
CAIRNGORMS NATIONAL PARK AUTHORITY

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

Prepared by: **KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

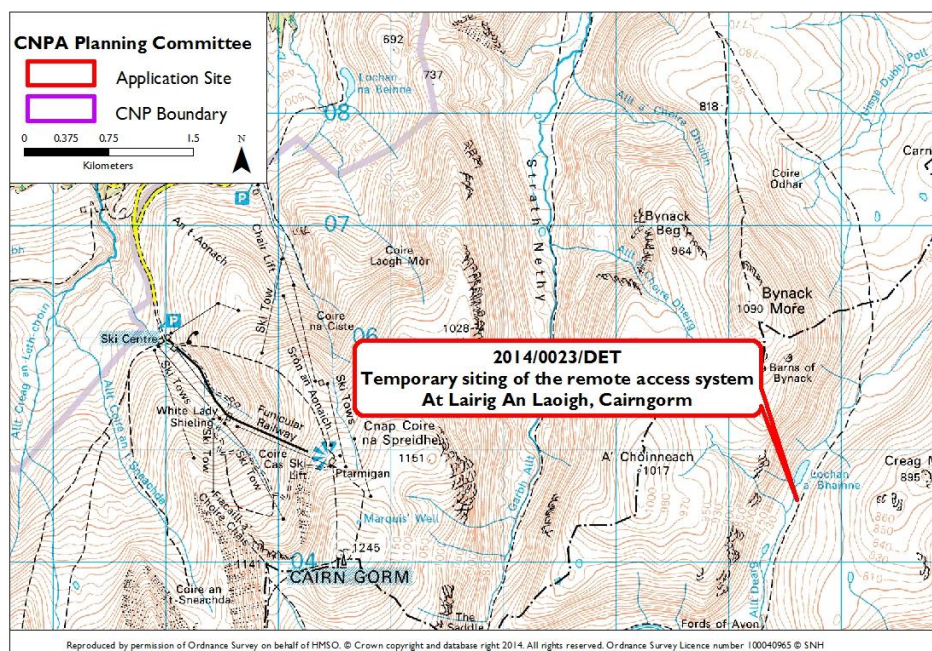
DEVELOPMENT PROPOSED: Temporary siting of the remote accommodation system for a maximum period of 7 months from 1st April 2014 to 31st October 2014 at Lairig An Laoigh Cairngorm Moray

REFERENCE: 2014/0023/DET

APPLICANT: Cairngorms Outdoor Access Trust

DATE CALLED-IN: 04 February 2014

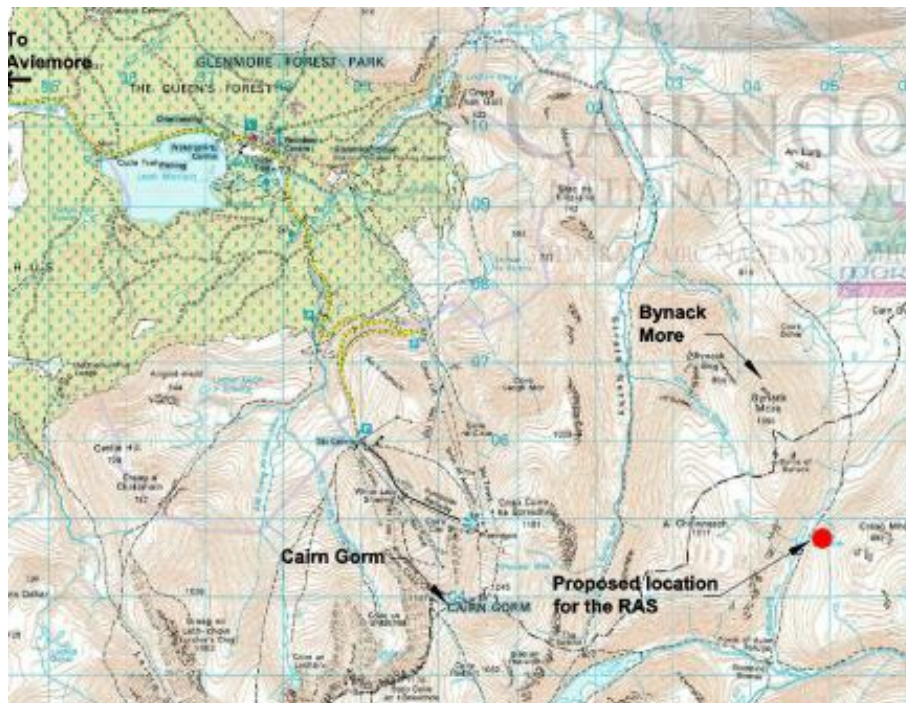
RECOMMENDATION: **APPROVAL SUBJECT TO CONDITIONS**



Grid reference: (E/ 304604 N/804551)
Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

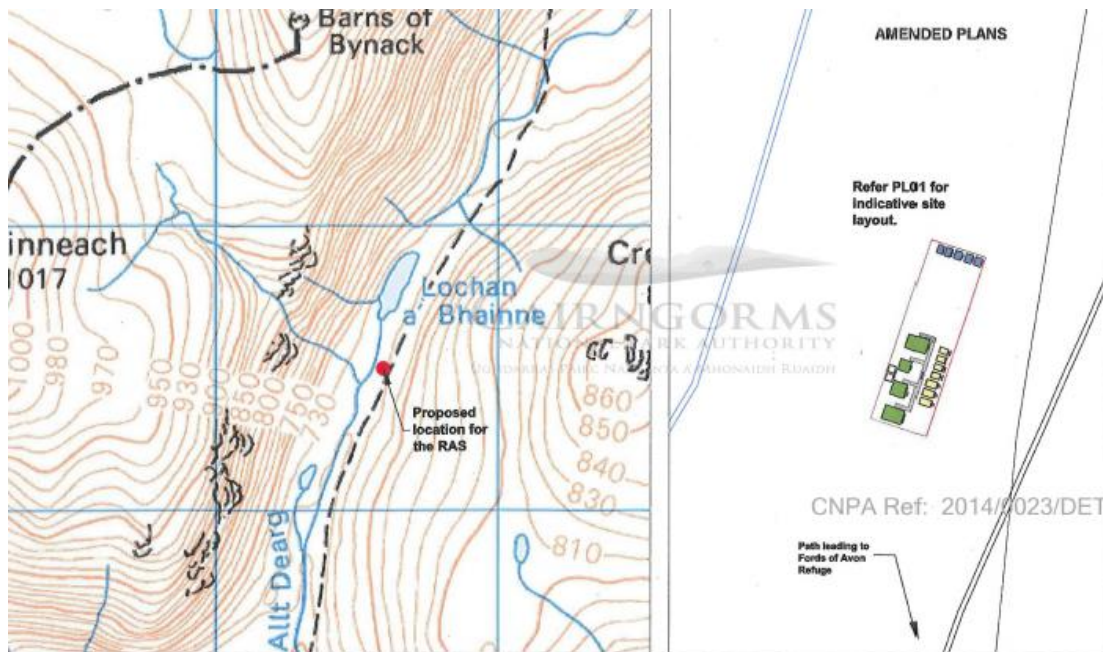
1. This application seeks temporary planning consent to site a remote accommodation system in connection with footpath works at Lairig An Laoigh, Cairngorm for a temporary period until the end of October 2014. The accommodation is required to enable people working on remote footpaths in the mountains to stay overnight and so avoid the time and safety issues associated with walking into and out of this remote site each day.
2. A supporting statement outlining the background has been submitted and this explains that the applicants (Cairngorms Outdoor Access Trust –COAT) are undertaking a 4 year mountain heritage project to build and repair footpaths across the East Cairngorms. This will include work on footpaths through Lairig an Laoigh near the Fords of Avon. This area has a walk in time of in excess of one and a half hours. Therefore there is the need for accommodation for the contractors to maximise productivity given the small window of opportunity to work in this remote area due to weather constraints. This statement is attached as **Appendix I**.
3. The proposed site is located in the mountains to the east of Cairn Gorm and to the north of Loch Avon and the fords of Avon, close to a popular, well used footpath leading around Bynack More and used to traverse the Cairngorms. The location is shown on **Figure I** below. It lies at an elevation of around 730 m and around mid point along the footpaths to be worked on.



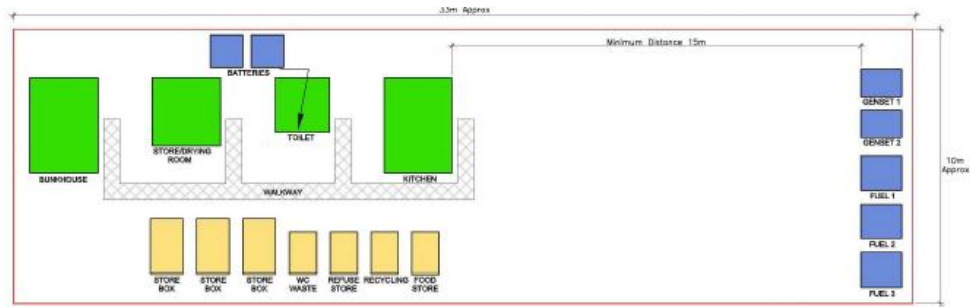
4. This is a remote wild area and the site is located on Abernethy Estate and the RSPB reserve. As the site can only be accessed by walking it is proposed to deliver the accommodation system by helicopter. This site is located in an area covered by numerous environmental designations including Cairngorms

Special Area of Conservation (SAC), Special Protection Area (SPA), National Nature Reserve (NNR), National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) and RSPB reserve.

5. The development will be located beside the footpath as shown below in **Figure 2**



6. The proposed accommodation takes the form of a series of four vermin and water proof storage containers (including waste storage), plus four cabins providing bunk room, kitchen/dining, toilet and storage accommodation. All waste will be contained in the containers which are vermin and water proof with waste taken off site at the end of operations. Generators will provide power with fuel containers provided. Water will be sourced from the burn and will be filtered before use, with grey water to be discharged to a soakaway system.
7. The accommodation system will be elevated above the ground on timber pads to minimise any damage to the vegetation through compaction or shading with a temporary walkway similarly constructed to avoid trampling of vegetation.
8. The photographs below in **Figure 3** show the general appearance of the system and the proposed site layout.



INDICATIVE LAYOUT OF THE REMOTE ACCOMMODATION SYSTEM (RAS)

CNPA Ref: 2014/0023/DE

AMENDED PLANS



CONTOUR MODEL OF PROPOSED LOCATION FOR RAS
NJ04620453
Elevation 730m

VIEW OF PROPOSED RAS LOCATION

2012 RAS DEPLOYMENT AT SHELTER STONE



Cairngorms Outdoor Access Trust
West Cairngorms Office
Dell Bothy
Dell of Rothiemurchus
AVIEMORE PH22 1QH

Drawing Title: Remote Accommodation System - Fords of A'an
Drawing Number: PL-01
Revision: A
Date: Jan 2014
Author: [Name]

9. There is no relevant planning history on this site other than at the pre-application stage when the applicants organised a site visit to choose the most suitable location which was attended by SNH and RSPB officers. In addition the CNPA Planning Committee have considered and approved a number of similar projects by the same applicants over the years. The most recent case was in April 2013 for a site at Sron na Lairige near Rothiemurchus (reference 2013/0038/DET.)

DEVELOPMENT PLAN CONTEXT

National policy

10. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
11. As a replacement for a variety of previous planning policy documents, Scottish Planning Policy includes 'subject policies', of which many are applicable to the proposed development.
12. The key topic in this case is natural heritage which highlights the importance of Scotland's landscape and natural heritage, and the need to safeguard our

most sensitive landscapes. The need to support opportunities for enjoyment and understanding of the natural heritage is also highlighted

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

13. 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.

Three long term outcomes for the Park are set out as follows:

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- 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. Policies seek to conserve and enhance the heritage and special landscape qualities of the National Park.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are as follows :
16. *Policy 1 Natura 2000 Site* - This policy sets out that any development which is likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where the assessment is unable to ascertain that the development will not adversely affect the integrity of the site it will only be permitted if there are no alternative solutions and there are overriding reasons of public interest.

17. Policy 2: National Natural Heritage Designations - This policy seeks to ensure there is no adverse effect on the overall integrity of the designated area with any significant effects outweighed by social or economic benefits.
18. Policy 4 – Protected Species - This policy sets out that if development has an adverse effect on a European Protected Species it will not be permitted except in particular circumstances set out in policy.
19. Policy 34 - Outdoor Access – This policy encourages development which supports opportunities for responsible outdoor access.
20. Policy 6 - Landscape - This policy sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Where development does not complement and enhance the landscape character, any significant adverse effects must be clearly outweighed by social and economic benefits of national importance and all adverse effects must be minimised and mitigated.
21. Policy 16 - Design Standards – This policy sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide

Supplementary Planning Guidance

22. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Guidance on Natural Heritage applies here. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Supplementary Planning Guidance on Wildness also applies which explains how to consider wildness, which is highlighted as a core special quality of the Park, when considering development proposals

CONSULTATIONS

23. **The CNPA Ecology Advisor** has no adverse comments noting that the site lies on the edge of the Cairngorms Special Protection Area (SPA) designated for breeding golden eagle, merlin, peregrine and dotterel with the helicopter routes for transporting materials having been agreed with the RSPB in order to have minimal effect on these species. The location is on the edge of the Cairngorms Special Area of Conservation (SAC) and SSSI and it is considered that the locality of the development is not considered to contain habitat for which the area is designated with any disturbance only temporary. In addition repairs to the paths in the area will help to reduce erosion and path widening and therefore prevent damage to vegetation.
24. **Scottish Natural Heritage (SNH)** has no objections to the proposal. They support the path improvement work which is necessary to prevent further erosion and damage to sensitive upland habitats that are popular walking routes. The accommodation will maximise the amount of work

achieved. SNH note that the site lies within the Cairngorms SSSI, SPA and SAC which are designated for a number of habitats and species. Consequently the CNPA is required to consider the effect upon the SAC and SPA and upon European Protected Species.

25. SNH consider that the proposal is directly connected with, and necessary for, the conservation management of the SAC in order to reduce ongoing path widening and consequent damage to the sensitive dry heath, alpine, sub alpine and montane acid grassland habitats. With respect to the SPA the applicant has fully taken into account the qualifying interests when selecting timing and routing of helicopters whereby it is considered that it is unlikely that the proposal will have a significant effect on the qualifying species, either directly or indirectly. Accordingly SNH concludes that Appropriate Assessments are not required in this case.
26. They further note that this is a high altitude, remote and relatively inhospitable location with the majority of European Protected Species likely to be found at lower altitude, other than otter which are likely to visit the area only occasionally and will not be disturbed by the proposal.
27. **Moray Council's Environmental Health Manager** has no objections noting that the applicant should be advised that the premises will be required to comply with health and safety at work legislation. The Council's Technical Officer also provided advice to the applicant on water treatment for drinking water.

REPRESENTATIONS

28. The application was advertised in the local press and no representations were received.

APPRAISAL

Principal

29. This proposal is to site temporary accommodation to facilitate the repair and completion of upland footpaths in the National Park. The need for the accommodation is fully understood and supported, on health and safety, as well as efficiency, grounds. The development will help facilitate provision of improved outdoor access which is supported by Local Plan Policy 34 and this type of remote accommodation solution has been approved elsewhere in the Park previously. Accordingly the principle of the development is considered to be acceptable on a temporary short term basis. Any proposal for permanent accommodation of this type and style in the mountains would not comply with policy. The key planning issues to consider with the proposal are the impacts upon the special environment here.

Environmental Impacts

30. The proposed development is for a short time with measures proposed to ensure minimal environmental disturbance through containment of waste, minimal use of resources, and construction methods to raise the structures above ground level to protect the ground below. Provided these measures are all implemented there should be minimal disturbance to the area.
31. As noted earlier in this report, this area is covered by numerous designations and is a NATURA site. It is therefore essential to ensure there is no adverse impact upon the qualities for which the area is designated. Scottish Natural Heritage has assessed this matter and they are satisfied that the development is directly connected with, and necessary for, the ongoing conservation management of the site for its qualifying interests, whereby an appropriate assessment is not required in this case. SNH have also highlighted the environmental benefits which will result out of the associated path works in terms of addressing erosion issues, whereby overall there may be an environmental improvement ultimately. The application is therefore considered to comply with Local Plan Policies 1 and 2.
32. Other environmental impacts relate to visual and landscape impacts. The design is necessarily utilitarian. Introducing built development into this wild and remote landscape would not normally be supported in terms of Local Plan Policy 6 which seeks to conserve and enhance the landscape or Local Plan Policy 16, which seeks a high standard of sustainable design in new development. However, the structures are not permanent and therefore any impacts will be very short term in this case. The overall need to support completion of upland path works is considered to be sufficient justification to set aside any temporary visual impacts which will be addressed in any event by removal of the development at the end of October.

Conclusion

33. In these overall circumstances the proposed development is considered to comply with Local Plan policies providing appropriate conditions are attached to ensure the development is carried out in a manner to ensure there are not any harmful effects on the special qualities of this area. Approval is recommended on this basis.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. The proposal will support this aim in the longer term by enabling completion of pathways which will help prevent erosion of the fragile upland environment by walkers who will be directed onto the pathways instead. Any short term impacts upon the environment are minimal as a result of the method of construction and containment of wastes.

Promote Sustainable Use of Natural Resources

35. The proposed development involves re-usable units, and during occupation minimal use of natural resources will be required, with water supply being taken from a local burn, and all waste contained, compacted and taken off site at the end of the operations.

Promote Understanding and Enjoyment of the Area

36. The proposal supports this aim by enabling work to be carried out to upgrade upland paths which will allow for continued safe outdoor access to the mountains. Once completed this will promote the wider enjoyment of the area. Any negative effects on enjoyment of the area as a result of the visual impacts of the siting of the system will be temporary and minor in the wider context

Promote Sustainable Economic and Social Development of the Area

37. The proposed development will support this aim initially by providing employment for the people working on the paths and thereafter the provision of improved pathways will ultimately support this aim by providing improved outdoor access and visitor/tourism provision which may be of overall benefit to the businesses servicing tourists and walkers in the Park.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT TEMPORARY PLANNING CONSENT for the Siting of a remote accommodation system for a maximum period of 7 months from 1st April 2014 to 31st October 2014 at Lairig An Laigh Cairngorm Moray

Subject to the following planning conditions:

- 1** Unless otherwise agreed with the Cairngorms National Park Authority (CNPA) acting as Planning Authority this permission is for a temporary period expiring on 31 October 2014.

Reason: To ensure that the duration of the development hereby approved is for a limited period, in order to ensure that the special environmental interest of the area is protected in accordance with Local Plan Policies

- 2** Within one month of expiry of this permission, or within one month of when the units have ceased to be occupied, whichever is the sooner, the entire accommodation system (including walkway and all wastes) shall be removed from the site by helicopter, and the ground reinstated to the satisfaction of the Cairngorms National Park Authority (CNPA) acting as Planning Authority.

Reason: In order to ensure that the special environmental interests of the area are protected in accordance with Local Plan Policies

3 All units shall be constructed on pads in accordance with the applicant's supporting statement dated 23 January 2014.

Reason: To protect the local surface vegetation from any trampling effects, allowing for easier regeneration at the end of the consent and in order to protect the special environmental interests of the area in accordance with Local Plan policies.

4 Unless otherwise agreed in writing with the CNPA acting as Planning Authority the development hereby approved should be finished in a dark green colour

Reason: To ensure that the visual impact of the development is minimised in accordance with Local Plan policies

5 The development hereby approved (including its energy and drainage systems) shall be constructed, installed and operated in accordance with the method statements included in the applicant's supporting statement dated 23 January 2014 throughout the lifetime of this consent.

Reason: In order to ensure that the special environmental interests of the area are protected in accordance with Local Plan Policies

Advice notes:

1. It is recommended that in the interests of furthering public understanding that interpretive material be erected at the accommodation site and on the nearby path to explain the purpose of the accommodation to users in the area
2. Please note that Moray Council Environmental Health Service advise that the premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992. Responsibility for enforcing health and safety rests with the Health and Safety Executive, Lord Cullen House, Fraser Place, Aberdeen.
3. Please also note the comments of Moray Council on water treatment for any drinking water.

Officer Name Katherine Donnachie

planning@cairngorms.co.uk

Date: 25 March 2014

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.