
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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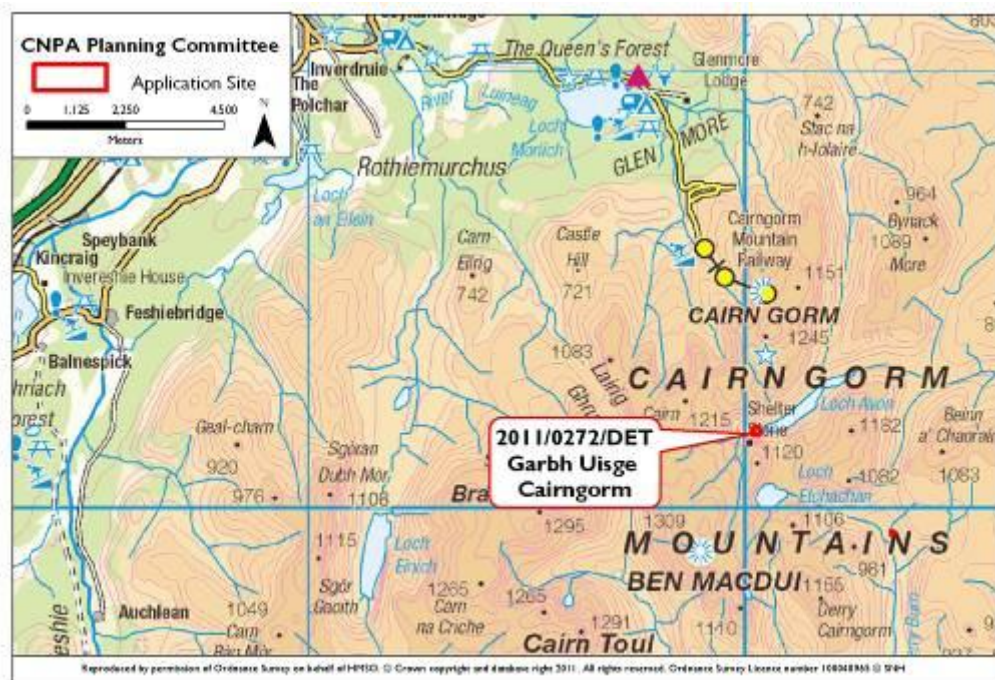
DEVELOPMENT PROPOSED: SITING OF 2NO. TEMPORARY ACCOMMODATION UNITS, ONE TOILET UNIT AND ONE STORE UNIT AT GARBH UISGE, CAIRNGORM

REFERENCE: 2011/0272/DET

APPLICANT: CAIRNGORM OUTDOOR ACCESS TRUST

DATE CALLED-IN: 02 SEPTEMBER 2011

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS



(Grid Ref: 801828 300203)

Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located adjacent to the Garbh Uisge ('The Great Rough Water') to the west of Loch Avon. The site is located in a remote upland area close by to a number of high level walking routes. It is within the Cairngorm National Scenic Area, National Nature Reserve among a host of other designations. The site itself (see figures 5 & 6) sits within a broad valley floor and features a small area of rough grass used for wildcamping.



Fig. 2 – Site Location (further detail)

2. Planning permission is sought for the erection of a remote temporary 'camp' for a period of 7 months from Spring 2012. The camp would include 2 temporary accommodation units, a toilet unit and a store, all sited on a terrace above the watercourse. The proposed units are prefabricated galvanised steel structures and would be airlifted in to site.

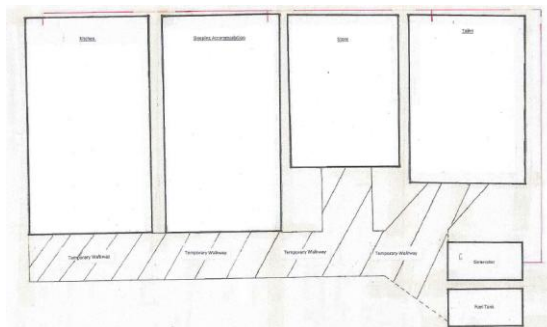


Fig. 3 & 4 – Photo showing typical Cabin unit/ Site layout

Background

3. The temporary camp is to allow for conservation work to be carried out on badly eroded upland footpaths around the Shelter Stone area (Coire Domhain to Etchechan and also Coire Raibeart), as part of the Cairngorms Mountain Heritage Project. The area has been identified as remote (ie a 'walk in' well in excess of 1.5 hours) and requires safety and wellbeing accommodation nearby for Health and Safety reasons and effective working practices. An Environmental Considerations Statement accompanies the application detailing waste, sanitary and pollution prevention measures.



Fig. 5 – Site locality showing topography



Fig. 6 – Site location and the Garbh Uisge Beag (right)

DEVELOPMENT PLAN CONTEXT

4. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National policy

5. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
6. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” 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.
7. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
8. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include open space and physical activity, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. Rural development: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

¹ February 2010

10. Landscape and natural heritage: The **SPP** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
11. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."

Strategic Plan

Cairngorms National Park Plan (2007)

12. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
13. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

Structure Plan

Moray Structure Plan (2000)

14. The Moray Council Structure Plan has four main aims –

² Para. 256.

- (i) To promote economic growth and development;
- (ii) Spread economic benefits of economic growth across the community;
- (iii) Maintain and improve the natural and built environment; and
- (iv) Underpin development by promoting sustainability.

The “central pillars of the strategy are to promote economic growth and to conserve the natural and built environment, and to promote overall sustainability.”

15. In a chapter on the Environment, there is recognition that the built and natural environment of Moray is one of its most important resources. The Structure Plan therefore needs to balance the protection and conservation of the environment with the need to support the economy and provide recreational opportunities. Structure Plan aims in relation to the Environment to protect the natural environment of nature conservation areas, landscapes, and special areas of the countryside.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. 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/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
17. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The policies are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. Policy I Natura 2000 Sites: development likely to have a significant effect on a Natura 2000 site (SPA, SAC etc) would be subject to an appropriate assessment. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where,
 - (a) There are no alternative solutions; and
 - (b) There are imperative reasons of overriding public interest including those of a social or economic nature.

20. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
21. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
22. Policy 5 – Biodiversity: development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
23. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
24. Policy 12 – Water Resources: development must be free from the risk of flooding and not result in the deterioration of water body status.

25. Policy 16 Design Standards for Development: requires that all development minimises the effects of climate change, reflects the local vernacular and uses materials and landscaping that compliments its setting.
26. Policy 34 – Outdoor Access: the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy.

CONSULTATIONS

27. **Tomintoul Community Council** has no objection to this application.
28. The **Moray Council Contaminated Land Officer** confirms that there would be no contamination issues with the site.
29. **SNH** has no objection to the proposal. The Environmental Considerations Statement states that precautions would be taken to protect the habitats from any damage. There will therefore be no impact on the general or water environment.
30. **SEPA** was consulted. However, they confirm that the proposal is outwith their established standing advice for small-scale applications and as such do not provide comment.

REPRESENTATIONS

31. This application was advertised in the Northern Scot on 26 August 2011. No representations have been received in respect of this application.

APPRAISAL

32. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
33. The main issues to consider in this application relate to the nature of the proposal including its design, siting and any associated implications, particularly on natural heritage and landscape.

Conservation work

34. In terms of the principle of development, there is general support in planning policies contained within the Development Plan. The policies which have been detailed in paragraphs 4 to 26 of this report recognise the sensitive location of the proposal, one which is fragile to built structures and high levels of activity. Therefore unless sensitively managed, any development would be harmful to the conservation interests in this area of the National Park. It should be noted that the CNPA have approved similar temporary

camps previously in the Lairig Ghru, Lochnagar and other similar remote locations.

35. The proposal is for a temporary period, an expected duration of 7 months. The proposed accommodation units would 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 would assist in the conservation of this area of the National Park and the work would be carried out more speedily and more safely with the accommodation in place providing for shelter and comfort for 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 the camp.

Design and landscape

36. The design of the camp and the units is functional, but crucially of muted colours (dark green) aimed at blending in and minimising any visual intrusion. The site is located within the Cairngorm Mountains National Scenic Area which has been designated for its landscape quality. The limited scale and unobtrusive siting of the camp ensures the effects of the development are slight and would not be readily visible.

Natural Heritage and designations

37. The site is located in a very sensitive location and is subject to a number of environmental designations including being within an SPA, NNR and adjacent to Loch Avon, a Special Area of Conservation (SAC). There are a number of mitigation measures and environmental considerations proposed (such as composting toilets, fuel tank bunding and elevated cabins to reduce ground compaction issues) to ensure that there are no significant impacts. Any environmental impacts from what are relatively minor works would be very limited and SNH have expressed no objection in relation to these with regard to the conservation designations. SNH confirm that this is a high altitude, remote and relatively inhospitable environment and the majority of European Protected Species (EPS) typically found at lower elevations are unlikely to visit this area. Otter are the only species likely to visit this area occasionally and will not be disturbed by this proposal. There have been no records of any plant or amphibian EPS at this location. Breeding birds are unlikely to nest at this busy spot, which is often used for wild camping.
38. It is also important to note that the camp would be set back from and above the Garbh Uisge which ensures no effect upon this SAC tributary. Given the nature of the works the proposal is not considered to conflict with Policy 1 Natura Sites, Policy 2 National Natural Heritage Designations or Policy 4 Protected Species of the CNP Local Plan. The site is located within the Cairngorms NSA but there would be virtually no landscape or visual impacts from the camp as it is intended to be temporary and would blend in sensitively. Therefore it would also comply with Policy 6 Landscape.

39. In conclusion, the proposal is limited in scale, with the camp and units being of a design which would result in minimal interference (both visual and physical) in the area in which they have been located. They are to be positioned within the area of the footpath repairs and are considered to be necessary for allowing the efficient and safe work of contractors. Overall, it is considered that the proposal is broadly positive to the aims of the National Park as it affords greater opportunity for path conservation works and as a result would provide wider landscape and natural heritage benefits.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

40. This is a highly designated area in environmental terms but the works are relatively minor and as such very unlikely to have any effects upon those designations. The footpaths to be repaired are part of the cultural heritage of the area and the conservation work would enhance the area.

Promote Sustainable Use of Natural Resources

41. The cabins are prefabricated accommodation units designed to be as self contained, without harmful effects on local resources. A local freshwater supply would be used for the temporary period of the contract.

Promote Understanding and Enjoyment of the Area

42. The siting of the temporary units in this location would not directly affect this aim. However, the units are to provide accommodation for contractors who would 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

43. There will be no direct impact from this proposal, but the improvements to the local footpath network would 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

44. That Members of the Committee **GRANT** Planning Permission for **SITING OF 2NO. TEMPORARY ACCOMMODATION UNITS, ONE TOILET UNIT AND ONE STORE UNIT AT GARBH UISGE, CAIRNGORM** subject to:

The following condition:-

1. This is a temporary permission, and shall have a duration of 7 months only from the date of installation, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. The use of the site as an accommodation camp shall cease at the end of the period; all structures shall be removed from the site; and the site shall be restored in accordance with restoration proposals which shall be submitted and agreed with the Cairngorms National Park Authority acting as Planning Authority within 1 month of work due to commence on site. Thereafter the proposals shall be implemented.

Reason: in the interests of the general amenity and the visual amenity of the area.

2. The development shall be undertaken in accordance with the Environmental Considerations Statement submitted in conjunction with the planning application. Appropriate space should be left over for the continued use of the area for wild camping and conspicuous information signage provided that advises users of the area about the camps use.

Reason: to ensure that the development does not have any significant effect on the area and in the interests of conserving and enhancing the natural heritage of the area.

Robert Grant

1 November 2011

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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.