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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

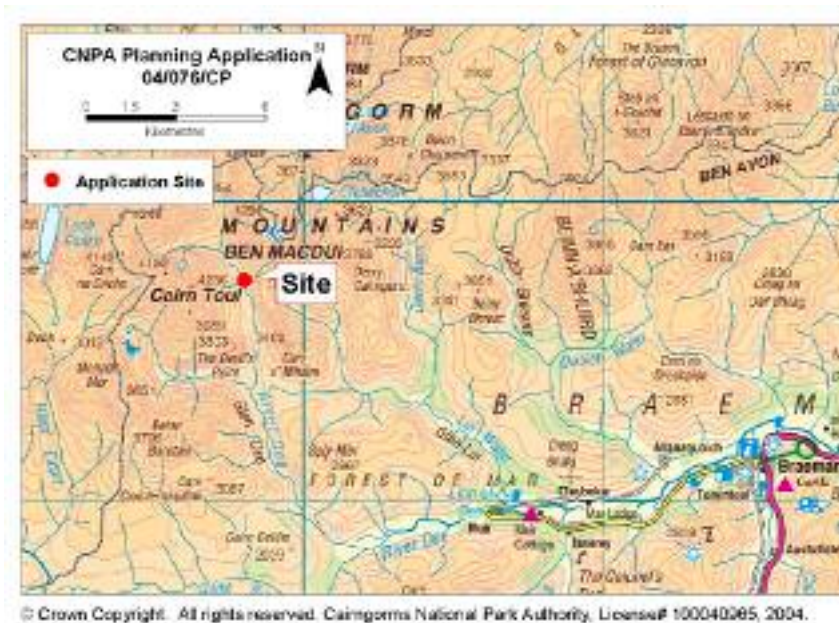
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**DEVELOPMENT PROPOSED:** TEMPORARY SITING OF ACCOMMODATION UNITS, AT THE LAIRIG GHURU, MAR LODGE ESATE, BRAEMAR

**REFERENCE:** 04/076/CP

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

**DATE CALLED-IN:** 27 FEBRUARY 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The proposal is for the temporary siting (for one year only) 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, in the valley bottom between Cairn Toul and Ben Macdui. This is part of a continuing programme of work on Mar Lodge Estate, which has consisted of similar exercises in other Glens in previous years. The units are to be located close to the existing path in the Lairig Ghru to the north of Corrou Bothy, adjacent to the Taillear Burn. 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.
2. The 3 accommodation units and all supplies will be flown in to the site by helicopter (12 to 15 lifts), and subsequently removed from the site in a similar manner. The units are moved in a "flat pack" form, and are assembled on site. The use of these units, rather than a tented work camp, provides better facilities in terms of health and safety, the ability to dry out wet clothing, and in the problems of waste management. 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 approximately 12 weeks from early August until the completion of the contract. Boardwalks will be placed between the units. 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, then discharged to a carefully sited soakaway nearby. Power is provided by a 10kv generator, and a backup battery system is also incorporated.
3. There have been a number of previous consents granted by Aberdeenshire Council for similar temporary accommodation units in locations similar to this proposal, eg at Corrou, Lairig Ghru in August 2003, at Sron Riach, Glen Luibeg in June 2003, and at Coire Odhar in April 2002, all related to footpath repair and construction works in remoter mountain areas.

## DEVELOPMENT PLAN CONTEXT

4. 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 candidate Special Area of

Conservation (cSAC), 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.

5. For the cSAC and an 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 implication for the site in view of the site's conservation objectives.

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.

6. 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)**.

7. 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. 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.

## CONSULTATIONS

8. SEPA have commented that the proposal is for the removal of all solid waste and trade effluent from the site. Given the small volumes likely to be generated and the limited time frame, SEPA have no objections, in this respect. They also have no objections to the proposals for the filtering and disposal of grey water from sinks to a small, carefully sited soakaway; which would be returned at the end of the contract.
9. SNH have drawn attention to the many special designations that cover the application site – the SSSI, the Cairngorms SPA, the Cairngorms cSAC and the Cairngorms Mountains NSA. Special mention has also been made of European Protected Species, and in particular the otter, with the possibility that the proposal may cause disturbance to this species. In principle SNH does not object to the proposal, but does consider that conditions must be attached to any grant of planning consent to ensure that no significant effect is likely on the features of interest of the Cairngorms cSAC and SPA and that there is no disturbance to otter.
10. SNH recommend that the Cairngorms National Park Authority carry out an appropriate assessment (relevant to the cSAC designation) of the implications of the proposal for the European interests. This would in particular consider the impact of siting the unit on the habitats in this area, and the associated trampling around the units. SNH have carried out an appraisal of the possible impact, and consider that the proposal will not have an adverse impact on the integrity of the site. A condition is advised that prior to the siting of the units, there be a meeting on site with a representative from SNH to agree the exact location of the units.
11. With regard to the otter, SNH are not able to give a definitive conclusion about whether there will be a significant impact. As a result SNH advise that a variety of local features be examined for evidence of the presence of otters. If any signs of otter are found, then the units will require to be located at least 100 metres from such area(s).
12. For protected bird species, SNH indicate that there is not likely to be a significant effect on the birds for which the area has been classified as an SPA, provided conditions to meet the following objectives are attached to any grant of planning consent - (a) prior to installation the site should be surveyed for nesting merlin, with the cabins located at least 500m from any nests, and (b) 1km exclusion zones must be established around peregrine and golden eagle nest sites, with helicopter flight paths not entering these zones. Should such issues not be covered by planning conditions, then SNH state that there will be a significant effect on the SPA, and the planning authority would be required to carry out an appropriate assessment of the implications of the proposal for these interests.

13. Should the Authority not attach the range of conditions advised by SNH to cover the concerns that they have raised, then SNH's position should be regarded as an objection. This would then require the notification of the application to the Scottish Ministers.

## REPRESENTATIONS

14. No representations received.

## APPRAISAL

15. 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.
16. The proposal is for a temporary period, an expected duration of 12 weeks, for small accommodation units which will be used by contractors carrying out repairs and construction works on footpaths to facilitate the movement of people through this very remote mountain area. The footpath works will assist in the conservation of this remote area, and the 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 very unfavourable weather conditions. There is therefore a sound need for these units, although alternative options are available not requiring the use of the units in this sensitive location. For a temporary period, the balance of advantage is to provide safe and healthy shelter and accommodation for the contractors that have a difficult job to complete, often in difficult weather conditions.
17. 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 'resting sites' and nesting sites of critical species such as the otter and merlin, or will permanently harm sensitive surface vegetation. SNH are prepared to work on site with the applicants to ensure the final siting meets these needs. Secondly, the delivery routes from the base to the erection site for the units, needs to ensure that the flight paths of the helicopter avoids any located merlin nesting sites. Due to the sensitive nature of such information, this will require restricted circulation (to the Estate, SNH and the helicopter pilot) at the time of the flights. 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.

18. With regard to the visual impact of the development, this development is of course only to be in this location for a relatively short period. Also the scale of these units (the largest two at 4.8m by 2.4m) in the valley bottom, with hillsides that rise to over 1200 metres on either side, is very insignificant. The external wall colour for these units is a dull grey/green, which merges into the landscape well. 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.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

19. 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.

### **Promote Sustainable Use of Natural Resources**

20. 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**

21. The siting of temporary units in this location will not directly affect this objective. 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 terms of this aim.

### **Promote Sustainable Economic and Social Development of the Area**

22. 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

23. 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:**

- i. That this permission is for a temporary period of 12 months from the date of this approval.
- ii. 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 otters and other protected species, including nesting merlin. A location plan, indicating the exact agreed position of the units shall be submitted for the further written approval of the Planning Authority prior to the siting of the units.
- iii. 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 occupation of the accommodation units.
- iv. 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 that have been identified prior to the commencement of any operations to implement this planning consent.
- v. 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 planning authority.

**Neil Stewart**  
*30 April 2004*