
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: SITING OF 3 COLLAPSIBLE CABIN MODULES, AS TEMPORARY ACCOMMODATION FOR FOOTPATH CONSTRUCTION CONTRACTORS AT UPPER GLEN DERRY, MAR ESTATE, BRAEMAR.

REFERENCE: 05/079/CP

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

DATE CALLED-IN: 11TH MARCH 2005

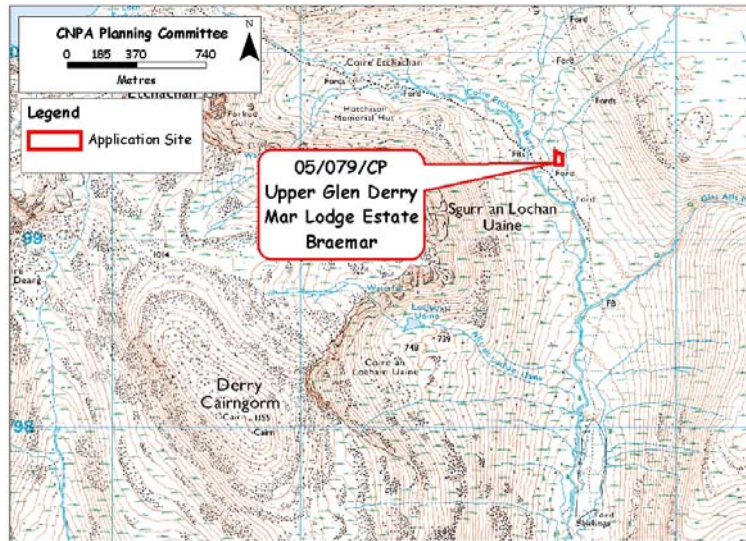


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The proposal is for the temporary siting of a group of 3 accommodation units that will be used to house a work party employed to carry out footpath repair work at Glen Derry (Lairig an Laoigh), in the valley bottom close to the Derry Burn, between Derry Cairngorm and Craig Derry. This is part of a continuing programme of work on Mar Lodge Estate. The system of temporary accommodation units has been used during the carrying out of similar footpath repair works on the estate over the past four years, with locations including Loch Etchachan, Sron Riach and on the Lairig Ghru. The units are to be located close to a fork in the path, with the westward path leading to Loch Etchachan and the other section of the path continuing north between Creag Mhor and Bynack More before its north western descent towards Glenmore Forest. The proposed site is located within relatively close proximity to the area in which path repair works are to be undertaken (on the aforementioned northern path). The site also has the advantage of being in close proximity to an available water supply. The applicants have engaged in pre-application on site discussions with SNH, and it is on that basis that the proposed site was selected, having regard to suitable ground condition and vegetation.
2. The 3 accommodation units and all supplies will be flown into the site by helicopter, 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 wet clothing, and offers better waste management options. There will be no vehicle involvement in setting up the site, or in transporting work parties into or out from the site. A temporary permission is being sought for a part of one year only, where it is expected that the units will be on site for approximately 12 weeks from early July until the completion of the contract. The accommodation system to be used comprises 3 bolt together units, with attendant biological composting toilet, sleeping facilities, a drying room, and power supplied by generator. Two units are proposed, each measuring 16' x 8', and are intended to serve as kitchen / mess facilities and sleeping facilities respectively, with the third unit being of a smaller size (8' x 8'), intended to serve the purposes of toilet / equipment storage / drying and washing area. Hot and cold water will be provided, together with 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.

DEVELOPMENT PLAN CONTEXT

3. The Upper Glen Derry area 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 is 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.

4. 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.
5. 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.
8. 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

9. The report from SEPA notes it is proposed to use a biological composting toilet and that all solid waste and trade effluent will be removed from the site. They 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. SEPA have stated that it has no objection to the proposed development, given the small volumes of waste and effluent likely to be generated and the limited time frame for the operations.
10. Scottish Natural Heritage state that they have no objection to the principle of the proposed development. However, the report highlights the various designations of international, national and regional importance - within the Cairngorms Site of Special Scientific Interest, part of the Cairngorms Mountains National Scenic Area, part of the Cairngorms Special Protection Area and part of the Cairngorms Special Area of Conservation. In view of the status of the subject site, SNH have recommended that appropriate conditions are attached in the event of planning permission being granted for the proposed development. The conditions require
- (a) that the proposed cabins are located at a location which has already been discussed with SNH;
 - (b) exclusion zones are established to protect breeding birds;
 - (c) a survey for nesting merlins is undertaken and the cabins are appropriately sited according to the results of the survey – it is recommended that the cabins are sited at least 500 metres from any nests.
11. In relation to the siting of the cabins within a Special Area of Conservation, SNH have carried out a preliminary assessment of the potential impacts on the integrity of the site, and consider that it will not have an adverse impact on the integrity of the SAC, and further advise that the effects of the installation of the cabin can be minimised by appropriate siting on robust vegetation types. Reference is also made in the report to the fact that potential

disturbance to otter resting places was an issue of concern in previous applications made for similar type development on Mar Estate. However, in this instance, SNH staff have carried out an inspection of the proposed site area and have not found any evidence of the location being used as an otter resting place. SNH consequently consider it unlikely that the installation of the proposed accommodation units would have any significant effect on otter.

12. As regards the proposed development occurring in a designated Special Protection Area, SNH does not consider that the development would have a significant effect on the birds for which the site is classified, provided that certain objectives are achieved, including the aforementioned separation distance of 500 metres between the proposed accommodation units and any nesting merlins. SNH also recommend that 1 km exclusion zones be established around peregrine and golden eagle nest sites, and that the helicopter flight paths must not enter the zones.
13. 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 also advised in the report that SEPA be consulted over the proposed method of disposal of grey water.
14. 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.
15. The Natural Resources Group of the Cairngorms National Park Authority have referred to the fact that the subject site is heavily designated and is therefore sensitive for many conservation issues. The group recommend that the advice of Scottish Natural Heritage and SEPA be adhered to in order to adequately address conservation concerns.
16. The Visitor Services and Recreation Group of the Cairngorms National Park Authority, having examined the proposal from the perspective of access and visitor services, have stated in their report that the significant issue is to ensure the maintenance of clean water sources. Reference is made to the fact that the proposed development is on a walking route, which is regularly used by campers and walkers over the summer months, and where many people use the streams as a direct source of drinking water. It is considered that the concerns raised by the Visitor Services and Recreation Group have been taken into account in the assessment

of the proposal by SEPA, with that agency having expressed its satisfaction with the arrangements for the proposed development.

REPRESENTATIONS

17. No representations have been received.

APPRAISAL

18. The principal issues to consider are – (i) the need for these units, (ii) the specific siting of the units, (iii) the process of locating and operating the units, and (iv) the impact of the units in the landscape.
19. The proposal is for a temporary period, with an expected duration of 12 weeks, (from late July until the completion of the contract) for small accommodation units which will be used by contractors. The contractors are to be employed to carry out “light-touch and pre-emptive path work” to the upper sections of the Lairig an Laoigh. The work is part of the National Trust for Scotland’s on going management programme of upland path repair projects on Mar Estate, which will ultimately improve footpath provision to facilitate the movement of people through this very remote mountain area. It is intended that the work can be carried out more speedily and more safely, with the accommodation units providing shelter and comfort for the contractors, rather than them devoting a large proportion of the working day to walking into and out of the work site, quite often in very unfavourable weather conditions. There is therefore a sound need for these units to be sited at the proposed location for a limited temporary period, in order to facilitate the necessary footpath repair and improvement works.
20. 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 nesting sites of critical species such as merlin, or to ensure that the proposed siting will not permanently harm sensitive surface vegetation. SNH have already conducted a site meeting with Mar Lodge Estate staff and advice has been given regarding appropriate siting in order to ensure minimal interference in the area.
21. It is also considered essential, as per the requirements of the SNH report that the delivery routes from the base to the erection site for the units are organised 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. It is also likely that the process of flying in the accommodation units (in flat pack form) and removing them from the site via the same transportation process at the end of the relevant period, is less damaging than ground carriage of the units and associated equipment into and out of the site.

22. It is also considered necessary in order to prevent excessive wear and erosion on the ground surface, protect the sensitive surface vegetation, and allow the vegetation to regenerate more easily after the removal of the accommodation units, that all frequently used pedestrian routes around and between the units and the main footpath route should be surfaced with open boardwalks. The applicants have already given a commitment to the provision of "tensar or wooden walkways to be deployed to protect vegetation on walkways between cabins, generators and soakaway."
23. In general, within a National Scenic Area, the design and location of such units on a permanent basis would be unacceptable due to the adverse visual impact. However, in the instance of this current proposal, it should be borne in mind that the accommodation units are only to be in the proposed location for a relatively short period. Also the scale of these units (the largest two at 16ft x 8ft) in the valley bottom, with hillsides rising on either side, is not significant. The colour of the external finish of the units is a dull grey/green, which merges into the landscape well. 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 in the short term, and a temporary planning consent can be recommended with appropriate planning conditions.
24. The Members may recall expressing some concern regarding the need to improve the appearance of the temporary units, in the course of a previous application for similar development elsewhere on Mar Lodge Estate. It has been stated in the submission documents accompanying this current application that the units have undergone a complete annual overhaul, clean and repair, and in addition it is proposed that any ancillary storage or equipment boxes in the immediate area will be covered using suitably camouflaged material "to hide their presence from distant view." Having regard to the limited and temporary nature of the proposed accommodation units, the nature of the design which is intended to facilitate easy carriage by helicopter into the site, and also the siting of the units on 'raised legs' in order to minimise the impact on existing vegetation, and having regard to the grey / green colour of the structures which are intended to assist in blending with the natural surroundings, it is not considered practical or necessary to request that alterations be made to the design concept.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

25. The development of the proposed facility is in a sensitive location, and long term retention of the structures at the site could have a potentially harmful effect on the local environment. However, having regard to the temporary and limited time period in which the units are intended to be on site, and the fact that they are necessary to accommodate construction workers engaged in works which are vital to the conservation of the valuable natural heritage of the area, it is considered that the development proposal would in the longer term be of assistance in achieving the first aim of the National Park. Potential short term impacts of the proposed development can be mitigated through appropriate measures, which can be achieved through planning conditions. In addition, the application details include a commitment to the complete removal of all fixings and other traces of occupation from the site upon completion of the contract.

Promote Sustainable Use of Natural Resources

26. 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

27. 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

28. It is not considered that the proposed development has any direct impact on the sustainable social and economic development of the area. Details of the origins of the works contractors to be accommodated in the proposed cabin units have not been provided and it is therefore not known whether or not the development is

providing an employment opportunity for the local labour force. The proposed development is intended to facilitate improvement works to the local footpath network, and it is therefore considered that the development of the accommodation units may ultimately be of indirect benefit to the tourist and recreation facilities within the Park and may consequently be of overall benefit of the businesses servicing tourists and walkers in the Park.

RECOMMENDATION

29. That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the siting of 3 Temporary Accommodation Units at Upper Glen Derry 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 protected species, including nesting merlin. The position of the proposed units shall be a minimum distance of 500 metres from any nests. 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 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. A scheme to camouflage the accommodation units shall be submitted and approved by the Cairngorms National Park Authority acting as Planning Authority. The agreed scheme shall be implemented within 2 weeks of the units being placed on site.
- vi. 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.

- vii. The units hereby approved shall be removed within two weeks of the footpath work in the area being finished for the year 2005.

Mary Grier
Planning Officer, Development Control

13th May 2005