
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT, SENIOR PLANNING OFFICER (DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: ALTERATIONS AND EXTENSION TO HUTCHISON MEMORIAL HUT, GLEN DERRY, BRAEMAR

REFERENCE: 2012/0105/DET

APPLICANT: MOUNTIAN BOTHIES ASSOCIATION

DATE CALLED-IN: 13 APRIL 2012

RECOMMENDATION: APPROVAL

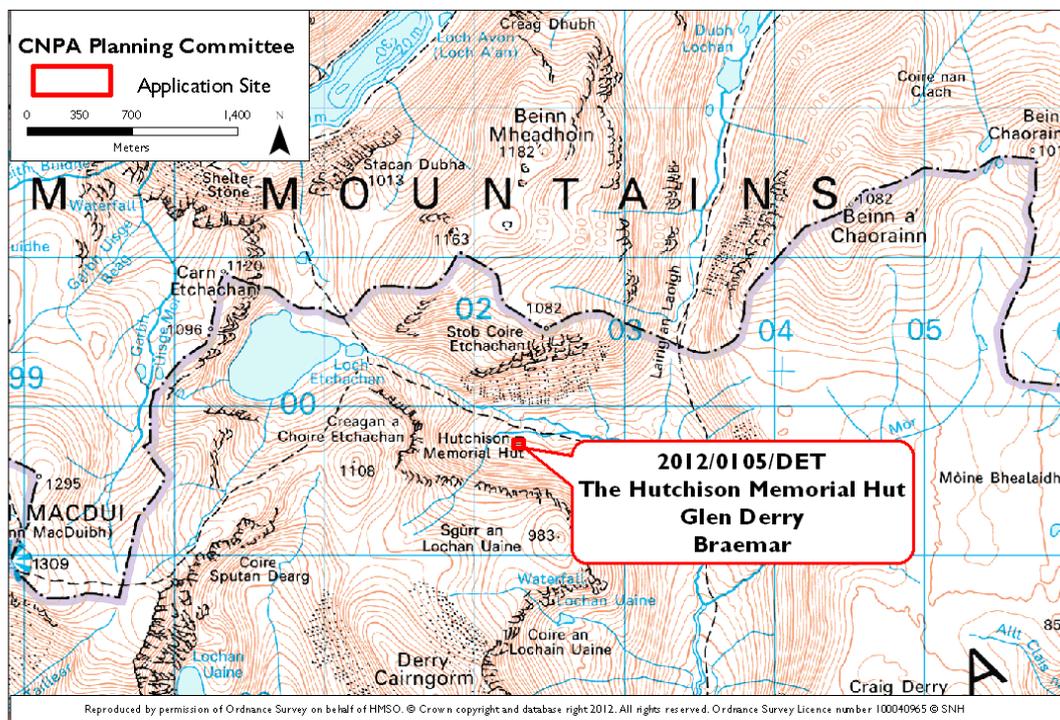


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located in the heart of the Cairngorm Mountains in Glen Derry set in remote country between Derry Cairngorm and Beinn Mheadhoin (see fig. 1). The site is on Mar Lodge Estate. The hut is located next to a path which is used as a route up to the Munros of Beinn Mheadhoin, Derry Cairngorm and Ben MacDui and as a through route to Loch Avon. The area is heavily designated being located in the Cairngorms Special Protection Area (SPA), part of the River Dee Special Area of Conservation (SAC), and within a National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI). The site is located in the Cairngorms National Scenic Area (NSA).
2. This application relates to the Hutchison Memorial Hut in Glen Derry which is used as a refuge and bothy by climbers and hill walkers. The hut was constructed in 1954 with permission of the Trustees of Fife. The construction was carried out by WJ Brown builders of Aberdeen. The structure is maintained by the Mountain Bothies Association.



Figure-2 Hutchison Memorial Hut

3. The existing shelter is a granite walled building measuring 4.3 by 3.3 metres externally with timber flooring with smooth rendered walls internally. The roof material is corrugated iron. The hut has a timber framed window and timber door.
4. The proposals are to extend the granite walling to take in the porch structure seen at figure 2 with timber on the upper part. A new door will be located on the east elevation, seen at figure 3 (east elevation). The existing door will be retained in what will in effect be an internal porch. Internal walls will be wood panelled with insulation. A stove will be installed with small flue

and a new grey corrugated roof will be constructed. With the exception of stone for the wall materials would be brought to the site by helicopter.

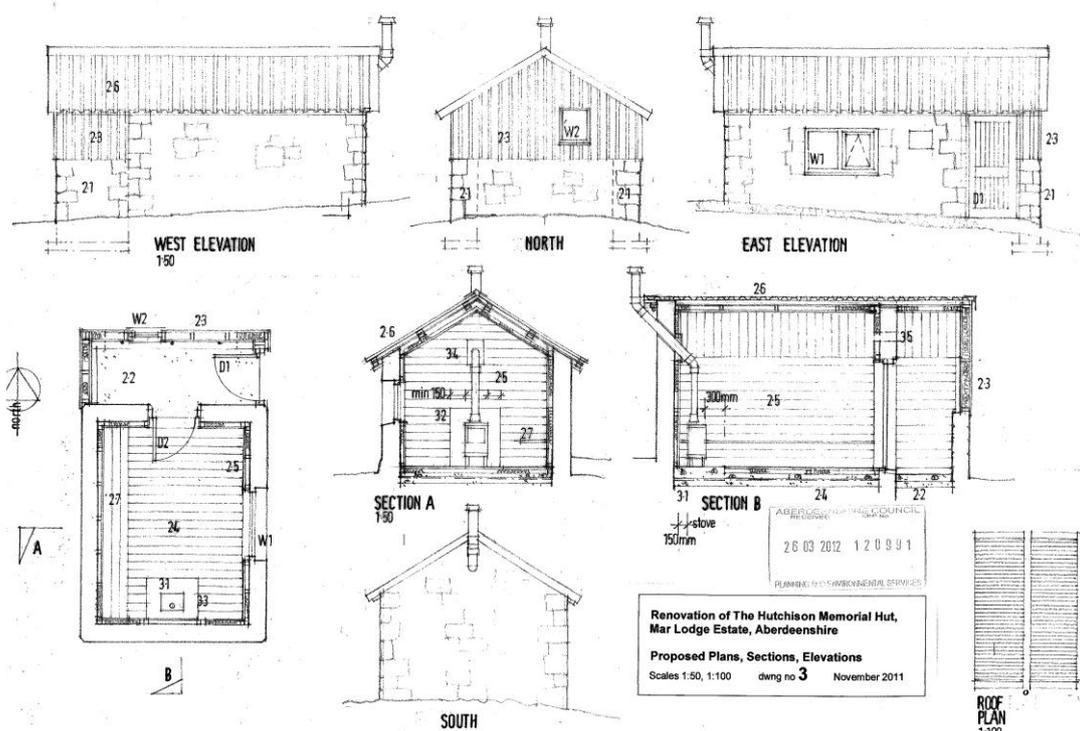


Figure. 3- Proposed Plans

DEVELOPMENT PLAN CONTEXT

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

¹ February 2010

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 rural development, 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.
10. Landscape and natural heritage: The **Scottish Planning Policy** 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

² Para. 256.

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.”

12. Cairngorms National Park Plan (2007)

The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

13. Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities.

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/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
15. 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.
16. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other 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.

17. Policy 1 Natura 2000 Sites: development likely to have a significant effect on a Natura 2000 site 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. Policy 34 – Outdoor Access: the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy. Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas) will only be permitted where an appropriate or improved alternative access solution can be secured.
23. The CNP Local Plan is the subject of an appeal under section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and recommendation made in respect of this application.

CONSULTATIONS

24. **Scottish Natural Heritage (SNH)** note that area is subject to a number of environmental designations including SPA, SAC and SSSI designations and that most construction material will be flown to the site. A small area of external wall, enclosing the current porch will be built up using stone from the surrounding area. Mar Lodge Estate will require SSSI consent for gathering this material and SNH will contact them directly. SNH also advise that materials should be stored in the area immediately adjacent to the bothy. In order to avoid risk to breeding bird species subject to the designations is recommended that works are carried out after 1 August and completed by 28 February the following year to avoid the most sensitive periods.
25. **CNPA Access Officer** comments that the hut is a basic bothy remote from the road by some 10 miles but is well used (in the context of upland access) by climbers and is located on a strategic route between Deeside and the northern Cairngorms via the head of Loch Avon. Both the renovation and removal of bothies and shelters has a long history in the Cairngorms. Bob Scott's, Corour bothy and the Fords of Avon refuge were all refurbishments approved by the CNPA in the last few years. Other huts have been removed in earlier decades.
26. The fact that the refuge has attracted the support of the Mountain Bothies Association is welcomed as is the refurbishment. Limited but targeted and sensitive publicity about the refurbishment and potential closure while work is being carried out should be placed at key access points at Cairngorm ski

area car park and Lin of Dee. Similar information should be considered for the Mountaineering Council of Scotland (MCoS), Mountain Bothies Association (MBA) and National Trust Scotland (NTS) websites. Consideration should also be given to managing passing members of the public when helicopter lifts are being carried out.

27. In terms of visitor management the area is one which is suitable for low impact activity; an area where visitors are not necessarily actively encouraged in order to maintain a feeling of 'wildness' and to reduce visitor impact. However, it should be recognised that this area will always be popular with hill walkers and this refurbishment is welcomed.
28. While not necessarily part of the planning application consideration should be given to an agreement between the NTS and MBA covering litter removal, fuel, maintenance and promotion (or lack of it).
29. **Braemar Community Council** has been consulted but has not commented on the proposal.

REPRESENTATIONS

30. No representations have been received.

APPRAISAL

31. The principle of the hut at the site is well established given the long existence of the structure from the mid 1950s. In addition, the refuge is at a strategic location, marked on Ordnance Survey Maps and from a safety aspect provides emergency accommodation. However, unlike the more basic shelter at the Fords of Avon (CNPA granted permission for its renovation in 2011) it is also effectively used as a bothy for planned overnight stays and not just as a refuge.
32. The site is in a very sensitive location that is subject to a number of environmental designations including SPA, SAC, SSSI and NSA. However, beyond the filling-in of the porch area the works do not extend the footprint of the building and are very minor in nature. The only potential impacts would come from the construction works themselves. SNH has noted that stone will be sourced locally but the amount required is small. SNH will liaise directly with Mar Lodge Estate on this issue as SSSI consent is required. Potential environmental impacts from what are very minor building works would be limited and SNH have expressed no objection to the works in relation to the SPA and SAC designations. There is a burn (part of the SAC designation flowing into the Derry Burn) to the north but this is not immediately adjacent to the hut. The proposal raises no conflicts 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 additional landscape or visual impacts from the alterations beyond the addition of a small flue for the

stove and the in- filling-in of the porch. An advice note is attached at the end of the report to recommend that all materials and construction works are carried out on the trampled grass area that immediately surrounds the hut and that works should be carried out outside of the most sensitive period for breeding birds.

33. The removal of and transportation of materials to such a remote site could be of some concern if new tracks were required for this purpose. However, material movements will use a helicopter thereby addressing any concerns about damage to vegetation on paths to the site. The CNPA Outdoor Access Officer welcomes the proposal and recommends a number of measures surrounding the management and maintenance of the hut. As was the case with the refurbishment of the Fords of Avon Refuge advice notes are recommended at the end of the report that information is provided at key access points and on relevant websites letting potential users know when the hut may be unavailable due to the refurbishment works.
34. Overall, and while recognising the sensitive nature of the area what will be constructed, will in effect be externally very similar to what is already there. The real improvements are internal with wood panelling and the addition of the stove. This is a positive proposal that will continue to allow the building to function more effectively as a refuge in poor weather conditions and as a bothy. Consequently, the application is recommended for approval. A small number of conditions and advice notes are recommended to assist in protecting the environment at the site and to ensure where possible that potential users are aware of the works.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

35. 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 hut has a bothy book and the stories as well as the fabric of the hut are part of the cultural, mountaineering heritage of the area. The refurbishment should help to ensure the hut's longevity.

Promote Sustainable Use of Natural Resources

36. The works are very minor and should add to the long term sustainability of the building. The small amount of stone to fill in the porch area will be sourced locally with the agreement of the National Trust for Scotland Mar Lodge Estate and SNH. The limited amount of stone required can be sourced without impact on the local environment.

Promote Understanding and Enjoyment of the Area

37. The re-build will improve the longevity of the hut to be used by those requiring shelter in the area while taking part in hill walking and climbing.

Promote Sustainable Economic and Social Development of the Area

38. The works will help with the longevity of the hut ensuring a place of safety for users in future.

RECOMMENDATION

39. That Members of the Committee support a recommendation to **GRANT** Planning Permission for alterations and extension to Hutchison Memorial Hut, Glen Derry, Braemar, subject to the following conditions:

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. All materials (with the exception of locally sourced stone) to be transported to and from the site by helicopter unless otherwise agreed by the CNPA acting as planning authority.

Reason: To prevent disturbance to ground vegetation at and around the site.

3. Prior to the commencement of the development samples of the roof material and stove flue (finish) shall be submitted to and approved by the CNPA.

Reason: To ensure that materials are non-reflective and appropriate to the setting.

ADVICES

1. Storage of material and construction should be confined to the eroded grassy area immediately around the hut. This will prevent disturbance to more sensitive vegetation. In addition careful management of members of the public in the area will be required during helicopter lifts.
2. During the works if/ when the refuge is not available notices should be placed at strategic access points including Cairngorm Mountain (car park) and Linn of Dee, car park as well as notices on the MCofS, MBA and NTS websites.

3. Consideration should be given to an agreement between the MBA and NTS covering litter removal (including human waste), fuel, maintenance and promotion (or lack of it).
4. You are advised that works should take place outside the bird breeding season. You are advised that work should be started after 1 August and completed by 28 February the following year.

Andrew Tait

planning@cairngorms.co.uk

15 May 2012

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.