

LOWLAND PLANNING ASSOCIATES Ltd.

APPELLANT: Mr. Rob Flavell

PROPOSAL : ERECTION of a HUT at Nolt WOOD, BOLTON MUIR, nr GIFFORD.

APPEAL to EAST LOTHIAN COUNCIL, LOCAL REVIEW BODY on the GROUNDS of NON-DETERMINATION.

## INTRODUCTION

As Local Members will find out in the processing of this appeal that there is a relatively new category of development planning in Scotland. This initiative began back in 2014 when the environmental community and woodland charity, Reforesting Scotland(RF), launched the concept of bringing back affordable hutting and active outdoor recreation to our countryside. Many of you will be familiar with the original, interwar, hutting and fishing bothies in rural of areas of Scotland. At the beach in Dunbar and those dotted around the Lothian landscape; huts have been prized by their owners for many generations. One large scheme in Stirlingshire, at Carbeth, is now a Conservation Area such it is prized as a wonderful heritage feature.

We are all wary of inappropriate development in the countryside. Planning policies are stringent in rural areas to ensure we protect and enhance our valuable rural assets. However, huts are considered, and have been considered for a long-time, to be benign structures. New huts in areas of Scotland, which do not previously have much of a hutting culture, are now opening-up to the value to rural life and the activities of passive recreation, fairly- close to home, that can flourish by the use of huts.

A steering group was formed (the RF 1000 Huts Campaign, which included the writer here) and in liaison with the Scottish Government at a cross-party level, sought to formulate an additional planning policy to ensure huts took their, important, place again in the Scottish Countryside. This new policy is contained in the Scottish Planning Policy 3 (SPP3) document and it will through time become a feature of Local Development Plans at Council level.

It is still, as needs must, be a well and tightly defined policy. The definition of a hut is described in full in SPP3. Our steering group also prepared a Guide for Planners which was launched to much aplomb at Holyrood.

As explained above, the writer here (who is also the Planning Consultant for this case at application and appeal stages) has been advising on the new concept of hutting, along with Andy Wightman MSP, author and journalist Dr. Lesley Riddoch, forester Donald McPhillimy and Keeper of Falkland Palace and head of the Countryside Stewardship Initiative at Falkland, Ninian Stuart. Along with other rural development specialists, we are, collectively, extremely fastidious in ensuring all the new hutting sites in Scotland fulfill all the requirements of the hutting policy in terms of siting, design, size, off-grid credentials, tree planting and nature conservation.

The planning file for this case contains the Hutting Guidance for Planners, a Supporting Statement to explain the concept and the hut specifics at Wynd Wood, and, importantly, a detailed Habitat and

Protected Species Survey carried out by Leonie Alexander, who is one of Scotland's leading wildlife and environmental consultants. We, respectfully, really could not get a better team here than this.

## THE ISSUES

It is rather a pity that my clients, the Rob Flavell and family, feel the need to appeal on the grounds of Deemed Refusal. The case officers are supportive of the proposal, however, they feel the need to sort out some, alleged, 3rd party problems before making a decision on their hut at Nolt Wood. Their plans are totally in line with the SPP3 definition of a hut and are frustrated that, through no fault of their own, are caught up with enforcement action directed at the forestry company who sold them the woodland.

Woodlands.co.uk are a firm of foresters who purchase large areas of forestry that are not generally being well-managed and sub-dividing them into various woodlots of about 4-6 acres or thereby. Bolton Muir was once part of Lennoxlove Estate and over the years sections of woodland were removed of native broadleaved trees and our own Scots Pine. and replanted with commercial species such as Sitka Spruce. The intention here now is to gradually remove the non-native trees, when at their best for putting to good use, and replanting with native trees which are far superior for habitat creation. Thankfully, Bolton Muir still has a large element of broadleaves and clutches of Scots Pine to give the impression of a beautiful, natural Scottish woodland.

The idea of selling off large patches of woodland is that it will encourage people interested in forestry and the environment to learn how to manage woodlands for amenity, habitat and as a timber resource. This model works really well and many areas of mature trees throughout the Country are getting the attention they deserve after years of neglect by previous owners.

These individual woodlots are perfect for incorporating individual huts into their fabric. Bolton Muir is also close to areas of population making it readily available for the new owners to stay in at holidays and weekends and enjoy learning about off-grid living and of course they will learn how to manage their trees.

Woodlands.co.uk are experienced foresters and they manage their woods properly regardless of whether a hut will be applied for and granted or not. This is where the problems between the company, ELC Planning, and the local community have arisen. The new woodland owners have a great relationship with woodland.co.uk. Bolton Muir has been an established woodland for hundreds of years. The tracks that criss-cross the land are of similar age as the original trees here. These forestry-spec. wayleaves are essential for woodland management and they work as firebreaks too. Additionally, they allow access on foot for walkers who wish to enjoy the private land that is Bolton Muir. Of course, the ethos of people walking the paths, often with dogs, is fine. That will not change despite the changes in ownership as the woodlots get sold off to individuals.

All the existing tracks must be maintained to ensure they function well as forest roads. This means a process of fixing damage as required. This is conventional and all forestry operators, including the Forestry Commission, have to carry out these works. As stated above the tracks at Bolton Muir are very old and there is no intention of creating new forestry tracks nor to enhance their width, as some are claiming. There is, respectfully, a misunderstanding on the part of some local people who somehow think that, because of the hutting applications, that there is going to be large changes

made to Bolton Muir and perhaps in due course they (the locals) will be prevented from enjoying the private woodland, as if the woods were in public ownership, or were rights of way. This is not the case.

Additionally, the Woodlands Company are trying to place new owners of the woodlots in a position to actively manage their trees. This means felling and replanting as required. To this end, at the entrance to each woodlot, the company have formed hardcore timber-stacking areas to allow a tractor/trailer and loading crane into the edge of the sites to collect the stacked wood. When not required for timber-stacking these hardcore zones make perfectly suitable hardstanding to park the owners' vehicles. Please note that parking is a subsidiary use, not the primary one.

#### PRIOR NOTIFICATION for FORESTRY DEVELOPMENT

The planning system allows for a range of Permitted Development for agricultural, forestry and landscaping businesses to build essential facilities to support those rural enterprises to operate efficiently. This can range from buildings, new accesses, etc. to be created without the need for a full planning application. Instead, there is a simplified system where prior to works taking place a Prior Notification (PN) system allows for some modest input on siting and design, for example, but not the function of those necessary works. In the case of Bolton Muir the maintenance of the existing tracks does not need any local authority permissions. The creation of functional areas of NEW hardstanding for the stacking of timber requires Prior Notification for Agricultural and Forestry Developments. but not a full planning application.

Since these areas of hardstanding at Bolton Muir are at the entrances to the individual woodlots, ELC Planning (and the objectors) are making the assumption that they are only parking areas for the hut owners' cars. In fact, they have this dual use. They were also put in prior to the sale of any of the woodlots like Wynd Wood.

The landowners here feel that as the Woodlands Company are taking issue, with objectors and the planning authority, over both the track maintenance and the formation of the hard standings, and that this debate should not prejudice the applicants wishing to do everything right in terms of the SPP3 hutting policy. The applicants'(now appellants), are on tenterhooks waiting on the row over the PN works to be concluded one way or another. This matter could take many months to sort and the family who own Wynd Wood really want to build their hut and start enjoying their woods in all the ways hutting allows.

#### OTHER OBJECTIONS TO THE NOLT WOOD HUT.

There are 6 objections to the Nolt Wood hut. However, it is very clear that the local community and other walkers do not fully understand exactly what the hutting applications at Bolton Muir are actually about. There is a clear suspicion that the huts will provide a foothold to applying for a house in the future. The hutting policy has been very carefully scrutinised by SG Planning and Environment and the huts are narrowly defined to be clearly NOT for mainstream housing but for part-time recreation only. The other papers on the case file enlarge on what is and is not a hut. At Nolt Wood there will be a 30sqm timber building and a tiny free-standing composting toilet. Rob Flavell is a landscape designer and consultant. The structures close to the site entrance are for practical

woodland management. All those 'buildings' have been sited carefully and they do not create visual disharmony in any respect.

Damage to habitat is another recurring theme proffered by the objectors. Each planning application that this planning consultancy, Lowland Planning, is, or will be, dealing with has a Phase 1 Habitat and a Protected Species survey conducted to ensure all the fauna and flora on the sites are protected and opportunities to enhance biodiversity taken. At Nolt Wood there is a wide range of fauna and flora and this feature is a primary reason for purchasing the land. Rather than hurting wildlife there is a strong wish to ensure the safety of protected species into the future.

I will address the objections to the Nolt Wood project in turn. The case officer kindly gave me a summary of the objectors' comments and I will address them in sequence presented by the officer.

- (i) None Of the proposed structures on the site are in keeping with the Hutting Initiative.

RESPONSE: All the various structures are wholly in line with the hutting policy in SPP3 and they also align with good, practical, woodland management. These woodlots require good management and ongoing replacement planting. It is clear to see on site that the raised beds etc are functional-containing young trees etc. And of course a hutting site needs a hut!

- (ii) The proposed hut will be prominent in the landscape.

RESPONSE: The location of the hut has been chosen because it is not visible from the track, other than initially in the winter from the north-east corner. The appellants have already planted evergreen trees to screen this aspect and are due to plant more this planting season.

- (iii) The structures, for example, the shed, store and planters are not in keeping with the surrounding area.

RESPONSE: It is hard to see how these TIMBER structures are not in keeping with a woodland environment. More trees are due to be planted in this area too, during this winter season.

- (iv) The various structures should be painted brown or green to integrate them with the area.

RESPONSE: The natural wood finish as they stand is, in my opinion, is much better than painting them. However, If this is a condition on approval that is also fine though.

- (v) There will be an adverse impact on wildlife.

RESPONSE: The woodland owners have planting over 400 trees to date. As stated above, there will be even more trees planted in the next few months. Nolt Wood, as it stands, is 50% made up of Sitka Spruce. That tree species is a non-native commercially planted crop which does absolutely nothing for biodiversity. The Sitka will be felled at the right time and replanting of those areas will take place. The replacement planting will be with native broadleaves and Scots Pine, which will greatly enhance the natural credentials of the woods.

- (vi) The proposals will increase human activity and traffic.

RESPONSE: That is an ironic statement from people who use this private woodland to walk and recreate there already. There are new, positive, moves to really enhance Bolton Muir and it's the owners of the woods that are undertaking all these measures, with no input at all from the community who are, gracefully, allowed to enter the woods and enjoy them. Many local people also use their cars to get there. There will not be a significant increase in traffic to the huts and this fear will, most definitely, not be warranted.

(vii) The nearby B6355 road will be a hazard for children who come to visit the hutting sites.

RESPONSE: I am quite sure that any children who are taken by their parents or guardians to Bolton Muir will NOT be left unsupervised and going off to play on the road or in other areas nearby.

(viii) This part concerns woodland management.

RESPONSE: The new woodland owners, including of course at Nolt Wood, are all keen to properly manage their assets at Bolton Muir. Some will go as far as getting in professional foresters or the Woodlands Company to assist with this. Continuous cover woodland is the aim across the board.

(ix) Cars and parking will be a problem.

RESPONSE: No, they will not. Discussions with the case officer suggests that there will be a planning condition imposed on it to restrict excessive traffic and parking within Bolton Muir.

(x) These huts will proliferate and eventually become 2<sup>nd</sup> homes.

RESPONSE: There will not be a surge of 2<sup>nd</sup> homes appearing at Bolton Muir. They are small, basic, huts and not suitable in structure to provide a place for living in other than recreationally. The huts will all be off-grid. There is not a water supply either. Water will be brought in for each visit and any refuse waste generated will be taken off-site for recycling after each visit.

Composting loos or caravan-style toilets will be used on the hutting sites. The former has really effective designs in today's market. All these modern composting toilets have passed environmental standards to prevent pollution and the hutters, including the Flavells, are very aware of keeping their sites in good order at all times.

(xi) Drainage on site could be problematic.

RESPONSE: The huts will all be accompanied by rain water capture barrels. This grey water can be used for washing up etc. The land surrounding the huts is woodland. There is a natural soakaway covering 4 acres at Nolt Wood. Run-off is not therefore an issue at all.

I trust that all the objections have been addressed and that these comments in response are useful to Local Members in assessing this appeal at the LRB?

## CONCLUSION

The proposal for a hut at Nolt Wood should be approved by Members as it is wholly in line with extant planning policy. The Planning Officers agree with this statement, but they are being side-tracked by the debate over the Woodlands.co.uk enforcement matters and by the objectors

believing that huts should not be built at Bolton Muir, despite them being of great benefit to the health and welfare of the woods and to the people who use and enjoy them-owners and local people alike.

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