
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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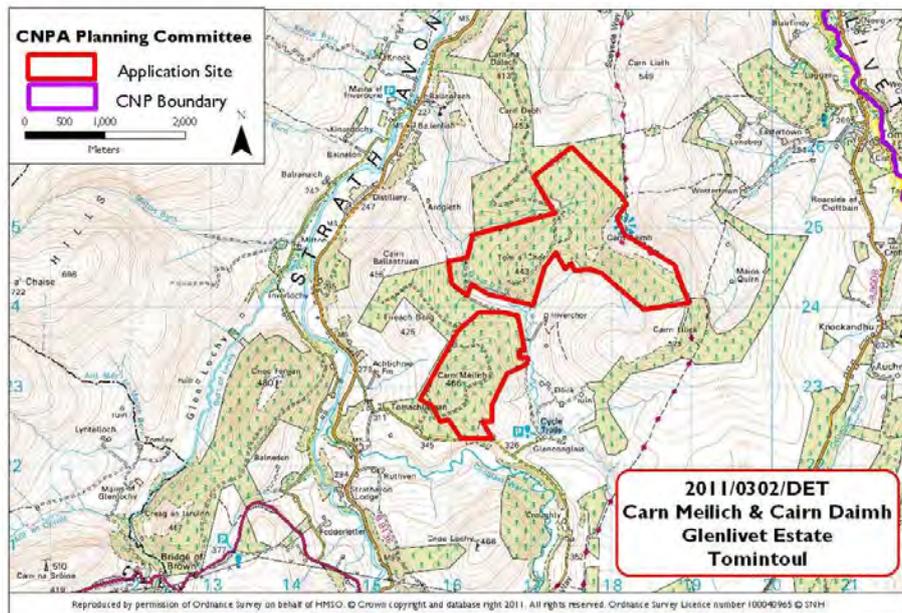
DEVELOPMENT PROPOSED: PLANNING PERMISSION TO DEVELOP MOUNTAIN BIKE CENTRE ON LAND AT CARN MEILICH AND CARN DAIMH, GLENLIVET ESTATE, TOMINTOUL

REFERENCE: 2011/0302/DET

APPLICANT: MS. VICKY HILTON, THE CROWN ESTATE, GLENLIVET ESTATE OFFICE, MAIN STREET, TOMINTOUL

DATE CALLED-IN: 30 SEPTEMBER 2011

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 316855 823429 (easting northing)
Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the development of a mountain bike centre on land at Carn Meilich and Carn Daimh on Glenlivet Estate. The proposed mountain bike centre includes bike trails, the creation of a new car park and a building to provide toilets, information and café facilities. The development is proposed within an area of commercial forest plantation. The land is also within the Speyside Area of Great Landscape Value (AGLV). At its closest point the identified site lies approximately 3.1 kilometres north of Tomintoul. The subject site can be approached from either the south via an unclassified public road network from Croughly (U135H) towards Glenconglass (U134H) or from the north eastern direction using the same unclassified road (U135H) to its junction with the B9136.
2. The proposed building which would accommodate toilets, information and café facilities is intended to function as a visitor hub. The site of the proposed hub is on the eastern periphery of the Carn Meilich forest plantation. The aforementioned public road network extends to Glenconglass Cottage and an existing small car parking area and information point is located at the junction of the tarred road and the forest track which leads towards the proposed development site.
3. The proposed visitor hub would be located approximately 1 kilometre north of the junction of the forest track and the public road. The proposed hub building is a single storey structure, with a rectangular footprint, extending to 74 square metres. The building would be clad in vertical larch boarding, with dark coloured box profile cladding on the roof. Approximately 60% of the floor area is identified as an information room and cafe / visitor area, including counter serving space, while the remainder of the building would be occupied by a large kitchen, storage areas and ladies and gents accessible toilet facilities. A wood burning stove is proposed to serve the information and visitor area, with additional electric heating provided when necessary by a diesel generator. The building would be positioned on an east / west axis on the site, with a double entrance forming the main feature of the front gable (eastern) elevation. Supporting information indicates that bird and bat boxes would be installed on the exterior of the building, as well as in surrounding trees. A septic tank would be installed to serve the development, and the facility would be served by a private water supply.



Fig. 2 : Proposed location of visitor hub



Fig. 3 : Existing car parking and Information, with view towards hub

4. Given the wooded nature of the proposed hub site, clear felling (a total of 0.252 ha.) would be necessary in order to accommodate the building and associated access and car parking provision. This would result in the felling of 93 trees on the site. The proposed hub site layout includes the siting of the building in a relatively central position with a vehicular entry and access arrangement either side. Car parking bays are identified either side of the access, as well as at the northern end of the hub site. A total of 30 car parking spaces are proposed, of which two are identified for disabled users. The on-site access and parking areas would have a bound hardcore finish. A hard surfaced area is also proposed to the rear of the hub building (western gable elevation) to accommodate deliveries and staff parking. A pay and display machine is also proposed on the site.¹
5. Landscaping proposals indicate that the remainder of the hub site would have a combination of grassed areas and soft landscaping, with the latter being in the form of a low maintenance native wild meadow flower mix. The edge of the felled area would also be softened through the planting of native broadleaves and shrubs in graduating tiers, with species including juniper, hawthorn, blackthorn, rowan, birch and Scots pine.

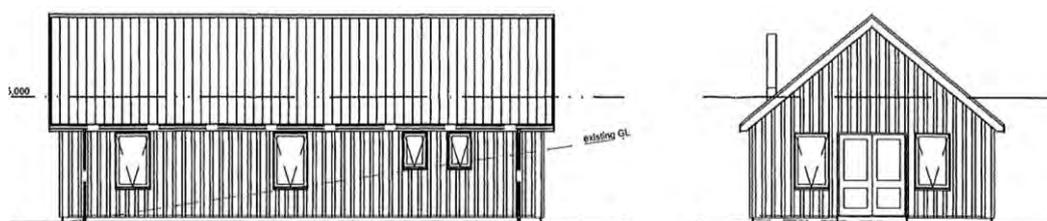


Fig. 4: Proposed visitor hub building

6. The second substantial element of the overall proposal is the development of bike trails. Two routes are proposed, one of which would commence on land immediately to the rear of the visitor hub building and would have a total length of 10 kilometres, around the Carn Meilich plantation. The second route is proposed within the Carn Meilich plantation, which lies to the north east of Carn Daimh and would be a total of 19 kilometres. The proposed trails involve a combination of using existing forest roads as well as new build elements, with the latter comprising of 8.5 kilometres of the 10 kilometre trail within the Carn Meilich plantation and 10.5 kilometres of the 19 kilometre trail within the Carn Daimh plantation.
7. The 10 kilometre trail within Carn Meilich commencing at the visitor hub would involve a gently rising and relatively straight section heading northwards and involving minimal tree clearance along the eastern periphery of the plantation, and then turning westwards to link with an existing forest road, which climbs by approximately 50 metres² over a 720 metre section of track. The trail would then take an acute turn in a north easterly direction onto a new section of trail before again connecting with an extensive section of

¹ Supporting information states that monies raised would be used for the maintenance and upkeep of the trails, as well as contributing to future additional facilities and improvements.

² Rising from the 350 metre contour to the 400 metre contour line.

existing forest track as it heads further uphill. A new section of track (approximately 2,300 metres in length) would be created from there, leading through an area of mature pine plantation, with various densities of thinning. This section of the track is described in supporting information as being a feature trail of high strategic value, which includes a long descent towards a quarry area. The new track would then continue downhill in an easterly direction on the lower southern slopes of Carn Meilich. The ground in this area is rough clear fell. The new trail then emerges into an area of open pasture and moorland and would incorporate gradual wide turns that are intended to allow riders to gradually negotiate the climb whilst appreciating the open views from this area. The final section of the route is a 3,000 metre section of new track, which travels in a predominantly northerly direction through mature pine forest, towards the visitor hub. A substantial part of this new track follows the 390 metre contour line, before heading into a zig zag arrangement to negotiate the final descent, to drop down to the 320 metre contour level at the visitor hub.

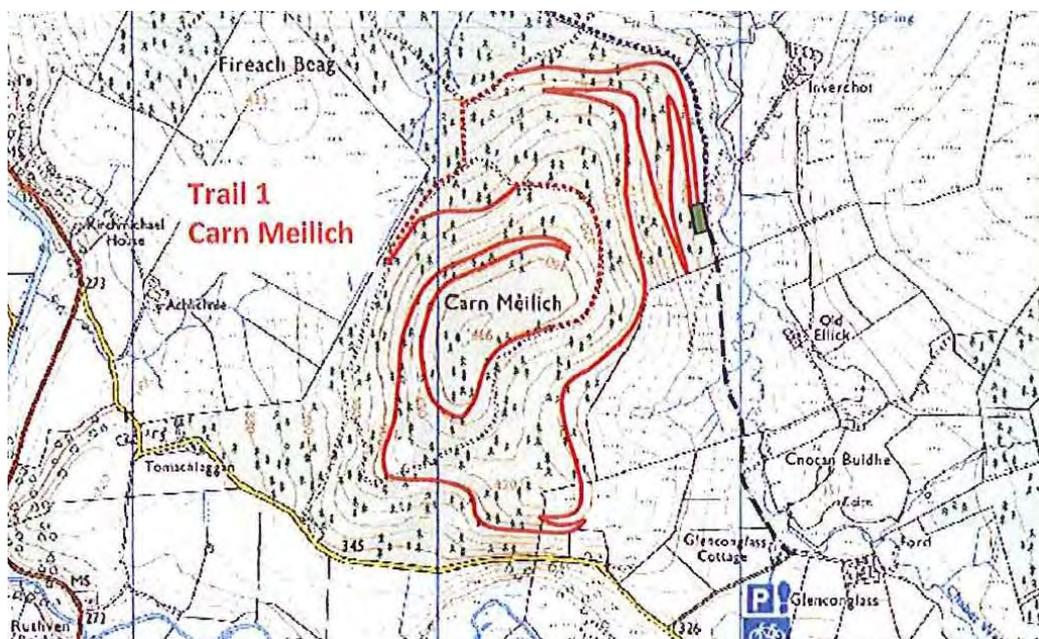


Fig. 5 : Proposed 10km trail at Carn Meilich (solid line represents new tracks, broken line identifies existing tracks)

8. The second trail, within the Carn Daimh plantation, is designed to take riders through a variety of landscapes, including dense woodland and steep zig sagging side slopes. The trail would commence at the hub centre and would follow the existing forest track as it travels downhill in a north westerly direction. A small new section of track is proposed off the existing forest track in a northern and then south eastern direction, before rejoining the track close to the existing crossing of the Chabet Water (also identified on some maps as the Allt a Chor burn). The trail would utilise the existing track for approximately 1.7km as it travels uphill, firstly on the edge of the pine forest and then into the plantation. As the track reaches a gravel pit it is proposed to abruptly turn southwards, with a new section of trail proposed around Tom a 'Chor, to link with an existing stretch of track on the eastern side. This new section of track

would generally be level, following the existing contour levels³. Supporting information suggests that this element has been designed with the intention of giving riders legs a break, as well as providing more interesting single track riding.

9. The trail would then use a significant section of forest track which leads back towards the aforementioned gravel pit. A length of approximately 2.4 km of existing track would be used, with the trail travelling firstly north west, then veering north east and finally south east towards the fire lookout at the summit of Carn Daimh. From this point onwards, it is the start of a long descent on a proposed new section of track of approximately 4,700 metres in length. Efforts have been made in designing the new track to dip below the ridge as soon as possible in order to avoid exposure to the Speyside Way. The track would wind through the mature pine plantation, which is for the most part unthinned. From the summit of the trail, the downhill descent could potentially be the “longest single track descent in Scotland.”



Fig. 6 : The initial stages of trail 2, leading from the hub site, with views to the right towards the Carn Daimh plantation

10. The new section of trail would continue its descent towards the southern edge of the Carn Daimh plantation, near the Chabet Water. A number of features are proposed within the central area of this southern section, which is predominantly an area of mature thinned pine. The trail would swing in under an escarpment and into a natural bowl and this landform is proposed to be used to introduce two natural bermed turns. The trail would skirt along the southern edge of the forest plantation, running immediately adjacent to pastureland for a relatively short stretch. The new trail would then return back into the forest for a 2,200 metre stretch which is described in supporting information as “an epic downhill” section which would be a major feature of the Carn Daimh trail. This section of the trail would incorporate grade reversals in order to slow the speed of riders. The final section of the track would run along the southern edge of the plantation and would rejoin the

³ 380 metre contour level.

existing forest track immediately to the north of the Chabet Water crossing, with the existing track being used to return riders to the visitor hub.

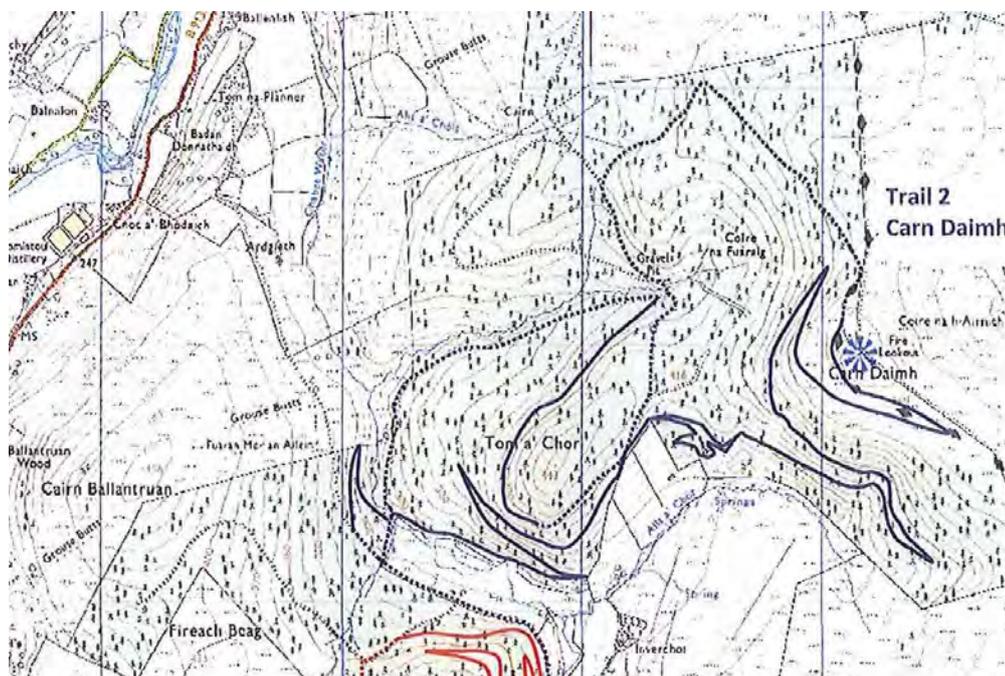


Fig. 7 : proposed Carn Daimh trail (solid line represents new tracks, broken line identifies existing tracks)

Supporting information

11. A variety of documentation has been submitted as part of the application documentation, in support of the development proposal.
12. Road access : Details have been provided of the proposed road signage strategy, in which a series of brown tourism roads signs would be sited at appropriate junctions.⁴ A number of passing places are also proposed to be constructed on the approach roads, including on the U135H Croughly⁵ road and on the U134H Glenconglass road.⁶ In addition, it is also proposed that the private track between the end of the public road and the proposed visitor hub would be upgraded with additional surfacing.
13. Information on visitor numbers : it is estimated that between 10,000 – 15,000 people may visit the centre over a year in the initial period of operation. The visitor projection figures are based on a similar scale project at Wolfrax (Laggan).

⁴ The locations would be agreed with Moray Council Roads department. The Crown Estate also propose to carry out traffic monitoring along the approach routes in order to (a) determine the most appropriate locations and (b) ensure that signage is being adhered to. The applicants propose to undertake vehicle counts over two separate weeks during the summer of 2012 (base line count prior to the construction of the centre) and repeat counts during the summer of 2013 (after the intended opening of the centre).

⁵ The identified location is to the north west of the Croughly road / Glenconglass road junction, on the eastbound carriageway.

⁶ On the northbound carriageway, approximately 90 metres from the junction with the Croughly road.

14. Background information on trail design : the trail design was prepared by Russell Barton, who is described in supporting documentation as “an experienced mountain bike trail designer.” Prior to the submission of the current proposal a number of alternative locations across Glenlivet Estate were considered by the applicants.⁷ The Carn Meilich and Carn Daimh plantations were selected by the applicants as the most suitable, due to the “capacity to absorb recreational use, their location near to Tomintoul, relative minimal disturbance to wildlife, existing forest roads, topography and landscape views.
15. Trail management : A Trail Management Plan is proposed to be drawn up following the completion of the proposed construction activities. The Plan would include details such as trail grading, length, details of specific features, signage, details of maintenance requirements and inspection frequencies, and trail risk assessment. Trail inspections and monitoring would involve monitoring of course conditions, identifying defects, identifying numbers of users and identifying and resolving any possible areas of conflict on the trail and proximity to protected area.
16. Signage strategy : The Crown Estate propose to adopt the trail grading criteria as defined by the Forestry Commission.⁸ The waymarking would take the form of colour coded arrows to indicate the direction of travel and route grading.

Grade and symbol	Intended User	Indicative fitness level
 GREEN - EASY	Beginners and novice cyclists, basic cycling skills and abilities. Suitable for more bikes and may be suitable for trailers.	Suitable for most cyclists
 BLUE - MODERATE	Intermediate cyclists and mountain bikers with basic off-road skills. Suitable for mountain bikes and some hybrids	Suitable for cyclists with a good standard of fitness
 RED - DIFFICULT	Proficient mountain bikers with good levels of riding abilities. Suitable for better quality off-road mountain bikes	Suitable for cyclists with higher levels of fitness and stamina
 BLACK - SEVERE	Suitable for expert mountain bikers who are used to physically demanding trails. Suitable for quality mountain bikes	Suitable for very active riders who are used to prolonged physical exertion.
 BIKE PARKS - EXTREME	Suitable for elite riders with the highest skill levels and ability to negotiate a range of the most challenging technical trails	Suitable for cyclists with a good fitness level and the necessary technical skills.

Fig. 8 : Proposed signage strategy

17. Access and recreation statement : It is recognised in supporting information that the new mountain bike trails are proposed in an area where recreation is currently undertaken, including waymarked walking and cycling trails and horse

⁷ Cnoc Fergan plantation, Glenmuillaich forest, Cairn Muldonich plantation, and a linear route between the Lecht and Tomintoul were all considered. They were discounted for a variety of reasons including poor ground / soil quality, wildlife interests, limited size of area and either other access routes present or alternatively the isolated nature of the locations.

⁸ 'Managing Mountain Biking, IMBA 2007.

riding. The only routes which would be shared by mountain bikers and other users would be the existing forest roads, which are also vehicle tracks and generally have sufficient width and surfacing to accommodate the diversity of users. Existing waymarked trails in the vicinity would continue to be promoted as they are at present. A different waymarking style would be used for the mountain bike routes in order to avoid user confusion. Trail 2 which is proposed in the vicinity of the summit of Carn Daimh is close to a section of the Speyside Way. However, as detailed in para. 9 the mountain bike trail is proposed below the summit and separate from the Speyside Way and out of view.

18. A number of waymarked leisure cycle trails exist on Glenlivet Estate and the trails are intended to be maintained and serve to provide links between the communities and the proposed mountain bike centre. The Crown Estate intend to produce a leaflet detailing potential cycle routes to the centre from Tomintoul. Reference is also made to the future possibility of creating an alternative route or carrying out upgrading works on a 'non user friendly' section of a current trail which leads from Tomintoul, and involves a flight of steps and a field crossing.
19. Landscape statement : The statement recognises the significance of the location within the Cairngorms National Park, within an Area of Great Landscape Value and encompassing water courses which are tributaries of the River Spey, which is designated as a Special Area of Conservation (SAC). It is stated that the mountain bike project has been designed to create a minimal impact on the landscape through minimally invasive trail construction and sensitive locating. Landscape related points made in relation to the proposed bike trails include :
 - The new sections of trail would have a narrow single track footprint and have a natural feel;
 - The trails would maximise the use of natural landscape and natural landform rather than the construction of artificial features;
 - Trail construction would use natural gradient and small rises as a means of slowing riders, in order to reduce braking necessity and therefore lessen erosion possibilities; and
 - Construction techniques would encourage rapid re-vegetation of the trail margins.
20. Ecological statement : A variety of surveys were undertaken by the applicants in order to establish if there were any species or habitats of significance within the proposed site. Surveys undertaken at the proposed hub site include bat surveys, squirrel surveys, and habitat surveys. A walk over survey was undertaken on the new and existing trails and the wider plantation area. The following is a brief summary of survey findings :
 - no bat roost sites or bats were found / seen at the hub site;
 - the walkover survey found no signs of wildcats or wildcat dens, although it is acknowledged that there is anecdotal evidence of wildcats being seen in the area;

- there are no known otter holts in the Chabet Water. The bike trails are proposed to stay within the existing forest roads and not encroach into the adjacent glen where they may be otter potential;
 - capercallie are not known to breed or have any lek sites at Glenlivet, nor have there been any sightings of individual birds in any of the forestry areas within the proposed site;
 - crossbill are present within the Carn Daimh and Carn Meilich plantations, but the extent of trail construction work and increased recreational use is not considered to have “any discernible effect on their presence of breeding”; and
 - a red squirrel survey was carried out at the hub site and no squirrel dreys were found in the trees to be felled.
21. Tree survey : A tree survey was carried out at the proposed visitor hub site. It is a commercial stand of trees which have been well thinned. The Scots pine on the site was planted in 1957 and any other species on the site are naturally regenerated. The commercial crop of trees are described as being in good condition, given their age and the species of trees. No large scale decay or structural defects were noted.
22. Construction Method Statement : A Construction Method Statement has been submitted which outlines the proposed construction techniques. The following is a summary of the general construction methods proposed –
- A working construction corridor width of 10 metres is proposed;
 - Corridor clearance would be minimal and only marked trees should be felled;
 - A mini excavator with a long arm reach and zero tail swing would be used;
 - All hand finishing elements would be carried out in good weather, once the trail bed has settled;
 - Stone and surfacing materials to be sourced from existing borrow pits and quarries on the Estate.

Specific construction details have also been provided for distinct elements of each trail.

23. Construction Environmental Management Statement : The statement confirms that construction works would be undertaken with regard to SEPA’s Pollution Prevention Guidelines and all forestry works would be undertaken in accordance with Forestry Commission guidelines. In terms of the timing of the works, it is proposed that tree felling would be undertaken during the winter months, and outside of the key bird breeding season. Main excavation work would be avoided during periods of high rainfall in order to avoid potential pollution.
24. Business Plan and Economic Impact Assessment : A Business Plan (dated November 2009)⁹ has been submitted. The Plan covers a 4 year period. The

⁹ The Business Plan was prepared in 2009. Some elements of the plan are outdated as the overall proposals have been scaled back. For example, reference is made to proposals for the development of three mountain bike trails, whereas the current proposal is for two trails. The possibility of

main purpose of the Business Plan and the accompanying Economic Impact Assessment was “to ascertain if the project has the potential to be viable...and to gauge any economic and social benefits likely to occur to the area.” The Plan outlines the proposed method of operation, in which it is the intention of the Crown Estate to retain ownership of the proposed visitor hub facility and rent the space to operators. The development is intended to appeal to two market groups – the mountain biking market and casual mountain bikers / leisure cyclists. The mountain biking market is described as having expanded rapidly since the mid 1990’s

25. The Business Plan concludes that as a business proposition it needs to develop a critical mass of facilities in order to be sustainable, and the minimum level of facilities suggested being a café / shop / bike repair shop, as well as toilet and shower facilities.

Site history

26. The Crown Estate submitted a planning application in 2010 for the development of a visitor hub to serve as a mountain bike centre. The CNPA called in the planning application in November 2010 (CNPA planning ref. no. 10/401/CP) and subsequently raised concerns about the impracticality of considering a proposal for a visitor hub alone, in the absence of formal proposals for the development of the potential associated trails. The planning application was withdrawn in March 2011, at which time the applicants expressed an intention to prepare a planning application for the overall proposal.

DEVELOPMENT PLAN CONTEXT

National policy

27. **Scottish Planning Policy¹⁰ (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:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - 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.
28. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the

bunkhouse accommodation at the hub site was also mentioned in the Business Plan – this does not form part of the current formal proposal.

¹⁰ February 2010

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.

29. 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."
30. As a replacement for a variety of previous planning policy documents the new **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. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
31. Economic development : Planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses. Planning authorities are advised in para. 48 to ensure that new development safeguards and enhances an area's environmental quality and should also promote and support opportunities for environmental enhancement and regeneration.
32. Rural development : **Scottish Planning Policy** recognises that the planning system has a significant role to play in supporting sustainable economic growth in rural areas. Para. 92 advises that the aim should be to "enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality." All new development is expected to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards. Planning authorities are also advised to apply proportionate standards to access roads to enable small developments to remain viable.
33. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.

34. *Open space and physical activity* : **Scottish Planning Policy** encourages access to good quality open spaces and opportunities for sport and recreation, as they make important contributions to a healthier Scotland. **SPP** also highlights that rural areas provide a wider range of outdoor recreation opportunities, “many of which are closely linked to the quality of the environment.” Planning authorities are encouraged to support, protect and enhance open space and opportunities for sport and recreation.
35. **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 Plan (2007)

36. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
37. Under the heading of ‘Living and Working in the Park’ the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Section 5.2.3 of the Park Plan acknowledges that tourism is one of the primary forms of employment in the Park, although many jobs in this and other sectors are highly seasonal and with little long term security. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns ‘enjoying and understanding the park’ noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and advises that the vision for the Park seeks to “go further and develop a world class destination which plays a significant part in the regional and national tourism economy.” Strategic objectives for sustainable tourism include : -
- raising awareness of the Park as a premier, year round, rural tourism destination;
 - recognising its outstanding natural heritage and its National Park status;
 - improving and maintaining the quality of the experience of the Park for all visitors, communities and those working in the tourism industry;

- maintaining a high quality environment by encouraging sound environmental management by all those involved in tourism in the Park;
- developing a wide range of opportunities for visitors to experience and enjoy the special qualities distinctiveness and natural and cultural heritage of the Park; and
- encouraging an optimum flow and spread of visitors across the Park and minimising the social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

Structure Plan Policy

Moray Structure Plan 2007

38. The Structure Plan outlines the development strategy for Moray. “The central pillar of the strategy is to promote economic growth whilst safeguarding and enhancing the natural and built environment, and promoting overall sustainability.” The subject of ‘economic development’ is discussed in section 3 of the Plan, entitled ‘Development and Community.’ Tourism is identified as a key opportunity to grow the local economy and it is advised that the tourism opportunities created by the Cairngorms National Park and the Moray Coast should be strongly pursued.
39. There are a number of strands of Structure Plan **Policy I- Development and Community** which are of relevance to a development of the nature proposed, including :
- (b) the encouragement of tourism development opportunities;
 - (e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses; and
 - (h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation.
40. Section 4 of the Structure Plan is entitled ‘Environment and Resources’ and the Plan notes the need to balance the protection and conservation of the environment with the need to support and develop the economy and provide recreational opportunities. “Sound location, design and siting principles” are expected to be followed in all areas to ensure acceptable integration of development into the landscape. Within Areas of Great Landscape Value (AGLVs) and the Cairngorms National Scenic Area, the Structure Plan requires that priority is given to scenic quality and any development proposals will require to incorporate best principles of siting and design.” Aspects of **Policy 2 – Environment and Resources** which are applicable to the development proposal include :
- (b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible; and
 - (c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

41. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
42. 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.
43. 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.
44. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
 - (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
45. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
46. Policy 16 – Design Standards for New Development : this is one of a number of policies which is intended to encourage developers to consider how they can best include the principles of sustainable development in their proposals, and

consider the impact on the environment, economy and community. The design of all development is encouraged to :

- use materials and landscaping that will complement the setting of the development;
- demonstrate sustainable use of resources; and
- be in accordance with the design standards and palette of materials as set out in the Sustainable Design Guide.

47. Policy 18 – Developer Contributions : Development which gives rise to the need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements.
48. Policy 25 – Business Development : proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area and supports or extends an existing business. Part C of the policy sets out the criteria for ‘Other business opportunities’ and where business development would be considered favourably if it
- (a) Supports the vitality and viability of a farm, croft or other business in a rural location; or
 - (b) Is complementary to that current rural business activity; or
 - (c) Promotes diversification within that business; or
 - (d) Creates new small scale development which supports the local economy.
49. Policy 33 – Tourism related development : the policy supports 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, provided that they do not have 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.
50. Policy 34 – Outdoor Access : development which improves opportunities for responsible outdoor access, which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged.
51. Policy 35 – Sport and Recreation Facilities : development of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation related business activities will be supported where they demonstrate best practise in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or the neighbouring areas and where they meet an identified community or visitor need.
- Supplementary Planning Guidance**
52. 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

53. 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. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
54. 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.

Developer Contributions SPG

55. The SPG on **Developer Contributions** sets out the framework for the provision of contributions per development. It sets out various payment mechanisms and states that the applicant may opt to remit the full amount due prior to the issuing of the planning permission. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required.

Natural Heritage SPG

56. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
 - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
 - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
 - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation;
 - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
 - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

CONSULTATIONS

57. **Scottish Natural Heritage** (SNH) considered the proposal, and in accordance with the agreed protocol between CNPA and **SNH**, the consultation response provides advice on Nature 2000 sites and European Protected Species. **SNH** note that an Ecological Statement has been submitted as part of the application documentation, and the conclusions drawn in that are supported by survey work which has been undertaken.
58. **SNH** note in the consultation response that the Chabet Water is a tributary of the River Avon and is included within the River Spey Special Area of Conservation (SAC). The Chabet Water is primarily included within the SAC as it provides habitat for salmon and is also used by otters. **SNH** note that the proposed development does not include any engineering works that could affect the in stream habitats and riverbanks or fish migration, and that an existing bridge will be the only crossing of this watercourse. It is advised that comment should be sought from **SEPA** due to the fact that a discharge to the watercourse will be necessary to complete the drainage system.
59. On the subject of European Protected Species, **SNH** note that the survey work found no signs of bat roosts, otter holts or wild cat dens in proximity to any area where construction work would be undertaken or where there would be subsequent usage of the bike trails and hub. Reference is also made to measures being proposed to improve the habitat surrounding the hub by creating a greater diversity of species through native planting.
60. In conclusion, **SNH** has no objection to the development proposal.
61. The consultation response from **SEPA** discusses surface water drainage and waste water drainage. It is noted that reference is made in the application documentation to installing sustainable drainage (SUDS) on the site, although it has not been confirmed in detail how this will be achieved. **SEPA** recommend that a condition is included in any grant of planning permission requiring the submission of details of a SUDS scheme.¹¹ It is also recommended that details are provided of the proposals for discharge of water from the bike wash area.
62. On the subject of waste water drainage, it is noted that the proposal includes the installation of a septic tank / treatment plant and partial soakaway with discharge to the Chabet Water. There is no objection to the principle of this proposal for private drainage at the site and **SEPA** has provided the applicant with advice on the regulatory requirements.¹²
63. **Grampian Police** were consulted and have provided detailed comment. The response refers to the crime profile in the area being extremely low, but nonetheless recommends that crime prevention measures are incorporated in

¹¹ In the event that the required condition is not attached to a permission, SEPA advise that the response should be treated as an objection.

¹² For private foul drainage systems discharging to land or the water environment, authorisation (registration or license) under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) will be required from SEPA.

order to protect the proposed building and car park from any opportunistic criminal activity. Various measures recommended include :

- Windows to be installed to BS 7950, with consideration also being given to laminate glazing;¹³
- Doors should be installed to PAS 24 with minimal ironmongery on the exterior; and
- Vegetation in and around the car parking area should be kept to a minimum to ensure that parking areas can be easily seen from the hub building and the roadside.

64. Moray Council **Contaminated Land** section considered the proposal and requires no further information.
65. The **Environmental Health** section of Moray Council assessed the proposal and initially requested that further information be provided in relation to the proposed private water supply. The **Environmental Health Officer (EHO)** subsequently undertook a site visit in which he measured the flow rate and also took a sample of the water. The **EHO** has confirmed that the supply is sufficient to meet the requirements of the development, but treatment will be required to ensure that water is potable. The nature of the treatment will be determined by the results of the sample taken by the EHO, which are still awaited.
66. The initial response from Moray Council's **Transportation** Section suggested that based on the estimated annual visitor numbers, the development could "see significant levels of trips during events or peak periods if the proposals achieve their full potential." The initial response recommended that the proposal be refused unless further information was provided to quantify the potential impacts from events in order to determine the suitability of the proposals, together with other additional requirements in terms of parking, signage and measures to improve road safety / capacity, including passing places.
67. Additional information was provided by the applicants on 15 November 2011. Moray Council's **Transportation Section** provided a revised response in which it is stated that junction capacity is not considered to be a likely issue during normal operation. It is however noted that there are considerable lengths of single track road with passing places leading to the development site and it is advised that additional passing places are required, together with improvements to visibility at the junction of the UI34H and the UI35H.
68. The **Transportation Section** also comment on the proposed parking provision, noting that it is unlikely to be adequate for potential event uses. It is acknowledged that the applicant is currently investigating a number of possible options for the provision of overspill car parking, although none of those currently form part of the submission under consideration. The recommendation from the **Transportation Section** is therefore based on current car parking proposals. It is recommended that permission be granted

¹³ Security glazing which offers better protection to unauthorised break-in than toughened glass.

subject to a condition that no organised events take place prior to agreement of the details and provision of any additional overspill car parking arrangements to be provided based on event size.¹⁴ A number of other conditions are also recommended to be included in the event of the granting of planning permission, including the provision of additional passing places, a requirement to submit a traffic management plan and a detailed signage strategy, details of upgrading proposals for the private access track leading from the UI34H to the hub site, and the surfacing of the first 15 metres of that track with bituminous macadam.

69. **Planning Gain** officials considered the proposal and have advised that a developer contribution is required, which would be utilised towards environmental and access improvements.¹⁵
70. The CNPA's **Outdoor Access** specialists note that core paths GT11 and GT12 form part of a promoted path from Glenconglass to Carn Daimh. It is suggested that an increase in cyclists in the area may lead to a degree of inter user conflict. However, the likelihood of this is described as very low and it is noted that the forest roads are at present promoted and used by both walkers and cyclists. The **Access Officer** suggests that each user party is already accustomed to that interaction. In addition the proposed direction of travel on the trails and the proposed signage will reinforce behaviour which is expected of cyclists in accordance with the Scottish Outdoor Access Code. In conclusion, the Outdoor Access team express support for the development from a recreation and access point of view and describe the proposal as a strong fit with a number of strategic objectives in the Park Plan. Reference is also made to the Outdoor Access Strategy which recognises that Glenlivet and Tomintoul is not well known as a possible destination for outdoor activities. It is suggested that the proposed development "could help address this shortcomings through promotion of the new facility and its links to the excellent existing network of paths in the area."
71. A response has also been received from the CNPA's **Economic Development** section, in which consideration has been given to the economic and social development aspects of the proposal. The proposed development is considered to have a potential positive economic impact to the local area thorough local employment and increased visitor numbers if effectively marketed and managed. A potential positive social impact to the local area is also identified, with this type of sports facility suggested as having a positive impact on the regeneration of Tomintoul and associated facilities for residents. Other points highlighted in the response from the **Economic Development Officer** include
- The proximity of the proposed development to businesses in Tomintoul village, to self catering accommodation in Glenlivet and to

¹⁴ Future overspill provision should be made to accommodate a range of events sizes, including 50 competitors, 50 – 150 competitors and 300 competitors.

¹⁵ The developer contribution would be utilised to enhance and extend the Core Path routes and facilities.

local visitor attractions and its potential to attract increased visitor numbers;

- Adding to the visitor offering in the National Park in terms of mountain biking, thereby potentially encouraging greater participation in sport for both residents and visitors;
- Possibility of encouraging longer visitor stays in the area; and
- Increasing spend in local business, which may assist in regenerating Tomintoul village.

72. The response from the **Economic Development Officer** also alludes to the fact that the proposed site would provide facilities for visitors in a location which is remote from Tomintoul and there is a suggestion that the potential economic benefits for the village may not be realised. It is advised that a clear marketing strategy and close working between the applicant and local businesses would be required in order to ensure that benefits to the village would be realised. It is recommended that the strategy would cover details of future proposals for integrated transport options, the delivery of off-road links to Tomintoul and also proposals for collaboration with local marketing bodies and businesses in order to maximise local benefit.
73. The response from the CNPA **Ecology Officer** notes that the proposed site is within an area of commercial forest. The hub site is proposed in an area of even aged Scots pine plantation, with the surrounding hills on which the trails are proposed being of similar character. It is noted that an Ecological Statement has been provided which covers all the significant ecological issues. The CNPA **Ecology Officer** states that there is “likely to be no adverse impact on the ecology of the site” and consequently has no objection to the proposal. A number of recommendations are made in the interests of conserving and enhancing ecological interests, including
- Tree felling to take place outside the bird breeding season in order to avoid disturbance to nesting birds;
 - No contaminated soil or non invasive species to be brought onto site during the construction phase; and
 - The implementation of a range of enhancement measures detailed in supporting information, including native tree planting and an appropriate wildflower seed mix on the hub site, and the installation of bird and bat boxes. The **Ecology Officer** also recommends amendments to the proposed tree planting, in order to include aspen, hazel and sessile oak instead of blackthorn and hawthorn which are not representative to the area.
74. The response from the CNPA’s **Landscape Officer** refers to the proposal being within an area of commercial forest and comments that the site itself does not contribute significantly to the landscape or scenic quality of the national park. Nonetheless it is recognised that the quality of the on-site experience to users of the area is important. Reference is made to the landscape statement which has been submitted in support of the proposal which recognises that it is important not to impact negatively on people’s experience. In commenting on the bike trail element of the proposal the

Landscape Officer refers to other documentation submitted in support of the proposal and indicates that the documentation provides reassurance that the approach to routing and construction will be sensitive to the terrain and will utilise natural features, with minimal cut and fill. The **Landscape Officer** acknowledges that there may be short term local minor landscape character impacts during construction, but considers that these would reduce to slight to negligible following completion and reinstatement works. In relation to landscaping proposals in the vicinity of the hub site, it is recommended that further detailed specifications are provided for planting and seeding, including measures for protection and on-going maintenance.

REPRESENTATIONS

75. The planning application was advertised in the Northern Star on the 23rd September 2011. A total of 23 representations were received, with 35% of representees expressing support for the development proposal, while the remaining 65% object. A petition is included amongst the objections to the development proposal.¹⁶
76. Copies of all letters of representation (including various attachments) are included at the rear of this report. The following is a summary of the issues raised in support of the proposal –
- Mountain biking is described as a boom sport;
 - reference is made to the established success of other similar facilities elsewhere in Scotland including Wolftrax in Laggan and Glentress and Innerleithen;
 - Potential to benefit other local businesses;
 - The facility would add another dimension to what is on offer in the area;
 - Extra facilities would boost summer tourism;
 - Passion for the outdoors is common to all users and conflicts would not therefore occur;
 - Plans are well thought out and will encourage a sector of the tourism market which is currently untapped;
 - The addition of challenging trails will complement less demanding trails which already exist;
 - Reference is made to health and fitness benefits of mountain biking activities; and
 - The creation of official off-road cycling opportunities would counteract cyclists currently using pre-existing walkers paths.
77. Issues raised in representations objecting to the development proposal include the following :
- The proposed facility being remote from Tomintoul and the potential lack of positive impact on the village;

¹⁶ The petition is dated December 2010 and was apparently generated in response to an earlier planning application for the visitor hub only (CNPA ref. no. 10/401/CP). That application was withdrawn in April 2011.

- the proposed café could take trade away from existing businesses in Tomintoul;
- concerns regarding the traffic safety implications and a belief that signage will not be effective;
- design issues, including concern about the speed of descent and the potential impacts on the safety of others, with particular conflict between walkers and cyclists;
- unsuitability of the single track access leading to the site;
- disturbance to wildlife;
- suggestions that the ecological statement / habitat surveys should have been undertaken by independent specialists;
- negative impact on the peace and tranquility of the area;
- questioning the viability of the business, in the event that weather results in the area being inaccessible for several months;
- reference to the aims of the National Park and a statement that “conservation of the natural heritage should outweigh any economic impact”;
- impacts on an existing tourist accommodation business in the vicinity of the proposed site (‘Wild Farm Cottage’);
- Disruption of birds in their natural habitat as a result of the proposed development of new trails, with reference being made in particular to pheasant and duck and the potential disruption to shooting activities as a result;
- Reference to potential wildcat presence in the area and the potential adverse effect on arising from an increase in human activity;
- Any proposed / required road improvements should be delivered prior to any construction of the development itself;
- Concerns regarding the limited extent of car parking and the consequent difficulties in periods of high usage; and
- A suggestion that forecasts for usage of the facility are ‘extremely optimistic’ and potentially unachievable.

APPRAISAL

78. There are a variety of factors to take into account when considering the development, including the nature of the proposal and its proposed location, compliance with planning policy, the impact of the development on the surrounding area including landscape and natural heritage implications, car parking and traffic considerations and a variety of issues raised in representations.
79. Foregoing sections of this report have provided detail on the nature and scale of the proposal, which involves a relatively limited level of develop within a large area of commercial forest plantation. The hub site would occupy a limited area, sufficient to accommodate the hub building and 30 car parking spaces. The two proposed trails have been designed to utilise significant sections of existing forest track and the new sections of track, although quite

extensive in length, would have a narrow footprint,¹⁷ as shown in Figs 9 and 10 below. The trails would be operated on a one way system, thereby limiting the need for wider trail widths that would be expected to accommodate two way usage. The trails would involve limited construction activity and minimal tree felling, with there being the opportunity for marginal deviation of the trail route within the working corridor in order to minimise disruption to natural features. In addition, the trails have been designed to utilise existing landforms as a means of adding interest and challenge to the trails, rather than imposing man made features which could be incongruous in the natural landscape.



Figs. 9 and 10 : Example of the type of bike trails proposed

80. In considering the location of the development proposal, it is accepted that it is some distance from Tomintoul and this is an issue which has been raised in a number of representations in particular. However, the nature of the proposal, which is intended to provide a purpose built challenging mountain biking facility, is dependent on suitable terrain and landform. It would therefore appear to be impractical to introduce the facility within the immediate vicinity of the settlement and the currently proposed site is physically more appropriate.
81. The opportunity for the proposed mountain biking centre to deliver some benefit to the local community in Tomintoul and the surrounding area was an issue highlighted to the applicants in the course of the CNPA providing pre-application advice. Information has been provided by the applicants which indicates a programme of works which could assist in highlighting the physical linkages which exist (by way of promoting the existing walk / cycle route from Tomintoul to Glenconglass and considering future improvements to section of that route) as well as a willingness to engage in marketing and promotional activity which could benefit businesses in the area. This is also an issue which has been highlighted in the consultation response from the CNPA's Economic Development Officer, in which reference is made to the need for a marketing strategy and close working between the applicant and local businesses in order to realise the benefits to the village. While this would be beneficial, there is a need to consider the practicalities and limited scope of planning powers, where planning is intended to primarily consider the acceptability of a proposed land use. It is therefore recommended that a degree of trust be placed in the commitment already expressed by the Crown Estate to engage in appropriate marketing which would be of benefit to Tomintoul and the surrounding area

¹⁷ Varying between 600mm and 1200mm.

and that the expectation of the delivery of this be emphasised by the inclusion of an advice note in the event of planning permission being granted.

82. It may also be reasonable to assume, given the projected annual visitor numbers of between 10,000 and 15,000 people, that the ancillary demands of at least a proportion of those visitor numbers is unlikely to be met exclusively by facilities provided at the development site. It is therefore highly likely that many visitors would seek additional services, including accommodation and retail services, in the wider area.
83. Planning policy is detailed in paragraphs 27 to 56 of this report. Policies from national level through to Structure Plan and Local Plan level all encourage the development of appropriate economic development in rural areas, subject to such developments being compatible with the landscape and natural heritage of the area. In considering the detail of the Moray Structure Plan 2007, it has been sufficiently demonstrated through supporting information that the development would comply with Structure Plan **Policy I – Development Community**. The potential attraction of between 10,000 and 15,000 visitors to the proposed recreation facility on an annual basis clearly indicates that it would provide a tourism development opportunity. The extent of construction work involved in developing the proposal, as well as the potential for the new trail elements to assimilate into the forest landscape within a short period of time, all indicate that it is a low impact development, which has the potential to generate an economic spin off which could be of benefit to local communities and rural businesses.
84. Reference has been made earlier in this report to the variety of supporting information which has been submitted with the planning application, including ecological surveys and an environmental statement. The development proposal and the supporting information has been considered by specialist advisors, including **SNH** and the CNPA's **Ecology** and **Landscape Officers**. No objections have been raised by any of the specialist advisors and a limited number of conditions are recommended in the interests of further enhancing elements of the development proposal. On the basis of those considerations, it can also be concluded that the development accords with Structure Plan **Policy 2 – Environment and Resource** which requires the protection of the wider natural environment and local biodiversity, as well as promoting opportunities for environmental enhancement. The measures proposed at the visitor hub site, including the provision of new amenity planting, the introduction of a native wildflower mix and the provision of bird nesting and bat roosting opportunities on the new building and in the surrounding trees would all contribute to the enhancement of this area of the site.
85. The positive attributes of the development proposal as outlined above in demonstrating with compliance with Structure Plan policies, equally apply in considering the development in the context of Local Plan policies. The information provided has demonstrated to the satisfaction of the aforementioned specialist advisors that the development would not have an adverse impact on habitats and species. As such it can be considered to accord with **Policy 5 – Biodiversity** of the CNP Local Plan. The consultation

response from the CNPA **Landscape Officer** has been detailed in paragraph 74 and although there is an acknowledgement that the development may give rise to short term localised minor landscape character impacts during the construction phase, there would only be a slight to negligible impact following completion and reinstatement works. As such it is reasonable to conclude that the nature of the development would complement the character of the area, which is part of a commercial plantation. The enhancement measures proposed at the hub site are also pertinent in determining that the proposal accords with **Policy 6 – Landscape** of the CNP Local Plan.

86. As a proposal which would introduce a new purpose built mountain biking facility into this area, the development can be considered consistent with Local Plan **Policy 33 – Tourism Development** which encourages tourism related development that increases the range and quality of tourism attractions and does not have an adverse impact on existing factors such as landscape and biodiversity.
87. Local Plan policy also encourages improved opportunities for responsible outdoor access (**Policy 34 – Outdoor Access**). As detailed in paragraph 70 CNPA **Access Officers** are supportive of the proposal from a recreation and access point of view and do not anticipate any significant degree of inter user conflict on trails in the vicinity.
88. The final point to consider is in relation to car parking and roads related issues. Concern has been expressed in a number of letters of representation about the potential unsuitability of the public road network on the approach to the development site, particularly given the projected increase in visitors to the area. The most recent response from Moray Council **Transportation Section** alludes to the considerable length of single track road leading to the development area. The **Transportation Section** is satisfied that the provision of additional passing places would address this. The work would be required in conjunction with a number of other measures, including a detailed signage strategy and a traffic management plan specifically designed to accommodate various sizes of events at the mountain biking facility.
89. The response from the **Transportation Section** also refers to the extent of car parking proposed at the visitor hub site. Further car parking provision would be required in the area in order to facilitate increased visitor numbers during the running of organised events at the facility. Having regard to the expressed willingness of the Crown Estate to investigate and propose a number of possible options for consideration as overspill car parking, together with the fact that the trails would not be developed to a stage capable of accommodating events for several months, it is considered appropriate in the event of the granting of planning permission to include a condition prohibiting the operation of any organised events until overspill car parking has been provided at an appropriate location. Such a proposal would be the subject of a separate planning application.
90. Having regard to all of the foregoing, the proposed development of a mountain biking facility within the Carn Meilich and Carn Daimh forest plantations is

considered acceptable and has been demonstrated to satisfactorily comply with relevant planning policy and National Park aims.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

91. The development is proposed in an area of commercial plantation, where some felling activity is on-going. New planting is proposed at the hub site to compensate for the loss of tree coverage on the site. The two proposed trails have been designed to utilise existing forest tracks where possible. The new element of the trails, although extensive in length, would be of limited width and would necessitate limited additional felling.
92. A variety of ecological surveys have been undertaken and submitted as part of the Environmental Statement in support of the proposal. The details have been considered by both SNH and CNPA officials and the development is not considered to give rise to any adverse impacts on the natural heritage of the area.

Promote Sustainable Use of Natural Resources

93. The proposed visitor hub building would be finished in larch cladding, which can be locally sourced. The proposed mountain bike trails have been designed to rely on the natural landform to introduce a variety of challenging elements, rather than introduce man made features.

Promote Understanding and Enjoyment of the Area

94. The proposed facility would build on existing identified cycle routes in the area and would introduce a formal, purpose designed facility to cater for the growing popularity of the mountain biking sector. The proposed new facility would not hinder the ability of other users to utilise existing network of tracks and paths in the area. In conjunction with the implementation of proposed signage and information proposals, the opportunity exists for all users to benefit from the facilities in the area, without giving rise to user conflict.

Promote Sustainable Economic and Social Development of the Area

95. The proposed development would introduce a new formal mountain biking facility into the area and has the potential to attract increased visitor numbers to the site and the wider area. The proposed visitor hub includes a mix of facilities (café, information and bike repair) which would create employment opportunities. Although remote from the nearest settlement, Tomintoul, the applicants intend to further promote and where necessary improve the existing network of walking and cycling routes between the village and the proposed site.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT permission to develop a mountain bike centre on land at Carn Meilich and Cairn Daimh, Glenlivet Estate, Tomintoul, subject to :

- (a) **the completion of a Planning Obligation to secure the payment of developer contributions towards environmental and access improvements OR the payment of the required developer contributions in advance of the release of the decision notice;**

AND

- (b) **subject to the following conditions :**

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: to comply with Section 58 of the Town and Country (Planning) Scotland Act 1997 or as amended by the Planning etc. Scotland Act 2006.

2. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, use of all new sections of trail hereby permitted (identified on Plan B Trail Map as 'Mountain Bike Trail – to be constructed') shall only be by pedal cycle or any other means of access permitted in accordance with the Scottish Outdoor Access Code.

Reason : In the interests of public safety and in order to conserve the natural heritage of the area.

3. No tree felling shall be undertaken during the recognised bird breeding period between March and August (inclusive), unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event that work is required in exceptional circumstances to be undertaken during the period from March to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

Reason : In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

4. Prior to the commencement of development a site specific surface water (SUDS) scheme and details of the proposals for the discharge of water from the bike wash area shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. All work shall thereafter be carried out in accordance with the approved scheme.

Reason : to ensure adequate protection of the water environment from surface water run-off.

5. Prior to the commencement of development a revised landscaping plan shall for the visitor hub site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show the following :
 - (a) Revisions to the species mix, omitting blackthorn and hawthorn, and including alternative proposals to incorporate aspen, hazel and sessile oak; and
 - (b) Details of the proposed wild flower mix, with the mix being appropriate to the site conditions in terms of altitude, climate and local species diversity.

Reason : in the interests of enhancing the natural heritage of the area.

6. For the avoidance of doubt, the working corridor associated with the new trail construction shall have a maximum width of 7 metres and not 10 metres as identified in supporting documentation. Prior to the commencement of development, the following measures shall be implemented:
 - (a) The full extent of the working corridor shall be marked out on site for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The working corridor markings shall thereafter remain in place for the duration of construction activities on the site; and
 - (b) The precise route and extent of the working corridor as marked out on site shall be identified on a plan which shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority.

Reason : in the interests of orderly development and in the interests of conserving the natural heritage and landscape character of the area.

7. Prior to the commencement of development, revised detailed route plans and an associated updated construction method statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The revised information shall replace the document entitled 'Glenlivet MTB Trails Appendix,' dated 18 February 2009. All works shall thereafter be undertaken in accordance with the agreed details. The revised details shall include the following :
 - (a) Precise detail of the finished width of each section of new trail, with the trail width not to exceed 1.2 metres in any location, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority;
 - (b) Precise details of the number, species and location of all trees to be felled on each section of the new trails;
 - (c) Precise details of the location and nature of all trail features; and
 - (d) Precise identification of the location of any viewing points, and details of all seating, interpretation and other ancillary elements to be provided at the viewing points.

All works shall thereafter be implemented in accordance with the agreed detail.

Reason : In the interests of ensuring that the development is undertaken in an orderly manner and in the interests of minimising the impact of the development on the surrounding area.

8. Prior to the commencement of development a Trail Management Plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority and shall thereafter be implemented in accordance with the agreed detail.

Reason : In order to ensure that the trails are appropriately managed and maintained for the benefit of all users.

9. Prior to the commencement of development detailed proposals for the provision of passing places and upgrading works on the section of private access track leading from the UI34H to the visitor hub site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Moray Council Transportation. All agreed works shall be implemented in full prior to the first use of any element of the mountain biking facility.

Reason : In the interests of traffic safety and public safety and in order to ensure that adequate infrastructure is provided en route to the development.

10. No organised events shall be permitted at the mountain biking facility until
- (a) Adequate over flow car parking provision has been developed in the vicinity. Any proposed additional / over flow car parking facilities shall be the subject of a separate planning application;
 - (b) A traffic management plan and detailed proposals for a signage strategy have been submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Moray Council Transportation and the provisions required are in place thereafter;
 - (c) Two passing places (as shown on drawing no. 1025352/05) have been constructed in accordance with Moray Council specification.

Reason : In the interests of ensuring acceptable development and the provision of appropriate infrastructure on the route to the development, in the interests of road safety.

11. A visibility splay of 2.4 m x 85 m to the left (east) and 2.4m x 160m to the right (west) shall be provided and maintained at the junction of the UI34H and the UI35H, prior to the first use of any element of the mountain biking facility.

Reason : to ensure acceptable access and visibility, in the interests of road safety.

12. No water shall be permitted to drain or loose material be carried onto the public footway / carriageway.

Reason : to ensure acceptable development that does not create any hazard to roads users.

13. The first 15 metres of the access track leading to the visitor hub site, measured from the edge of the public road (UI34H), shall be constructed to the Moray Council specification and surfaced with bituminous macadam.

Reason : to secure the provision of acceptable infrastructure at the development access.

Advice notes :

- A. Condition no. 4 requires the submission of a site specific surface water scheme. Guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA C697 manual entitled *The SUDS Manual*. Advice can also be found in the SEPA Guidance Note Planning Advice on sustainable drainage systems (SUDS).
- B. Private foul drainage systems discharging to land or the water environment requires authorisation (registration or license) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) from SEPA.
- C. The developer should ensure that no contaminated soil is brought on to the site, or no invasive non-native species are inadvertently brought on site during the construction phase.
- D. The developer is encouraged to engage with the local community and business interests in the vicinity, in order to ensure that any marketing strategies for the mountain bike trails facility encourage and maximise the delivery of ancillary benefits to Tomintoul, Glenlivet and the wider area.
- E. Details required as part of the Traffic Management Plan referred to in condition no. 10(b) of this permission include proposals for managing events, including stewarding / marshalling, temporary signage, any bus shuttle arrangements and additional parking provision and any other elements as appropriate.
- F. The following advice, provided by Moray Council Transportation should also be adhered to in the preparation of the Traffic Management Plan –
- A requirement for the traffic management plan will be that, prior to the first 3 events for over 100 competitors taking place, the applicant will be required to contact TMC Transportation manager at least 4 weeks in advance. A traffic survey of the two-way vehicle movements on the UI35H will be required east and west of any event traffic access to the site from the UI35H for the period at least 3 days prior to the event, during the event and at least 3 days following the event.
 - The cost of any traffic survey requirements shall be met by the applicant.
 - No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.
 - The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

- The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.
 - The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.
 - The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.
 - The developer must contact the Roads Authority Roads Maintenance Manager (West) at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7349 to discuss the proposals.
- G. Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.
- H. The applicant is encouraged to consider the comments outlined in the consultation response from Grampian Police in relation to the visitor hub site.

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I December 2011

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