roost is maintained and could potentially create some additional roosting opportunities by providing bat boxes and tubes. The CNPA Natural Heritage Officer is content with the measures proposed.
26. **CNPA Landscape Advisor** considers that the scale, form and finish of the proposed building works are in character with the existing bothy and the sensitivity of the site. The works on the bothy will enhance the opportunities for people to experience an attractive part of the National Park and one where people can experience a strong sense of wildness.
27. However, there is no detail on the associated works which themselves could result in damage to the attractive and sensitive setting of the building both during and post construction. There may also be a risk that an increased amount of accommodation and use has ramifications for the area around the bothy.
28. In conclusion the CNPA Landscape Advisor considers that the proposed works on the bothy are in character with the existing bothy but further information is necessary to minimize the risk of damage to the setting and meet the requirements of Policy 5 Landscape.
29. **Kincaig and Vicinity Community Council (KVCC)** whilst supportive of the improvements being proposed were concerned that the standard of accommodation, including fuel store and two wood burning stoves, might lead to the bothy being restricted to invited or paying guests rather than being free to the public as at present. KVCC would like to see this bothy continue as a mountain refuge and ask that the proposed access arrangements be clarified before we formally respond.

30. The applicant provided the following response to the KVCC by return “Your sentiments are also ours! The bothy will continue as an open to all overnight refuge but on this occasion safe to use. The wood store is to allow for a small supply of dry wood to prevent our visitors cutting down any more ancient Caledonian pines. I am happy to attend a KVCC meeting if there are any further questions”.
31. The CNPA are in receipt of no further comments from the KVCC.

REPRESENTATIONS

32. None.

APPRAISAL

33. As noted above, the bothy is located in an attractive area (**Figure 4**) protected by a number of designations. It is therefore important to ensure that the proposed development has no impact upon the landscape or any ecological interests.



Figure 4: Attractive setting of Glenfeshie bothy.

34. Specifically, bats are present at the Bothy and as such a bat survey report and species protection plan was submitted to demonstrate that the works could be completed under licence (from SNH) to safeguard this important European Protected Species. The results confirm that the works can be undertaken in such a way to minimise disturbance to the bats and provide mitigation to safeguard the roosting habitat for the future.
35. In terms of the wider designations and qualifying features, given that the small scale internal and external building works are proposed to an existing structure, and no apparent or significant intensification of change of use would occur as a result of the works, the wider site designations, conservation objectives, and qualifying interests would not be detrimentally affected.
36. The area generally, and the bothy in particular, are well used by hillwalkers. The bothy has considerable historic and cultural significance amongst the hill going

public and is considered a valuable asset to all. The proposed works would raise the standard of accommodation to a safer level with the benefit of improved comfort. A further benefit is the opportunity to manage some of the behaviours of visitors, notably providing some wood fuel to reduce the chances of visitors damaging trees in their search for fuel. The applicant has confirmed that the works are to improve the safety standard of the accommodation and it will continue as an open to all overnight refuge.

37. The submitted details did not include information of construction periods, welfare facilities, or site access for construction works. This information can be suitably conditioned to any consent to allow for contractors to consider detailed requirements for construction as part of the design and build process. This would provide for more confidence that the construction methods are specific to the site and development.

CONCLUSION

38. The proposed works are of a scale, design, and material finish that are consistent with the established character of the Glenfeshie bothy and would not impact upon the wider landscape character and general amenity. The proposal would have no detrimental impact upon the wider site designations or qualifying interests, and the bat survey and proposed mitigation has demonstrated that EPS licensing tests can be met. The works would safeguard the condition of the structure and provide for a safer and more comfortable bothy experience. There is no indication of a change of use being sought and the applicant has confirmed that free access for all will continue. There are no known detrimental impacts as a result of the development and consequently the proposal accords with the relevant provisions and intent of the Cairngorms National Park Local Development Plan 2015.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

39. The proposed development fully supports this aim, as the proposal is of a small scale and designed to be complimentary to the traditional building within the National Scenic Area.

Promote Sustainable Use of Natural Resources

40. The proposed development fully supports this aim, making provision for wood fuel to reduce the potential for taking down trees as fuel, and to use local random rubble masonry for construction.

Promote Understanding and Enjoyment of the Area

41. The proposed development readily supports this aim, by improving the safety and comfort standard of the bothy and allowing visitors to enjoy the area in a managed way.

Promote Sustainable Economic and Social Development of the Area

42. The proposed development readily supports this aim by managing overnight accommodation and access to the area for year round activity.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the alterations and extension to Glenfeshie Bothy subject to the following conditions:

- I. Notwithstanding the approved details, there shall be no development until a Construction Method Statement (CMS) has been submitted to and approved in writing by the CNPA as planning authority. The CMS shall as a minimum include the following:
 - a) Timing schedule for the completion of the works;
 - b) Details of the means of access to the site for materials and construction vehicles;
 - c) Details and location of site construction compound;
 - d) Details of the provision of welfare facilities during construction;
 - e) Details of the restoration of any disturbed areas around the site;
 - f) Details for the removal/management of waste materials from the site.

Thereafter the development shall proceed in accordance with the approved details unless otherwise agreed in writing by the CNPA.

Reason: To ensure that during the construction of the development there are no adverse environmental impacts and to ensure that any land disturbed by the construction of the development is restored to a condition that would minimise any landscape or visual impacts within this attractive area. This will ensure compliance with Policy 4 Natural Heritage and Policy 5 Landscape of the CNPA Local Development Plan 2015

2. Notwithstanding the approved details, no development shall commence until a copy of the EPS licence granted to the developer by SNH is submitted to the CNPA and written confirmation of acceptance is issued.

Reason: To ensure that the required protected species mitigation is designed and completed as part of the development of the site in compliance with Policy 4 of the CNPA Local Development Plan 2015

3. Notwithstanding the approved details, the 'new corrugated iron' roof sheeting shall be of a 'sinusoidal' profile only and of a 'dark grey' or 'black' finish. Unless otherwise agreed in writing by the CNPA as planning authority.

Reasons: For the avoidance of doubt to ensure that the design and material finish of the external treatments are appropriate to the traditional building and wider landscape character. In order to comply with Policy 3 Sustainable Design of the CNPA Local Development Plan 2015.

Informatives:

- 1 Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended, pursuant to Section 27A(1) of the Town & Country Planning (Scotland) Act 1997.
- 2 Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town & Country Planning (Scotland) Act 1997.

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Date: 03 Nov 2015

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.