
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

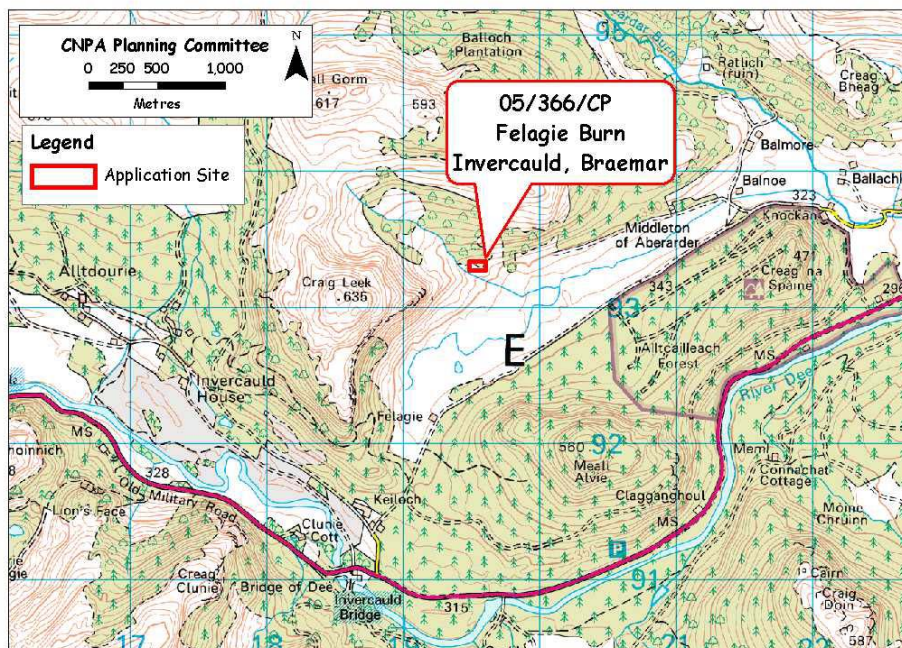
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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: RETENTION OF SHELTER FOR AGRICULTURAL WORKERS, STALKERS, SHOOTERS AND WALKERS, FELAGIE BURN, INVERCAULD

REFERENCE: 05/366/CP

APPLICANT: MR D PENNELL,
INVERCAULD HOUSE, BRAEMAR

DATE CALLED-IN: 26 AUGUST 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is within the Lochnagar and Deeside National Scenic Area (NSA) and lies approximately 1 kilometre west of the summit of Craig Leek in a corrie area with the burn draining out towards Balnoe. A vehicle track leaves Keiloch where there is a car park, sawmill and the Invercauld Estate Office. The track heads north east through a forest area that has been recently part felled and then onto open ground, a side track climbs up into the shallow corrie where the shelter is located.
2. The building was erected in the summer of 2005; I do not have the exact date of its construction on the site. The applicant's agent considered the building to be for agricultural purposes and submitted an agricultural notification application to Aberdeenshire Council. However, the application was not registered as a notification as the Council correctly pointed out that the use of the hut for stalkers, shooters and walkers was clearly not solely related to agriculture. Because of this a full application was submitted to Aberdeenshire Council on 8 August 2005.
3. A supporting letter for the application is attached at the back of the report. The building itself is of a green timber construction is 6.7 metres long and 3.1 metres wide with a slate grey profiled metal roof. There are no facilities inside beyond a table and a few chairs. The building is sited on a flat piece of ground with the predominant ground cover being grass and bracken. A track passes by the shelter which continues on around the back of Craig Leek. This track forms part of a circular walk around Craig Leek which has been developed by the Upper Deeside Access Trust and Invercauld Estate.



Fig 2 Shelter for retention

DEVELOPMENT PLAN CONTEXT

4. Policy 19 in the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST)** with regard to the NSA considers that 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.
5. **Policy Env5 of the Finalised Aberdeenshire Local Plan** 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.
6. For information under the terms of the **CNPA Local Plan Draft for Consultation** the site is located within a **General Policy 2** area because of the NSA designation and the height of the site which is located well above 400 metres. **General Policy 2** considers that development will only be permitted where it is demonstrated that there is no alternative and the aims of the park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any significant adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.

CONSULTATIONS

7. **Scottish Natural Heritage** has no objection to the proposal but makes recommendations to minimise any impacts as detailed below. In terms of natural heritage interests the dramatic scenery of the NSA can be appreciated from viewpoints immediately around the proposal site. The hut may be very visible when seen by walkers etc on these hills. The location can be considered as sensitive in terms of the potential visual impact.
8. SNH recommends that a condition is attached to any consent to ensure that the colours of the external materials used on the proposed shelter are appropriate for what is a sensitive location. For walls cuprinol sage is proposed but this may not be the most unobtrusive colour, greens can often appear too 'bluish' in the Scottish landscape and a dark brown or possibly dull khaki may be more appropriate. The authority could ask for samples to be provided if necessary to ensure that a suitable colour is chosen. We recommend that the shelter has a matt slate grey roof. The purpose of the condition is to reduce landscape

and visual impacts by ensuring the proposal reasonably corresponds to the surroundings and wider setting.

9. **Aberdeenshire Council Natural Heritage Planner** considers that there does not appear to be any significant natural heritage implications with regard to this development provided it is sited to minimise visual intrusion and tree/habitat loss.
10. **The Visitor Services and Recreation Group** note that the Upper Deeside Access Trust in conjunction with the Invercauld Estate have recently developed a network of promoted paths in the Craig Leek area of the Estate. The proposed shelter sits adjacent to a section of track which forms a part of this network and the track is used by estate vehicles to access the shelter. Increasing levels of vehicular usage have eroded the track in places and have made one section in particular very muddy and difficult to use for both walkers and vehicles. There is recent evidence of walkers and vehicles cutting across the grass adjacent to the track in this area and causing further erosion to the surrounding land.
11. The location of the shelter may increase vehicular traffic on the tracks in the area and as such the Visitor Services and Recreation Group would request that the application is conditioned to ensure that regular maintenance and repairs are carried out on the tracks used to access the shelter. This will ensure that the tracks are kept in a reasonable condition for recreational use and for the benefit of the general public.

REPRESENTATIONS

12. No representations have been received.

APPRAISAL

13. The main issues with this proposal largely involve whether the proposal is acceptable in principle and whether the hut has unacceptable impacts in terms of natural heritage and in particular landscape.
14. Firstly, I would express my concern that the building has been erected without the required planning consent. In terms of principle there are no policy directions that indicate directly for or against the proposal. The hut has been justified as being necessary for stalking shooting and agricultural activities. In my view there is little reasonable justification for the shelter in terms of use for hillwalkers given its relative proximity (approx 20 minutes walk) to the car park at Keiloch where walks in this area would generally start from. The letter from the applicant's agent sets down the activities that the hut will be used for. However, the hut is a relatively short distance from the Estate Office at Keiloch with Invercauld House only a little further away. Using motorised transport

the hut can probably be accessed from Keiloch in around 10 minutes. There is some justification that the shelter will make game bird management in the area easier for estate workers, however given the relative proximity of Keiloch this is not an especially strong justification. Despite this, the relevant NSA policy does not test the justification for the development. The NSA designation is essentially one of landscape concern and the major thrust of policy relates to not whether a particular building or use is justified but whether it would have an unacceptable impact upon the designation. In this case that impact relates to landscape impact. However, for information it is interesting to note that the General Policy 2 proposed by the CNPA Draft Local Plan would change this by asking why the development has to be located on this site as opposed to alternative or existing sites.

15. It is clear from consultation responses and from my visit to the site that natural heritage in terms of habitat or species is not affected by the building. Given this, the proposal must be tested against its impact upon the landscape with regard to the NSA designation. The hut is located on an open hill slope and in principle is visible across the small glen and landrover track which runs round to Balnoe. However, it must be recognised that the scale of the building is tiny when set against the backdrop of the hillslope upon which it is located. My site visit was carried out during very clear conditions and the hut was not particularly prominent and blended in quite well with the wider landscape from a distance. Because of intervening ground the hut would not be visible from the summit of Craig Leek. Other hills in the area where the hut could be visible from are much less frequented with ridges being some considerable distance from the site. In my view the hut would be hardly noticeable from most hills in the area and would certainly not have any significant visual impact.
16. Scottish Natural Heritage has raised the issue of whether a green colour for the timber is appropriate in this instance. However, these comments were made before the hut was constructed. The background vegetation is a combination of remnants of formerly improved land and bracken which is extending cover in the vicinity. This means that for much of the year the hut has a green or at least partly green backdrop. The colours on the hut help it to blend in to the background when viewed from a distance and I am content with the colouring. The roof is of a slate grey colour in accordance with the wishes of SNH.
17. The hut is sited close to a path that is also a vehicle track that is used for game shooting purposes. The hut is very close to this track and highly visible from it. However, its proximity to the track would appear sensible in terms of preventing erosion and the potential of opening up new tracks and paths in the wider area. Some concern has been raised by Visitor Services that the use of vehicles to access the hut is causing an increased level of erosion and that one stretch is becoming muddy and difficult to use for walkers. There is evidence that both

walkers and vehicles are cutting across a grassed area to the side of the track to avoid this muddy section. Because of this the Visitor Service Group suggests that the track is kept in a reasonable condition and have asked whether this could be achieved by planning condition. I am of the view that a condition is justified in this case, the increased use of vehicles to access the hut is resulting in erosion to a path that is promoted for public access. Because of this, I am of the view that a condition requiring a maintenance schedule for the track will help with the enjoyment of the track for walkers, but also reduce erosion and potential impact from the widening and creation of new desire lines in the area thereby contributing to the Park's natural heritage and promoting enjoyment aims.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

18. The hut results in no particular natural heritage impact and the development has been assessed in terms of landscape against the NSA designation. In addition, SNH has no objection to the hut in principle.

Promote Sustainable Use of Natural Resources

19. The application gives little detail in terms of material sources. However, it must be recognised that this is a very small scale structure and has been likely to have involved estate workers in its construction. The material for the structure is timber, although again it is not clear where this has been sourced from.

Promote Understanding and Enjoyment of the Area

20. In terms of promoting enjoyment it is clear that the structure would promote the enjoyment of people involved in traditional sporting activities in the area. The application points out that the shelter is also open to hillwalkers. This may be the case but it is considered that there is no reasonable justification for a shelter in this location which is relatively close to the public road. The shelter could not be considered in the same terms as mountain bothies which provide basic shelter, generally in more remote locations. While the shelter is intended as being for hillwalkers on a recent visit to the site the door was locked and a calor gas heater was installed, in my view the shelter does not appear to be intended for hillwalkers despite the description in the application. In terms of promoting understanding a supporting letter mentions that an interpretation facility could be incorporated as part of the building, however, this is not part of the current application.

Promote Sustainable Economic and Social Development of the Area

21. The building may well contribute in a small way to promoting traditional sporting activities on the estate and making the management of those activities slightly easier, though as recognised previously, the shelter is probably only a 10 minute drive from the estate office facilities at Keiloch.

RECOMMENDATION

22. **A.** That Members of the Committee support a recommendation to: **GRANT** Full Planning Permission for the retention of shelter for agricultural workers, stalkers, shooters and walkers at Felagie Burn, Invercauld, Braemar, subject to the following condition.

1. Within 3 months of the date of this decision notice a maintenance agreement for both the shelter and the adjacent track section shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The building and agreed track section shall thereafter be maintained in accordance with the agreement.

B That Members of the Committee instruct officers to send a covering letter to the applicant pointing out the need to gain the relevant planning consents prior to development going ahead.

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9 January 2005

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