

2014/0090/DET

APPENDIX I

Applicants Supporting Statement



BEST VISITOR ATTRACTION

## Supporting Information re Planning Application 2014/0090/DET

### Overview

Craggan Outdoors activity centre has been in operation on the Glenbeg Estate at Grantown-on-Spey since 2003. The current owners, company directors Keith & Jill Ballam, purchased the assets of the business in October 2008 through their company Craggan Outdoor Activities Ltd, & the company has continued to trade seamlessly under the Craggan Outdoors trading name since then.

The majority of activities offered by the centre now were in operation when the change of ownership occurred, with this including commercial clay pigeon shooting. It is not known exactly when the clay pigeon shooting started, but landowner Fergus Laing – who leases land to Craggan Outdoors for purposes of the outdoor activities – believes that it was at least 2-3 years prior to the change of ownership.

Prior to the asset purchase, the directors engaged a solicitor – Harper Macleod of Inverness – to undertake due diligence, & whilst they raised a couple of issues that needed to be resolved prior to the deal being finalised, they made no mention of there being a requirement for planning permission for commercial clay pigeon shooting, nor therefore that this was not in place. The company directors, or Fergus Laing, did not realise that this was necessary until we were contacted by June Dougherty of Highland Council in late summer 2013. We have since made the required retrospective planning application, which is now under consideration.

### Cairngorms National Park Aims

Craggan Outdoors believes strongly that our clay pigeon shooting operation falls squarely under the four aims of the National Park, with this evidenced as follows:

**To conserve & enhance the natural & cultural heritage of the area:** the area of woodland at Lower Gaich is being utilised in its natural form to undertake the activity of clay pigeon shooting. There is no damage being done, & neither is nature being harmed or disadvantaged. Groups are walked to & from the site using existing vehicle tracks. The area used for shooting is a natural clearing within the woodland, & creates the perfect natural environment for clients to enjoy the natural beauty of the area, whilst undertaking a bona fide country pursuit. Mindful of protecting the environment, Craggan Outdoors deliberately uses bio-degradable clays & cartridges with a bio-degradable fibre wad – more expensive than plastic wad cartridges that are also available – so as to leave no long-standing / permanent mark on the environment, with this being noted on our website so as potential clients can clearly see that we are a business that is mindful of managing our impact on the environment. All empty cartridges, empty cartridge & clay pigeon boxes, & any other rubbish is all carried out after each session, & recycled or disposed of as appropriate via a commercial recycling & waste management service.

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The fact that the area is used so infrequently (see data later in this information) gives wildlife the vast majority of the time to flourish unhindered. The large amount of bird droppings that often has to be cleared from the clay pigeon shooting stands offers clear evidence of birdlife utilising these as a vantage point. Another example is the numerous hares that were in evidence during the site visit by CNPA personnel.

**To promote sustainable use of the natural resources of the area:** this runs hand in hand with the above. The woodland at Lower Gaich has only one other current use, which is the clipping of fir tree foliage for a few days in the late autumn, with this being used for the making of wreaths which are exported to Germany. Other than that it is receiving low impact sustainable use by Craggan Outdoors for clay pigeon shooting. The area of land is specifically included in our lease with landowner Fergus Laing for the purpose of clay pigeon shooting, as this area has no other significant use to the Glenbeg Estate.

**To promote understanding & enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public:** as a business Craggan Outdoors is all about delivering high quality outdoor activity experiences for our client base. This very much includes being an active part of the National Park – the purple in our branding, & the tagline 'The Active Heart of the Cairngorms' were both specifically chosen as part of a 2010 re-branding exercise to align Craggan Outdoors closely with the National Park – & a visit to our website will evidence multiple mentions of this unique environment, using it as a draw to help bring customers to the area. Our team of instructors are genuine outdoor people who don't just deliver an outdoor activity session, but are also skilled in bringing in the natural surroundings into conversations with clients so as to enhance their experience of the activity. The 15 minute walk to & from the clay pigeon site presents perfect opportunity to admire the backdrop of the Cairngorms, & to discuss the natural surroundings, & to see in particular the numerous hares & birdlife.

**To promote sustainable economic & social development of the area's communities:** when the current owners took over the business in October 2008, the previous owners had built it to a level where it was an attractive proposition for purchase for further development, & was viable to support employment of 4 x FTE. Ongoing development of the business saw turnover double within four years, & by the end of this sixth season under the current ownership, turnover is forecast to have trebled. The business now supports 8 x FTE. Clay pigeon shooting is an integral part of the success of the business, being experienced by 674 people in the last full financial year of 2012/13, with this representing 7% of the 9,678 visitors to the centre in that year. This ranked as the fourth highest attraction for Craggan Outdoors in terms of number of heads, & as such is a key entry point by which potential visitors find the business, as evidenced by Craggan Outdoors being the number 1 ranking returned if doing a Google search for 'clay pigeon shooting Aviemore'.

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As one of the higher priced activities offered by the centre, the activity generated income that represented 9.4% of turnover in 2012/13, & as such effectively supports in excess of 1 FTE. To not have clay pigeon shooting as an activity would undoubtedly deliver a significant adverse effect on the continued development of a business – recognised as the Highlands & Islands ‘Best Visitor Attraction’ in 2012 – which is playing an ever more significant part in the local economy.

### Additional Data

Further to the headline figures quoted above, the fact that the application is retrospective delivers the ability to be able to provide actual data on the number of people that have enjoyed clay pigeon shooting at Craggan Outdoors over the last five years – we record participant numbers for all activities, as seen by CNPA Planning Officer Katherine Donnachie on her site visit – & accordingly the actual time spent shooting each year, which is as follows:

- **2008/9** = annual total of 383 people over 54 separate days x 12 minutes per person\* = average 7.1 people shooting for 85 minutes on each of the 54 days
- **2009/10** = annual total of 292 people over 35 days x 12 minutes pp = average 8.4 people shooting for 100 minutes on each of 35 days
- **2010/11** = annual total of 553 people over 56 days x 12 minutes pp = average 9.9 people shooting for 118 minutes on each of 56 days
- **2011/12** = annual total of 555 people over 62 days x 12 minutes pp = average 9 people shooting for 107 minutes on each of 62 days
- **2012/13** = annual total of 674 people over 76 days x 12 minutes pp = average 8.9 people shooting for 106 minutes on each of 76 days

\*It takes an average of 12 minutes per person to take the 25 shots that constitute a clay pigeon session, with a maximum 10 people on a session, so a maximum shooting duration of 2 hours. Sessions start at 10am or 1.30pm.

### Responses to Third Party Contributions to the Consultation Process

Having read the input from various interested third parties, Craggan Outdoors is pleased to have the opportunity to make appropriate additional comment / contribution, as follows:

- **Transport Scotland:** it is Craggan Outdoors position that the clay pigeon shooting in part of the woodland at Lower Gaich offers no issues in regard to the A95. The shooting area is accessed by groups walking – escorted by Craggan Outdoors instructors, of which there are always two on each shoot – from Craggan Outdoors, through Lower Gaich Farm to the site. Clients park in the existing car park at Craggan Outdoors activity centre prior to commencing the activity, as they do with all activities offered at the centre, so there is no issue of vehicular access specific to the shooting site.

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The activity does not increase traffic turning into or out of the the Lower Gaich Farm access, nor is there any requirement to amend current vehicle access or create new access. The shooting site is entirely surrounded by woodland so as the A95 is not visible to shooters, nor the shooting being visible to passing motorists. The shooting area is at its closest well in excess of 400 metres from the A95. The direction of shooting is not towards the A95. There is also multiple precedent for commercial shooting ranges being significantly closer to a road than the site in question, namely at Rothiemurchus, Dell of Glenlivet, & at Bogbain Farm just south in Inverness, which is literally metres from the A9, & can clearly be seen from the A9.

- **Highland Council Environmental Health:** whilst it is accepted that there are a small number of properties within the 1km to 1.5km stated as the desired 'noise buffer' – again there is precedent in that there are properties within 1.5km of the shooting grounds at Rothiemurchus & Dell of Glenlivet – it would be Craggan Outdoors' position that the data supplied as evidence of the relatively low usage of the shooting area over the last 5 years demonstrates that there is not a consistent or excessive noise being caused by an activity which is after all a bona fide country pursuit. The earliest that shooting occurs is 10am, & the latest finish is by 4pm. We would suggest that the fact that the activity fits so well with the four aims of the CNPA, & with respect to the views of the three complainants regarding noise, on balance the benefit can be seen to be significantly greater than the limited & controlled noise impact. The fact that it has taken 5 years for a complaint to be made – the issue of planning permission being required would have undoubtedly come up before had any prior complaint been made – would also seem to indicate that the situation has not been seen as an issue worthy of complaint. There has been no issue raised by the farmer at Lower Gaich – which would actually be most affected by the prevailing southerly winds carrying any noise back towards them – nor the farm to the south of the shooting site, either about noise, or about disturbances to their livestock. The Scottish Natural Heritage response also addressed this concern, & in regard to wildlife, & did not suggest any significant issue.
- **Scottish Natural Heritage:** we are pleased to note their view that the clay pigeon shooting has no significant effect on any of the qualifying interests.
- **Fergus Laing:** it is noted that as landowner, & accordingly landlord of Craggan Outdoors, Mr Laing has clarified some points raised in some of the submissions to the consultation process
- **Dalnain Bridge Community Council:** it is noted that this submission was made from the perspective of not appreciating that the planning application is retrospective, so what they see as the potential issues can be addressed with

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actual experience & knowledge from the 5 years + of operating the activity. The issue of nearby properties & noise has already been addressed under the comments in response to the Environmental Health submission, & the data provided regarding actual usage over the last 5 years clearly demonstrates that noise is not 'fairly constant', but rather for a short period / periods within a 6 hour 'window' on up to just 20% of days of the year. Regarding 'foot traffic', we have never in 5+ years encountered anybody walking in or through the area of Lower Gaich woods where the shooting occurs. The Speyside Way is on the east bank of the Spey, & there are no formal footpaths, or even informal tracks, that run from the west bank up the steep bank highlighted by Fergus Laing, & through Lower Gaich woods. Access for fishermen to the west bank is via a vehicle track that turns down to the river prior to Lower Gaich woods, & fishing generally occurs along the long sweeping bends in the river downstream from the shooting site. Fence lines that runs down to the river prevent easy & obvious access to the bank beneath the area of woodland where the shooting occurs, & even if fishermen or other members of the public did climb over a fence line, the woodland sits on raised ground well above the level of the bank, as highlighted by Fergus Laing. Access to the standing stone that is beyond Lower Gaich woods is via the same track by which the shooting area is accessed, but it sits around 200 metres beyond the end of the shooting area, & is not in line with the direction of shooting. The other standing stones are the other side of boundary fences that are topped with barbed wire & have no gateway or styles by way of formal crossing points, so would need to be approached from the other direction. In part, why the Lower Gaich woodland is so good as a shooting area is due to the fact that it pretty much sits in isolation from casual access / incursion. Again one can consider precedent as it would be much easier to make casual access into the Rothiemurchus shooting ground which sits very close to the road in a popular area for walking & cycling.

- **Celia Fielder:** all issues raised by Ms Fielder – other than that of safety – have been addressed by a combination of responses from SNH, the landowner Mr Fergus Laing, & this supporting statement. Regarding safety, as a highly professional outdoor activity provider, Craggan Outdoors has robust Standard Operating Procedures & Risk Assessments for all activities that we operate. These are in turn the basis for extremely thorough training & ongoing monitoring of all instructors, which is all recorded & available for review by appropriate parties. Craggan Outdoors is inspected on an annual basis by the Adventure Activities Licensing Authority (AALA), the arm of the Health & Safety Executive that is dedicated to ensuring safe operation of outdoor activities in the UK. We always secure exemplary inspection reports.

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Shotguns used for the activity are held under the license of company director Keith Ballam, & the operation has the requisite Police Scotland permit, last renewed on the required 5-yearly basis in autumn 2013. Shooting is controlled by the instructor loading & unloading the gun, & operating the safety catch. Clients never do either of these things. The direction & small arc of fire is tightly controlled by the gun barrel being between two upright posts, around 70cm apart, on each of the stands. The instructor stands immediately beside the shooter so as to be always completely in control of every individual when they are shooting. As required under Health & Safety legislation, we maintain records for any 'Incident or Near Miss' that occurs during any of our activity sessions, & to date in 5 years+ we have not had a single such issue in regard to clay pigeon shooting. All records are available for review by appropriate parties. Finally, we hold £5 million Public Liability insurance, & £10 million Employers Liability insurance, & have had no cause to claim, or a claim against us, since taking over the business in autumn 2008.

- **Ronald Macpherson:** all issues raised by Mr Macpherson have been addressed by a combination of responses from SNH & CNPA Ecology, the landowner Mr Fergus Laing, & this supporting statement.
- **Simon Munro:** the issue raised by Mr Munro has been addressed previously in this supporting statement
- **CNPA Ecology:** we are pleased to note their view that the clay pigeon shooting raises no issues in relation to ecology.

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23<sup>rd</sup> May 2014

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