

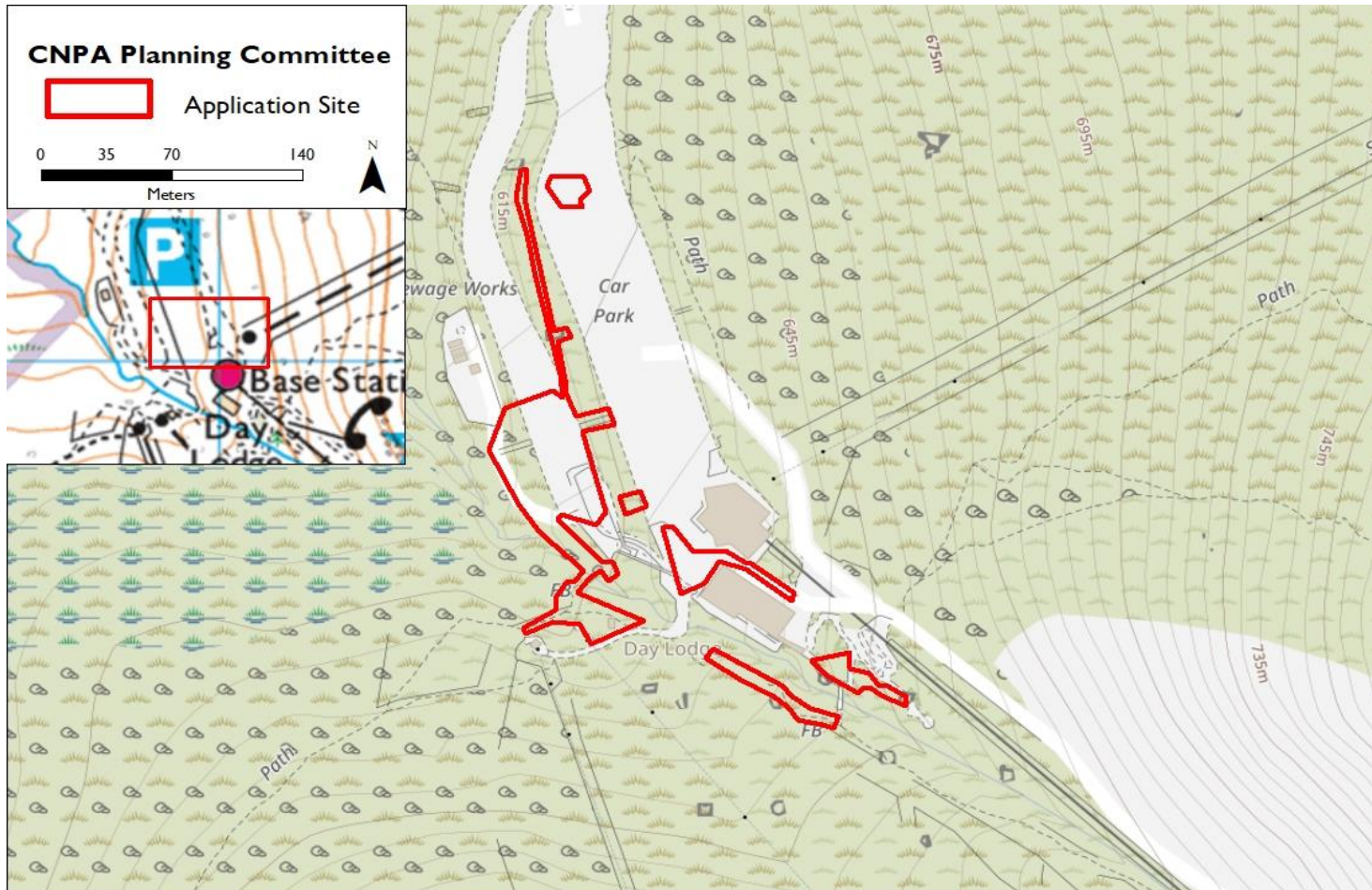


Committee report

Development proposed:

Erection and installation of adventure play equipment and associated landscape and ancillary works

Reference:	2024/0155/DET
Applicant:	Cairngorm Mountain (Scotland) Ltd
Date called-in:	18 June 2024
Recommendation:	Approve, subject to conditions
Case officer:	Colin Bryans, Senior Planning Officer



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Site description, proposal and history

Site description

1. The application site consists of six parcels of land located on and immediately around the Cairngorm Ski Centre Day Lodge, Funicular Base Station and car parks at Coire Cas.
2. The wider ski centre is accessed by the existing B970 road from Glenmore, which terminates at Upper Cas Car Park, beside the Day Lodge and Funicular Railway Base Station.
3. The application site lies within the Cairngorms National Scenic Area but is not covered by any other specific environmental designations. The Cairngorms Special Area of Conservation, designated for habitat interests, and the Northern Corries, Cairngorms Site of Special Scientific Interest lie approximately 180 metres west of the site. The Cairngorms Wild Land Area No.15 as identified in Scottish Natural Heritage's wild land area map lies approximately 600 metres west of the site at its closest, circling the entire ski area.

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>

Title	Drawing number	Date on plan*	Date received
Plan – Red line boundary location plan	n/a	n/a	14/06/2024
Plan – Site layout area plan	01009/1P	16/04/2024	14/06/2024



Plan - Cairngorm Mountain Scotland (Item 5) Feature Heart Viewpoint	01009/8P	16/04/2024	14/06/2024
Plan - Cairngorm Mountain Scotland (Item 3) Ball Track & (Item 6) Water Play	01009/3P	16/04/2024	14/06/2024
Plan - Cairngorm Mountain Scotland (Item 5) Climbing Frame Letter Play Park	01009/5P	16/04/2024	14/06/2024
Plan - CMSL - Adventure Play Expansion - Item 1 - Link Path Construction Details	n/a	n/a	14/06/2024
Plan - Cairngorm Mountain Scotland (Item 6) Interactive Water Features	01009/2P	16/04/2024	14/06/2024
Play - Adventure Play Boundaries Cairngorm Mountain Orthographic Survey	1175601 - Ortho.DWG	04/07/2024	08/07/2024
Other – Landscape edges and surfaces	n/a	n/a	15/07/2024
Plan – Phasing plan and indicative schedule	n/a		17/07/2024

*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

5. The proposed development consists of new adventure play items and related ancillary infrastructure works. The development is to be delivered in four phases:

Phase 1

6. A children's interactive ball track facility, over six separate areas, is proposed in the Mountain Garden Area and adjacent to the Lower Cas Car Park. These will be a variety of designs up to 1.5m height and of timber construction and will be micro-sited according to specific local topography and ground conditions. They will be



removable features that will be dismantled and taken off site for storage over the active winter months.

7. A jumping pillow of 14m x 10m is proposed in the Lower Cas Car Park area, to be installed at ground level. The colour has been confirmed as Green (RAL6028) and Light Green RAL6018.
8. A proposed food cart will be a timber clad 4m x 3m x 2.5m moveable structure. Two areas have been identified for this at either end of the main car park. At any given time one or the other will be in use.
9. The surfaces around new features will be to match existing hardcore and gravel permeable surfaces. The areas directly adjacent to children's climbing and play equipment will be pea gravel/shingle to match existing and will be bounded/enclosed by timber logs to provide a suitable natural edge/barrier. The landscaped edges around the proposed structures will be re-soiled and seeded as required with nature grassland mixed, but generally areas will succeed naturally and reestablish seamlessly with the surrounding area similar to recent edge treatment and earthworks adjacent to the mountain bike tracks. Additional work to be undertaken in following phases as appropriate.
10. Proposed wood carvings, up to 2.5m in height, would be free standing structures or bolted to a plinth. These could be moved and placed in storage as required.

Phase 2

11. Wooden 'CAIRNGORM' climbing frame letters, up to 3m high, are proposed along the western edge of the Lower Cas Car Park will provide a separate climbing frame.
12. Five separate covered seating areas are proposed consisting of booths of 3m x 3m x 2.5m (height) These will be steel framed structures bolted to a simple pad foundation and clad in locally sourced timber to match the other play equipment, lettering, fencing and landscape treatment across the site.



Phase 3

13. A water rail feature, which will be of similar appearance, style and materials to the ball run facility, and will also be demountable. The water feature will utilise the water that flows from the mountain garden and down the existing drainage channel. The water feature will be constructed of a combination of wood and rocks.
14. A second interactive water feature along the edge of the adventure play area will utilise the water that currently flows beneath the car park in the existing culvert. The water feature will be constructed of a combination of wood and rocks.

Phase 4

15. A proposed animal timber play structure to be located between the existing tubing slides. The indicative drawings show this structure as a wooden pigeon, however the detail of the proposal will remain reserved and to be addressed through an appropriate planning condition. It is suggested that this play structure could be in the shape of a locally present bird or animal (such as a Ptarmigan, Grouse, Osprey). This could tie in with the educational information to be on site.

History

16. There is an extensive site planning history on record stretching back over 30 years. Below is a summary of the past five years:
- a) **19/01765/FUL** - Installation of tube slide, zip line and play area - Permission granted 18 June 2019.
 - b) **19/03322/FUL** - Engineering works to smooth and re-grade – Permission granted 5 August 2019.
 - c) **19/04135/S42** - Section 42 application for non-compliance with Condition 1 of Planning Permission 18/05078/FUL (replacement of cessation date 01.11.2019 with 19.11.2020) – Permission granted 22 November 2019.
 - d) **19/03944/S42** - Section 42 application to vary Condition 1 of Planning Permission 19/01765/FUL – Permission granted 28 November 2019.
 - e) **20/01155/FUL** - Engineering works for strengthening funicular viaduct – Permission granted 23 March 2020.



- f) **20/01410/FUL** - Installation of car park barriers – Permission granted 13 April 2020.
- g) **20/01058/FUL** - Installation of two tube slides and extension and realignment of existing tube slide – Permission granted 15 June 2020.
- h) **21/03707/S42** - Variation of Condition 1 (20/01058/FUL) cessation date of 15.06.2026 – Permission granted 24 August 2021.
- i) **21/03708/S42** - Section 42 application to vary Condition 1 (19/03944/S42), cessation date of 01.11.2026 – Permission granted 16 August 2021.
- j) **21/03808/S42** - Section 42 application for non-compliance of Condition 1 of Planning Permission 20/03246/S42 – Permission granted 19 October 2021.
- k) **22/03647/ADV** - Erection of signage – Permission granted 10 October 2022.
- l) **22/04039/S42** - Section 42 application for non-compliance of Condition 1 of Planning Permission 21/03808/S42 – Permission granted 6 December 2022.
- m) **23/05766/S42** - Section 42 application to not comply with the provisions of Condition 1 of Planning Permission 22/04039/S42 – Permission granted 6 January 2024.

Habitats regulations appraisal

17. The proposals are not considered likely to impact upon the surrounding European sites, the River Spey SAC and the Cairngorms SPA. As such no Habitat Regulations Appraisal is required.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	
Policy 6	Forestry, woodland and trees	
Policy 7	Historic assets and places	
Policy 8	Green belts	



Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	X
Policy 22	Flood risk and water management	
Policy 23	Health and safety	
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	X
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	X
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X



Policy 6	The siting and design of digital communications equipment	
Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	X
Policy 9	Cultural heritage	
Policy 10	Resources	
Policy 11	Developer obligations	

18. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

19. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	X
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	X
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	
Policy 11	Developer obligations supplementary guidance	



Consultations

20. A summary of the main issues raised by consultees now follows:

21. **Cairngorms National Park Authority Landscape Consultant** reinterprets the established description of the landscape character within the Landscape Character Assessment (that considers the established ski infrastructure to be a part of the established landscape character) to be one where the character of the landscape is marred by the presence of the infrastructure and car park. In their opinion, the letter and animal features would significantly detract from the natural setting and grandeur of the Cairngorms, exacerbate the cluttered appearance of existing infrastructure in the vicinity and compound the negative perceptions associated with infrastructure in the vicinity of the ski centre and car park especially for those who walk into the mountains to seek tranquillity within highly natural surroundings.
22. **Cairngorms National Park Authority Access Officer** raised no objections to the proposal following the submission of additional information relating to the maintenance of public access across the site. The Officer noted that the proposed play equipment will not interfere with access across the site.
23. **Cairngorms National Park Authority Ecology Officer** raised no objections to the proposal. The Officer highlighted that the proposed development is not considered likely to impact upon the River Spey SAC or the Cairngorms SPA, and the significance of effects on habitats would be neutral. No effects on protected species or birds were identified.
24. **The Aviemore Community Council** made no representation.

Representations

25. Badenoch and Strathspey Conservation Group object to the proposed development on the following grounds.
- a) The proposal would be intrusive and detract from people's experience of the mountain scenery and contact with nature. It would form a negative start and finish to many people's activities in the mountains.



- b) Claims that the proposal would exacerbate the “Disneyfication” of this already impacted location.
- c) The proposal is of an inappropriate scale, would be intrusive to its setting and would weather/fall into disrepair.
- d) The PVC jumping pillow would weather and decompose introducing harmful chemicals to the environment.
- e) Detrimental ecological impacts resulting from disturbance.

Appraisal

26. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies will be used.
27. The main planning considerations in this case are the principle of development, siting, layout and design, access, landscape issue and environmental impacts. These are considered in detail below.
28. The proposed development consists of a range of children’s play infrastructure, as outlined above, and ancillary development. The proposal is intended by the applicant to supplement Cairngorm Mountain’s offering as an “all year round outdoor, healthy destination” by offering summertime facilities, particularly for families with children.
29. The proposal is intended by the applicant to “address the challenges to protect the economic and social benefits which the resort contributes to Badenoch and Strathspey, and to the Highlands in general and to expand and reconfigure the available activities and facilities to encourage tourism and leisure usage throughout the year”.

Principle

30. **NPF4 Policy 30: Tourism** seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland. Policy 30 seeks to ensure that tourism related developments take into account a broad range of considerations



including contributions made to the local economy, compatibility with the surrounding area, accessibility and sustainable travel opportunities, impact on communities, carbon emissions and access to nature.

- 31. LDP Policy 2: Supporting economic growth** – 2.3 Tourism and leisure developments states that development of the nature proposed will be supported where:
- It has no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - It makes a positive contribution to the experience of visitors; and
 - It supports or contributes to a year-round economy.
- 32. NPF4 Policy 21: Play recreation and sport** encourages spaces and opportunities for play, outdoor recreation and sport. **LDP Policy 8: Open space, sport and recreation** seeks to support diversification or extension to existing sport and recreation related business activities.
- 33.** The proposal site is dominated by the existing infrastructure associated with the ski and mountain bike facilities, and existing children's play facilities. The proposed development will occupy this site where the principle of leisure / sport and tourism use is well established.
- 34.** The proposal is specifically intended to make a positive contribution to the experience of visitors, specifically families with children, and to increase the year round offering of the site.
- 35.** The principle of the proposed development is acceptable and in accordance with the above development plan policies, subject to detailed consideration of design, siting and potential impacts.

Siting, layout and design

- 36.** NPF4 Policy 14: Design, quality and place seeks to support development proposals that improve the quality of an area regardless of scale and that are consistent with the six qualities of successful places, that is:
- healthy



- b) pleasant
- c) connected
- d) distinctive
- e) sustainable
- f) adaptable

37. LDP Policy 3: Design and placemaking seeks to ensure that development meets the six qualities of successful places.
38. The proposed development will have a relatively light footprint on the hill side and is of a modest scale, with elements including the ball runs, sculptures, water features and food cart all being removeable, to be stored during the winter months and reinstalled in the spring.
39. The animal play structure and the Cairngorms letters will be larger and more visible, but all at a much smaller scale than the neighbouring buildings and in close proximity to those buildings and consistent with the existing children's play infrastructure they will integrate with. Those structure do not extend the visibility of the area nor significantly change the sense of place of the site. Views towards the mountains from the site itself are limited and will continue to be dominated by the larger buildings and ski infrastructure above these new features. Views to mountains from the footpaths leading to them will remain unchanged.
40. There will be a consistency of materials used across all elements of the proposal with timber, timber cladding and gravel, all to match the existing palate of colours and materials. The PCV jumping pillow will be coloured green and dark green to soften the visual impact.
41. The proposed development is appropriate to its setting in terms of size, layout and materials, and is confined within the boundary of the existing Cairngorm Mountain development, which is heavily characterised by the presence of buildings, the funicular railway, a large carpark, paths, fences, children's play equipment and ski related infrastructure.



42. The proposal will not appear incongruous within this setting and is appropriate in terms of design scale and materials. The proposal is in accordance with the above development plan policies in relation to design, subject to the proposed conditions relating to detailed design and materials.

Access

43. LDP Policy 3: Design and placemaking seeks to ensure that developments are designed to ensure that they are easy to move through, around and beyond.

44. The Cairngorms National Park Authority Access Officer raised no objections to the proposal following the submission of additional detail concerning the interactions of the proposal with the existing path network.

45. The proposal will not negatively impact on any existing access routes, or paths, and the siting of individual development components has been specifically chosen to avoid any impacts or barriers to access across the site and into the wider mountain environment.

46. A programme of path upgrades and maintenance is being undertaken by the applicant which do not require planning permission. The applicant has confirmed that the upgrade works are proposed to accommodate pushchair access etc.

Landscape issues

47. LDP Policy 5: Landscape presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park, and particularly the setting of the proposed development. Any adverse impacts must be minimised and mitigated through appropriate siting, layout, scale, design and construction.

48. Cairngorms National Park Authority Landscape Consultant advises that in their judgement the proposal is contrary to Policy 5 in that it will neither conserve or enhance the landscape character and the special qualities of the National Park. The Consultant advises that the proposals would be intrusive and significantly detract



from the natural grandeur of the Cairngorms Massif, compounding the negative perceptions of some people associated with the existing infrastructure.

49. Notwithstanding this, it is evident that the baseline set by the existing buildings, ski infrastructure, large car park and children's play facilities means that this part of the mountain is already characterised by and dominated by the existing features. The existing structures and infrastructure are much more dominant in the landscape than those additional ones proposed. The new features proposed are designed to provide more activities for young people to enjoy on the mountain, to celebrate its location and minimise impacts beyond the immediate site. The additional features proposed will not significantly change the physical or visual character or setting of the site itself, though if successful could mean that there are more families and young people using it and in the vicinity of it.
50. Critically, the proposed development does not extend the visual envelope of the ski centre. While people with negative perceptions of the ski centre infrastructure may continue to have those perceptions, the experience of the mountains a very short walk from the centre will be unchanged. It is also likely that the increased range of facilities will encourage new people to experience the site and build their own appreciation for the wilder landscapes beyond it.
51. The materials proposed are consistent across the proposal with timber / timber cladding prevalent throughout. As the timber naturally weathers the visual impacts of the proposal will lessen with time. This is in keeping with the established built form and is appropriate for the setting.
52. Having considered the landscape consultant's advice in detail it is the planning officers' opinion that any adverse impacts on landscape will be localised and within the established and existing envelope of intense development around the Day Lodge, car parks and funicular base station, so not substantially change the baseline conditions. We are also of the opinion that the perceptions of people coming to the car park will have changed positively as a result of the recent and significant improvements made to enhance the visitor experience. We are aware that there are people who hold negative perceptions about the ski centre for a variety of reasons as well as those who have positive ones. However, the proposed development will not



change the experience of the mountains or special landscape qualities beyond the current site.

53. The impacts of the proposed development are considered to be suitably minimised and mitigated through appropriate siting, layout, scale, design and construction. The proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Environmental impacts

54. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

55. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.

56. **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on European Protected Species and other biodiversity interests.

57. Cairngorms National Park Authority Ecology Officer raised no objections to the proposal. The officer highlighted that the proposed development is not considered likely to impact upon the River Spey SAC or the Cairngorms SPA, and the significance of effects on habitats would be neutral. No effects on protected species or birds were identified.

58. The environmental impacts of the proposal are of a scale and nature that is considered acceptable and in compliance with the above development plan policies.

59. The proposal does not include any specific measures concerning biodiversity net gain. However, the applicant is currently undertaking a site wide project of native



tree planting in an effort to increase tree coverage of this previously deforested slope. This project will deliver wider biodiversity enhancements across the site and is deemed sufficient to meet the policy requirements.

Other Issues Raised in Consultations and Representations

60. The Badenoch and Strathspey Conservation Group raised the issue of PVC used in the proposed jumping pillow and the stated belief that this could lead to harmful chemicals entering the environment over time.
61. The control of harmful substances, materials and chemicals are subject to legislative control out with the remit of the planning system. PVC is a plastic material, and its production is considered to be one of the more harmful processes, resulting in a number of harmful pollutants being created as a by-product. As a material, it is ubiquitously used throughout society and often as a material for children's play equipment, where it includes ultraviolet resistance treatments to prolong its life outside.
62. No statutory consultee raised any issues with the use of PVC in play equipment in this instance and there is no legislation that prevents its use as a material. In this case, the equipment will be operated by Cairngorm Mountain Scotland Ltd who will be required to maintain it for safe use and then replace in accordance with the manufacturer's requirements for use.

Conclusion

63. The proposed development is located on an established recreational / sport / tourism site and is intended to make a positive contribution to the experience of visitors and to increase the year round offering of the site.
64. The layout, design and materials of the proposal are considered acceptable and appropriate to their setting against the existing baseline of buildings, ski infrastructure, large car park and children's play facilities. Impacts on the landscape will largely be localised and where possible have been suitably mitigated through appropriate design, materials and siting.



65. Environmental impacts are of a scale and nature that is considered minimal and acceptable, and habitat compensation is being delivered through the site wide tree planting project currently underway. The proposed development is considered to comply with policies of both NPF4 and the LDP. As such approval of the application is recommended, subject to the recommended conditions.

Recommendation

That members of the committee support a recommendation to APPROVE the application for the erection and installation of adventure play equipment and associated landscape and ancillary works at Cairngorm Mountain Ski Centre, subject to the following conditions:

Conditions

Those conditions listed below in **bold** text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. **No works in connection with any single phase of the development, as identified by the submitted phasing plan and the report of handling, hereby approved shall commence until details of all the materials, relevant to that phase, to be used in the external finish for the approved development have been submitted to and approved in writing by the Cairngorms National Park Authority. No single phase of the development shall be brought into use unless the external finish of that phase has been applied in accordance with the approved details.**

Reason: In the interests of the appearance of the development and the visual amenity of the area.



3. **No development in connection with Phase 4 “timber play structure” shall commence until full and comprehensive design details of the structure have been submitted to and approved in writing by the Cairngorms National Park Authority. For the avoidance of doubt details to be submitted must include:**
- a) **Materials**
 - b) **Dimensions**
 - c) **Finishes**
 - d) **Micro sitting**
 - e) **All detailed matters of design**

Reason: In the interests of the appearance of the development and the visual amenity of the area.

4. **No development shall commence (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority. All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.**

Reason: In the interests of protecting the biodiversity and the environment.

Informatives

1. The development hereby approved must commence within three years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than



later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.

3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.