
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

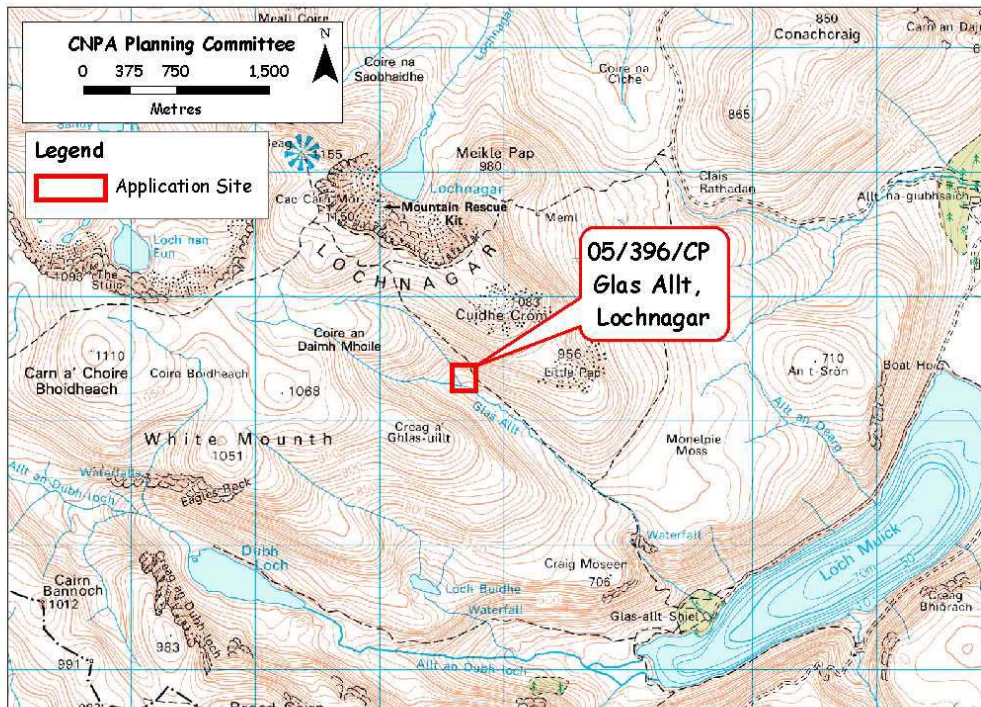
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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR 3 TEMPORARY ACCOMODATION UNITS FOR FOOTPATH RESTORATION WORK, GLAS ALLT, LOCHNAGAR

REFERENCE: 05/396/CP

APPLICANT: UPPER DEESIDE ACCESS TRUST

DATE CALLED-IN: 23 SEPTEMBER 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site for the three units is located in the high corrie of the Glas Allt to the south of the summit of Lochnagar close to where the burn divides into two higher corries. The site is at approximately the 800 metre contour, located on flat ground below the Glas Allt path which is a popular route to the summit of Lochnagar. The site is within the Deeside and Lochnagar National Scenic Area (NSA) and within about 400 metres of the Lochnagar Special Protection Area (SPA)
2. A rationale for the proposal is attached at the back of the report. However, the basic premise notes that previous path work has pushed on higher up the Glas Allt route in previous years resulting in an increased length of time for contractors to walk into the site each day. The rationale considers that without accommodation a significant chunk of each day would be lost in workers walking to/from the site from the Glas Allt Shiel Lodge on Loch Muick, this being in addition to a 30 minute drive from Ballater to the lodge. A temporary permission is being sought for the units over the period from June 2006 to the end of August 2006.
3. A method statement sets down the details of how the cabins would be sited and what they would be used for. In terms of size two are 16ft by 8 ft and a smaller one at 8ft square. They are of the same size and design as those used on Mar Lodge Estate that the Planning Committee have previously considered.
4. In terms of locating the cabins at the site a bird survey of the helicopter route for flying the units in has been undertaken and the result is that no Schedule 1 species would be disturbed by the flight path.
5. The background statement also sets down how the units would be installed and how water and waste would be dealt with.
6. The applicant for the scheme is the Upper Deeside Access Trust (UDAT) who are effectively acting on behalf of a number of partners including Aberdeenshire Council. UDAT would be the lead body responsible for all site management and implementation of work based upon the Trust's wide experience of footpath work.

DEVELOPMENT PLAN CONTEXT

7. For the SPA, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. This is in terms of the relevant Regulations, where the Cairngorms National Park Authority (as the competent authority) has a duty to,
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implications for the site in view of the site's conservation objectives.
8. The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.
9. For the NSA, any development should not have an adverse effect, and will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised – or any adverse effects will be clearly outweighed by social and economic benefits of national importance. This is the essence of Policy 19 in the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST)**.
10. In the **Finalised Aberdeenshire Local Plan**, the main policy covering this location is Policy Env\1 (International Nature Conservation Sites) where development that would have an adverse effect on a Natura 2000 site will be refused unless the developer proves:
 - (a) there are imperative reasons of overriding national interest, including those of a social, environmental or economic nature;
 - (b) the objectives of the designation and overall integrity of the area will not be compromised; AND
 - (c) there is no alternative site for the development.
11. Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest. Policy Env\5 provides protection to NSAs, only permitting a new development where its scale, location or design does not detract from the quality or character of the landscape, either in part or as a whole. In all cases the highest standards of design will be required.

12. In terms of the **CNPA Local Plan Draft for Consultation** the site is located within a **General Policy 2** area because of the NSA designation and the height of the site which is located well above 400 metres. **General Policy 2** considers that development will only be permitted where it is demonstrated that there is no alternative and the aims of the park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.

CONSULTATIONS

13. **Scottish Natural Heritage** have been consulted upon this application and in principle do not object to the development. However, it is considered that conditions must be attached to any planning consent to ensure that it does not have a significant effect on the dotterel interest of Lochnagar SPA.
14. The site of the proposed development lies close to Lochnagar SPA designated for its breeding dotterel (for legislative requirements see Development Plan Context).
15. From the information available it would appear that the proposals are not connected with or necessary for the conservation management of the site. Under Regulation 48 of the Habitats Regulations, the determining authority has a duty to determine whether the proposals are likely to have a significant effect on the site either individually or in combination with any other plans/projects and, if so, then make an appropriate assessment of the implications of the proposal for the site in the view of the sites conservation objectives. The competent authority can then agree to the proposals having ascertained that they will not affect the integrity of the site. If this is not the case and there are no alternative solutions the proposals can only be allowed to proceed if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.
16. SNH considers that the proposal will not have any direct or indirect effects on the qualifying interest of Lochnagar SPA. The site for the cabins is 400 metres outside the boundary of the SPA. SNH have checked their historic records of dotterel nest sites in the area and consider that there is no risk of the units at this location disturbing nesting dotterel.

17. SNH have also considered the potential for the helicopter flight route, that will be used to transport the units to the site, to result in disturbance to the dotterel. SNH consider that there is no risk of dotterel being disturbed by the proposed helicopter flight route. SNH's advice is that there is not likely to be a significant effect on the SPA provided a condition ensuring that the flight route proposed by the application is the one that is used in practice.
18. SNH considers that the proposal will have no effects upon the NSA.
19. With regard to statutory protected species otter and water vole surveys have been carried out. SNH considers that neither species is likely to be disturbed by the proposal. A survey of raptor nest sites and other bird species has been used to inform the proposed helicopter flight route. The results of the survey are that no schedule 1 birds are nesting/breeding within a 1 kilometre radius of the proposed helicopter flight route which as stated above should be covered by condition.
20. **SEPA** notes that all solid waste, foul and trade effluent will be removed from the site and that surface water will be allowed to drain to surrounding ground vegetation. Given the small volumes likely to be generated and the limited time frame. SEPA have no objections.

REPRESENTATIONS

21. Background information from the applicant including rationale and method statement is attached at the back of this report.

APPRAISAL

22. The principle issues to consider are the need for these units, the specific siting of the units, the process of locating and operating the units, and the impact of the units in the landscape.
23. The proposal is for a temporary period, with an expected duration from June to the end of August 2006 for 3 small accommodation units which will be used by contractors. The contractors are to be employed to carry out footpath works to a section of nearby path that has been subject to high footfall from hillwalkers. Fragile ground conditions and severe weather at this altitude have resulted in the path being severely eroded and the line is widening as a result of this, the path now requires full restoration. It is intended that the work can be carried out more speedily and more safely, with the accommodation units providing shelter and comfort for the contractors, rather than them devoting a large proportion of the working day to walking into and out of the work site, quite often in very unfavourable weather conditions. There is therefore a sound need for these units to be sited at the

proposed location for a limited temporary period, in order to facilitate the necessary footpath repair and improvement works.

24. Local habitats and wildlife are fragile to human structures and proximity, and therefore unless sensitively managed, the proposed development could be harmful to the priority conservation interests in this area of the National Park. There are a number of mitigating measures and careful management arrangements that can be incorporated in the proposal to ensure that there are no significant harmful impacts arising from the development. Firstly there is the need to make sure that the final siting of the accommodation units will not interfere with the nesting sites of critical species such as dotterel, or to ensure that the proposed siting will not permanently harm sensitive surface vegetation. SNH have already conducted a site meeting with UDAT and estate staff and advice has been given regarding appropriate siting in order to ensure minimal interference in the area. A good level of information is submitted with this proposal to show how the site will be effectively managed and that activities will not result in any negative effects upon conservation features or interests.
25. It is also considered essential, as per the requirements of the SNH report that the delivery routes from the base to the erection site for the units are organised to ensure that the flight paths of the helicopter avoids any identified Schedule 1 breeding/nesting birds. An agreed route has been decided upon and is the same as that used to lift in materials and equipment in the past. It is likely that the process of flying in the accommodation units (in flat pack form) and removing them from the site via the same transportation process at the end of the relevant period, is less damaging than ground carriage of the units and associated equipment into and out of the site.
26. It is also considered necessary in order to prevent excessive wear and erosion on the ground surface, to protect the sensitive surface vegetation, and allow the vegetation to regenerate more easily after the removal of the accommodation units. Because of this, all frequently used pedestrian routes around and between the units should be surfaced with open boardwalks. The applicants have already given a commitment to the provision of "tensar or wooden walkways to be deployed to protect vegetation between cabins, generators and soakaway." Varied routes will be used each day from the cabins to the work area. Other schemes of this type have been subject to a planning condition that a route between the units and the nearest point of the footpath that can be sensibly accessed is covered by boardwalks and this proposal has been treated in the same manner (see condition No 6).

27. In general, within a National Scenic Area, the design and location of such units on a permanent basis would be unacceptable due to the adverse visual impact. However, in the instance of this current proposal, it should be borne in mind that the accommodation units are only to be in the proposed location for a relatively short period. Also the scale of these units with two at 16ft x 8ft and one at 8ft by 8ft in the corrie bottom, with hillsides rising on either side, is not significant. The colour of the external finish of the units is a dull grey/green, which merges into the landscape well. There is a strong health and safety need for such temporary units in this location in order to be able to carry out an important piece of conservation work in a safe and efficient manner. There should not be any harmful effect on the area in the short term, and a temporary planning consent can be recommended with appropriate planning conditions.
28. Members may recall expressing some concern regarding the need to improve the appearance of the temporary units, in the course of a previous application for similar development on Mar Lodge Estate. In response to this these units will be camouflaged. I would also recommend by condition that that any ancillary storage or equipment boxes in the immediate area be covered using suitably camouflaged material to hide their presence from distant views. Having regard to the limited and temporary nature of the proposed accommodation units, the nature of the design which is intended to facilitate easy carriage by helicopter into the site, and also the siting of the units on 'raised legs' in order to minimise the impact on existing vegetation, and having regard to the grey / green colour of the structures which are intended to assist in blending with the natural surroundings, it is not considered practical to request that alterations be made to the design concept.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. The development of the proposed facility is in a sensitive location, and long term retention of the structures at the site could have a potentially harmful effect on the local environment. However, having regard to the temporary and limited time period in which the units are intended to be on site, and the fact that they are necessary to accommodate construction workers engaged in works which are vital to the conservation of the valuable natural heritage of the area, it is considered that the development proposal would in the longer term be of assistance in achieving the first aim of the National Park. Potential short term impacts of the proposed development can be mitigated through appropriate measures, which can be achieved through planning conditions. In addition, the application details include a commitment to the complete removal of all fixings and other traces of occupation from the site upon completion of the contract.

Promote Sustainable Use of Natural Resources

29. The units are reusable accommodation units designed to be as self contained as possible, without harmful effects on local resources.

Promote Understanding and Enjoyment of the Area

30. The siting of temporary units in this location may provide a temporary distraction for walkers seeking enjoyment by means of recreation in this area. However, the units are to provide accommodation for contractors who will be carrying out footpath repair work. The repair work is a positive benefit in the long term with regard to this aim as the footpath works will considerably reduce erosion on a popular route up Lochnagar.

Promote Sustainable Economic and Social Development of the Area

31. It is not considered that the proposed development has any direct impact on the sustainable social and economic development of the area. Details of the origins of the works contractors to be accommodated in the proposed cabin units have not been provided and it is therefore not known whether or not the development is providing an employment opportunity for the local labour force. The proposed development is intended to facilitate improvement works to the local footpath network, and it is therefore considered that the development of the accommodation units may ultimately be of indirect benefit to the tourist and recreation facilities within the Park and may consequently be of overall benefit of the businesses servicing tourists and walkers in the Park.

RECOMMENDATION

32. That Members of the Committee support a recommendation to:
GRANT Full Planning Permission for 3 temporary accommodation units in respect of footpath restoration work at the Glas Allt, Lochnagar
 1. That this permission is for a temporary period of 12 months from the date of this approval.
 2. That prior to the erection of the temporary accommodation units on the site, the precise positioning of the units shall be agreed on site with a representative from SNH. A location plan, indicating the exact agreed position of the units shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to the siting of the units.

3. That all connecting pathways between and around the accommodation units shall be surfaced with board walks prior to the occupation of the accommodation units. A route from the accommodation to the main path shall also be surfaced in the same manner unless otherwise agreed in writing by the CNPA.
4. All helicopter flights into the approved site, and back to base, shall be via the submitted flight path.
5. As suggested by the application's method statement a scheme to camouflage the accommodation units and other equipment shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The agreed scheme shall be implemented within 2 weeks of the units being placed on site.
6. That at the termination of this consent, or when the units have ceased to be occupied, whichever is the sooner, all structures, materials (including all wastes), and board walks shall be removed from the site by helicopter. All works required to restore the ground surface at the site to its former natural state shall be carried out within 2 months thereafter to the satisfaction of the CNPA acting as planning authority.
7. The units hereby approved shall be removed within two weeks of the footpath work in the area being finished for the year 2006.

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24 November 2004