
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Erection of 16 Hut, 4 Compost Toilets and Associated Access, Car Parking and Landscaping at Land To The North And North East Of Tomidhu Crathie Ballater Aberdeenshire

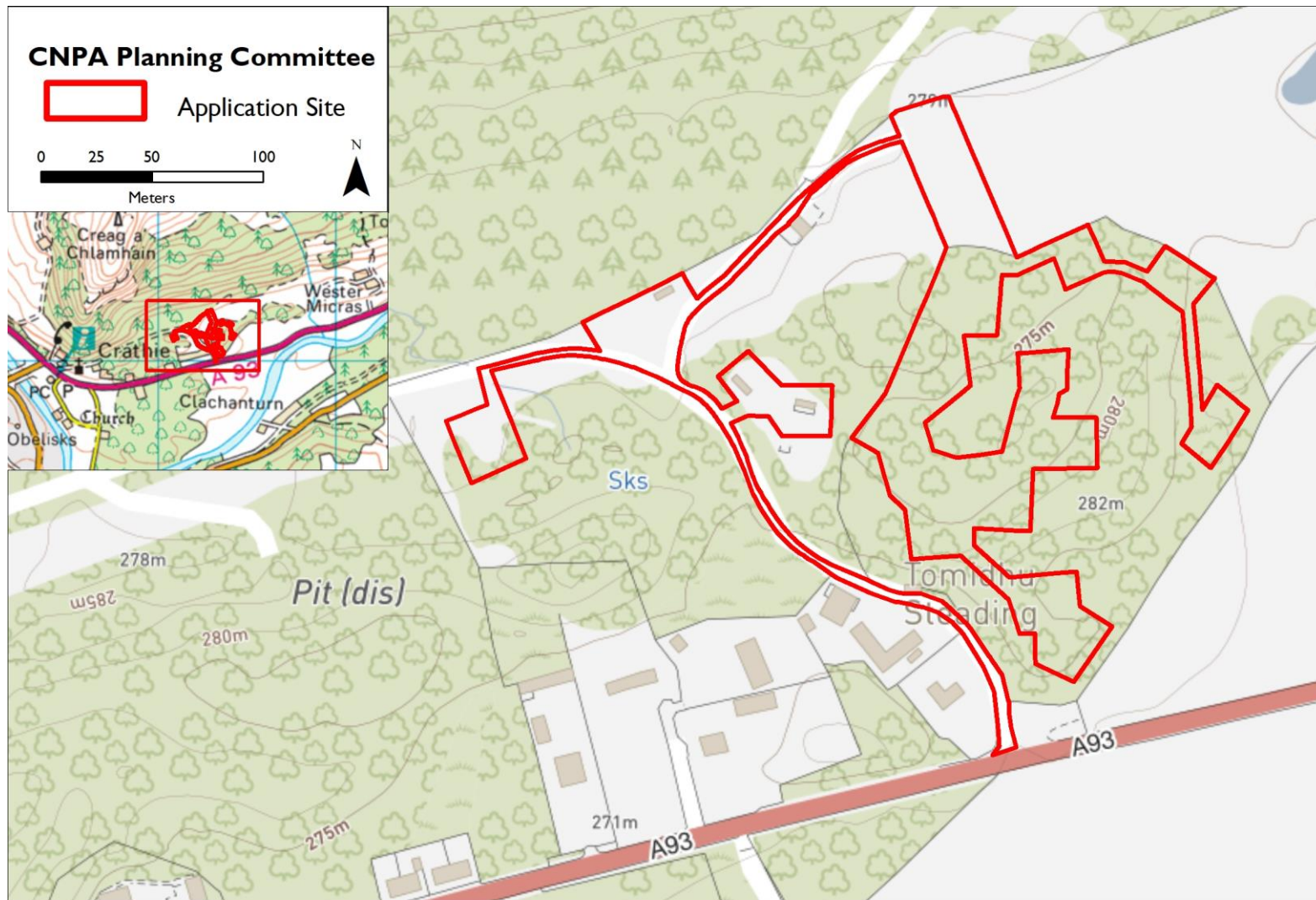
REFERENCE: 2020/0201/DET

APPLICANT: Invercauld Estate

DATE CALLED-IN: 24 August 2020

RECOMMENDATION: APPROVE WITH CONDITIONS

CASE OFFICER: Katie Crerar, Planning Officer



© Crown copyright and database rights 2021. Ordnance Survey Licence number 100040965

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site lies on the eastern edge of Crathie, which is a small village (and home to Balmoral Castle) between Braemar (9.5 miles to the west) and Ballater (Approx 6.5 miles to the east). It covers an area of 1.64 hectares and is located within an existing area of predominantly Birch woodland (with some Aspen in the west of the site, a couple of Scots pine and a Rowan), with the western part of the site being located within the Crathie Wood SSSI. The larger eastern part of the site lies within the Ancient Woodland Inventory.
2. Access to the site is taken from an existing farm and forest track which connects to the A93 immediately south of the site. The existing track runs northwards through the site before splitting in opposite directions - east into woodland and west to Crathie Kirk.
3. There are six existing caravans on the site which are situated adjacent to the existing track in grassed clearings – four of which are within the site boundary of the site.
4. There is an existing Scottish Water building adjacent to the northern boundary of the site which is accessed using the existing track.

Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFBBRTS10BY00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan	640.00.001A	26/04/20	27/04/21
Plan - Site Plan as proposed	640.00.010.C	29/06/21	06/07/21
Plan - Car Park Area	640.00.115.E	29/06/21	06/07/21
Plan - Sites 1 and 2	640.00.121.B	02/07/20	24/08/20
Plan - Site 3	640.00.122.A	02/07/20	24/08/20
Plan - Sites 4 and 5	640.00.123.A	02/07/20	24/08/20
Plan - Sites 6 and 7	640.00.124.A	02/07/20	24/08/20
Plan - Sites 8 and 9	640.00.125.A	02/07/20	24/08/20
Plan - Sites 10 and 11	640.00.126.B	02/07/20	24/08/20
Plan - Site 12	640.127.A	02/07/20	24/08/20
Plan - Sites 13 and 14	640.00.130.B	26/04/21	27/04/21
Plan - Sites 15 and 16	640.00.132.B	26/04/21	27/04/21
Plan - Vehicle Swept Paths	Dwg 18085_008	07/04/21	27/04/21

Other - Design Statement v08	640	06/07/21	06/07/21
Other - Supporting Planning Statement (Revision C)		01/06/21	06/07/21
Other - Construction Method Statement (Revision B)		01/06/21	06/07/21
Other – Draft Crathie Hutter’s Manual		01/06/21	06/07/21
Other - Phase I Habitats Survey & Protected Species Assessment (Rev C)		16/04/21	27/04/21
Other - Tree Survey and Arboricultural Impact Assessment		23/04/21	27/04/21
Other - Woodland and Calcareous Grassland Management Plan		26/04/21	27/04/21

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

6. This application seeks full planning permission for the construction of 16 off-grid huts with composting toilets and associated access, car parking and landscaping.
7. Four of the huts will be located on the footprint of the existing caravans in the western part of the site (Nos. 13-16) and the remaining twelve will be located within the Ancient Woodland to the east (see **Appendix I: Site Plan**).
8. Parking for the huts that are replacing the existing caravans (Nos. 13-16) will be provided adjacent to the huts themselves and will be clearly marked (to minimise impacting on the calcareous grassland). Parking for the remaining 12 will be provided in the north of the site on an existing agricultural field and hutters must walk from the car park to their hut. The car park will have 18 unallocated spaces and will be surrounded by new tree planting (see **Appendix I: Car Park Area**). No formal routes or paths will be provided between the car park and the huts.
9. The huts themselves will be constructed using a lightweight timber frame with timber floor cassettes bearing on six narrow posts on small pad footings – two in the centre and one in each corner. No strip foundations or buried services will be used.
10. The design of the huts is based on a traditional double pitched rectangular form generally associated with a hut or a shed but with a slight twist. The main aspect/ outlook of each hut is sloped to maximise the views and for those located on sloping sites (huts 3, 4, 5, 6, 7, 9 & 11) the hut’s ridge, eaves and base of the wall will be inclined to match the gradient of the site providing two floor levels and a ‘step’ within the hut. The huts located on flatter sites will have no change in floor level. The height of the roof is approximately 4.5m for the sloping hut (which decreases) and 4.2m for the huts on the flatter terrain.

11. There are three different hut types (1-3) with different layouts (See Design Statement). Type 1 has a is the smallest (with a 16.2m² footprint) measuring approximately 6m by 3m with a separate composting toilet (1.6m x 1.5m). Type 2 is slightly larger (with a 19.8m² footprint) measuring 7.2m by 3m with an integrated composting toilet and external porch. Type 3 comprises the same dimensions as Type 2, with the only variation being it has an internal porch.
12. Each hut type has a terrace measuring 4.6m² or 4m² depending on its orientation and Type 3 has a 1.7m² entrance deck. Full details of each individual hut can be found in the respective site plans and the Design Statement.
13. There are three different types of external cladding proposed for the huts – narrow profiled steel panel (for the walls and roof), timber (larch) shingles (walls and roof) and timber lining (walls) with profiled steel panel roof. Each hut will have a wood burner installed and a matt black enamel finished flue (extending to 600mm above the roof pitch) which will be visible. All doors will be clad to match the huts walls and all windows will be timber framed with PPC (pre-coated / powder coating) pressed aluminium sills and surrounds. Roof trims and gutters will also be PPC pressed aluminium.
14. Four of the huts (9-12) will have separate toilets whilst the remaining 12 will have integrated toilet facilities. The external toilets will be finished in the same cladding as its associated hut.
15. It is proposed that the huts will be constructed by hutters themselves or the Estate on their behalf. The huts will be constructed in sections off site and transferred to a site compound (located in the proposed car park). Each hut section can then be carried by hand to the designated plot using designated walkways and assembled on its pitch. The huts have been designed to be constructed from portable materials to minimise plant requirements on site. Ground protection will be used to protect Root Protection Areas (10 trees require this). A Construction Method Statement has been provided.
16. The applicant will be responsible for:
 - a) All tree works (including removals) at each hut location;
 - b) Erection of fencing and signage required for protection of calcareous grassland (detailed in Woodland & Calcareous Grassland Management Plan)
 - c) Erection of fencing to define construction areas and access routes;
 - d) Formation of the car park area, landscaping, any soakaway required by condition and temporary storage area at car park during construction.
17. It is proposed that 22 trees will be felled and one substantially reduced as part of the development, all located in the eastern part of the site within the Ancient Woodland Inventory woodland (none within the SSSI). Compensatory planting will be provided surrounding the car parking area (**See Appendix I: Car Park Plan**).
18. As mentioned, heating will be provided by the wood burning stoves and external firewood storage is proposed for the huts. All toilet waste and waste water will be removed from the site. Portable toilets should be used which hutters will empty at home or composting toilets which will be required to use a proprietary model

incorporating a composting vessel which can also be taken off site for disposal. The site has no water supply and hutters will be expected to bring their own water. No bins or waste facilities are proposed so hutters will be required to remove their own waste and rubbish from the site.

19. In addition, as set out in the appraisal, a number of mitigation measures will be undertaken to protect and enhance the SSSI and Ancient Woodland. A rabbit proof perimeter fence will be erected around sites 1-12 to support natural woodland (specifically birch and aspen regeneration) and tubes or netting around aspen suckers in this area to support the dark bordered beauty moth. In addition, demarcated parking and access routes to sites 13-16 will be required to protect the Calcareous grassland and will be agreed with NatureScot.
20. All hutters will be required to sign up to a 'Hutter's Manual' which includes a Hutter's Code which they will be accountable to. This is to ensure that those using the site adhere to the rules and behave responsibly.

History

21. There is no recent history on the site. Recent applications have been approved at nearby properties including APP/2019/1156 for alterations and extension to the dwellinghouse and APP/2017/1101 for the erection of a new dwellinghouse.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

22. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

23. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

Summary of the main issues raised by consultees

24. **SEPA** initially objected to the proposal due to insufficient information relating to the waste water drainage and composted material management and the proposals which original proposed for waste material to be disposed of onsite. Further to discussions with SEPA, the applicant amended the proposal to now require all waste material to be removed from site and SEPA have removed their objection. They do however note that the Crathie Hutter’s Manual, point 13 still states that “Hutters must not dig any holes except as necessary (...) for the burial of composted human waste in the designated area”. They request the applicant removes this wording from the document, as it may lead to confusion about allowed forms of toilet waste disposal. They also note that in the Design Statement, paragraph 4.15 refers to “suitable facilities provided locally” and request an amendment to “suitably authorised facilities/sites”.
25. **NatureScot** initially objected due to insufficient information in relation to the impact on the integrity of the SSSI and then because suitable mitigation had not been provided. Of specific concern was the calcareous grassland around two of the existing caravans which is important supporting habitat for the invertebrate feature (specifically the Northern brown argus butterfly) of the SSSI which is already being affected by current activity and suitable mitigation is required.
26. Following an amendment to the proposal to remove two proposed huts (where there are existing caravans) and the provision of additional information, NatureScot removed their objection and note that whilst there are natural heritage features on the site of

national importance, they are not likely to be significantly affected by the amended proposal.

27. NatureScot welcome mitigation measures proposed to protect the calcareous grassland including the erection of fencing to define construction areas, associated access routes and the installation of robust but unobtrusive signage at strategic locations along the track from the main car park.
28. They welcome amendments to the Hutter's Code to prohibit digging and camping, and would seek to work with the applicant in finalising this.
29. **Aberdeenshire Council (Roads)** is satisfied that the applicant has demonstrated the suitability of the junction and with the closure of the field access. They note that the application will result in an increase in use and the private road must be surfaced for a distance of 10m from the existing road edge to cater for larger agricultural and HGV vehicles. They requested the following conditions:
 - a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - b) Prior to occupancy of development, first 10m of access (measured from edge of road or back of footway) to be fully paved.
 - c) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
 - d) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 11m, the minimum width at the throat of the bell mouth so formed to be 6m. The area within the bell mouth and for a minimum distance of 10m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, and shall be surfaced with dense bitumen macadam or asphalt.
30. **Aberdeenshire Council (Environmental Health)** does not envisage any significant impacts from the proposal and therefore does not object to this application.
31. **Aberdeenshire Council (Contaminated Land)** noted that there is no indication of any past use causing contamination.
32. **Police Scotland** notes the access through the site which runs west back to Crathie Church and recommends that the applicant considers some barrier fencing or lockable gate to limit access towards the Church.
33. **CNPA's Ecology Advisor** initially expressed concern similar to NatureScot that insufficient information and assessment of the impacts on the integrity of the SSSI had been provided as well as the absence of suitable mitigation measures. Specific concern was raised relating to the species-rich calcareous grassland which is particularly important habitat supporting the invertebrate assemblage of the SSSI, specifically the Northern brown argus butterfly. It was considered that a revised layout and suitable mitigation would be required.

34. The CNPA Ecology Advisor also specifically highlights the value of this habitat for the Dark bordered beauty moth and measures set out in the Woodland Management Plan, associated tree planting/natural regeneration and fencing proposals were welcomed as they would likely be beneficial to this species of moth. However it is crucial that the regeneration is monitored and maintained. Annual species monitoring as set out Woodland Management Plan is welcomed.
35. Concerns were also raised about the implementation of the Hutter's Code and amendments were suggested including prohibiting parking on site (other than the designated car park), ensuring hutters do not disturb or use fallen and standing deadwood and seeking clarity on the toilet and waste provision (dealt with through SEPA).
36. A response to the final amended proposals was not given on the basis that NatureScot was providing a final assessment of the revised proposals to address the outstanding concerns (See NatureScot response above).
37. **CNPA Landscape Advisor** is of the view that the site has some capacity for the type of development being proposed due to the discreet character of the woodland, location of some open spaces within it and the presence of the existing caravans. It is recommended that the density should be reduced if possible to retain the distinct landscape characteristics and Special Landscape Qualities within the local area.
38. The landscape and visual effects of the proposal will depend on the detailed construction, management and maintenance of the proposed development and it is advised that controls are provided on these aspects. Should the controls be followed it is considered that the development would have some local adverse landscape and visual effects but these would not be significant to the integrity of the National Park Landscape.
39. **CNPA Outdoor Access Officer** confirmed that the access to the site which loops back towards Crathie Kirk is a core path (UDE27) and public access along this track should be retained during construction and afterwards. In addition, public access along the track by the Scottish Water Building and the proposed car park site should be protected as it provides access to the nearby woodland.
40. **Ballater and Crathie Community Council** expressed concern about road safety due to increased numbers of vehicles using difficult entrance. In addition, there is no footpath along A93 to Crathie putting pedestrians at risk. Concerns about impact on the SSSI - hutters using surrounding woodland for firewood, risk of fires and waste/human waste provision inadequate. Considers the number of huts to be over development and concerns expressed about what happens to existing caravans/owners. Concerns about lack of public consultation. Full comments can be found at **Appendix 2**.

REPRESENTATIONS

41. The application was advertised and a total of 14 letters of representation have been received from 9 people which are attached in **Appendix 3**. The representations received are all objections. The main issues raised comprise/include the:
- a) Impact of the development on the Crathie Wood SSSI and Ancient Woodland Inventory woodland and species associated with these (7 respondents). Activities such as gathering wood from within the woodland, fires, BBQ's and camping will all impact on the SSSI/Ancient Woodland (3 respondents);
 - b) Removal of trees does not comply with policy presumption against the removal of trees in Ancient Woodland (1 respondent). Do not consider the mitigation proposed will compensate for this loss (1 respondent);
 - c) Impact the amenity and privacy of adjacent houses and self-catering accommodation (6 respondents), especially during construction (1 respondent);
 - d) Potential for anti-social behaviour and disturbance from hutters – noise, odour, construction, traffic at night, littering, vandalism (4 respondents);
 - e) Hutters will not comply with the rules (1 respondent) such as not gathering firewood from the woodland and what happens when they don't? (1 respondent);
 - f) Scale of the proposal is too big in relation to its surroundings (4 respondents);
 - g) Will increase traffic affecting the safety of local residents and visitors to the area/adjacent self-catering accommodation and capacity/ongoing maintenance of the road to accommodate this (9 respondents);
 - h) Concern about the impact of additional traffic on the safety and accessibility of the core path (1 respondent) and access along to Crathie Kirk.
 - i) No pavement along the A93 between the site and amenities in Crathie (1 respondent);
 - j) Lack of services on the site including water, waste disposal, bins (6 respondents) which could create odour, attract vermin or lead to hutters using the bins or water supplies of neighbouring properties (3 respondents). Water necessary for hygiene, cooking, drinking and safety in the event of a fire (2 respondents);
 - k) Uncertainty regarding toilets – statement refers to both composting and portable toilets (1 respondent);
 - l) Lack of disabled access (2 respondents);
 - m) The considerable distance from car parking to some of the huts will make carrying and transporting supplies including water, portable toilets and taking waste to the waste disposal points difficult (2 respondents). This also means people cannot use public transport if they have to transport provisions (1 respondent);
 - n) Some of the huts do not appear to fit within the existing footprint of the caravans (1 respondent);
 - o) Other more suitable locations should be considered (6 respondents). This location does not reflect the 'back to nature' ethos of hutting due to proximity to other huts/road/paths and properties (2 respondents);
 - p) How will modifications to huts be managed and rules enforced? (2 respondents)
 - q) No access for emergency services/ fire engine (2 respondents);
 - r) Parking provision is insufficient (007) if people have friends staying/ parking provision is excessive and should be located nearer to huts (1 respondent).

42. The **RSPB** objected to the proposal as they considered the assessment of impacts on Crathie Wood SSSI, the ancient woodland and associated species and habitats were insufficient. They specifically note that the SSSI and adjacent woodland are important for the Northern brown argus butterfly and Dark bordered beauty moth. They consider that this is in an inappropriate location for a hutting development of this scale and would recommend a reduced scale development with appropriate mitigation.
43. Comments from the **Butterfly Conservation Scotland** expressed concern over the proposal due to the presence of an important assemblage of Lepidoptera (notably the Dark bordered beauty moth and Northern brown argus butterfly) although there are others which occur within or close by to the SSSI.
44. They note that part of the site lies within the Crathie SSSI which is designated for its invertebrate assemblage and it is important the proposal does not compromise the designation.
45. They welcome the measures identified in the Woodland Management Plan to enhance the habitat for the dark bordered beauty moth and highlight the importance of retaining the woodland intact to support the other Lepidoptera (and prevent felling for firewood).

APPRAISAL

46. The main planning considerations are considered to be: the principle of development; ecology; landscape; siting and design; access and services.

Principle of development

47. The principle of this development is considered against the relevant parts of **Policy 2: Economic Development** the Cairngorms National Park Local Development Plan 2021 as it is considered that tourism accommodation most closely and appropriately fits with the nature of the proposal. Policy 2 states that '*proposals for huts will be considered on their merits against relevant policies of the plan*' (Para 4.36, p. 35).
48. Scottish Planning Policy (updated 2020) defines huts as '*A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups*'.
49. This proposal is for 16 off-grid huts (which meet the definition above) which will be built on land leased to an individual or family over a longer term period. The individuals will have sole use of the hut and will be required to become part of a Hutter's Club which will require signing up to a Hutter's Code to ensure that the huts are managed and maintained appropriately.
50. The huts will be able to accommodate up to four people and will likely be used for short periods at a time. This proposal provides a unique (and currently unavailable)

opportunity for individuals and families to have an affordable retreat in the National Park.

51. In terms of meeting Policy 2, specifically 2.2 Tourist Accommodation, it is on balance considered that this proposal can be delivered without having an adverse impact on the environment (subject to the mitigations measures set out in the next section) and the amenity of neighbouring areas (which already includes self-catering accommodation and lies within an area that is popular for tourism).
52. This proposal will play a role in contributing to the provision of a wider range of visitor accommodation within the National Park, especially affordable accommodation and will be available to hut owners all year round (although it is acknowledged that the likelihood of usage will be much less in the winter months).
53. It is considered that the principle of this application complies with **Policy 2: Economic Development** of the Cairngorms National Park Local Development Plan 2021.

Ecology

54. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
55. The site partially lies within the Crathie SSSI and an area of Ancient Woodland Inventory. Four huts are proposed to be located within the SSSI on sites that are currently occupied by existing caravans. The remaining 12 huts will be located within the area of Ancient woodland to the east.
56. A number of consultees and representations raised similar concerns in respect of the impact of the proposal on the SSSI and Ancient Woodland.

Crathie Wood SSSI (Invertebrate assemblage and habitat)

57. Of specific concern was impact of the proposal on the invertebrate assemblage of the SSSI most notably the Northern brown argus butterfly and its associated habitat (Calcareous grassland) which is concentrated particularly around two of the existing caravans. It was noted by the CNPA Ecology Advisor and NatureScot that highlighted there is evidence of degradation (as evidenced via SSSI site conditional monitoring) due to the existing caravan activities.
58. As a result of the sensitivity of this location and these concerns, the proposal was amended to remove two of the huts from the SSSI (formerly 15 and 16) along with other mitigation measures to protect the valuable Calcareous grassland. For the remaining four huts within the SSSI (13 – 16) further measures including demarcating parking spaces for the huts and routes on each site (which will be agreed by NatureScot) is proposed to minimise the impact on the rock rose / calcareous grassland in this area. In addition, strategic signage will be used to direct and inform hutters as well as information within the Hutter's Code.

Ancient Woodland (Black bordered beauty moth)

59. In addition to the Northern brown argus butterfly, is the presence of Dark bordered beauty moth which is a Scottish Biodiversity List and Cairngorms Nature Priority Species. The moth relies and feeds on the leaves of young aspen suckers. As part of the Woodland and Calcareous Grassland Management Plan mitigation measures have been proposed to maintain and enhance this species. This will include reduced grazing from rabbits within the Ancient woodland area (using perimeter fencing as set out in the Woodland and Calcareous Grassland Management Plan) to promote birch and aspen regeneration, enclosures to the east and west of the site to promote aspen regeneration and connect the site with surrounding woodland and also fencing existing stands of aspen (using tree tubes or rabbit netted guards) to enhance the conditions for the moth and will be monitored annually. An additional 9 aspen trees will be planted surrounding the car parking area.

Tree removal

60. It is proposed that 22 trees will be removed in total (21 birch and 1 aspen) as part of the proposal out of 190 within this part of the woodland. Many of the removals are due to deadwood or instability (as set out in the Tree Survey and Arboricultural Impact Assessment).
61. **Policy 4: Natural Heritage** states that there is a strong presumption against the removal of semi-ancient woodland including sites in the Ancient Woodland inventory and only in exceptional circumstances will it be permitted where the justification for the development outweighs the local, national, or international contribution of the woodland; or it can be clearly demonstrated that the ancient semi-natural woodland site has low ecological value.
62. In this case, the majority of the trees to be removed are in poor condition and are dispersed within an area of existing Ancient Woodland which will be retained with measures to encourage natural regeneration within it. The tree removal will not result in the removal of a section of woodland and on balance is considered to be acceptable and in accordance with Policy 4.3.
63. CNPAs Ecology Advisor and others highlighted the importance of retaining the felled trees in situ to support the surrounding habitat. The current Draft Hutter's Code states that '*no trees or branches may be cut down at any time anywhere on Invercauld Estate. This includes the removal of any overhanging branches, windthrown trees and existing deadwood which provides a natural environment for invertebrates*'.
64. As required by Policy 4.3, where the loss of Ancient Woodland trees are considered to be acceptable, compensatory planting is mandatory. 50 replacement trees (20 Rowan, 9 Scots Pine, 9 Aspen, 8 Birch and 4 Juniper) will be planted surrounding the car park (See Car Park Area Plan), and it is considered that this provides appropriate and acceptable compensatory planting.
65. Overall, any impacts on a SSSI and natural heritage features have to be considered carefully, and with extensive consultation internally and with NatureScot, a package of

mitigation measures has been proposed to ensure that this development will not have an adverse impact on the integrity of the SSSI or the adjacent Ancient Woodland. NatureScot are satisfied that these mitigation measures will provide appropriate protection to the SSSI and Ancient Woodland and will be involved (as set out in a condition) in the final Hutter's Code to ensure all relevant information is provided.

Landscape

66. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
67. The proposed development lies within the landscape character area: Upper Deeside - Inver to Cambus O'May which comprises a mixed landscape pattern of woodland, open farmland and settlement, as well as a strong influence of estate management and architecture, and the presence of the River Dee as a key landscape feature.
68. Views into the site from the A93 and B976 are limited due to local screening by the existing trees and woodland as well as the topography of the site. Some of the proposed huts may be visible by travellers along the A93 and by local residents and visitors passing along adjacent tracks and paths (including core path UDE27).
69. However overall any landscape impacts are likely to be localised and with appropriate controls relating to the construction (a CMS will be a condition as part of any consent) and management of the huts (camping, cooking, fires etc. for which rules will be stipulated in the Hutter's Code), wider landscape impacts can be managed and minimised.
70. Concern was expressed by the Landscape Advisor that the scale of the proposal could diminish existing balance between built elements and woodland. A number of consultees noted that a smaller development would be more suitable and could be more easily integrated within the landscape, however, it is considered that overall the design and layout of the proposal is acceptable in landscape terms. There would be some local adverse landscape and visual effects, but not significant to the integrity of the National Park Landscape.
71. Overall, the proposal complies with **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021

Siting and Design

72. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 requires all development to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness whilst encouraging innovation in design and use of materials.
73. The design of the huts is based on a traditional double pitched rectangular form generally associated with a hut or a shed but with a slight twist. The main aspect/

outlook of each hut is sloped to maximise the views and for some, the huts ridge, eaves and base of the wall will be inclined to match the gradient of the site providing two floor levels and a 'step' within the hut. The huts located on flatter sites will have no change in floor level. The huts will be finished in one of three material combinations – narrow profiled steel panelling, timber shingles or timber wall lining with profiled steel panel roof.

74. The design and material finish of the huts are considered to reflect a traditional style hut with a modern edge and will fit in with the surrounding woodland context.

Access

75. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 requires all development to promote sustainable transport methods and active travel and maximise opportunities for responsible outdoor access. An appropriate means of access and egress must also be included.
76. In terms of accessing the site, it is acknowledged that the majority of hutters will come by car for which suitable provision has been made, however the site lies adjacent to the A93 which has bus services running between Aberdeen and Braemar and provides the option of public transport.
77. Access to the site is taken directly from the A93 via an existing junction and track used to access houses to the west of the development site, and which runs up through the site to the existing caravans, Scottish Water building and woodland and farmland surrounding the site.
78. The junction is required to be brought up to an acceptable standard (as specified by the Roads Authority) and one side of the access will be fenced for safety. A number of concerns have been raised about the capacity of the road to accommodate the additional traffic and concerns for everyone's safety. Whilst it is understood that there will be additional traffic (and the road improvements are required to accommodate this), however, the Roads Authority are satisfied with the requirements and overall it is considered that this is acceptable and can accommodate existing residents, hutters and agricultural vehicles as is currently used.
79. The site also lies on a core path route leading west to Crathie Church. Police Scotland recommended that the applicant considers some barrier fencing or lockable gate to limit access towards the Church. This would be outwith the remit of this application but could be negotiated between the Estate and Police/ relevant landowner if necessary.
80. In addition, it has been raised that there is no pavement along the A93 from the site into Crathie however overall it is considered that the access to the site is acceptable.
81. It is considered the proposal satisfies **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 in terms of accessibility.

Services

82. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure all development does not significantly impact on any resource and that suitable waste management arrangements are in place to avoid the deterioration of current or potential ecological status of a site. As set out in the description, the huts will be completely off-grid with heating provided by the wood burning stoves (wood should be sourced directly from the Estate). All toilet waste and waste water will be required to be removed from the site using portable toilets which hutters will empty at home or composting toilets which will be required to use a proprietary model incorporating a composting vessel which can also be taken off site for disposal. The site has no water supply and hutters will be expected to bring their own water. No bins or waste facilities are proposed so hutters will be required to remove their own waste and rubbish from the site.
83. Aberdeenshire Council Environmental Health Team and SEPA are satisfied with this approach and it is considered that the servicing arrangement (which will be set out in the Hutter's Code) are acceptable in compliance with **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2021.

Other Issues Raised in Consultations and Representations

On-site activities

84. Concern has been raised about the potential impact of hutting activities that may impact on the surrounding environment including camping outside huts, fires, cutting trees for firewood, noise, odour, littering, vandalism and disturbance to the surrounding
85. Whilst some of these have been addressed through the appraisal (a construction method statement will manage construction operations), each hutter will be required as a condition of the lease to sign up to the Hutter's Code which will require them to adhere to the specified rules.
86. This Code sets out the responsibilities for every hutter which includes, amongst others, no camping, responsibilities for toilet and litter waste, no fires or harvesting of wood for firewood. It also specifies that huts may not be rented out as a business or used as temporary accommodation.
87. Behaviour is not a material consideration and it is not reasonable to anticipate that people visiting their huts would be more likely to behave in anti-social way than for any other type of tourism accommodation. It is considered that appropriate measures are in place to ensure that hutters follow the rules in how they manage and maintain their hut and have due consideration for the surroundings.

Disabled Access

88. It is raised that there is a lack of disabled access. Given the nature and location of the development, the provision of disabled access is difficult to provide however there are

4 huts that will have adjacent parking to them and may accommodate those who have more limited mobility.

Distance from car park to huts

89. It was raised that the considerable distance from car parking to some of the huts will make carrying and transporting supplies including water, portable toilets and taking waste to the waste disposal points difficult. It is agreed, however, hutting is an outdoor, physical, off grid experience and will require effort to transport these items.

Huts on caravan sites

90. Another concern raised was that some of the huts do not appear to fit within the existing footprint of the caravans. The four huts that will sit on the footprint of the existing caravans (as shown in the plans) are largely contained within the existing footprint with the exception of the outside deck which extends slightly outwith the original footprint. However, overall this is not considered to be of significance to the overall consideration of the development.

Modifications to huts

91. Any modifications to huts will be required to gain the necessary consent. Details of this will be provided in the Hutter's Code, including activities that may require consent from NatureScot. Notwithstanding that, officers propose conditions to explicitly define the use of the huts and remove permitted development rights in order that any further development requires a planning application to be made and approved, meaning that all future development on the site will require to be considered in detail.

CONCLUSION

92. It is considered that this proposal for the erection of 16 huts (12 with integrated toilets and four with external free standing toilets), car parking and associated landscaping is acceptable in land use planning terms. The principle complies with Policy 2 and whilst initial issues in respect of impacts on ecology, use of composting toilets and grey water were raised, the proposal has been amended to address these issues and as such, there are no outstanding consultee objections to the proposal. Overall it is considered that the nature and design of the proposal is compatible with its surroundings and subject to conditions to secure suitable mitigation and to manage the development, it is not considered that there will be any significant landscape or ecological impacts as a result of the proposal. Therefore the application is considered to comply with the Local Development Plan policies and is recommended for approval.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Erection of 16 Huts, 4 Compost Toilets and Associated Access, Car Parking and Landscaping at Land To The North And North East Of Tomidhu Crathie Ballater Aberdeenshire subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

- 1. No development shall commence on site until a fully detailed landscaping scheme both hard and soft landscaping proposals and the future maintenance and management of the proposed scheme has been submitted to and approved in writing by the CNPA acting as Planning Authority. This shall include, but not be limited to hard landscaping material specification, soft landscaping plant and tree species and planting specifications.**

Thereafter the development shall be implemented in accordance with those approved details and not later than the expiry of the next planting season following commencement of the development or within such time as approved by CNPA acting as Planning Authority.

Reason: To ensure the long term retention of an appropriate landscaping setting, enhance biodiversity and ensure the development will not have an adverse impact on the landscape setting or ecological quality of the development in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 2. No development shall commence on site until specification details for the proposed access and road surface finish is submitted to and approved by the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Roads Development.**

Reason: To ensure the proposed access and access road surface complies with policy guidance and is finished to a suitable standard to ensure an appropriate means of access and egress to the site as specified by Aberdeenshire Council Roads Development and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

- 3. No development shall commence until a pre-construction walk over survey for protected species shall be undertaken in accordance with the relevant NatureScot guidance (<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-protected-species>) by a suitably experienced and licensed ecological surveyor and if any protected species are identified, a Species**

Protection Plan has been submitted to and confirmed in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure the protection of protected species in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence during March – August (inclusive), unless a pre-construction walk over survey for breeding birds has been undertaken in accordance with the relevant guidance by a suitably experienced and licensed ecological surveyor, and if any breeding birds are found, a Breeding Bird Protection Plan detailing appropriate mitigation measures has been submitted to and confirmed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure the protection of breeding birds in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence until a Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
- a) final details of tree protection measures;
 - b) details of site preparation, soils management, restoration and reinstatement;
 - c) the approach to tree felling and how arising material will be left in situ or disposed of.

The approved CMS shall thereafter be implemented in full.

Reason: The works are to be undertaken in an environmentally sensitive area. It is therefore necessary for a Construction Method Statement to be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until a final Woodland and Calcareous Grassland Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with NatureScot. The document shall include but not be limited to:**
- a) details of strategic signage to inform hutters of the importance of the grassland habitat and minimise potential trampling;
 - b) annual monitoring of rock rose to monitor for trampling and record evidence of the Northern brown argus butterfly;
 - c) the approach to tree felling and how arising material will be left in situ to support habitat.

Thereafter, the approved Calcareous Grassland Management Plan shall be implemented in full prior to the first operation of the development.

Reason: To protect the calcareous grassland (which supports the Northern brown argus butterfly), support the regeneration of birch and aspen within the Ancient Woodland as well as protecting Aspen suckers (for Black bordered beauty moth) and overall minimising the potential for any adverse impacts on Crathie Wood SSSI and the adjacent Ancient Woodland in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 7. No development shall commence on site until a final Hutting Management Plan (Crathie Hutter's Code contained within the Crathie Hutter's Manual) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with NatureScot. The document shall include but not be limited to:**
- a) the removal of point 13;**
 - b) information about relevant species, habitats and protection measures on site;**
 - c) details of operations and activities that require further planning consent and/or SSSI consent from NatureScot;**
 - b) prohibition of activities including (but not limited to); digging, camping, fencing (other than that specified as part of the proposal), cutting any trees (standing or dead) for firewood, sowing seeds, cutting or managing grassland or having fires;**
 - c) waste management responsibilities of hutters (all toilet, grey water and waste material must be removed from the site).**

The operation of the development shall thereafter be undertaken in strict accordance with the approved Hutting Management Plan.

Reason: To raise awareness of the value of the surrounding environment and the mitigation measures that have been implemented to protect this. In addition, it will encourage responsible behaviour to ensure the continued protection of these assets, minimise any impacts on the amenity of the area and neighbours, including other hutters and overall minimise the potential for adverse impacts on the SSSI and Ancient Woodland in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

- 8. No development shall commence until full details of the siting and design of the wood stores have been submitted to and approved in writing by the CNPA acting as Planning Authority.**

Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure a full assessment is undertaken of the appropriateness of the external materials of the storage container and the development will not adversely impact upon the landscape setting of the development site in

accordance with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

9. The maximum gradient of the first 5m of the new access must not exceed 1 in 20.

Reason: To ensure the proposed access and access road surface complies with policy guidance and is finished to a suitable standard to ensure an appropriate means of access and egress to the site as specified by Aberdeenshire Council Roads Development and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

10. Prior to occupancy of development, the first 10m of access (measured from edge of road or back of footway) to be fully paved.

Reason: In the interests of road safety and to ensure safe access and egress for the development as specified by Aberdeenshire Council Roads Development and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

11. Prior to occupation of the development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.

Reason: To ensure there is adequate parking provision to accommodate visitors to the development as specified by Aberdeenshire Council Roads Development and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

12. Prior to occupation of the development, the junction that the proposed vehicular access forms with the public road shall be kerbed to radii of 11.0m, the minimum width at the throat of the bell mouth so formed to be 6.0m. The area within the bell mouth & for a minimum distance of 10m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt.

Reason: In the interests of road safety and to ensure safe access and egress for the development as specified by Aberdeenshire Council Roads Development and in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

13. The land which is the subject of this permission shall be used for Huts (defined by Scottish Planning Policy as a simple building used intermittently as recreational accommodation (ie not a principal residence)) and for no other use notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (as amended).

Reason: To define the purpose and use of the development hereby permitted.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order(s) 1992 (as amended), no development (other than that approved by this consent) shall be undertaken on the site which is the subject of this application.

Reason: To maintain the character of the site and ensure that no further development on the site is permitted without detailed assessment of its impacts on the sensitive site and surrounding area.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. An application for a Road Excavation Permit must be submitted to Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of S56 of the Roads (Scotland) Act 1984. Note: The Public Road may incorporate - Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes. Further details and application forms may be obtained by emailing the relevant Area Roads Office (see below) or on the Councils website: marr.roads@aberdeenshire.gov.uk.
5. In relation to condition 12, no development (other than that approved by this consent) can be carried out without planning permission being granted on an application made to the planning authority.

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.