
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: TEMPORARY SITING OF ACCOMMODATION UNITS, AT THE LAIRIG GHRU, BEN MACDUI, CAIRNGORMS

REFERENCE: 06/067/CP

APPLICANT: NATIONAL TRUST FOR SCOTLAND,
THE RANGER'S OFFICE, MAR LODGE
ESTATE, BRAEMAR.

DATE CALLED-IN: 10th March 2006

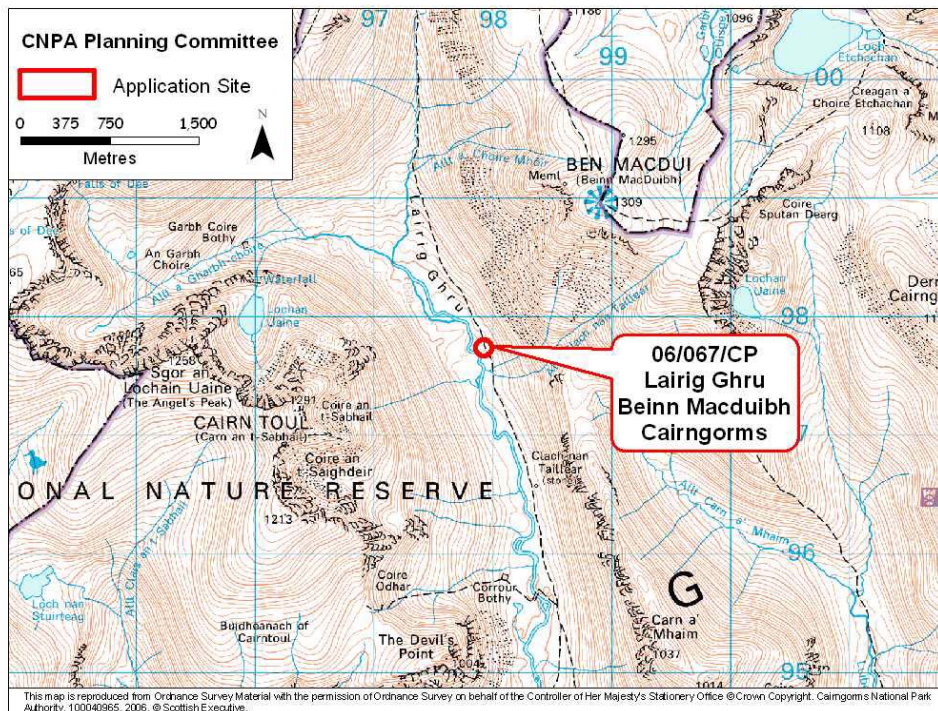


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The proposal is for the temporary siting (this summer for up to 12 weeks) of a group of 3 accommodation units that will be used for housing a work party that is to carry out footpath repair work in the Lairig Ghru, running up to the boundary of Mar Lodge Estate with Rothiemurchus. Work has been carried out in previous years on the path adjacent to the burn on the climb up to the beallach between Macdui and Carn a' Mhaim. This is part of a continuing programme of work on Mar Lodge Estate, which has consisted of similar exercises in other Glens over previous years. The Park Authority has granted permission for units on the same site in the previous two years. It is understood that this is likely to be the last time that consent would be sought in this location as the programme for this year is to finish off the works on the Larig Ghru path up to the Rothiemurchus boundary.
2. The units are to be sited close to the existing path in the Lairig Ghru to the north of Corrou Bothy, adjacent to the Taillear Burn (same site as previous consents). The applicants have chosen this site for its proximity to the worksite, available water supply, and least visual impact. There will be temporary notices on the cabins to advise members of the public of the reasons for the presence of the units. The site is also chosen because of the limited number of sites in the area that would be acceptable because of their sensitive vegetation cover.
3. The 3 accommodation units and all supplies will be flown in to the site by helicopter (12 to 15 lifts), and subsequently removed in a similar manner. The units are moved in a "flat pack" form, and are assembled on site. There will be no vehicle involvement in setting up the site, or on transporting work parties into or out from the site. It is expected that the units will be on site for a maximum period of 12 weeks covering the works contract, possibly from late April/early May onwards.
4. The accommodation system to be used comprises 3 bolt together units, fitted out with environmentally friendly waste disposal, sleeping facilities, a drying room, and power supplied by generator. One unit is for kitchen and mess, one for sleeping quarters, and one for toilet/equipment storage/drying and washing area. There will be hot and cold water provided, a fan assisted compost toilet, and grey water will be filtered, and then discharged to a carefully sited soakaway nearby. Power is provided by a 10kv generator, and a backup battery system is also incorporated. Boardwalks will be placed between the units.
5. There have been a number of previous consents granted for similar temporary accommodation units in locations similar to this proposal since 2002, all related to footpath repair and construction works in remoter mountain areas. A background letter and method statement is attached at the back of this report.

DEVELOPMENT PLAN CONTEXT

6. The Lairig Ghru is covered by many designations, of international, national and regional importance. The site of the proposed development is within the Cairngorms Site of Special Scientific Interest (SSSI) which is designated for its glacial and periglacial landforms, its range of montane and sub-montane plant communities (including Caledonian pine woodland, heathlands and mires) and associated birds (including dotterel, snow bunting, ptarmigan and various raptor species). The site is also classified as part of the Cairngorms Special Protection Area (SPA), for its internationally important populations of golden eagle, dotterel, merlin, peregrine falcon, Scottish crossbill, osprey and capercaillie, and also part of the Cairngorms Special Area of Conservation (SAC), identified for its range of habitats, including wet heath, dry heath and juniper scrub. The site is also within the Cairngorm Mountains National Scenic Area.
7. For the SAC and 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 (**the Conservation (Natural Habitats &c) Regulations, 1994**), 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.
- 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. Modification to the policy adds that "within the Cairngorms National Park primacy will be given to the conservation and enhancement of the natural and cultural heritage of the area if the parks aims are in conflict" **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. Modification adds to the policy that "within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area if the parks aims are in conflict".
11. For information the **Draft National Park Plan "Priorities for Action 2007-2012"** includes a priority for action of conserving and enhancing the park's biodiversity and landscapes and lists a range of work themes including enhancing the Park's landscapes; identifying and enhancing habitat networks; enhancing the condition of designated sites within networks; and protecting biodiversity.
12. For information the site lies within a General **Policy 3 Area in the Draft Consultation Cairngorms National Park Local Plan**. Policy 3 considers that development that would result in an adverse impact on the interests, features or integrity of a designated site or identified interest will not be permitted unless there are no suitable alternatives and an over-riding national importance or public interest can be demonstrated to outweigh the interests of the site, or in the case of European priority habitats or species, where there are public health or safety reasons or benefits of importance to the environment and where mitigation will replace the loss with features or interests of equal importance.
13. For information **Policy 4: Landscape in the Draft Consultation Cairngorms National Park Local Plan** considers that development that is likely to have an adverse impact on the special landscape qualities of the National Park including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character of parts of the National Park, will

not be permitted. The planning authority will use conditions and agreements to ensure that all consented development in the National Park will be sited, laid out, designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the National Park.

CONSULTATIONS

14. **Aberdeenshire Council Environmental Health** states that they have no objection to the application subject to the need to have a potable water supply.
15. **SNH** note that the site is part of the Cairngorms Site of Special Scientific Interest (SSSI) which is designated for its glacial and periglacial landforms and its range of plant communities. The site is also classified as part of the Cairngorms Special Protection Area (SPA), for its internationally important populations of golden eagle, dotterel, merlin, peregrine falcon, Scottish crossbill, osprey and capercaillie and is part of the Cairngorms Special Area of Conservation (SAC) identified for its range of habitats, including wet heath, dry heath and juniper scrub. The site is also within the Cairngorm Mountains National Scenic Area.
16. **SNH** objects to the proposal unless it is made subject to conditions to overcome the following concerns. SNH's advice on the effects of the proposal on the site is that effects are likely to be significant on the wet and dry heath, blanket bog and Alpine/sub-Alpine heath habitats present. However, SNH would further advise the CNPA that, on the basis of the information provided and site visits; we have carried out an appraisal of the possible impact and consider that the proposal will not have an adverse impact upon the integrity of the site. While the proposal will not have an adverse impact upon the integrity of the SAC what effects the cabins may have can be minimised by appropriate siting on robust vegetation sites. SNH staff have met with the NTS and a suitable site (the same as used in 2004 and 2005 has been identified). However, if nesting merlin are identified within 500 metres of the site a different siting may have to be identified.
17. **SNH** comment that in relation to the SPA there is not likely to be a significant effect on birds for which the site has been identified as an SPA provided conditions to meet the following objectives are applied.
 1. Prior to installation the site should be surveyed for nesting merlin and the cabins should be located at least 500 metres from any nests.
 2. One kilometre exclusion zones must be established around peregrine and golden eagle nest sites. Helicopters must not enter these zones.

18. **SEPA** notes that a biological composting toilet is proposed and that all solid waste and trade effluent will be removed from the site. Given the small volumes likely to be generated and the limited time frame for operations SEPA has no objections to this proposal.

REPRESENTATIONS

19. No representations received.

APPRAISAL

20. This report is very much the same as those previously put before the Committee as nothing significant has changed in policy terms since the last approval. As before, the principal 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.
21. The proposal is for another temporary siting of small accommodation units in the Lairig Ghru, which will be used by contractors carrying out repairs and construction works on footpaths through this very remote mountain area. The footpath works will assist to facilitate the movement of people through this sensitive area, and in the conservation of this mountain area. The path work can be carried out more speedily and more safely, with such accommodation provided for the shelter and comfort of the contractors. Otherwise, a large proportion of a working day would be taken up with walking into and out of the work sites, quite often in unfavourable weather conditions. There is therefore a sound need for these units within a fairly short time period.
22. 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 are incorporated in the proposal to ensure that there are no significant harmful impacts arising from the development.
23. It is necessary for the planning authority to determine if the development proposal is connected with the nature conservation management of the Natura 2000 (SAC, SPA) sites, and if it is not, whether it is likely to have a significant effect on that site. This development is associated with conservation work in the area, but is itself not part of the conservation work, and not part of a fully assessed and agreed management plan for the area. As before it is necessary therefore to undertake an appropriate assessment of the implications for the designated conservation interests.

24. There is the need to assess if the final siting of the accommodation units will interfere with the 'resting sites' and nesting sites of critical species such as the otter and merlin, or will permanently harm sensitive surface vegetation. SNH have indicated that they have been satisfied with previous arrangements in this location, and they are agreeable to using the same site as previously used. SNH are asking for a survey to be carried out to ascertain if there are any nesting merlin in the area. If there are found to be nesting merlin within 500metres of the proposed location of the units, then the siting of the units will have to be moved to another agreed location.
25. Secondly, the delivery routes from the base to the erection site for the units - these need to ensure that the flight paths of the helicopter avoid any located merlin nesting sites, and SNH also advise a 1km exclusion zone around any peregrine and golden eagle sites.
26. Thirdly, once located, all frequently used pedestrian routes around the units, and between the accommodation units and the main footpath route through the Lairig Ghru should be surfaced with open boardwalks. This will help to prevent excessive wear and erosion on the ground surface, protecting most of the sensitive surface vegetation, allowing the vegetation to regenerate more easily once the buildings and boardwalks have been removed at the end of the project. This site has been consistently chosen because of the surface vegetation, which was considered as more robust, and did not qualify as one of the vegetation types of particular interest in the SAC.
27. If all these precautionary measures are taken, and where appropriate, planning conditions are applied, then there will be no significant effect on the special features of the SAC and the SPA.
28. With regard to the visual impact of the development, this development is only to be in this location for a relatively short period. Also the scale of these units (the largest 2 at 16feet by 8feet) in the valley bottom, with hillsides that rise to over 1200 metres on either side, is relatively insignificant. The external wall colour for these units is a dull grey/green, which merges into the landscape well. In the context of a previous approval the Planning Committee requested if a letter could be sent to the applicants asking if the appearance of the units could be improved. In relation to this the NTS point out that the units to be used undergo a complete annual overhaul, clean, repair, and test at the NT workshops. In addition the NTS have confirmed that any ancillary storage or equipment boxes in the immediate area will be covered, using a suitable camouflaging material to hide their presence from distant views.
29. For a National Scenic Area, the design and location of such units on a permanent basis would be unacceptable. However, 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, and a temporary planning consent can be recommended with appropriate planning conditions to ensure that the integrity of the site will not be adversely affected. In addition, it is noted that SNH have inspected the site after the siting of the accommodation units in previous years and have no objection to the same site being used for this year's works. The conditions proposed are very much in line with those used before and have been found to be successful. One condition requiring a method statement has been deleted because this has been provided prior to determination and has been found to be appropriate in the operation and removal of units in previous years.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The facility being provided by this application is to assist in works to conserve the valuable natural heritage of the area. There is the potential that the placing of such a facility in a sensitive location will have a harmful effect on the local environment. There is a balance of advantage to be assessed, and careful examination of what mitigating measures are required to minimise the impact of the temporary units. The planning conditions recommended will minimise environmental impacts. The previous proposals at the same site have been considered acceptable by SNH on the basis that inspections have been carried out after the removal of the units in previous years.

Promote Sustainable Use of Natural Resources

31. The units are reusable accommodation units designed to be as self contained as possible, without harmful effects on local resources. A local freshwater supply will be used for the temporary period of the contract.

Promote Understanding and Enjoyment of the Area

32. The siting of temporary units in this location will not directly affect this objective. However, the associated footpath work has positive benefits in terms of this aim.

Promote Sustainable Economic and Social Development of the Area

33. No direct impact from this proposal, but the improvements to the local footpath network will be to the benefit of the tourist and recreation facilities within the Park and to the overall benefit of the businesses servicing tourists and walkers in the Park.

RECOMMENDATION

34. That Members of the Committee support a recommendation to: **GRANT Full Planning Permission for the siting of 3 Temporary Accommodation Units, in the Lairig Ghru, on Mar Lodge Estate, subject to the following conditions,**
1. That this permission is for a temporary period of 12 months only 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. The positioning of the units on the site will take account of a prior survey of the site area for the presence of nesting merlin to be carried out by the applicants and submitted to the Cairngorms National Park Authority acting as planning authority in consultation with SNH.
 3. That all connecting pathways between and around the accommodation units, and between the units and the existing Lairig Ghru footpath, shall be surfaced with board walks prior to the first occupation of the accommodation units.
 4. All helicopter flights into the approved site, and back to its base, shall be via a prior agreed flight path that avoids any protected bird species locations (within a 1km exclusion zone) that have been identified prior to the commencement of any operations to implement this planning consent. The proposed flying areas will be submitted for consultation with the Cairngorms National Park Authority acting as planning authority and SNH, and gain the written approval of the Cairngorms National Park Authority acting as planning authority, prior to the commencement of any work at the site.
 5. 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 Cairngorms National Park Authority acting as planning authority unless a longer time period is agreed in writing.
 6. A scheme to camouflage the accommodation units 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 the site.
 7. The units hereby approved shall be removed within 2 weeks of footpath work in the area being finished for the year 2006.

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26 April 2006

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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.