
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: ERECTION OF REPLACEMENT CLUB HUT, BRAEDOWNIE, GLEN CLOVA (FULL PP)

REFERENCE: 09/039/CP

APPLICANT: CARN DEARG MOUNTAINEERING CLUB, C/O L D BERTRAM, KINNORDY, KIRREMUIR

DATE CALLED-IN: 20 FEBRUARY 2009

RECOMMENDATION: REFUSAL



Fig. 1 - Location Plan

SITE DESCRIPTION, PROPOSAL AND BACKGROUND

- I. Full planning permission is sought for the replacement of an existing mountaineering club hut at Braedownie, Glen Clova. The site is located between the Glen Doll Road and the South Esk river in an area of deciduous woodland, dominated by birch. The site is accessed directly off the Glen Doll Road and from a car park which received planning permission from the CNPA in August 2006. From the car park a path leads to the existing club hut which is set amongst trees close to the river. The site lies within the Lochnagar and Deeside National Scenic Area and adjacent to the River South Esk SAC (Special Area of Conservation).



Figure. 2- Existing club hut.



Fig. 3- View towards site from car park.



Fig. 4- View of pegged out site for hut with Scott Lodge in background.

- The proposal is to replace the existing timber hut with a larger hut. This would be located nearer to the car park on open ground and in line with the neighbouring Scott Lodge, immediately to the north which is a facility for the Dundee and Angus Battalion of the Boys Brigade. The siting of the hut has been changed slightly during the application process to prevent potential for overlooking of the neighbouring site and to address objections raised by the Boys Brigade. The site boundary to the south adjoins Braedownie Farm which formerly hosted the Ranger Base for the Angus Glens Ranger Service.

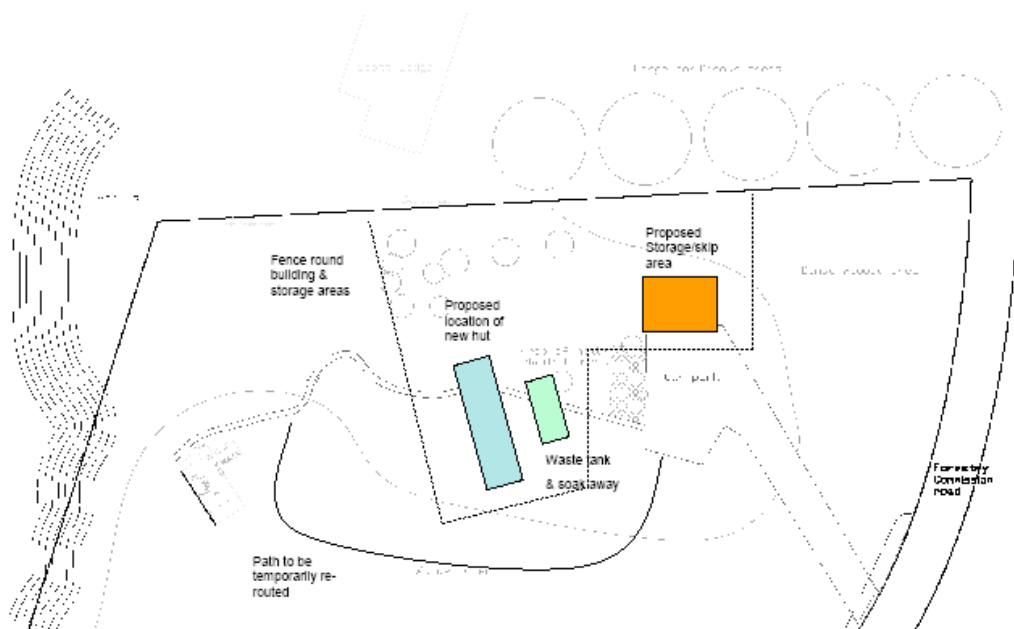


Fig. 5- Layout Plan.

- The building itself would be 20 metres long by four metres wide (roughly 3 times the size of the existing hut) and host a common room/kitchen area with a drying room, store area and two sleeping rooms. The exterior walls of the building would be finished with untreated larch with a green corrugated roofing material. The intention is that materials would be sourced from within Scotland and the building is to be insulated to high levels. The existing hut would be removed.

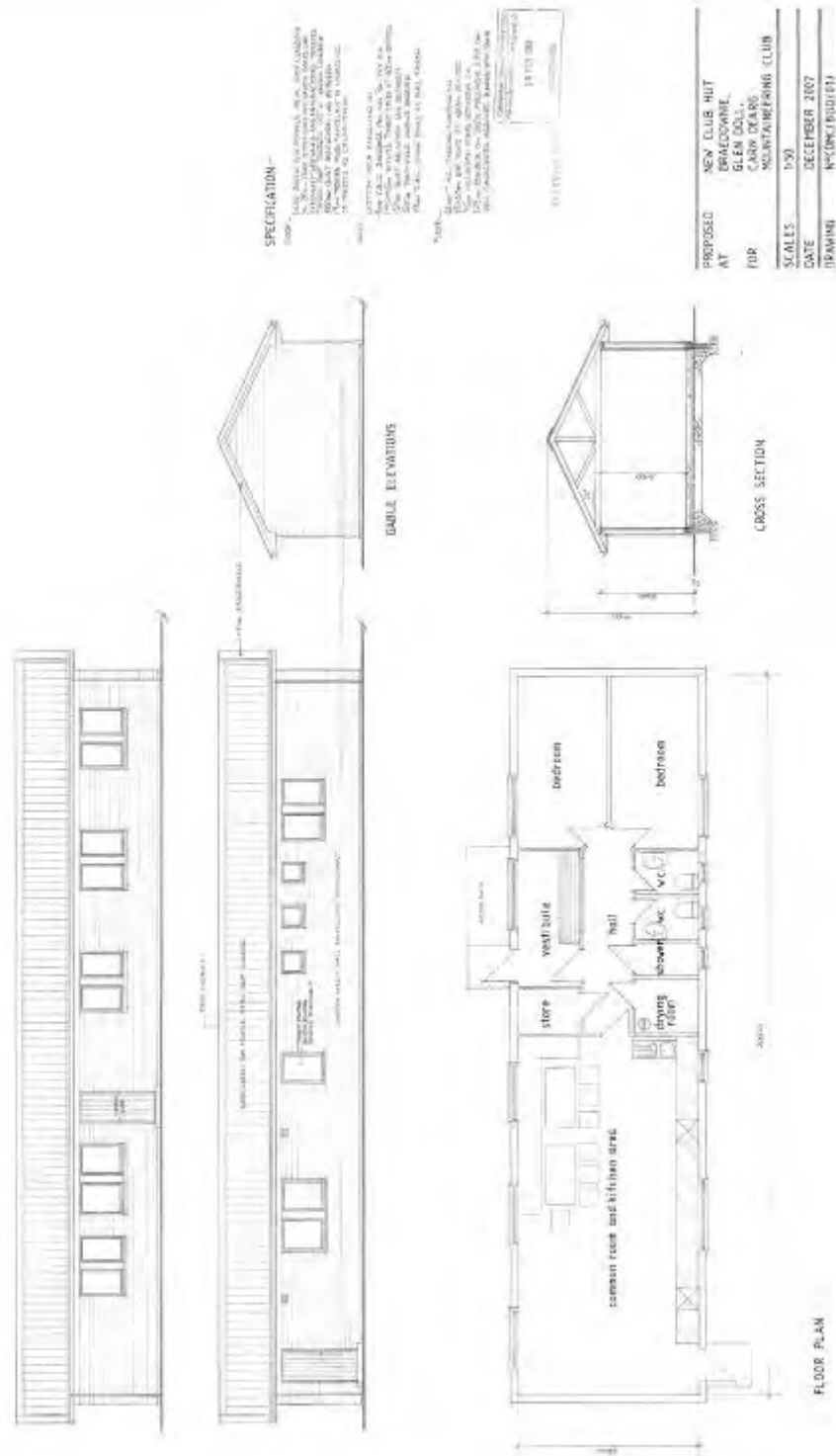


Fig.6-Elevations/Floor Plan

4. In terms of background information the club gained permission from the Forestry Commission in 1965 to construct the existing hut. The hut has been used since that time by the Carn Dearg Mountaineering Club and other groups. Users of the hut include club members who can use it for free, the majority of whom are from Dundee. Other groups can use the hut for a small bed charge. In recent times the Fairbridge Charity which offers outdoor activities to inner-city youth

groups have been a frequent user. A supporting statement is attached at the back of this report.

5. Water will be provided via a private supply and investigations have been undertaken to ensure an adequate supply and to ensure that other users would not be detrimentally affected. Surface water drainage is to soakaways. Foul drainage will be to a private system, originally septic tank and soakaway. However, as a result of concerns from Scottish Natural Heritage drainage now includes a package treatment system to a soakaway.

DEVELOPMENT PLAN CONTEXT

6. The **Dundee and Angus Structure Plan 2001-2016 (“Joining the Links”)** is the relevant structure plan for the area. Environmental Resources Policy 1 (Natural Heritage Designations) states that development proposals within or affecting a proposed or designated area of natural heritage importance will be determined according to their effects on the particular interests that the designation is intended to protect. Where development proposals are likely to have a significant effect on a designated area of natural heritage importance, they must be accompanied by an appropriate ecological or similar assessment that sufficiently establishes the impacts on the conservation interests of the designation. **Environmental Resources Policy 2 (The Wider Natural Heritage)** advises that all developments must respect main features and characteristics of the natural heritage and should contribute to landscape restoration or improvement, biodiversity conservation and enhancement, environmental quality, and where appropriate, promotion of public enjoyment and understanding.
7. The Local Plan for the area is the **Angus Local Plan (2000)**. **Policy ENVI (Environmental Quality)** requires all developments to have regard to opportunities for maintaining and/or improving environmental quality. **Policy ENV7 (National Scenic Areas)** states that development affecting NSAs will only be permitted exceptionally where it can be adequately demonstrated that either the development will not compromise the underlying objectives and the overall integrity of the designated area; or there is an over-riding and proven public interest which outweighs the scenic quality interest. **Policy ENV9 (Landscaping of Development Sites)** requires development to have satisfactory provision for landscaping in order to assimilate the development into its local landscape context. **Policies ENVI3 (Natura 2000 and Ramsar Sites) and ENVI4 (National Nature Reserves and SSSIs)** both seek to protect the natural heritage interests of these sites. **Policy ENV54 (Angus Glens)** is specific to the Angus Glens and advises that development proposals will be considered in the context of other policies in the Plan but with a priority to projects that ensure the provision of local needs housing; or supports local employment and diversification compatible with the locality and environment; or conserve the historical and landscape character of the Glens. **Policy RT9**

(Countryside Recreation) states that development proposals for outdoor recreational/leisure activities in the countryside will be encouraged where they accord with other policies. **Policy RT (10 Angus Glens Management)** notes that proposals to develop and manage the recreational resources of the Angus Glens will be considered in the context of the Cairngorms Management Strategy. Proposals which damage the environmental resource will not be supported. **(Policy RT18 Visitor Accommodation)** considers that proposals to provide self catering accommodation and to extend and improve local provision will be supported where they do not adversely affect landscape or local environment and are compatible with surrounding uses.

Cairngorms National Park Plan 2007

8. Under the 'conserving and enhancing' section of the plan strategic objectives seek to ensure that all designated nature conservation sites are in favourable condition; that the existing high quality of water bodies within the Park are enhanced; that development maintains and enhances the distinctive landscapes across the Park; and that development complements and enhances the landscape character of the Park. Under 'Enjoying and Understanding' the Park strategic objectives seek to: encourage people of all ages and abilities to enjoy and experience the outdoor environment; promote high standards of responsible enjoyment of the Park; support and encourage local community involvement in the planning and management of outdoor access throughout the Park. Objective d) under 'Learning and Understanding' seeks to encourage people of all ages, abilities and walks of like to get outdoors frequently and experience the special natural and cultural qualities of the area at first hand.

CONSULTATIONS

9. **Scottish Natural Heritage (SNH)** notes that the site is close to the River South Esk SAC, designated for its populations of freshwater pearl mussel and Atlantic salmon. SNH consider that the proposal could have potential serious impacts on natural heritage interests. There is insufficient information to ascertain if there is likely to be a significant effect on the interests of the adjacent SAC (European Protected site). Accordingly SNH object to the proposal until such time that it can be demonstrated that there will be no adverse impacts on these interests. If this can be established then SNH has no objection to the scheme, in principle. To address this SNH request more details in the form of a construction method statement; source of the private water supply and foul drainage details. This is to ensure that no sediment will enter the river from construction and also to ensure that there will be no unacceptable effects from increased phosphorous levels upon the fresh water pearl mussel interest.

10. **Scottish Environmental Protection Agency (SEPA)** initially objected to the proposal on flood risk grounds given the proximity of the River South Esk. It was drawn to SEPA's attention that the new building sits on the edge of the indicative flood map and that the old building which could be removed by planning condition is very close to the river within the flood map area. The applicant's have also drawn SEPA's attention to the fact that the new building would be on the highest ground available at the site. While the new location of the replacement building is further away from the river reducing the existing risk of flooding SEPA cannot confirm that the proposal would not be free from significant risk of flooding from a 1 in 200 year event. SEPA would expect CNPA to consult Angus Council Flood Prevention Unit. As the proposed development replaces an existing building elsewhere on the site of the same use, it does not increase the sensitivity of the site. For the development to not increase the risk of flooding elsewhere from additional development within the flood plain, the existing hut must be removed on completion of the new building.
11. **Angus Council Environment** requested that information be supplied regarding the water supply both in relation to wholesomeness and water quantity. Information has been supplied and Angus Council Environment has no objection to the development.
12. **Angus Council Roads** has no objection to the proposal.
13. **Angus Council Engineering and Design Services (Flooding)** have now accepted the foul drainage solution which involves a Klargestor package treatment system with a soakaway on the side of the building away from the river. Talks have taken place regarding potential flooding and it has been pointed out that SEPA is no longer objecting to the proposal. However, Angus Council still request that a flood risk assessment is carried out to show that the proposed club hut would not be at significant risk from flooding.
14. **Scottish Water** has no objections.
15. **CNPA Visitor Services and Recreation Group** has no objection to the application.
16. **CNPA Heritage and Land Management** comment that a bat survey of the existing building should be carried out prior to it being removed. A range of advice on planting and prevention of non-native species being brought to the site is provided.

REPRESENTATIONS

17. The proposal was advertised as potentially contrary to the development plan. A letter has been received from the neighbouring Boys Brigade facility at Scott Lodge which raised a range of concerns. However, a subsequent letter has been received withdrawing that objection on the basis of the slight amendment to the siting of the proposed hut and that the parties would work together regarding the water supply (see end of report).

APPRAISAL

18. This appraisal section considers the principle of what is proposed and potential effects upon the environment. Subsequently, more detailed issues of design, potential flooding, drainage and access are considered.
19. In principle, the use is well established at the site with the original hut being at the site since the mid 1960s. In policy terms permission is being sought for the replacement of the existing hut which in itself raises no fundamental planning policy issues providing the new building can be accommodated without any adverse effects on the environment of the site.
20. In environmental terms the key designation relates to the River South Esk SAC. SNH had originally objected to the proposal requiring information on construction methods and foul drainage. The applicant's have been working closely with SNH and SEPA and an acceptable construction method statement has been submitted. However, at this time the objection from SNH remains in place with regard to foul drainage and this forms a reason for rejecting this scheme. This means that the proposal does not satisfy Angus Council Local Plan Policy Env/13 which relates to Natura sites.
21. The building itself is sited further away from the river than the existing structure and the siting has been slightly altered to address the concerns of the neighbouring Boys Brigade facility at Scott Lodge. The siting is generally in line with Scott Lodge, on flat ground and results in no need to fell trees. The building can be glimpsed from the road but the applicants have already carried out additional tree planting between the car park and the site for the hut. An existing path will be used to access the new hut.
22. In design terms the new building utilises untreated larch to be used in horizontal panels for the external walls with a green corrugated roof. Such materials are considered appropriate to the wooded setting in this part of the NSA, although samples of the materials would have to be sought by planning condition. Consequently, the proposal complies with Angus Council Local Plan Policy Env/7 National Scenic Areas.

23. SEPA objected to the proposal at first on flood risk grounds. However, this objection was not maintained, however it was pointed out that Angus Council as Flood Prevention Authority should be consulted. Angus Council Design and Engineering Services (flood risk) have maintained their stance that a Flood Risk Assessment should be carried out to show that the new hut would not be at risk from a 1 in 200 year flood event. It has been pointed out that the existing hut (at greater risk of flooding) could be removed as part of granting consent but this has not changed Angus Council's position. In addition the new hut would be located on the highest part of the site. While granting the proposal would be an improvement, as it would remove a building at greater risk of flooding than the one proposed, it is difficult to recommend approval in the light of Angus Council's position and this forms a reason for recommending refusal of the scheme.
24. Drainage has been carefully considered and given the proximity of the River South Esk a package treatment system discharging to a soakaway is now proposed. This is a clear improvement upon the existing hut's system which discharges to a soakaway and then directly to the river. However, as mentioned above there is still outstanding information that SNH require before they can remove their objection. Research has been done with regard to the private water supply and Angus Council Environment Section considers this acceptable. With regard to access and parking Angus Council Roads has no objection to the proposal.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

25. The potential effects of the proposal on the River South Esk has been considered by SNH and further information is required to enable SNH to remove their objection. The new building has little other impact on natural heritage. A bat survey would need to be carried out before any removal of the old building. The Carn Dearg Mountaineering Club has a long association with the area and consequently, is part of the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

26. The Mountaineering Club intend the new building to be as sustainable as possible with an emphasis upon Scottish sourced materials and high levels of insulation.

Promote Understanding and Enjoyment

27. The new hut will promote understanding and enjoyment to a range of visitors.

Promote Sustainable Economic and Social Development

28. The proposal assists in the social development of hillwalkers and mountaineers from Dundee, Angus and further afield. There has been a strong cultural connection between the hills in this part of the National Park and visitors from Dundee and Angus. The new hut will help to support this relationship. However, given the advice of Angus Council there is concern that the new building could be at risk from flooding.

Conclusion

29. Overall, this proposal is acceptable, in principle, and is very positive in terms of the aims of the Park. A recommendation of approval would be forthcoming except for two issues. Firstly, and while this proposal would result in the removal of the old hut the flooding issue is still a concern and forms the key reason for rejecting the scheme. The applicants have difficulty in finding funding to carry out a full flood risk assessment and are afraid that should the Planning Committee have other concerns about this development then any money spent on a flood risk assessment would be wasted. However, bringing the application forward for determination will allow the applicants a clear picture of the Committee's view on the proposal.
30. As with the first reason for refusal the removal of the existing hut with its current drainage arrangements would be an improvement in terms of the natural heritage of the river. However, given SNH's concerns about the lack of final information being awaited in relation to drainage this forms a further reason for rejecting the scheme at this point in time.

RECOMMENDATION

31. It is recommended to members of the Committee that the application for full planning permission for the erection of a replacement club hut at Braedownie, Glen Clova be **REFUSED** for the following reasons:
 1. The proposal fails to demonstrate that it would be free from a risk of flooding in a 1 in 200 year flood event, potentially placing persons and property at risk contrary to the requirements of SPP7 Planning and Flooding and to the advice of Angus Council Design and Engineering Services as the Flood Prevention Authority.
 2. The proposal fails to demonstrate protection of the River South Esk Special Area of Conservation contrary to the requirements of NPPG14 Natural Heritage, Angus Council Local Plan Policies Env/13 Natura Sites, RT10 Angus Glens

Management, RT18 Visitor Accommodation and to the satisfaction of Scottish Natural Heritage.

CONTRARY DECISION NOTE

Should the Committee be of the view that the application should be granted contrary to the above recommendation, the application will require to be referred to the Scottish Ministers due to the outstanding objection from SNH.

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02 December 2009

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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.