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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** REPORT ON CALLED-IN PLANNING APPLICATION

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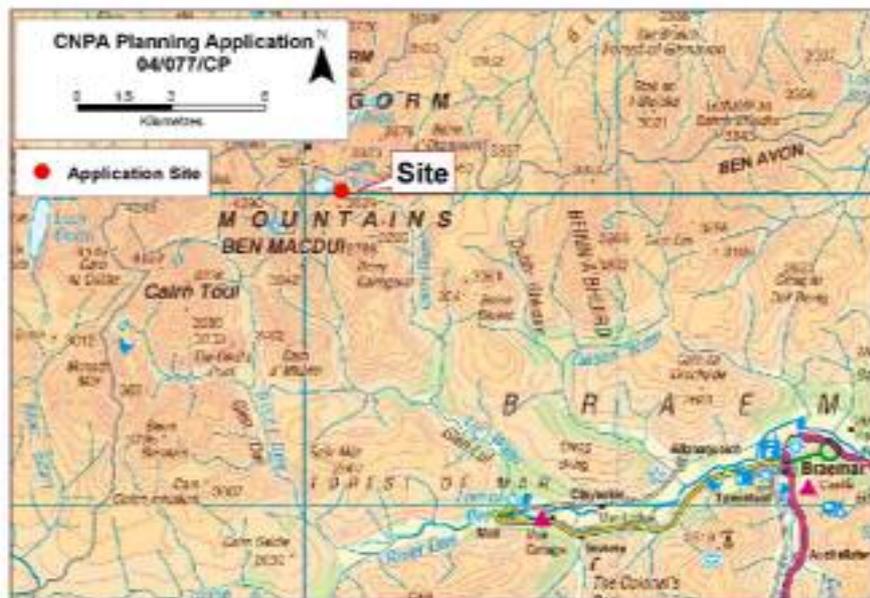
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**DEVELOPMENT PROPOSED:** TEMPORARY SITING OF ACCOMMODATION UNITS, AT LOCH ETCHACHAN, CAIRNGORMS.

**REFERENCE:** 04/077/CP

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

**DATE CALLED-IN:** 27 FEBRUARY 2004



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**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The proposal is for temporary planning consent for the siting of a group of 3 accommodation units that will be used by footpath contractors. The application seeks planning consent over the next year, but with the units only located for a short (estimated) 12 week period on site. The site for the units is set back (at least 100 metres) from the eastern banks of Loch Etchachan, and to the north of Creagen a' Choire Etchachan. These units are required as part of a continuing programme of footpath work on the Mar Lodge Estate. The units are to be located close to existing paths passing the south and east sides of Loch Etchachan, and the site has been chosen for its proximity to the worksite (the path restoration works are a 1.5km stretch between Loch Etchachan and Sron Riach), available water supply, and least visual impact. There will be temporary notices on the cabins to advise members of the public of the reasons for the presence of the units.
2. The 3 accommodation units and all supplies will be flown in to the site by helicopter (12 to 15 lifts), 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 out wet clothing, and in the problems of waste management. There will be no vehicle involvement in setting up the site, or on transporting work parties into or out from the site. It is expected that the units will be on site for approximately 12 weeks with removal at the completion of the contract. Boardwalks will be placed between the units. The accommodation system used comprises 3 bolt together units, fitted out with environmentally friendly waste disposal, sleeping facilities, a drying room and power supplied by generator. One unit is for kitchen and mess, one for sleeping quarters, and one for toilet/equipment storage/drying and washing area. There will be hot and cold water provided, 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.
3. The related footpath project will link work previously carried out at Coire Etchachan in 2001 and Sron Riach in 2003 on the Estate, with funding from SNH and the European Regional Development Fund (ERDF). There have been a number of previous consents granted for temporary accommodation units similar to this proposal, e.g. at Corroul, Lairig Ghru, in August 2003, at Sron Riach, Glen Luibeg in June 2003, and at Coire Odhar in April 2002. A proposal for similar units at the Lairig Ghru was considered by the Committee in Dykehead, Angus on 7 May 2004. The decision was to grant temporary planning permission subject to conditions.

## DEVELOPMENT PLAN CONTEXT

4. The Cairngorms are covered by many designations, of international, national and regional importance. The site of this 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 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.

5. 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 (**the Conservation (Natural Habitats &c) Regulations, 1994**), 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.

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.

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

8. SEPA have commented that the proposal is for the removal of all solid waste and trade effluent from the site. Given the small volumes likely to be generated and the limited time frame, SEPA have no objections. They also have no objections to the proposals for filtering and disposal of grey water from sinks to a small, carefully sited soakaway, which would be reinstated at the end of the contract.
9. SNH have drawn attention to the many special designations that cover the application site – the SSSI, the Cairngorms SPA, the Cairngorms cSAC and the Cairngorms Mountains NSA. Special mention has also been made of European Protected Species, and in particular the otter, with the possibility that the proposal may cause disturbance to this species. In principle SNH does not object to the proposal, but do consider that conditions must be attached to any grant of planning consent to ensure that no significant effect is likely on the features of interest of the Cairngorms cSAC and SPA and that there is no disturbance to otter. SNH advise that SEPA are consulted over the proposed method of disposal of grey water.
10. SNH have highlighted a number of particularly sensitive vegetation species in this location, and also mention the quality of the clear-water lochs with aquatic vegetation and poor to moderate nutrient levels in the vicinity. In the light of these constraints, 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 examine the impact of siting the units on the habitats in this area, and the associated trampling around the units. SNH have carried out an appraisal of the possible impact, and consider that the proposal will not have an adverse impact on the integrity of the site, but advise that a number of conditions be attached to a planning consent. A condition is advised that prior to the siting of the units, there be a meeting on site with a representative from SNH to agree the exact location of the units.
11. With regard to otter, SNH are not able to give a definitive opinion about whether there is a presence at the application site, or if there will be a significant impact. As a result SNH advise that a variety of local features be examined for evidence of the presence of otters. If any signs of otter are found, then the units will require to be located at least 100 metres from such area(s).
12. For protected bird species, SNH indicate that there is not likely to be a significant effect on the birds for which the area has been classified as an SPA, provided there is a condition to establish a 1km exclusion zones around peregrine and golden eagle nest sites, with helicopter flight paths not entering

these zones. Otherwise, SNH state that there will be a significant effect on the SPA, and the planning authority would be required to carry out an appropriate assessment of the implications of the proposal for these interests.

13. 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.

## REPRESENTATIONS

14. No representations received.

## APPRAISAL

15. The principal issues to consider are - the need for these units, the specific siting of the units, the process of locating and operating the units, and the impact of the units in the landscape.
16. The proposal is for a temporary period, an expected duration of 12 weeks, for small accommodation units to be used by contractors carrying out repairs and construction works on a footpath through this very remote mountain area. The footpath works will assist in the conservation of the fragile habitats in this remote and high altitude area. The work can be carried out more speedily and more safely with this accommodation provided for the shelter and comfort of the contractors. Otherwise a large proportion of a working day would be taken up with walking into and out of the work sites, quite often in very unfavourable weather conditions. There is therefore a sound need for these units, although alternative options are available not requiring the use of the units in this sensitive location. For a temporary period, there are sound reasons to provide safe and healthy shelter and accommodation for the contractors that have a difficult job to complete in often uncomfortable weather conditions.
17. Some of the same reasons for providing these units – remoteness, altitude and local climatic conditions – determine the nature of the local vegetation and other wildlife species. In this location, at over 3000 feet above sea level, plant species are very specialised and sensitive to human impacts. The footpath works themselves will assist in reducing the harmful effects of walkers trampling on surface vegetation around footpaths where the paths have become unusable through damage / erosion. The sensitive vegetation where the accommodation is to be located cannot escape some harmful effects. SNH advise that if the siting of the units can be carefully carried out in areas where *Nardus Stricta* grassland predominates, then such areas would be more resistant to damage from the cabins and the associated trampling around the units. Other vegetation types in the locality – the alpine/sub-alpine heath vegetation rich in lichens and bryophytes (the family name for mosses, liverworts and hornworts) – would be more susceptible to damage. Careful

siting is also important for the movement routes of the contractors around the units externally, and from the units to their work site. Site surveys should identify the most sensitive vegetation areas – where off-path workers' movements should avoid. Boardwalks therefore also need to be carefully located as early in the development process as possible. SNH estimate that recovery of the vegetation following the removal of the cabins would take place eventually, but there is uncertainty about the extent of recovery and the time it would take. In particular, losses of lichens and bryophytes would be slow to recover.

18. In order to keep impacts from the units to a minimum, there are a number of mitigating measures and important management arrangements that can be incorporated in the proposal. Firstly there is the need to make sure that the final siting of the accommodation units is carefully chosen in order to satisfy (a) the least long-term impact on vegetation, and (b) is not within 100m of any surveyed otter 'resting places'. A planning condition is recommended to cover this aspect. SNH are prepared to work on site with the applicants to ensure the final siting meets (a) above. The applicants will need to carry out an early survey of the site to clarify aspect (b). Secondly, the delivery routes from the base to the erection site for the units, needs to ensure that the flight paths of the helicopter avoid any located protected species' 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. Thirdly, once the exact siting of the accommodation units has been determined, all frequently used pedestrian routes around the units, and between the accommodation units and the main footpath route around Loch Etchachan, should be surfaced with open boardwalks. This will assist in reducing excessive wear and erosion on the ground surface, giving some protection to the sensitive surface vegetation and allowing the vegetation to regenerate more easily once the cabins and boardwalks have been removed at the end of the project.
19. With regard to the visual impact of the development, this development is of course only to be in this location for a relatively short period. Also the scale of these units (the largest 2 at 16feet by 8feet) in an open and mountainous landscape is relatively insignificant. The external colours for these units are black for the roof and dark green walls, which merges into the landscape well. For a National Scenic Area, the design and location of such units on a permanent basis would be unacceptable. However there is a strong health and safety need for such units in this location in order to be able to carry out an important piece of conservation work in a safe and efficient manner.
20. There will be an impact on the area from this development, but with the careful attention to siting and movement around the units envisaged, then there is a benefit to the longer term management of this area. It is possible to make a recommendation to grant a temporary planning consent with appropriate planning conditions.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

21. The facility being provided by this application is to assist in works to conserve the natural heritage of the area. There is the potential that the placing of such a facility in this high altitude location, will have a harmful impact on the fragile local environment. There is a balance of advantage to be examined here, and a careful assessment carried out of the efficacy of any mitigating measures that can be implemented to minimise the impact of the temporary units.

### **Promote Sustainable Use of Natural Resources**

22. The units are reusable accommodation units designed to be as self contained as possible, without harmful effects on local resources. All solid wastes will be removed off the site. A local freshwater supply will be used for the temporary period of the contract.

### **Promote Understanding and Enjoyment of the Area**

23. The siting of temporary units in this location will not directly affect this objective.

### **Promote Sustainable Economic and Social Development of the Area**

24. No direct impact from this proposal, but the improvements to the local footpath network will be to the benefit of the tourist and recreation facilities within the Park and to the overall benefit of the businesses servicing tourists and walkers in the Park.

### **RECOMMENDATION**

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

#### **Grant Full Planning Permission for the Siting of 3 Temporary Accommodation Units, Adjacent to Loch Etchachan, 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, with the maximum period for the positioning of the temporary units and associated equipment on the site being 14 weeks from the date of the first positioning of any equipment on site.
- ii. That prior to the erection of the temporary accommodation units on the site, the applicants shall carry out a survey of the application and surrounding site areas for the presence of otters, and shall carry out a detailed vegetation survey over the proposed area for the accommodation units. The precise positioning

of the units and the associated boardwalks shall be agreed on site with a representative from SNH, taking account of the aforementioned survey information.

- iii. That all connecting pathways between and around the accommodation units, and between the units and the existing Loch Etchachan 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. That prior to the erection of the temporary accommodation units on the site, the applicants shall submit for the further written approval of the Planning Authority, a method statement which shall detail how it is proposed to, install and operate the fuel system, and manage the storage of generator fuel, without causing pollution or contamination. The fuel system shall then be installed and operated in accordance with the terms of the agreed method statement, to the satisfaction of the Planning Authority.
- 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, unless a longer time period is agreed in writing.

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**13 May 2004**  
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