
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ALTERATIONS AND EXTENSION TO CORROUR BOTHY, GLEN DEE, BRAEMAR

REFERENCE: 06/149/CP

APPLICANT: MOUNTAIN BOTHIES ASSOCIATION

DATE CALLED-IN: 5 May 2006

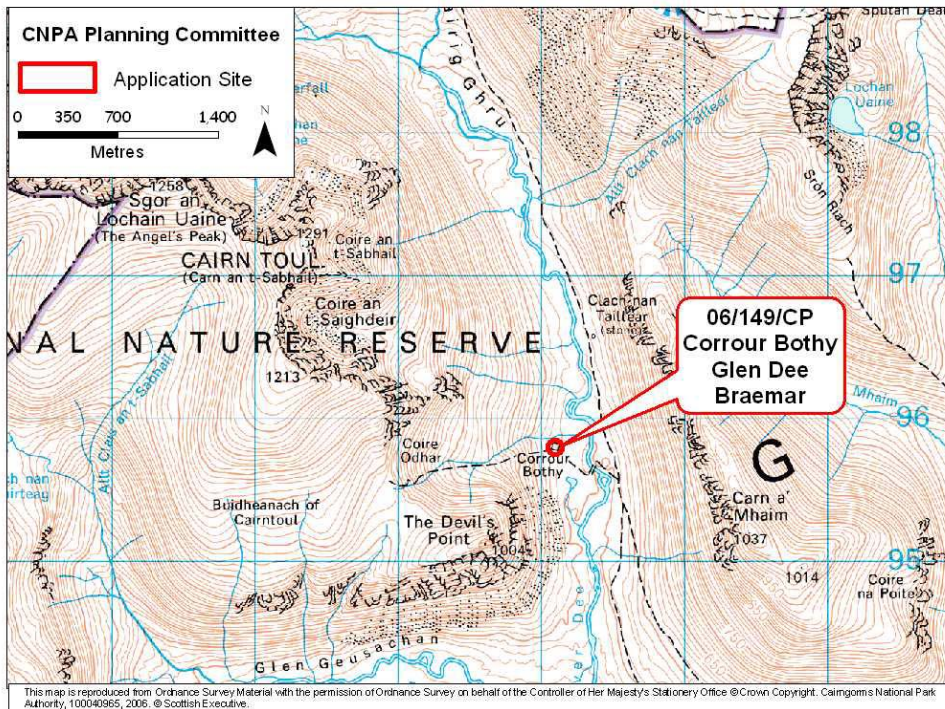


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Corrour Bothy lies below Corrie Odhar which divides the Devils Point from Cairn Toul in the upper reaches of Glen Dee. The bothy lies on the opposite side of the Dee from the Lairig Ghru path and is accessed from that side of the river by a metal bridge. A path passes adjacent to the bothy and climbs up onto the plateau between the Devils Point and Cairn Toul. The building is approximately 70 metres south of a burn flowing from the plateau above which feeds into the Dee.
2. The bothy lies on land contained within the National Trust's Mar Lodge Estate which is aware of and supportive of the proposal.



Figs 1 & 2 Distant and close up view of Corrour Bothy with Cairn Toul in background

3. The bothy is a small single room building measuring approximately 6 metres by 3.6 metres. It is a basic stone built structure with corrugated roof, there was a small open fire at one end vented by a chimney on the north elevation. There was until recently little inside the bothy beyond a couple of chairs and simple table, occupants slept on the concrete floor.
4. Corrour's origins are from the 19th century, the building being used as a deer watchers bothy. In 1949 the building was reconstructed by members of the Cairngorm Club with help from a wide range of individuals and other mountaineering clubs, (Cairngorm Club Journal, No 87: 1950). The materials were carried to the site largely by hand from Glen Luibeg.
5. The bothy is maintained by the Mountain Bothies Association (MBA) which is a charitable organisation that has an organisational structure with area officers, who are responsible for bothy maintenance. Repairs/renovations are carried out by voluntary work parties made up of MBA members who have built up a considerable amount of experience working on sites in remote locations.
6. The proposal involves a range of alterations including new door (for the existing doorway), window, internal porch, sleeping platform, wooden floor and the installation of a stove, these works do not require planning

permission. It was noted from a recent site inspection that most of these works have already been carried out. However, a small extension is proposed at the southern gable end of the building to accommodate what is described as a dry toilet. This aspect requires planning permission. The extension is 2.6 metres in length and at 3.6 metres is the full width of the existing building. The extension is designed with a pitched roof in corrugated material with vertical timber facings. While this is described as a dry toilet there would be some level of liquid discharge and this will go to a soakaway which is detailed on the applicant's drawings. The toilet is designed using a system that involves two specially designed bags, one will be used for the toilet where excess liquid will drain to a soakaway and the other, once full will be essentially a sealed storage bag where remaining solid material will further degrade. After a certain time when the material is deemed safe it will be dug into the ground at a point to be agreed between the applicant's, ourselves, SNH and SEPA.

7. As noted above the Mountain Bothies Association repairs/renovates bothies that it is responsible for on a regular basis. Corroul is one of the best known and popular in Scotland. This application is put forward to improve facilities for visitors and in particular to tackle the issue of potential pollution from visitors using the surrounding area for toilet requirements.

DEVELOPMENT PLAN CONTEXT

8. The Lairig Ghru area is covered by many designations, of international, national and regional importance. The site of the proposed development is within the Cairngorms Site of Special Scientific Interest (SSSI) which is designated for its glacial and periglacial landforms, its range of montane and sub-montane plant communities (including Caledonian pine woodland, heathlands and mires) and associated birds (including dotterel, snow bunting, ptarmigan and various raptor species). The site is also classified as part of the Cairngorms Special Protection Area (SPA), for its internationally important populations of golden eagle, dotterel, merlin, peregrine falcon, Scottish crossbill, osprey and capercaillie, and also part of the Cairngorms Special Area of Conservation (SAC), 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 (NSA).
9. For the SAC and 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 implications for the site in view of the site's conservation objectives.
10. 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.
11. 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)**.
12. 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. Modification to the policy adds that "within the Cairngorms National Park primacy will be given to the conservation and enhancement of the natural and cultural heritage of the area if the parks aims are in conflict" **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. Modification adds to the policy that "within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area if the parks aims are in conflict".
13. For information the **Draft National Park Plan "Priorities for Action 2007-2012"** includes a priority for action of conserving and enhancing the park's biodiversity and landscapes and lists a range of work themes

including enhancing the Park's landscapes; identifying and enhancing habitat networks; enhancing the condition of designated sites within networks; and protecting biodiversity. The Park Plan also includes a priority of making tourism and business sustainable. This priority recognises that the long term sustainability of the park requires a vibrant tourism and business sector that underpins the economy and at the same time contributes to conserving and enhancing the special qualities of the Park. Work within this priority includes: managing the impacts of tourism and business and; improving environmental performance

14. For information the site lies within a General **Policy 3 Area in the Draft Consultation Cairngorms National Park Local Plan**. Policy 3 considers that development that would result in an adverse impact on the interests, features or integrity of a designated site or identified interest will not be permitted unless there are no suitable alternatives and an over-riding national importance or public interest can be demonstrated to outweigh the interests of the site, or in the case of European priority habitats or species, where there are public health or safety reasons or benefits of importance to the environment and where mitigation will replace the loss with features or interests of equal importance.
15. For information **Policy 4: Landscape in the Draft Consultation Cairngorms National Park Local Plan** considers that development that is likely to have an adverse impact on the special landscape qualities of the National Park including: landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character of parts of the National Park, will not be permitted. The planning authority will use conditions and agreements to ensure that all consented development in the National Park will be sited, laid out, designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the National Park.

CONSULTATIONS

16. **Scottish Natural Heritage**, in principle, support the proposal. However, SNH do consider that a condition is required to ensure that there is not likely to be a significant effect upon the Cairngorms SPA. SNH therefore object to the proposal unless a condition is applied to address concerns relating to potential disturbance to wild birds. The condition suggested is that 1 kilometre exclusion zones must be established around peregrine, merlin and golden eagle nest sites in which helicopters must not fly. If this condition is not applied then is SNH's view that a significant effect is likely and the planning authority is required to undertake an appropriate assessment of the implications of the proposal for these interests.

17. In relation to the Cairngorms SAC and the River Dee SAC SNH considers that it is unlikely that the proposal will have a significant effect on any qualifying interests of either the Cairngorms SAC or the river Dee SAC, either directly or indirectly, and in SNH's view appropriate assessments in relation to these sites are not required.
18. SNH would advise that the Authority liaise with SEPA to ensure that the type of toilet and method of disposal is appropriate for the location with the soakaway complying with SEPA regulations.
19. SNH have subsequently been appraised of the method detail for the disposal of degraded waste at the site. SNH comment that there is a potential for there to be no non-qualifying habitat at the site and that the material may have to be buried in areas of qualifying habitat. However, SNH are confident that a less sensitive area could be identified. This is preferable to the current situation where there isn't any management of waste at the site so provided care is taken as to where the material is buried the proposal should represent an improvement.
20. With regard to landscape the bothy is located within the Cairngorm Mountains National Scenic Area. SNH therefore recommend that the planning authority ensure that all external materials are appropriate to this sensitive location and reflect the character of the original building.
21. **SEPA** note that at a recent meeting with the MBA, CNPA and landowner (National Trust for Scotland) MBA's Ross Farrell described to the attendees the Bioclere Sack Filter dewatering system which it is proposed to install at Corrou Bothy to deal with human waste. The system will separate liquid and solid matter with the liquid fraction discharging to a soakaway. The solid waste matter will remain in the sack filter until the sack is full whereby it will be sealed and replaced with an empty sack. It is proposed that the waste in the sealed sack will further reduce in volume as it is stored within the toilet system for a period of time to allow degradation.
22. The MBA have indicated that they have received a three year grant to permit the testing of the waste matter prior to disposal. It is SEPA's request that waste analysis results are submitted to SEPA and that on no account should the waste be disposed of with out prior consultation with SEPA and SNH. Pathogen and nutrient levels should be included in any analysis carried out and the MBA, and National Trust for Scotland as land owners, should be aware that if SEPA is not satisfied with the content of the treated waste it must be removed and disposed in a manner approved by SEPA
23. To summarise SEPA is content for the National Park Authority to permit this proposal provided that planning conditions are attached to require

regular maintenance and monitoring and that no waste is disposed off without SEPA's prior approval.

24. **Dee District Salmon Fisheries Board** has no comments on the application.
25. **CNPA Visitor Services and Recreation Group (VSRG)** has looked at the proposal in detail and has quoted evidence from research which shows a need for the proposal. Previous research Pringle (1996) at Ryvoan Bothy in Glenmore shows that levels of coliform bacteria in a stream by the bothy were ten times higher than just a few metres upstream from the building.
26. Visitor Services also draw attention to Colin Howgarth on Walkscotland.com where it is noted that for decade's bothy users and backpackers have been encouraged to do their business in a considerate and environmentally friendly way. This means the use of a trowel in a quiet spot well away from streams and paths. However, some bothy users are more considerate than others in this respect and some users don't bother to think about others. This can lead to visual pollution as well as potential for health problems.
27. VSRG consider that the installation of a toilet and upgrade at Corroul is broadly supported by the Sustainable Tourism Strategy action plan as follows:
 - 1d Encourage and assist tourism enterprises to adopt sound environment management practice.
 - 5d Bring together those responsible for public amenities and services and seek to establish an improvement programme.
 - 8d Assess and develop the potential for more opportunities for exploring the Park by foot, cycle riding and canoe including improved facility provision, packaging and information.
28. VSRG support the proposal on the grounds that there is both evidence of need and the development is likely to improve both the environment, and visitor experience. However, this support is for the upgrade of an existing, well known and well used bothy for which there is evidence of need. The support should not be seen as setting a precedent for any new developments of bothies which should be judged on a case by case basis. In the refurbishment of the bothy the applicant should look at the potential to install permanent information encouraging responsible access, particularly relating to the use of the stove.

REPRESENTATIONS

29. No representations have been received; some background information from the MBA is attached at the back of the report.

APPRAISAL

30. The key issues relating to this proposal involve the consideration of the principle of the extension proposed set against key natural heritage considerations, the siting and design of the proposal, landscape impact and potential pollution issues.
31. In environmental terms the bothy is located in a remote area, where a wide range of designations apply including SPA and SAC status. Scottish Natural Heritage have provided detailed comments in relation to both of these designations and consider that the proposal can be supported. This is provided a condition is attached to ensure that transportation of materials to the site avoids peregrine, merlin and golden eagle nesting zones, in which helicopters must not fly. This is made on the assumption that the materials would be transported to the site in this manner as per proposals for nearby accommodation units. The condition is a practical suggestion to ensure that designated sites are protected and is incorporated at the end of the report in line with SNH's wishes. This condition should be easy to comply with as the NTS already have information on this issue to ensure that helicopter flights to site for the latest accommodation cabins proposal do not have any significant effects on the qualifying interests in the area. The small scale of the proposal, taken together with that condition means that the proposal is unlikely to have any significant effect upon the qualifying interests for the SAC and SPA. It can therefore also be considered to accord with Policy Env 1 of the Aberdeenshire Local Plan.
32. In relation to the principle of accepting such a proposal in a relatively remote area it must be recognised that Corroul is one of the most well known bothies in Scotland, and being close to the Lairig Ghru path, as well as a host of Munros ensures its popularity. The CNPA Visitor Services and Recreation Group have assessed the proposal and have responded clearly that there is a need for a toilet extension at the bothy for both health reasons and in a sense reasons of visual amenity. However, this view is very much based on the needs at this particular bothy and should not necessarily be seen as any kind of precedent for other shelters.
33. SNH and SEPA both feel that a method statement for the construction would be useful. In addition, and while it is clear that the toilet would be an environmental improvement and that the liquid element would drain off to a soakaway, it must be recognised that some method of management and removal of solid waste at regular intervals would be required to ensure the system works effectively. The applicant's have

provided more detailed information on the method of disposal and a meeting has been held with the Mountain Bothies Association SEPA and the National Trust. SNH have also been kept informed of the details and have responded accordingly. It has become clear that there is no straightforward answer to disposal of remaining solid waste at the site and after much research there is no easy precedent to follow in terms of the installation and operation of toilets in remote areas. The MBA are essentially proposing a system that has not been tested before in such remote conditions. However, it had been proven to work in a number of less remote environments and the system has been developed by a well established company called Biocleare.

34. The main concern with the system is the disposal of the reduced waste from the storage bag and its potential effects upon the local vegetation and human health implications. However, despite these concerns it is crucial to recognise that some form of properly managed system such as this would clearly be preferable to the current indiscriminate use of the wider area. Because of this, and while the proposal for the extension is acceptable overall a planning condition will limit the disposal of solid waste in line with the requirements of SEPA. Condition 4 at the end of the report will ensure that the remaining material stored in the bag is monitored and managed by a combination of the MBA and the National Trust for Scotland. Material will be removed and sent to a laboratory for analysis; burial in the vicinity will only be countenanced if it is deemed safe in human health terms and in terms of potential effects upon vegetation in the vicinity. If the material is not deemed safe by laboratory tests then the material would have to be removed from the site and taken to a safe disposal point and in the unlikely event that this does not prove a satisfactory management option then the condition includes an ultimate sanction that the toilet would be closed/removed to provide a safety net should problems occur. The applicant's are happy to accept this condition.
35. In terms of design the extension to the bothy is small; the existing building is a simple, rectangular one room structure with a fire place at one end. The pitched roof extension would be constructed with external finishings of vertical timber boarding and plastisol coated metal sheeting for the roof. There would be no connecting access between the bothy living area and the toilet which would be accessed from a doorway with small window above on the gable elevation. This approach ensures the structural integrity of the bothy, but in design terms also ensures that the extension is read as an extension ensuring the visual integrity of the original structure is retained.
36. A range of more minor alterations not requiring planning permission are included in this project including the installation of a wooden floor, sleeping platform and stove. Most of these have already been carried out and can all be considered as improvements for visitors and accord with the principles of the Park's Sustainable Tourism Strategy as outlined by VSRG. The MBA has a code for bothy use which is

displayed in all shelters that it has responsibility for. The suggestion made by VSRG that information should be displayed in the building with regard to the use of the stove is a good idea and the applicant's have already placed such information in the bothy.

37. Overall, this is a good proposal that contributes well to the collective aims of the Park. However, it is recognised that there are potential complications with the toilet element and that to some extent this is a pioneering/experimental project. The amount and biological content of the treated waste is impossible to predict without an experimental period on site. The site is part of the Cairngorms SPA and River Dee SAC and careful consideration has to be given to the potential for on-site disposal of waste. However, the existing situation has to be recognised and SNH are confident that an appropriate area for disposal can be found and this can be dealt with by planning condition. SNH are also conscious of the current situation in that all waste is left at the site without treatment; the proposal should present an improvement.
38. With the agreement of all the parties it is expected that this pioneering and innovative project will work well and perhaps may even provide a solution for other mountain areas where there is evidence of need for such facilities. Ultimately, it must be recognised that the proposal in principle has to be a significant improvement on the current situation and is likely to lead to an improvement in both ecological and human health terms. The scheme is recommended for approval subject to conditions at the end of the report. The MBA has seen a detailed copy of these conditions and is happy to accept them.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

39. In terms of natural heritage the assessment made by SNH is that the proposal would be unlikely to have any significant effect upon the integrity of SPA, or SAC designations. While it is recognised that careful arrangements will have to be made for the disposal of waste at the site the managed toilet facility will help to improve the wider environment in the area by removing the need for occupants of the bothy to use the wider area as a toilet.
40. In terms of cultural heritage, Corroul bothy is an important part of the history of hillwalking and climbing in the Cairngorms and has featured prominently in hilwalking/mountaineering literature about the area. In design terms the small extension proposed is sympathetic with the existing structure and should help to ensure the future use of the bothy.

Promote Sustainable Use of Natural Resources

41. There are no particular details about the source of the materials for the proposal. However, the toilet extension in particular would help to protect the wider environment from indiscriminate use and help to prevent pollution and perhaps reduce the introduction of nutrients into the local ecology.

Promote Understanding and Enjoyment of the Area

42. The bothy makes an important contribution to people's enjoyment and understanding of the area and this is clearly evident from the entries in the bothy visitor's book. The facility provides a key opportunity to spend time out in a remote mountain area, the shelter provided is also clearly welcomed, particularly in adverse weather conditions. The improvements already carried out have resulted in very positive comments in the bothy book. The effort required to reach such a remote area would undoubtedly help to promote a wider understanding of the special qualities of the Cairngorms for visitors. The bothy is also a key milestone for walkers who may not be overnighing on the route from Rothiemurchus through to Deeside.

Promote Sustainable Economic and Social Development of the Area

43. The improvement of this facility may contribute towards the wider tourism of the area and perhaps has important spin-offs in terms of the accommodation provided at both ends of the Lairig Ghru for walkers undertaking this trek.

RECOMMENDATION

44. That Members of the Committee support a recommendation to:
GRANT Full Planning Permission for alterations and extension to Corrou Bothy, Glen Dee, subject to the following conditions:
 1. The development to which this permission relates must be begun within 5 years from the date of this permission.
 2. That prior to the commencement of development, details of the proposed colour of the paint finish on the corrugated roofing material and the proposed material for the timber facings, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

3. Prior to the commencement of the development hereby approved a simple method statement setting down the construction procedure and a future maintenance programme shall be submitted to and approved by the CNPA acting as planning authority. The extension shall then be constructed/maintained in accordance with that agreement.
4. Prior to the toilet first being brought into operation an agreement for the management, maintenance and disposal of waste from the toilet shall be submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with SEPA and SNH. The agreement shall include the following:
 - Details of regular visual monitoring and maintenance of the system
 - Timing of removal of first samples and then continued samples from de-watering bag for laboratory analysis (in particular pathogen and nutrient levels) with results being provided to CNPA, SEPA and SNH.
 - If material found to be suitable for disposal locations for on site disposal to be agreed by CNPA, SNH and SEPA.
 - If material found not to be suitable for disposal at the site, details of how it would be removed from site to a safe disposal site elsewhere to the agreement of SEPA.
5. In the event that the material is unsuitable for on-site burial an agreement/method statement shall be produced to show how future waste can be removed from the site and exactly where it would be disposed of. If no method can be designed to meet the agreement of the CNPA, SNH and SEPA then the toilet shall be shut down and removed from the site within a timescale to be agreed between the CNPA, SEPA and SNH.
6. All helicopter flights into the approved site (should helicopter flights be the chosen method of transportation of materials), and back to its base, shall be via a prior agreed flight path that avoids any protected bird species (peregrines, golden eagles, merlins) locations (within a 1km exclusion zone) that have been identified by the applicant's in consultation with the landowner prior to the commencement of any operations to implement this planning consent. The proposed flying areas will be submitted for consultation with the Cairngorms National Park Authority acting as planning authority and SNH, and gain the written approval of the Cairngorms National Park Authority acting as planning authority, prior to the commencement of any work at the site.

REFERENCE

Taylor G A, The Reconstruction of Corrour Bothy, Cairngorm Club Journal Vol XVI, No 87. (1950)

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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.