
CAIRNGORMS NATIONAL PARK AUTHORITY

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

Prepared by: **NEIL STEWART (PLANNING OFFICER, DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSED: **RECONSTRUCTION AND REPAIR OF BOB SCOTT'S BOTHY, MAR LODGE ESTATE, GLEN DERRY, BRAEMAR (FULL PLANNING PERMISSION)**

REFERENCE: **04/475/CP**

APPLICANT: **THE FRIENDS OF BOB SCOTT'S C/O, ROBIN PATTERSON, WESTFIELD, INVERURIE STREET, AUCHENBLAE, LAURENCEKIRK, ABERDEENSHIRE.**

DATE CALLED-IN: **8 OCTOBER 2004**

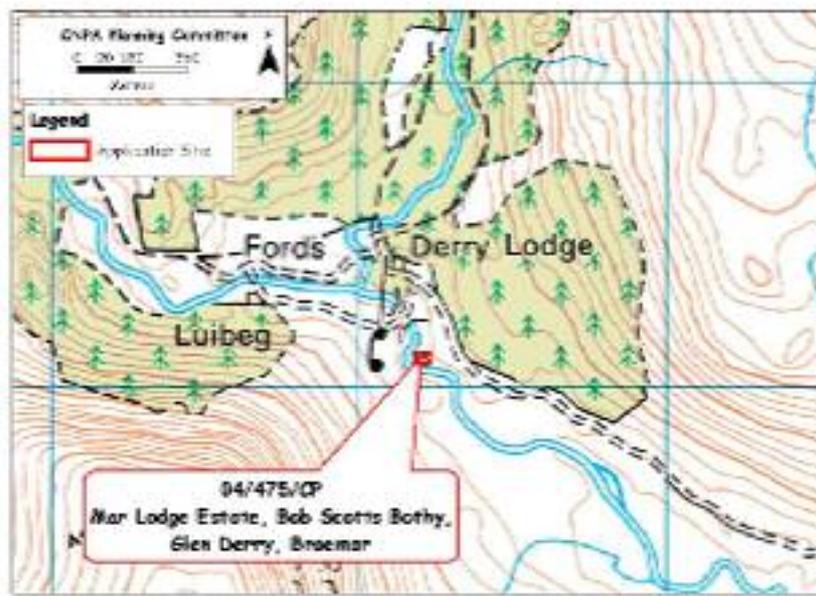


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for full planning permission for the reconstruction of Bob Scott's Bothy which was almost completely destroyed by fire in December 2003. The proposal is to reconstruct the bothy in exactly the same location, to the same dimensions, and with the same materials, as the previous building. A small toilet building will also be reconstructed adjacent to the bothy. The internal layout will be slightly different (shelving, hearth, bunk size etc) but this will not affect the external features of the building.
2. The original bothy was used by Bob Scott, the last stalker to reside at Luibeg on the Mar Lodge Estate. That bothy was used by climbers and hill walkers from about 1952, until it was destroyed by fire in 1986. With the support of the estate owner at the time, the bothy was rebuilt on a new site 400m to the East, on the opposite side of the Lui Water. The bothy's location is to the east of Luibeg, and to the south of Derry Lodge in an area of maturing pinewood. This new bothy continued in use until its accidental loss by fire in December 2003.
3. The bothy will be 7m long by 4m wide, and to the roof ridge line will be approximately 4.5 m high. The new structure which will be finished externally with lapped timber boarding and will be built within stone walls (1.25m in height). These walls are the only part of the building that remain (apart from the former chimney). The roof will be clad with galvanised steel corrugated sheeting, with a painted finish. There will be windows (dark stained timber frames) on each elevation except on the south, where the entrance door is located. A new chimney and fireplace, constructed of concrete blockwork, is to be situated wholly within the building and projects through the roof close to the ridge line. There will be no open fire arrangement this time. The fire will be confined to an enclosed range eg. a pot-belly stove. The toilet and storage structure has a lean-to roof and is located approximately 4 metres away. It is about 2m by 1.5m with a height of 2.8m. Finishing materials will be similar to the bothy.
4. All fire damaged material and defective masonry and unused down-takings, will be removed. The applicants and the National Trust Estate Managers have worked together in the past in terms of on-going management of the bothy and its surroundings and this is to continue. Maintenance costs will be borne by the applicants.

DEVELOPMENT PLAN CONTEXT

5. The site lies within the **Cairngorms Special Protection Area (SPA)**, **Cairngorms candidate Special Area of Conservation (cSAC)**, **Cairngorms Site of Special Scientific Interest (SSSI)** and the **Cairngorm Mountains National Scenic Area (NSA)**. The site is adjacent to the River Dee cSAC. These designations arise out of European and National Directives and Regulations, and mean that there is a need for careful assessment of any new developments proposed.

6. 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 assessment may necessarily extend outwith the boundary of the site in order to determine any implications for the interests protected. 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.

7. For the designations, 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 encapsulated in the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST) Policy 19**. In the **Finalised Aberdeenshire Local Plan** the policies that cover this location are **Policy Env\1 (International Nature Conservation Sites) and Policy Env\2 (National Nature Conservation Sites)** where development that would have an adverse effect on a Natura 2000, Ramsar or SSSI 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/or geomorphological interest. **Policy Env\5 (National Scenic Areas etc.)** provides protection to NSAs, only permitting a new development where it's 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. **Scottish Natural Heritage** has been consulted, and their comments centre on the special designations for the area. SNH considers that it is unlikely that any qualifying feature of the River Dee cSAC, the Cairngorms cSAC or the Cairngorms SPA will be affected significantly either directly or indirectly, and therefore in their view an appropriate assessment is not required. Any birds or otters at this location are likely to be accustomed to the presence of humans, and the development will not lead to increases in disturbance or any loss of habitat used by SPA features. There are no known otter holts or resting places in the locality. The extensive use of the surrounding area for wild camping has resulted in both dead and live wood being used as fuel. This is difficult to manage, however the proposal includes an enclosed stove and users will be encouraged to carry in fuel (eg coal) and discouraged from using wood. Signage within the bothy will reinforce this. SNH also consider that the proposed reconstruction of the bothy will not have adverse landscape or visual impacts.
9. **Aberdeenshire Council Planning Service** indicate that it would be advantageous to get the restoration of the nearby 'listed' Derry Lodge – potentially usable by the present applicants and the Mountain Rescue Service (who presently have a separate hut in the area).
10. **SEPA** initially commented that they do not object to the development, provided that the septic tank discharge is to a full soakaway, and that the Building Control Department is satisfied that the tank and the soakaway are in a satisfactory state of repair and of sufficient capacity to accommodate expected daily water usage. If drainaing to a partial soakaway or direct to the watercourse, no consent has ever been issued for a discharge at this site, and it will be necessary to apply for consent to SEPA. The adjacent watercourse has sufficient dilution to accept a discharge. SEPA also advise that there should be a detailed construction method statement for the site prepared and agreed by the planning authority, in consultation with SEPA, prior to the start of development, in order to prevent water pollution. The applicants have confirmed that foul drainage from the development will connect to the existing septic tank and full soakaway system which remains unaltered. The Building Control Service have advised that no Building Warrant is required. The applicants have also submitted the required construction method statement and following further consultation, SEPA have confirmed that both the drainage proposals and the construction measures are acceptable. Compliance with the method statement requires to be covered by a planning condition.
11. **The Natural Resources Group of the CNPA** welcomes the reconstruction of the toilet in this location as this area has suffered from problems associated with human waste from campers and users of the bothy. They also consider that the design of the replacement bothy will blend in with the area. They also advise that the CNPA has not yet developed a wild land policy, and this proposal is within a sensitive core montane zone. However, they see the development as a replacement to an existing structure and is close to other

man made structures. In summary they feel that the proposal supports the aims of the Park.

12. **The Visitor Services and Recreation Group of the CNPA** comment that their response is made in the absence of a policy on visitor management, wild land or specifically mountain bothies and refuges. They state that there is an established tradition of a bothy in this location going back some fifty years. The bothy features in mountaineering literature and the rebuilding of it in 1986 and the current efforts indicate the significance of the building to local activists. The area of the bothy is a popular location for wild camping being located on a well-used route into the Cairngorms. Such camping is in compliance with the new access legislation. In this area there is no provision for human waste, so the inclusion of a well maintained toilet on this site as part of the bothy redevelopment is welcomed. The presence of a bothy can be argued to encourage visitors into the area, affecting the wildness of the area. However on balance, this development is appropriate as it is replacing a previous bothy which has some significant national mountaineering tradition and the associated toilet will improve the environment in the immediate area.

REPRESENTATIONS

13. No representations have been received.

APPRAISAL

14. The main issues for this proposal include, the effect of the development on the special designations for this area, the design of the development, and the construction and servicing impacts of the development.
15. The development is within an area of the Cairngorms where there are a number of very important nature conservation and protection designations. The development is not associated with the conservation management of the area, and therefore it is important to assess whether the development would have an adverse affect on the conservation interests of the locality. SNH have examined all the characteristic habitats and wildlife for this area, and the conclusion is that the site of this development has had human presence for some considerable time. It is a location through which walkers regularly travel into the hills, and where wild camping has become accepted. A bothy has been in use here for many decades now, from the earlier original Bob Scott's Bothy site, to the more recent location. Therefore the replacement of the former building creates no new issues in the area for the local environment and the nature conservation designations.
16. The design of the new structure will closely resemble the former building on this site, and there have been no adverse comments about the scale or the types of materials used. The colour of the roofing and the stain for the walls have still to be finalised, and would preferably be a dark colour. The size of the

building, and the location within a treed area, will have minimal impact on the National Scenic Area.

17. The construction works will require special care to ensure no contaminated water run-off to the watercourse. The applicant has submitted a statement of the precautions that will be taken during the construction works, due to the environmentally sensitive nature of the site. This includes measures such as – the rebuilding of the toilet block first to bring it back into service, the prefabrication of the timber framing and the treatment/painting of finishes off-site (as much as possible), and the ground laying of heavy duty tarpaulins and plywood around the bothy where all work will take place. SEPA are content with these proposals.
18. To conclude, the proposal does not offend any planning policies and is seen as being positive overall in terms of the Park's aims. As such, the application is recommended for approval, subject to conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

19. Bob Scott's Bothy is part of the local heritage, even although the new bothy is not in the same location as the original building. The presence of a bothy here features in mountaineering literature, particularly in the history of Aberdeenshire based climbers. The rebuilding of the bothy in 1986 and the current efforts indicate the significance of the building to local activists. No adverse impacts on the natural heritage of the area have been identified.

Promote Sustainable Use of Natural Resources

20. The materials being used are traditional materials for such a rural structure – timber cladding and corrugated sheeting. The walls are to be insulated.

Promote Understanding and Enjoyment of the Area

21. The rebuilding of the bothy will bring back a popular recreational resource for the area – providing a shelter and resting place for walkers/mountaineers in the Cairngorms.

Promote Sustainable Economic and Social Development of the Area

22. The bothy will provide improved facilities for some of the walkers that access this area, to enjoy the Cairngorms for recreational purposes. The provision of a substantial structure (as opposed to tents) provides for a usage over more of the year for staying in the area, and potentially using some of the facilities and services in the nearby communities, eg Braemar.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the Reconstruction and Repair of Bob Scott's Bothy at Glen Derry on Mar Lodge Estate, subject to the following conditions:

- i. The development to which this permission relates must be begun within 5 years from the date of this permission.
- ii. The development shall be implemented in accordance with the Reconstruction Documentation and Environmental Planning Construction Statement submitted with the planning application. The construction measures shall be undertaken to ensure that there is no release of sediment to the watercourse, or accidental spillages in proximity to the watercourse, all prior to and during the construction of the new bothy and toilet. These approved measures and procedures will not be departed from without the prior written agreement of the CNPA acting as Planning Authority.
- iii. That prior to the commencement of development, details of the proposed colour of the paint finish on the corrugated roofing material and the proposed stain for the timber wall cladding, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Reasons for conditions:

- i. To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.
- ii. To ensure that proper care and attention is taken prior to, and during, the construction work in this sensitive location.
- iii. In the interests of visual amenity in this sensitive location; to give separate consideration to these details, which have still to be finalised.

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