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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by:** FIONA MURPHY  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)

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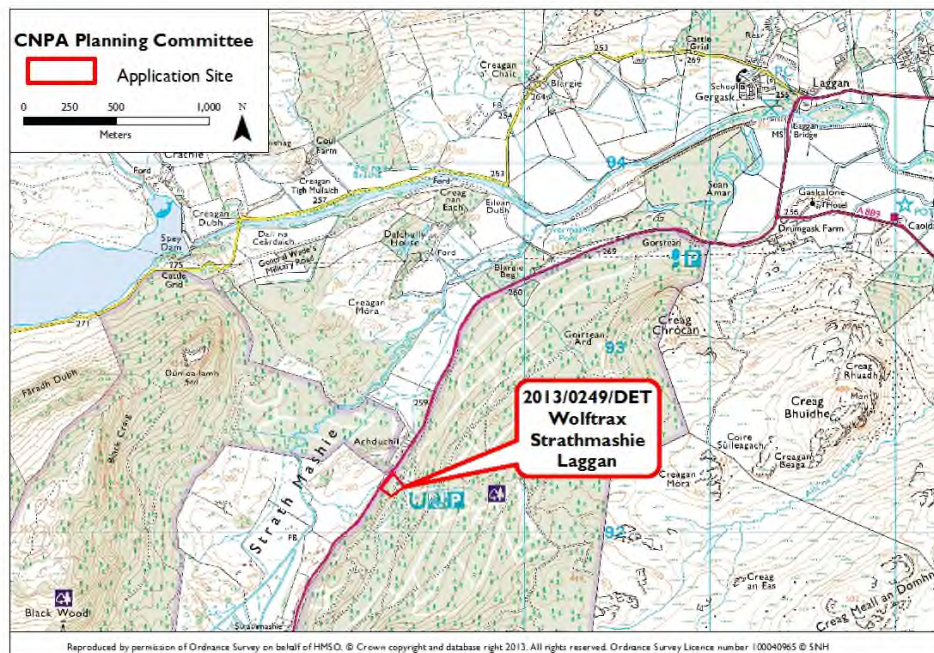
**DEVELOPMENT PROPOSED:** NEW RECEPTION CENTRE FOR USERS OF THE WOLFTRAX MOUNTAIN BIKING TRAILS, INCLUDING BIKE HIRE, CHANGING FACILITIES, CAFE AND SEMINAR SPACE AT BY AUCHDUCHIL, LAGGAN, PH20 1BU

**REFERENCE:** 2013/0249/DET

**APPLICANT:** MR ROBIN JACKSON,  
THE LAGGAN FOREST TRUST

**DATE CALLED-IN:** 19 AUGUST 2013

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS



Grid reference: 259333 E 792284 N

Fig. I - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. The site is located immediately to the south of the access track to the existing Wolftrax mountain bike facilities off the A86 Trunk Road at Strathmashie, 3 km. south west of Laggan. The site is a cleared area of forest bisected by a small burn, an existing track and the overflow car park. The site is steeply embanked up to the south. Mature forest fringes the banks to the south and south west. To the north-west between the road and the site, the land undulates and is characterised by semi-natural and regenerating scrub. The site is only partially visible from the road through the trees.



2. To the north of the application site lies the car park and buildings of the existing Wolftrax Centre. The car park is informally laid out and the buildings comprise a small shop, café, toilets and staff facilities. They are essentially temporary units disguised with timber facings. They are in a poor state of repair. Various mountain bike technical challenge tracks and longer distance cycle routes leave the car parking area adjacent to the proposed site for the new visitor facilities.



3. The application site is under the control of the applicant, whilst the existing visitor facilities and the main car park area, along with the trails and the main forest, are owned by the Forestry Commission.

### **Development Proposal**

4. The proposed development is located within a very small part of the redline site, confined to the site of the existing overflow car park. This is a relatively flat triangular site bounded by the burn to the south and north-west and the main access track to the north-east.
5. The proposed building is a simple rectangular single storey timber structure with larch cladding to the exterior walls and with a pitched roof clad with traditional profile metal cladding. The main elevation faces north-east onto the access track and car park. The accommodation extends to 210 sqm and comprises:
  - a) A public entrance area with access to toilets and showers, a small office, and the cafe.
  - b) A central cafe and learning area, with associated kitchen, servery and storage areas. The cafe opens out onto a deck area to the rear (south-west).
  - c) A bike maintenance and storage facility

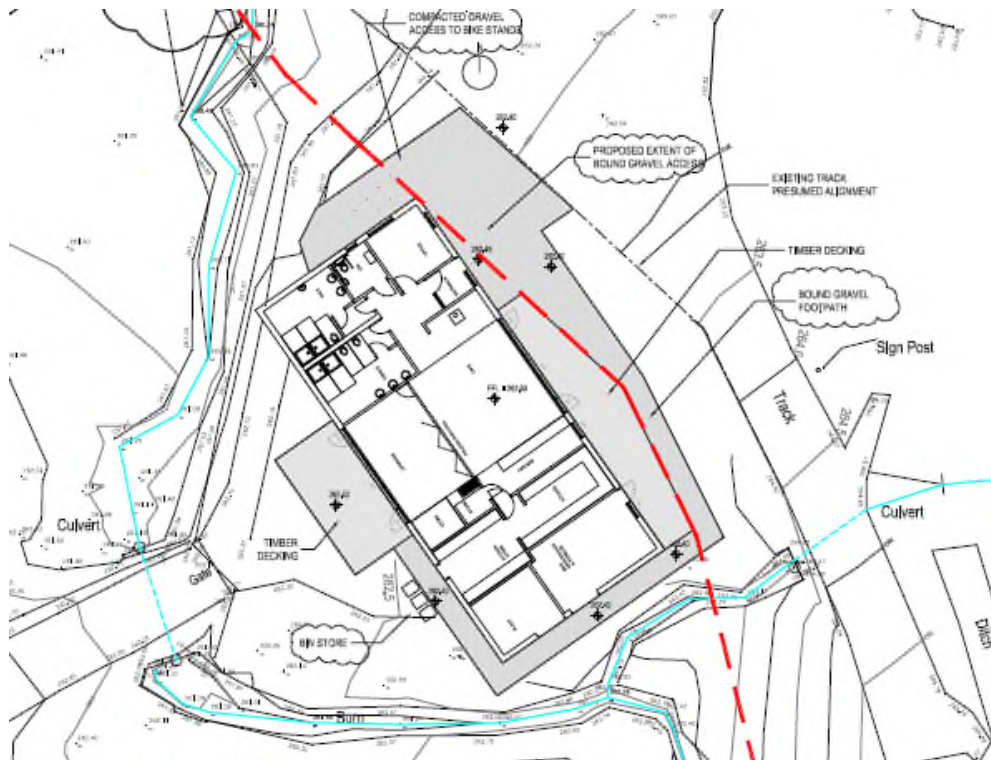
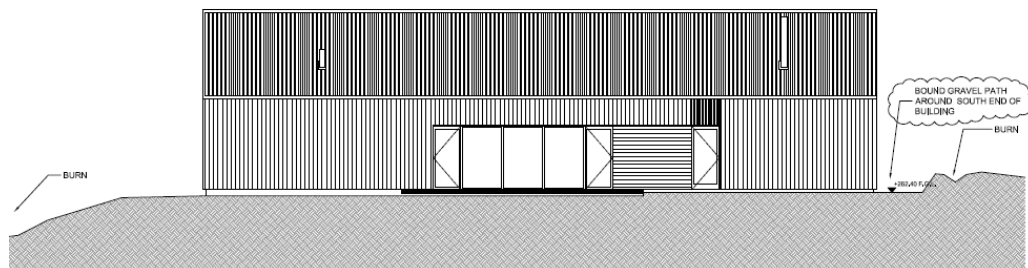
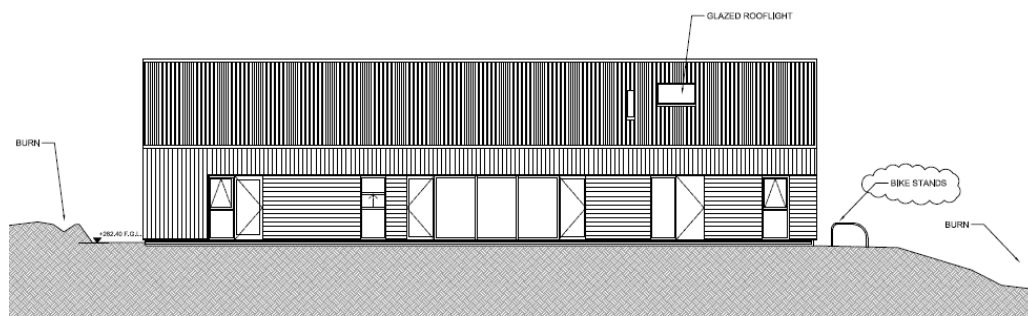


Fig 2 Site Layout Plan



West Elevation



East Elevation

Fig 3 North-east and South-west Elevations

6. A footpath is provided from the entrance around the outside of the building to the decking area. The drainage arrangements require a package plant with a partial soakaway which may require a CAR licence.
7. Waste storage will be provided at the rear of the building. Delivery and servicing will be at a delivery bay located at the entrance to the FCS car park.
8. The Energy Statement accompanying the application advises that the design intent is to surpass the current building standards within the constraints of the funding package. The proposals include the installation of a biomass boiler, a heat recovery ventilation system and energy efficient lighting.
9. The existing car park, which is outwith the application site and the applicant's control, currently has 44 parking spaces. The overspill car park which forms the site of the proposed building has a capacity of 6 car parking spaces and two bus parking spaces. The removal of the temporary buildings from the existing car park will create an opportunity to provide additional spaces. An indicative layout has been prepared to demonstrate that following the removal of the redundant buildings from the main car park, it would be capable for the capacity of this area to be increased to 73 car spaces, 4 bus/trailer spaces plus the delivery bay for the new Centre.

### **Operational Plan**

10. In support of the planning application, the Laggan Forest Trust has submitted a copy of their draft Operational Plan, which derives from their Business Plan. This states that the current market is focussed primarily on mountain biking along with other forest users. Tourism is recognised as a vital part of the local economy. A summary of the existing market for mountain bikers and walkers is included. A critical element however is that of future developments in mountain biking which is recognised as offering great growth potential. The consideration as to the future market opportunities and positioning of the Forest Centre is based on these core markets and a number of wider market trends which impact on tourism in general within the site and the wider area, including the potential of active holidays and attracting even more visitors to the area from which all businesses, existing and new will benefit.
11. The Trust intends to award a competitive lease for the cafe and bike facilities and anticipates that there will be a minimum total of 4/5 FTE positions created overall at the Centre.

### **Project Background**

12. Laggan Forest Trusts (LFT) visitor centre was included in a list of proposals allocated capital funding from Scottish Government via CNPA in 2013. The funding is to build a centre to serve the users of Laggan Wolftrax Mountain Bike Centre. The development of a centre has been a long held ambition of LFT and was granted planning permission in principle in 2010.

13. The objectives of the project are to stimulate economic growth in the community by creating a high quality visitor facility that will:-
  - a) Encourage visitors to come mountain biking in Laggan
  - b) Encourage visitors to stay longer in Laggan and spend more money in the area
  - c) Encourage visitors to return again and promote the facility to friends
  - d) Providing longer term employment in running the facility and support employment in associated services.
14. The funding is to build a centre that contains; toilets, showers, cafe and bike hire to serve the needs of mountain bikers. The building will also provide visitor information for the local area and wider National Park and a small office space for LFT.

### **Site History**

15. Planning permission in principle was granted on the 12 August 2010 for the erection of a Visitor Facility on the same site, subject to various conditions. In addition a Minute of Agreement was signed between the Cairngorms National Park Authority, the Scottish Ministers acting in their capacity on behalf of Forestry Commission Scotland and Laggan Forest Trust on the 4 June 2010 in relation to the same proposals.
16. The Agreement required the LFT to submit a detailed drainage scheme for the car park and access road, LFT to submit a detailed landscape plan including tree planting between the public road and car park, Scottish Ministers to remove all the existing buildings from the car park and reinstate the ground, and Scottish Ministers to reorganise the hardstanding to form a car park for the parking of not less than 60 cars and 2 coaches, together with a drainage scheme.
17. This arose because the planning application was submitted solely by the landowner – the Laggan Forrest Trust – for land within their ownership and did not include the adjoining land owned by the Forestry Commission, which includes the main car park for the development, the existing facilities and the forest trails themselves.

## **DEVELOPMENT PLAN CONTEXT**

### **National policy**

18. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish

Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:

- a) The constraints and requirements that planning imposes should be necessary and proportionate;
  - b) The system should allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - c) There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
19. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
20. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
21. As a replacement for a variety of previous planning policy documents the **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage.
22. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan (2012 - 2017)**

23. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :

- a) A sustainable economy supporting thriving businesses and communities;
- b) A special place for people and nature with natural and cultural heritage enhanced; and
- c) People enjoying the park through outstanding visitor and learning experiences.

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

24. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
25. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
26. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
27. Policy 35 – Sport and Recreation Facilities - Developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or for the enhancement of existing facilities in terms of quality and design will be supported where:
  - a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
  - b) they will meet an identified community or visitor need.
28. Policy 33 – Tourism-Related Development - Tourism-related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure will be supported provided that the development will not have an adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the Cairngorms National Park



which, in the judgement of the planning authority, outweigh that beneficial impact.

29. Policy 16 – Design Standards for Development – Design standards include minimising the effect of the development on climate change; reflecting and reinforcing the traditional pattern and character of the surrounding area whilst encouraging innovation in design and use of materials; using materials and landscaping that will complement the setting of the development; demonstrating sustainable use of resources and enabling the storage, segregation and collection of recyclable materials.
30. Policy 6 – Landscape – There will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park, and in particular, the setting of the proposed development.
31. Policy 12 – Water Resources – C – Connection to Sewerage – There will be a presumption against development which is not connected to the public sewerage system network unless it is in a small settlement where there is no system in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect to the natural environment.
32. Policy 34 – Outdoor Access – Development proposals which would result in a reduction of public access rights or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured.

### **Supplementary Planning Guidance**

33. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

### **Sustainable Design Guide**

34. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment.
35. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

## CONSULTATIONS

36. **SEPA** have advised that they are satisfied that the issues in relation to their interests have been adequately addressed.
37. **Transport Scotland** – the Director, Trunk Roads Network Management Advice, does not propose to advise against the granting of permission.
38. **Forestry Commission Scotland** has confirmed to the applicant that they will commit to agree a revised Minute of Agreement that reflects the detail of the existing Minute of Agreement. FCS does not support the installation of decking on their land in front of the proposed building but is prepared to discuss a suitable alternative.
39. **Highland Council’s Forestry Officer** comments that the edge of the building is just 2 metres from the stream edge, which would require the loss of around 10 young trees on the south and west sides of the building. He also comments that the north-west corner of the proposed building crosses over an existing footpath and asks for confirmation about re-routing. He does not object to the proposal and recommends conditions relating to protection of trees and a Tree Planting Plan and maintenance programme.
40. **Laggan Community Association** expressed concerns about the lack of a business plan to demonstrate the sustainability of the project before the building design process began. They were concerned that the building would not be viable and would become more of a burden to the Laggan community than a benefit.
41. **The CNPA Landscape Officer** concludes that the design of the building is intended to reflect the rural forested setting and the simple unfussy form and finish will make for an attractive but unpretentious building appropriate to its context and function. The Officer concludes that the development would have a minor impact on immediate landscape setting, but has the potential to be addressed by mitigation measures proposed below. Also that the development has potential for a positive impact on landscape. Recommendations include:
  - 1) Use of traditional corrugated profile roofing material.
  - 2) Details of ground preparation and seeding mixes
  - 3) Consideration of relationship with car park
  - 4) Non-slip surface for decking in frosty conditions
  - 5) Safe bike storage for users of building
42. **The CNPA Economic Development Officer** advises that the development has potential for a positive impact on tourism and the local economy. Market analysis suggests that there is a business case to support the existing “world class” trail centre at Laggan. However, it is recommended that LFT use this as a springboard to plan further development so that visitor numbers continue to rise. Therefore an agreement with FCS surrounding the future development of the site is necessary to ensure future

sustainability. It is clear that the project will generate additional benefits to the local area through attracting new visitors that would not otherwise have come or stayed overnight in the area. This is estimated to be greater than any displacement effects and will potentially benefit a wide range of businesses if they choose to seize the opportunities provided by an increase in visitor numbers to the area.

43. **The CNPA Ecology Officer** advises that there are no specific issues arising from this application.
44. **Highland Council Environmental Health** – no response.

## REPRESENTATIONS

45. Two letters of objection have been received and are attached to this report as Appendix I. One is from a local businesswoman objecting that the proposed publicly funded development will threaten her well-established private catering and retail business, as the Wolftrax facility will not be viable for the mountain bike market alone. The second is from a local resident who is concerned that the design is not backed by sound commercial assumptions, that the development fails to reflect local character or provide local opportunity and that the defective business model will damage existing businesses.
46. In a supplementary report entitled 'Planning Response' the applicant has drawn attention to the fact that various positive comments were submitted to CNPA in relation to the proposals but none were accepted because they missed the deadline. They also refer to support for the project at the Laggan Forest Trust Open Forum on the 23 July 2013, support for the project from the Director of the local estate, and support from two local business people.

## APPRAISAL

47. The legislation requires that the application is determined in accordance with the Development Plan policies unless there are material considerations which would indicate otherwise.
48. The proposals generally comply with wider national policies. The issues to be considered in relation to the specific Cairngorms Local Plan policies are:-
  - a) *Whether there is an identified need for the facilities.*  
It is obvious from a visit to the site that the existing temporary facilities are limited in nature and at the end of their useful life.
  - b) *Whether the development will have a beneficial impact on the local economy.*  
This issue has been addressed by the submission of the Operational Plan for the Centre and its review by the CNPA Economic Officer. It is noted that there are different views within those that have responded from the

local community. Overall it is considered that developing and enhancing an existing facility for a sport that is growing in importance in the National Park will benefit the local economy as a whole.

- c) *Whether the proposal demonstrates best practice in terms of sustainable design and future maintenance*  
The design is simple and straightforward, which is appropriate in this particular location. Sustainable design features have been included where possible.
- d) *Whether there are any environmental impacts*  
The environmental impact of the proposals will be limited, as the site is currently already surfaced and used as an overflow car park.
- e) *The suitability of the design*  
The site is constrained by the presence of the Burn and the extent of the Laggan Forest Trust's ownership, which has limited the scope of the development. A simple functional timber building with traditional corrugated metal roof is considered appropriate in this location.
- f) *The relation to the landscape*  
The use of traditional materials and the simplicity of the development will help it blend appropriately within the forest environment.
- g) *The impact on water resources*  
SEPA has no objection to the proposals.
- h) *The impact on outdoor access*  
There is an existing track that leads into the forest in a south-westerly direction from the application site. This is shown on the Forestry Commission's website as part of a local nature walk and is also understood to have been proposed as a community walk within the Laggan area. It does not form a specific part of the mountain bike trails. The Laggan Forest Trust has shown a link between this existing track and the main access by adding a short link to the route around the proposed building.

### **Material Considerations**

- 49. None of the consultees have raised any significant issues in relation to the proposals, with the points raised by CNPA Landscape and HC Forestry being capable of being addressed by condition.
- 50. As noted under Site History, the site previously benefitted from Permission in Principle for a similar but larger development. The applicant chose however to submit a new planning application rather than simply Matters Specified by Condition.

51. This places the planning authority in a position where it is obliged to address all aspects of the development, although the previous decision may be taken as a material consideration. As with the previous application, the Planning Authority is faced with a proposal that is dependent on land and facilities owned by another party both to justify and to support its existence. This raises issues in relation to:-

**1) Car Parking**

52. The site of the proposed development is currently used as a car parking area. The development will result in the loss of this parking area at the same time as potentially creating a requirement for further parking. The agent has submitted plans of the main car park as existing and as proposed, following the removal of the existing temporary facilities. This shows an increase from 44 spaces to 73 spaces plus 4 bus spaces and a delivery bay and more than replicates the requirement within the Minute of Agreement, albeit that the proposed visitor facility is now considerably smaller than that which was originally proposed.
53. In this context, it is noted that the Permission in Principle was accompanied by a Minute of Agreement, as a means of securing car parking on land outwith the applicant's control. In the event of the current application being approved, it is therefore recommended that this is subject to the Minute of Agreement being updated and re-signed.

**2) Bike Parking**

54. The applicant was asked to provide secure parking for cycles whilst their owners access the premises. It is expected that this would enhance the attractiveness of the premises to users of the trails, who would be able to secure their bikes safely and use the facilities in-between runs. A limited amount of racking has been added to the drawing.

**3) Delivery and Servicing Arrangements**

55. A delivery bay has been outlined within the main car park. It is recommended that this is added to the Minute of Agreement in the event that planning permission is granted.

**4) Decking/Path**

56. The decking and path to the east of the building is partially on land outwith the ownership of the applicant and has not been agreed with the Forestry Commission. This is unfortunate as it is considered important that the entrance to the building has permanence and presence. As the land is outwith the control of the applicant, this external entrance area cannot be controlled by condition. It is therefore again suggested that it is added into the Minute of Agreement in the event that planning permission is granted.

## **Conclusion**

57. It is considered that the proposals are in compliance with the Development Plan policies for the area and that there are no material considerations which would mitigate against the granting of planning permission, provided a Minute of Agreement is entered into addressing the relationship of the site with the adjoining Forestry Commission land.

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

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

58. It is considered that the proposal will contribute to the conservation and enhancement of the natural and cultural heritage of the area, through the addition of a small amount of planting.

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

59. It is considered that the proposal will contribute to the promotion of the sustainable use of natural resources, through the use of timber cladding and introduction of a biomass boiler and wood burning stove.

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

60. The proposal will contribute to this aim, as the diversity of the project enables the building to be used as an educational and community resource, thereby helping promote the understanding and enjoyment of the area. The facilities which are proposed to be provided in the hub (cafe, information, and toilets) would be of benefit to users of the new mountain biking trails, and would also be of benefit to other visitors to the area.

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

61. The proposal will help promote sustainable economic and social development of the area, as the objectives of the project are to stimulate economic growth in the community by creating a high quality visitor facility that will:-
- a) Encourage visitors to come mountain biking in Laggan
  - b) Encourage visitors to stay longer in Laggan and spend more money in the area
  - c) Encourage visitors to return again and promote the facility to friends
  - d) Providing longer term employment in running the facility and support employment in associated services.

## RECOMMENDATION

**That Members of the Committee support a recommendation to grant planning permission for the development of a new reception centre for users of the Wolftrax Mountain Biking Trails, including bike hire, changing facilities, cafe and seminar space subject to:-**

**a) Updating and re-issue of the Minute of Agreement between FSC, LFT and CNPA in respect of removal of the existing buildings from the site, extension of the car park, landscaping, drainage, providing the entrance area to the new building and accommodating delivery and servicing arrangements.**

**b) And the following planning conditions:-**

1) Prior to the commencement of works on site, samples of the proposed materials for the walls, roof and waste storage fencing shall be submitted for the consideration and written approval of the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the materials are suitable in the interests of the visual amenity of the area.

2) Prior to the commencement of the use of the building, an access shall be provided to link the existing forest track to the south-west of the proposed building with the main access route to the north-west of the proposed building. Details of the design and materials shall be submitted for the consideration and written approval of the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of the footpath works.

**Reason:** To ensure that a footpath link is maintained in the interests of providing continued access for users of the forest trail.

3) With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

4) No development shall commence until a Tree and Wildflower Planting Plan and maintenance programme, including proposals for ground preparation, has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The Tree and Wildflower Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the planting proposals are appropriate to the forest environment in the interests of visual amenity.

**Advice notes:**

**Fiona Murphy**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**Date 29 October 2013**

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