

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Installation of beginner and intermediate artificial ski slopes with associated services at Cairngorm Mountain Glenmore Aviemore PH22 1RB

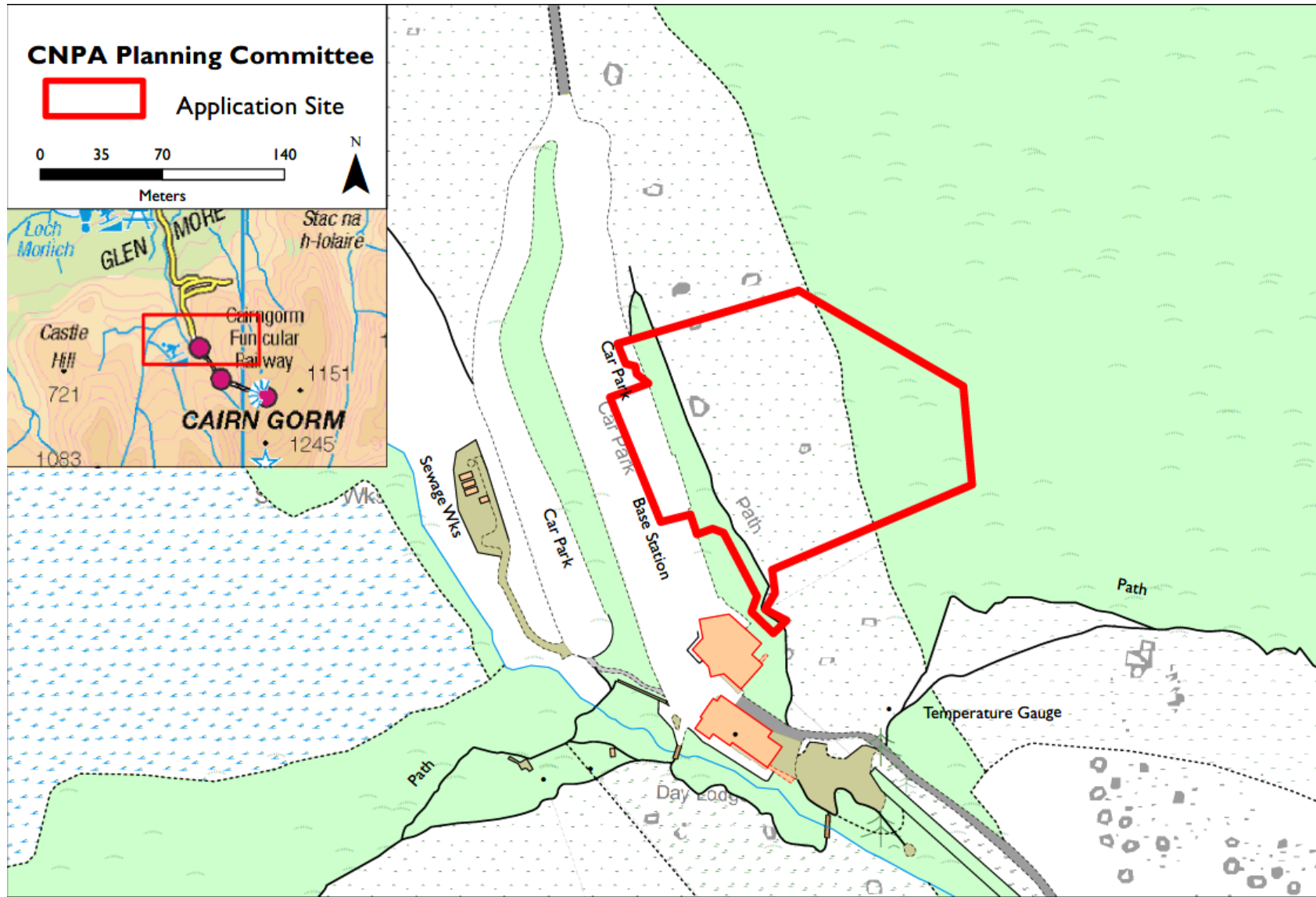
REFERENCE: 2018/0112/DET

APPLICANT: Cairngorm Mountain Ltd

DATE CALLED-IN: 20 March 2018

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Katherine Donnachie Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposed site is located to the north east of the main Cairngorm Ski Centre infrastructure comprising Day Lodge and funicular railway base station. It lies immediately to the east of the large Coire Cas car parking area. Immediately west of the site a footpath runs along the top of a slope above the car park.
2. The total site comprises an area of around 2.1 hectares of moorland adjacent to the ski centre with around 0.8 hectares to be developed by the artificial ski slopes.
3. The entire area within the Cairngorm Mountain Ski area which lies within the Cairngorms National Scenic Area. There are no other designations on the site itself. The Cairngorms SAC designated for habitat interests lies 270m west of the site. The Cairngorms Wild Land Area No. 15 as identified in Scottish Natural Heritage's wild land area map lies 730 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=P5XP2ZSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - General Arrangement	001 Rev H	14/05/18	4/7/18
Plan – Long Sections and detail	002 Rev D	14/05/18	4/7/18
Plan - Drainage General Arrangement	003 Rev D	07/03/18	26/03/18
Plan - Proposed Peat Re-Use Areas	004 Rev A	08/09/17	26/03/18
Plan - Site Access General Arrangement	005 Rev E	07/03/18	26/03/18
Plan - Block Plan	009 Rev A	07/09/17	26/03/18
Location Plan/Site Plan - Site Location Plan	010 Rev D	07/09/17	26/03/18
Other - Viewing Areas	16104PA-99-001_C	20/07/17	26/03/18
Other - National Vegetation Survey	8235- 670973	19/06/18	
Other - Construction Phase Method Statement	Issue 6	07/05/18	26/03/18
Other - Drainage Impact Assessment	C2883 Revision D	07/03/18	26/03/18
Other - Groundwater Dependent Terrestrial Ecosystems Risk Assessment	7925- 169345	14/03/18	26/03/18

Title	Drawing Number	Date on Plan*	Date Received
Other - Landscape Appraisal		16/02/18	26/03/18
Other – Landscape Addendum		18/05/18	4/7/18
Other – Cairngorm Mountain Long Term Strategy			
Other - Peat Survey Report	169345	27/02/18	26/03/18
Other - Pollution Prevention Plan	169345 Version 2	02/03/18	26/03/18
Other - Site Waste Management Plan	SW1183	22/02/18	26/03/18
Other- Habitat Compensation Plan	670973	15/06/18	4/7/18
Other - Supporting Statement			26/03/18
Other - Traffic Management Plan	Issue 4	22/02/18	26/03/18
Other – Transport Assessment	18037 Issue 01	18/06/18	
Other - Transport Statement			26/03/18
Other - Mitigation and Enhancement Plan	7929 - 169345	01/12/17	26/03/18
Reptile Protection Plan	8212 -670973	12/06/18	4/7/18
Other - Design Statement	Rev E	07/03/18	26/03/18

**Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.*

5. The application seeks full planning permission for the construction of an artificial ski slope at Cairngorm Mountain. This will comprise two slopes, one for beginners and one for intermediate use creating a “L” shaped development site as shown in **Appendix I – Plans** The slopes will measure approximately 30 metres long by 60 metres wide (beginners) and 90 metres long by 20 metres wide (intermediate) and the site covers about 0.8 hectares. Travellators/magic carpets will be used to transport users from the bottom to top of the slopes. Sections have been submitted to show how the development will be constructed to create a suitable surface and gradients, with the ski slope itself formed by way of a layering construction including sub soils, geotextile and sub base. These plans are included in **Appendix I**. No lighting is proposed.
6. The proposed finish of the ski slopes is a mid-green coloured matting. The exact specification of the matting is yet to be confirmed but the colour of RAL 6010 has been confirmed with photomontages submitted with the Landscape Addendum updated to reflect this finish.
7. It is proposed to re-use peat from site excavations (total estimated as 2,630 cubic metres) for restoration works elsewhere on the landholding with an indicative plan of this provided. Surface water will be dealt with by a system of pipes under the ski slope, recycling tanks for filtered pumped water for the water misting system that lubricated the surface, overflow underground cellular storage and a system of cut off drains with outfall to existing ditches.
8. A number of viewing points, constructed by way of stone wall seating are proposed to the west of the slope of similar design to other walling in the vicinity. A two metre

wide path will connect the site to the main day lodge complex and base station to the south with existing paths upgraded and snow fencing proposed alongside existing path between the site and the car park in order to limit direct access from the car park to the ski slope and direct users.

9. As compensation for loss of heath habitat arising from the development, and in response to consultee comments, it is proposed to plant montane scrub on land within the application site, and on land outwith the site – an indicative plan is attached as **Appendix X**.
10. The proposed ski slope is intended to improve the experience of all snow sports enthusiasts by providing a year round facility to offer high quality and consistent slopes. The facility is intended primarily for teaching and to enable progression for beginners and intermediate users, with the applicants identifying a benefit for more advanced snow sports users by reducing demand on other slopes and uplift facilities, as well as providing a practise opportunity too. The slopes may also be used for tubing and as a wider benefit the applicants consider this year round facility which is not dependent on snow can help provide more predictable and stable employment opportunities.
11. A number of supporting documents have been submitted including;
 - a) Mitigation and Enhancement Plan which includes survey work for habitats invertebrates, lichens, reptiles, mammals and breeding birds with mitigation measures during construction detailed including supervision of work by an Ecological Clerk of Works.
 - b) Reptile Protection Plan which concludes that there is low potential for reptiles on the site and damage can be avoided by appropriate mitigation together with care during vegetation clearance.
 - c) Groundwater Dependent Terrestrial Ecosystems Risk Assessment.
 - d) National Vegetation Survey (NVC) which concludes that the habitats on site are well represented in the National Park, and that as they will be lost as a result of development no mitigation is possible to replace the vegetation types.
 - e) Habitat Compensation Plan.
 - f) Site Waste Management Plan.
 - g) Peat Survey Report indicating there is only one areas of deep peat (i.e. more than 1 metre deep) within the development site.
 - h) Pollution Prevention Plan outlining how environment including wetlands and watercourses will be protected during construction, with supervision by an Ecological Clerk of Works highlighted.
 - i) Drainage Impact Assessment.
 - j) Design Statement.

- k) Landscape Appraisal and Landscape Addendum which includes visualisations of how the ski slope may appear in the landscape, using a study area of 8 km radius to assess visual effects and 5 km for landscape effects. The landscape appraisal concludes that whilst the development would introduce man-made development into what is potentially a highly sensitive environment, its limited size and location beside the main ski centre base infrastructure would limit notable effects on the National Park and National Scenic Area. The addendum, provided in response to consultee comments, sets out how landscape impacts may be further mitigated through enhancement planting (with short term fencing to allow this to become established.) and maintenance of the slope surface using of organically shaped (as opposed to geometric shaped) patches of matting to help create a mottled effect that is closer to the appearance of the surrounding vegetation, reducing the visual impact over time. The Addendum also expanded on the “seasonality” issue raised by the CNPA landscape advisor in respect of how the matting of the ski slope will appear when there is light snow and how this will accentuate visibility at such times.
- l) Construction Phase Method Statement.
- m) Cairngorm Mountain Long Term Strategy that describes activity within three core areas of operation of the business: (1) conservation of the mountain plateau; (2) year round operations and visitor experience; and (3) sensitive development opportunities and ongoing maintenance. The ski slope proposal is part of the third area of development opportunities. A table has been provided setting out short term (1-5 years), mid-term (6-10 years) and long term (10-25) year timescales with the ski slope identified as short term.
- n) Transport Statement and Transport Assessment covering both the dry ski slope proposals and proposals to extend the Ptarmigan Restaurant covered by a separate planning application.

History

- 12. CNPA officers have provided pre-application advice for this development via Highland Council. For members information there is currently a pending planning application for redevelopment of the Ptarmigan restaurant at the top of the funicular railway and this will come before members in due course (Reference 2018/177/DET)

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X

POLICY 3	SUSTAINABLE DESIGN	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	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

13. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
14. The site sites with the area covered by the Cairngorm and Glenmore Strategy that was approved by the CNPA Board in September 2016. The strategy is a partnership document that sets the aspirations for management of publicly owned land, not a planning policy document. The strategy identifies the Cairngorm Mountain area as one that is principally managed for recreation and learning. The long term direction for the area includes restoration of montane woodland and enhancement of visitor infrastructure and facilities to ensure high quality, low impact development.

Planning Guidance

15. 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.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

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

16. **SNH** note that the site is close to the Cairngorms Special Area of Conservation (SAC) designated for its dry heaths, wet heathland with cross-leaved heath, blanket bog, alpine and sub alpine heaths, alpine and boreal heaths. The site's status means

that the Planning Authority is required to consider the effect of the proposals on the SAC before it can be consented.

17. It is SNH's view that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly so an Appropriate Assessment is not required. SNH's appraisal considered the factor that the proposal will be managed in line with the site's Cairngorms funicular railway Visitor Management Plan and Estate Management Plan such that it will not adversely affect the integrity of adjacent Natura sites.
18. **SEPA** initially objected due to the lack of information on potential loss of Groundwater Dependent Terrestrial Ecosystems (GWDTE) in relation to the condition of habitats to be lost. On receipt of further information which demonstrated that these habitats were not especially botanically rich they removed this objection.
19. They also noted in terms of peat impacts that the volume of peat to be extracted is relatively small (2630 cubic metres) and that good practise is to be followed. They recommend a condition be attached to secure a detailed method statement with regard to excavated soil and peat, with the expectation that excavated peat is used for habitat restoration tied into existing land forms. They also provided further detailed advice on the various areas being considered for peat re-use by the applicant.
20. SEPA also note that a construction site licence to cover surface water management will be required from them. This should be based upon the submitted Construction Method Statement and Pollution Prevention Plan and will require further information on mechanical wash residue as this may require a discharge license. They further note that the submitted CMS, Pollution Prevention Plan and Waste Management Plan are generally acceptable but should include mitigation measures highlighted on plan which can then be readily accessible on site for personnel. This complete schedule of mitigation should be secured by planning condition.
21. They request that conditions be attached requiring that the mitigation measures outlined in the GWDTE risk assessment be secured, and also that the discharge from the SUDS be of similar water quality and quantity to existing to avoid any negative impacts.
22. **The Highland Council Flood Risk Management Team** has no concerns regarding flooding at this location. They have reviewed the Drainage Impact Assessment and have no objection to the proposed arrangements, being satisfied that surface water from all storms up to the 200 year event will be managed within the site.
23. **The Highland Council Flood Environmental Health Team** was consulted and has not provided any comments at the time of writing.
24. **The Highland Council Transport Planning Team** initially advised that they could not comment on the application until a Transport Assessment (TA) is provided. This is required due to the area of the development and this was highlighted at the pre-application stage.

25. On receipt of Transport Assessment (which relates to the application site and another pending planning application for an extension to the Ptarmigan restaurant -reference 2018/0177/DET) the Team note that this explains that the main driver behind the development is to increase visitor numbers during the summer months. The Team are sceptical of the visitor projections set out in the TA, and are disappointed that it fails to consider traffic management arrangements during severe winter weather; review problems regarding damage from informal parking areas; or review any impacts on informal parking areas from recent introduction of car parking charges at the main car park.
26. However despite this lack of clarity the Team agree that there will be an increase in visitor numbers which will have a negative impact on the public road. To mitigate this impact improvements to the CI 126 road will therefore be required. In line with the Glenmore Visitor Improvement Plan, the Team recommend that conditions be attached to secure:
- a) the provision of a scheme to reduce the speed of traffic and improve pedestrian crossing facilities through the settlement of Glenmore and to improve signing included the variable message signs;
 - b) improvements to the bus passenger waiting facilities including a shelter and real time information and provide cycle parking at the centre;
 - c) provision of a Travel Plan based on the actions set out in the TA; and
 - d) a review to assess the work required to improve the quality of the existing core path (GR12) to the Coire Cas car park to provide an extension to the successful and well used logging way in order to increase the number of people walking and cycling to the site especially in the summer and reduce the number of vehicles using the ski road.
27. On this basis they have no objections to the application. However, it should be noted that their comments relate to projections of future use of the ski resort from a range of potential developments and promotion. The dry ski slope is expected to potentially be used by a maximum of 7000 people per annum, an increase of only 6.3% of summer visitors and only 3-4% of annual visitors to the ski centre.
28. **CNPA Ecology Advisor** initially noted that a comprehensive suite of ecological surveys was provided which was welcomed. However some further clarification was sought on the condition of habitats to be lost and further mitigation measures for reptiles together with details of proposed compensation for habitat to be lost. The Advisor also recommended that further consideration be given to reducing the underground storage capacity of the SUDS scheme and using swales and above ground pools instead.
29. On receipt of further information the Advisor has confirmed that these proposals are generally satisfactory. The Advisor has highlighted that there will be a loss of annex I habitat and GWDTs under the new ski slope. These habitats are not exclusive to this area, are found within the wider Cairngorms area and are outwith the formally designated SAC. Their loss cannot be mitigated so compensation for their loss is required. Areas have been identified in the proposed habitat compensation plan for planting montane scrub to enhance the condition of the surrounding habitat and it is essential that this is secured. The Advisor has also noted that the planting plan

includes a north American willow species (*S petrophilia*) which should not be included and is not mentioned in the report text which refers to native species. This error will need to be rectified.

30. **CNPA Landscape Advisor** noted that the hillside where the development is proposed is part of the landscape setting of the ski centre. Generally the major infrastructure, buildings, funicular base and car parks are set in lower parts of the corrie with the surrounding ridges forming the sides of the corrie often screening these larger features. Dominant colours in the landscape are browns and warm greys with green only prominent in the summer months although it persists in small wet flushes throughout the year. Snow patches are an important part of the colour palette which can appear from September through to June.
31. On receipt of further information from the applicants including a landscape addendum the Advisor has confirmed that the methodology and visual effects have now been satisfactorily explained; errors relating to the ZTV information and extent of visibility have been rectified; sequential effects from plateau footpath have been assessed confirming localised significant effects ; the special landscape qualities assessment is now acceptable; colour of matting has been clarified as a mid-toned bright green colour with its impact in the landscape acknowledged and information provided on how this may change over time and proposals set out for the use of organic shaped patches to replace worn areas of matting which would then create a mottled effect helping to reduce the flat colour of the proposals.
32. The landscape addendum also outlines a proposal for mitigation planting of areas of montane scrub round the development that is intended to address the landscape impacts of a hard edge to the development and its flat colour. The Advisor considers that if the mitigation planting is as extensive as shown on the submitted plan, it would provide a stronger landscape feature. Given the conditions at the site a longer than usual maintenance programme would be required.
33. The Advisor concludes that the submitted landscape material presents a reasonable overall picture of the effect on the landscape and demonstrates that there will be significant adverse effects near to the site which reduce further away The proposed mitigation comprising mitigation planting and careful replacement of worn matting would help reduce the visual impacts of the matting and mitigate the adverse landscape impacts. These will take time to be fully effective as they rely on the weathering of the matting and the growth of planting in an exposed area. Conditions will be required covering landscaping details including establishment, long term maintenance and monitoring; management of the matting; and restriction on lighting.
34. **CNPA Outdoor Access Team** considered the potential for obstruction to access rights and existing paths in the area, primarily in relation to the “windy ridge path” and the viewpoint path which runs parallel to the existing car park. As both paths are being retained and are unaffected the Team has no comments to make.
35. **Aviemore and Vicinity Community Council** object to the application – comments attached in **Appendix 4**. They highlight that they do not object to development at Cairngorm Mountain but wish to ensure that it is well structured, properly planned and sustainable, satisfying all the aims of the National Park which they

don't consider the proposal achieves. They have highlighted that when the CNPA Board agreed the Cairngorm and Glenmore Strategy in 2016 Natural Retreats and partners agreed to develop and deliver a masterplan for Cairngorm Mountain. To date no masterplan has been produced with Highlands and Islands Enterprise (HIE) now commissioning a review of the ski infrastructure which will report later this year. In these circumstances the need for the project is unclear and if the HIE report concludes that there is no need then there will be potential for more unviable infrastructure on the mountain with no proposals included for its removal if not sustainable.

36. Other concerns relate to lack of detail on colour of ski slope and associated infrastructure and how it will blend in; removal of important invertebrate habitats; loss of peat; visual impact; economic viability and sustainability. The Community Council conclude that the proposal does not fulfil any of the aims of the National Park and should form part of an overall masterplan for the whole ski area not piecemeal development. The Community Council has requested the opportunity to be heard at Committee. The Community Council were re-consulted following submission by the applicants of additional information including a long term strategy document. They do not consider this information to alter their concerns and their additional consultation response is included in **Appendix 4**.

REPRESENTATIONS

37. The application was advertised in the local press and 54 representations were received, with 32 in support of the development and 22 objecting to the development. Three of the supporting letters have not detailed reasons for support. Twelve further representations were received outwith the time period for commenting but did not raise any new material issues.
38. The representations are attached as **Appendices 5 (a) and (b)**.
39. Key points raised by parties objecting are as follows:
- a) No evidence of economic benefit to community – other ski operations, including successful alpine resorts expand on summer use by investing in other activities such as hiking and mountain biking using existing infrastructure. Dry ski slopes at Glenshee and the Lecht were removed.
 - b) No economic justification or visitor/user surveys to explain the need.
 - c) If there is a need for a ski slope then it would be better located in Aviemore where it would be more sheltered and suitable for children.
 - d) Development does not relate to Cairngorm and Glenmore Strategy - proposal is premature and piecemeal.
 - e) Proposal is also premature in relation to HIE's ongoing review of infrastructure on the mountain.
 - f) Lack of community consultation.
 - g) Lack of research with manufacturers.
 - h) Site is unsuitable given weather patterns and prevailing wind- unsuitable for use by beginners and children and lacks scope for skill development for more experienced users.

- i) Loss of vegetation and peat – and resultant significant removal of soil by machinery.
 - j) Adverse impacts on flora, fauna and drainage.
 - k) Potential impacts on ground water dependent terrestrial ecosystems and on vegetation not adequately considered.
 - l) Safety of animals during construction.
 - m) Does not fit into the exposed upland landscape - dark green blocks of matting will look unnatural and this concern was noted by CNPA officers at the pre application stage. Location further down mountain would be better.
 - n) Adverse landscape impact- comparison made to Hillend near Edinburgh where facility is seen from 25 km away, particularly when illuminated.
 - o) Visual impacts will extend to wild land area 15 and will be year round.
 - p) Insufficient detail on ski slope infrastructure which has landscape and environmental implications (e.g. spray systems) and being a water based misting system may not work in low temperatures.
 - q) Concerns regarding use of public monies to finance the development.
 - r) Poor track record of developer in term of management of mountain and its facilities.
 - s) Concern regarding restoration of site if business fails.
 - t) Development does not reflect aims of National Park Partnership Plan or the requirement of the National Parks Act, instead it undermines the first aim which is to conserve and enhance the natural and cultural heritage of the area.
 - u) Submitted information is substandard. Photomontages do not accurately represent impacts as only show green matting and none of associated infrastructure.
 - v) EIA should have been required along with pre application consultation.
 - w) Appropriate Assessment is required.
 - x) If application is supported conditions should be imposed regarding compensatory tree planting and ultimate removal.
40. Key points raised by parties in support are as follows:
- a) Development will allow people to ski and learn when there is no snow or the upper slopes are storm bound – this will also help support year round work for ski instructors and avoid having to send customers off site for lessons.
 - b) Facility is much needed and would benefit local community, businesses, accommodation providers, clubs and schools as well as promoting tourism and outdoor sports, providing more consistent offering and avoiding customers being disappointed on arrival to find they cannot ski.
 - c) Will help maintain the snowsport legacy at Cairngorm which will boost local economy in wider Spey valley.
 - d) Ground nesting birds would continue to flourish as they did when the funicular railway was built.
 - e) Mountain needs more activities for summer and bad ski seasons.
 - f) Good location for spectators/families to view the activities.
 - g) Development will relieve queues on the funicular railway by taking beginners off and also relieve beginners from harsh conditions at top.
 - h) Will support growth of snowsports by encouraging beginners and support important user groups of families.

- i) One of these parties also notes that whilst supporting principle of ski slope there may be other better locations on the mountain, and another suggested a revolving slope.
41. The applicant and three other parties (Aviemore Business Association, Bill Stephen and the Badenoch and Strathspey Conservation Group) have requested to be heard at Committee. including the Aviemore Business Association, Bill Stephen and the Badenoch and Strathspey Conservation Group as has the applicant

APPRAISAL

Principle

42. **Policy 2:** Supporting Economic Growth of the Cairngorms Local Development Plan 2015 sets out that development which enhances formal and informal recreation and leisure facilities; tourism and leisure based business activities and attractions; tourism and recreation infrastructure, including accommodation; and improved opportunities for responsible outdoor access will be supported where (a) it has no adverse environmental impacts on the site or neighbouring areas (b) it makes a positive contribution to the experience of visitors and (c) adds to or extends the core tourist season. Similarly policy 8: Sport and Recreation also supports developments of sports and recreation facilities where they (a) demonstrate best practise in terms of sustainable design, operation and future maintenance and where there are no adverse environmental impacts on the site or neighbouring areas (b) they will meet an identified community or visitor needs and (c) they maintain and maximise all opportunities to link into the existing path network.
43. Scottish Planning Policy also presumes in favour of development that contributes to sustainable development, giving weight to net economic benefit, whilst also seeking to preserve important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.
44. All the ski centres within the National Park play important roles in the local economy and Cairngorm Mountain plays a particularly important role in making Badenoch and Strathspey a significant year-round visitor destination for the National Park and the Highlands.
45. Set against this background there is strong policy support in principle for a proposal which at its heart seeks to improve the offering at the existing ski centre at Cairngorm Mountain.
46. A number of objectors have raised concern that the application has been submitted in advance of any masterplan for the wider site at Cairngorm Mountain being produced as the Cairngorm and Glenmore Strategy sets out. However, the Cairngorm and Glenmore Strategy is not a planning policy document and the proposals must be considered against the policies of the Local Development Plan. However it may be worth noting that, as will be outlined later in this report, the proposed development has the potential to deliver on some of the management principles of the Cairngorm and Glenmore Strategy in terms of expanding native woodland planting, improvements

to transport and access infrastructure to increase public transport and non-motorised access to the area and improvements to existing facilities.

47. Objectors also have raised concern in relation to the principle of the development, considering it to be premature to a review by the landlord (Highlands and Islands Enterprise) of the operations at the Mountain. Any such review is for the landlord and the current planning application must still be determined on planning policy. The proposed development clearly relates to the activities at the existing, well established ski centre and the applicants consider there is a need for such a facility to complement and expand their offering. The key land use planning issues, as with any planning application, are the siting, servicing, design and environmental impacts of the proposal in relation to adopted Local Development Plan policies. Accordingly this report concentrates on the land use planning implications of the proposed development

Landscape Impacts

48. The application site is located within the Cairngorms National Scenic Area, the National Park and close to the Cairngorms Wild Land Area No. 15. As such it is important that the landscape impacts of the proposed development are fully considered in relation to Policy 5: Landscape of the Cairngorms Local Development Plan 2015 which seeks to ensure that all new development conserves and enhances the landscape character and special landscape qualities of the National Park and the setting of the development. Any significant adverse impacts must be clearly outweighed by social or economic benefits of national importance and all adverse effects must be minimised and mitigated. Similarly policy 3: Sustainable Design seeks to ensure that development is suitably designed.
49. In this regard the development is clearly related to the existing ski centre operations at Cairngorm Mountain and will be viewed in the context of that infrastructure. This part of the mountain is characterised by a variety of ski infrastructure including ski tows, funicular railway, car parking and buildings. Whilst the site itself currently comprises moorland, the wider context is one of rural development and providing the new facility sits well in the landscape it should be possible to comply with policy objectives here.
50. Supporting landscape material has demonstrated how the new facility will sit in this landscape. Whilst it will inevitably be visible from the immediate surrounding area and further afield these impacts will be largely localised and will, as noted above, be viewed within the context of an operational ski centre. Although there will be a variation in seasonal landscape impacts (e.g. the matting of the slope will be more prominent in winter when the snow cover is light whereby the green colour will be more pronounced and visible) overall it is considered that these impacts can be satisfactorily mitigated over time by the proposed extensive montane planting in and around the site which will help to conserve and enhance the landscape.
51. Similarly careful use of ski matting patching when carrying out future repairs will help to secure a more “mottled” appearance to the slopes over time, more in keeping with the moorland surroundings together with care over the final material choice and colour. To this end a more subdued green has also been chosen during consideration

of the application to try and reduce the visual impacts of the development. Care will also be necessary with any ancillary detailing such as uplift equipment, barriers, fencing and indeed lighting although at this stage no lighting is proposed by the applicants.

52. These various factors as described above also serve to ensure that there will be limited impact upon the wild land area and in these overall circumstances the application is considered to comply with Policies 3 and 5 of the Cairngorms Local Development Plan 2015, subject to appropriate planning conditions being attached to any consent issued.

Environmental Impacts

53. **Policy 4:** Natural Heritage of the Cairngorms Local Development Plan 2015 seeks to ensure that there are no adverse effects on natural heritage interests, designated sites or protected species and that any impacts upon biodiversity are avoided, minimised or compensated. **Policy 10: Resources** also seeks to ensure that disturbance to soils, peat and any associated vegetation is minimised
54. Although the site is not located within any NATURA designations it is located close to wider environmental designations and will also involve the loss of habitat. Satisfactory environmental survey work has been carried out to enable impacts to be fully considered with appropriate mitigation identified in relation to impacts upon protected species, peat resources and ground water dependent terrestrial ecosystems. Furthermore adequate compensation for loss of habitat has been offered in relation to the areas identified for montane planting which will help secure biodiversity benefits as well as mitigation for landscape impacts along with proposals for peat management which will help secure restoration of peat habitat elsewhere on the landholding.
55. On this basis the application is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources.

Servicing General

56. **Policy 3:** Sustainable Design and **Policy 10: Resources** of the Cairngorms Local Development Plan 2015 seek to ensure that development can be satisfactorily serviced and that unacceptable impacts on the water environment are avoided.
57. The site will be accessed by existing road network and this is considered in more detail in the following section of the report. Otherwise the main servicing issue drainage. There will be no changes to foul drainage arrangements arising from the development and surface water will be dealt with by means of a SUDS layout which is acceptable to the technical consultees. Accordingly the application is considered to comply with Policies 3 and 10 subject to the imposition of appropriate planning conditions as required by consultees.

Servicing - Access

58. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and to

include an appropriate means of access, egress and space for off-street parking. In this regard the site will utilize existing road access and car parking arrangements for Cairngorm Mountain which are considered to be satisfactory in terms of vehicular traffic subject to signage and crossing improvements.

59. **Policy 3:** Sustainable Design also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel.
60. In this regard, and as noted by the applicants, the intention of the proposals is to increase visitor use of the ski centre and to increase all year round use. Accordingly it is important to ensure that (1) any impacts upon non-motorised users of the network serving the site are minimised as a result of any increase in vehicular traffic and (2) opportunities to access the centre by non-motorised means are maximised. However, the dry ski proposal within this planning application are only expected to increase visitor numbers to the site by 6.3% during the summer season and between 3-4% over the year, so do not lead to a significant change in their own right. The objectives can be secured by imposing conditions to cover some of the requirements of the Highland Council Transport Planning Team with respect to, crossing points at Glenmore and provision of bus stop and cycle parking at the ski centre, but a requirement to assess the work needed to improve the Allt Mor Path from Glenmore to the Mountain would not be a reasonable or necessary planning condition and in any case being investigated by Forestry Commission Scotland as the landowner of the section that is least accessible.
61. On this basis the application is considered to comply with Policy 3: Sustainable Design.

Other Issues Raised in Consultations and Representations

62. Matters raised by consultees and contributors have been largely addressed throughout this report. There are however some additional points to comment on as noted below.
63. Concern has been raised regarding the lack of public consultation on the proposals. As this is not a major application as defined in the Scottish Government's hierarchy of development there is no statutory requirement for pre application consultation with the public. However, the applicants did carry out some public consultation as detailed in their design statement. Some concern was also raised that the application should have been accompanied by an Environmental Impact Assessment (EIA). In this respect the application has been screened under the terms of the EIA regulations and it was concluded that EIA was not required in this instance. However sufficient environmental information has been submitted to enable officers and consultees to determine the impacts of the development.
64. There has also been concern regarding the use of public monies in relation to the involvement of Highlands and Islands Enterprise in the site, and that other more suitable alternative sites are available. The use of public money is not a material land

use planning consideration and the Planning Authority is required to consider the application before them, not to consider alternative options suggested by other parties.

65. Similarly, concerns raised regarding the track record of developer are not material land use planning considerations. What is important is to ensure that any conditions imposed are enforceable and thereafter complied with and if necessary enforced.
66. On a more technical aspect some concern has been raised that water based misting system may not work in low temperatures – this is a matter for the applicants to address although following discussion they have advised that when temperatures are lower there is likely to be snow whereby the system will not be required.
67. Finally concern has been raised that the development does not comply with the aims of the National Park Partnership Plan (NPPP) and the National Parks Act which give priority to the first aim to conserve and enhance the natural and cultural heritage of the area. These aims have been fully considered when assessing compliance with Local Development Plan policies which are themselves intended to deliver the aims of the NPPP within the context of the land use planning system.

CONCLUSION

68. This application involves provision of additional ski facilities for beginners and intermediate skiers at an established ski centre at Cairngorm Mountain. The principle of this development complies with Local Development Plan policies.
69. The layout and design of the new development is considered to be satisfactory with significant mitigation for impacts proposed by way of montane planting and careful future monitoring and maintenance of the proposed new ski slopes. Environmental impacts can be satisfactorily mitigated and habitat compensation delivered. This will ensure compliance with Local Development Plan policies. Delivery of this mitigation and compensation can be adequately addressed by appropriate planning conditions.
70. The development is also capable of being satisfactorily serviced and accessed subject to planning conditions as requested by consultees.
71. On this basis the proposed development is considered to comply with Local Development Plan policies subject to appropriate planning conditions being imposed to achieve landscape, ecological and servicing requirements. Approval is therefore recommended.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Installation of beginner and intermediate artificial ski slopes with associated services at Cairngorm Mountain Glenmore Aviemore PH22 IRB subject to the following conditions.

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

- 1. No development shall commence on site until (a) details of a suitably qualified Landscape and Ecological Clerk of Works to be retained by the developer to supervise construction (b) details of the scope of their work and (c) monitoring regime and frequency of method of reporting have been submitted to and approved in writing by the Cairngorms National Park Authority. Thereafter the approved person shall provide monitoring reports in accordance with the approved scheme to the Cairngorms National Park Authority with any recommendations implemented in accordance with the monitoring report and any comments from the CNPA.**

Reason: To ensure that the construction of the development is satisfactorily supervised to ensure that there are no adverse impacts on the landscape character, special landscape qualities and natural heritage of the National Park in accordance with Policy 4: Natural Heritage and Policy 5 :Landscape of the Cairngorms Local Development Plan 2015

- 2. No development shall commence on site until a Landscape Scheme has been submitted to and approved in writing by the Cairngorms National Park Authority. This scheme shall include full details of all proposed montane planting within and outwith the site in accordance with the indicative details provided in the Habitat Compensation Plan dated 15 June 2018 and reflecting the requirement for the planting to deliver an increase in the range and quality of “green” in the landscape using native species; details of proposed fencing to protect the planting; details of establishment of the planting; details of finishes of all paths and other features including seating and fencing; details of the reinstatement of excavated areas showing full details and maintenance until established; and details of the future maintenance and monitoring for at least 10 years after planting.**

The planting identified outwith the application site shall thereafter be implemented in accordance with the approved scheme in the first planting season following the commencement of development on site, and the planting within the application site shall be implemented in accordance with the approved scheme in the first planting season following completion of the development or the development being brought into use, whichever is the sooner.

All planting shall thereafter be maintained in accordance with the approved scheme with annual monitoring reports, detailing any remedial works carried out, provided to the CNPA acting as Planning Authority

Reason: To ensure that the landscape and natural heritage impacts of the proposed development are satisfactorily mitigated and the landscape and special qualities of the National Park are conserved and enhanced in accordance with Policy 4: Natural Heritage and Policy 5 :Landscape of the Cairngorms Local Development Plan 2015

3. **No development shall commence on site until a Peat and Soil Management Plan, including a detailed method statement and based on the principles contained in the approved Design Statement Revision E dated 7 March 2018, has been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with SEPA. This Plan shall include provision for excavated peat to be used in habitat restoration purposes on eroded areas; details of locations of deposition; methods used and the need to ensure that this work ties in with adjacent landform avoiding change to existing hydrological flow conditions; and details of storage of all soils on site.**

Work shall thereafter proceed in accordance with the approved details.

Reason: To ensure that peat is managed appropriately in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

4. **No development shall commence on site until a Schedule of Mitigation, including a single site plan showing all mitigation measures detailed in the approved Construction Phase Method Statement, Pollution Prevention Plan and Waste Management Plan, Traffic Management Plan and the Peat and Soil Management Plan required by Condition 3 has been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with SEPA. This plan to include mitigation to ensure that existing paths are kept free from obstruction or alternatives provided during construction. Work shall thereafter proceed in accordance with the approved plan which shall be made available on site throughout the duration of construction work.**

Reason: To ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

5. **No development shall commence on site until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority**
 - a) **The estimated life span of the ski slope and how restoration will be financed; and**
 - b) **Details of how the development will be removed in an environmentally sensitive manner and the site restored to natural landform and acceptable vegetation.**

Thereafter should the ski slope become redundant or cease being in use for a period of 1 year then the development shall be removed and the site restored in accordance with the approved details.

Reason: To ensure that should the development become redundant it does not fall into disrepair and to ensure that there are no adverse impacts upon

natural heritage, and the landscape character and special qualities of the National Park are conserved and enhanced in accordance with Policy 4: Natural Heritage and Policy 5 :Landscape of the Cairngorms Local Development Plan 2015

6. **No development shall commence on site until sample of the finishes of the matting for the ski slope and all other associated infrastructure (e.g. uplift equipment including any travellers/magic carpets, crash barriers, fencing) has been submitted to and approved in writing by the Cairngorms National Park Authority. The development shall thereafter be constructed in accordance with the approved details**

Reason: To ensure that there are no adverse impacts upon the landscape character and special qualities of the National Park are conserved and enhanced in accordance with Policy 4: Natural Heritage and Policy 5 :Landscape of the Cairngorms Local Development Plan 2015

7. **No development shall commence on site until details of the ongoing maintenance and monitoring of the matting for the ski slope have been submitted to and approved in writing by the Cairngorms National Park Authority. These details shall accord with the principles established in the approved Landscape Addendum and the need for any repair of matting to be undertaken using organically shaped new matting sections. Annual monitoring reports shall be provided to the Cairngorms National Park Authority throughout the lifetime of the development hereby approved with any remedial works carried out as required.**

Reason: To ensure that there are no adverse impacts upon the landscape character and special qualities of the National Park are conserved and enhanced in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015

8. **No development shall commence on site until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority. This plan to include details of boundaries of the construction site, how it will be enclosed, site of any construction compound and storage areas, construction SUDS and all other measures outlined in section 4 of the approved Ground Water Dependent Terrestrial Ecosystems (GWDTE) Risk Assessment dated 14 March 2018 together with confirmation that the discharge from the SUDS will be of similar water quality and quantity to existing to avoid any negative impacts. The construction of the development shall thereafter be implemented in accordance with the approved plan.**

Reason: To ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

9. **No development shall commence on site until the site is enclosed in accordance with the approved Construction Environment Management**

Plan and thereafter this fencing shall be retained throughout the entire construction phase.

Reason: To ensure that the construction of the development is contained and avoids damage to adjacent habitats in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015.

- 10. No development shall commence on site until details of the future maintenance of the proposed SUDS system have been submitted to and approved in writing by the Cairngorms National Park Authority. The system shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development hereby approved**

Reason: To ensure that work there are no adverse impacts upon the environment and that surface water is appropriately managed in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

- 11. No development shall commence on site until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with the Highland Council Transport Planning Team:**
- a) Details of a scheme to reduce the speed of traffic and improve pedestrian crossing facilities through the settlement of Glenmore and to improve signing included the variable message signs;**
 - b) Details of improvements to the bus passenger waiting facilities including a shelter and real time information and the provision of cycle parking at the ski centre.**

Thereafter the development shall not be brought into use until all works are completed in accordance with the approved plans

Reason: In order to promote sustainable transport methods in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 and improve pedestrian safety within the settlement of Glenmore.

- 12. No development shall commence on site until a Travel Plan based on the actions set out in the approved Transport Assessment has been submitted to and approved in writing by the Cairngorms National Park Authority in consultation with the Highland Council Transport Planning Team. Thereafter the Travel Plan shall be implemented in full throughout the lifetime of the development.**

Reason: In order to promote sustainable transport methods in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015

- 13. All mitigation measures detailed in the approved Mitigation and Enhancement Plan dated 1 December 2017, Reptile Protection Plan dated 12 June 2018 and the Ground**

Water Dependent Terrestrial Ecosystems (GWDTE) Risk Assessment dated 14 March 2018 shall be implemented during construction in accordance with the approved details and supervised by the retained Ecological Clerk of Works.

Reason: To ensure that the development does not adversely affect wildlife interests and European Protected Species in the area in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015

14. There shall be no anti-freeze used in the misting system for the development hereby approved.

Reason: To ensure that there are no adverse environmental impacts in accordance with Policy 4: Natural Resources of National Park Local Development Plan 2015

15. There shall be no external lighting at the development hereby approved unless an external lighting plan is submitted to and approved in writing by the Cairngorms National Park Authority.

Reason: To ensure that there is no light spillage or light pollution which could adversely affect the special landscape qualities of the National Park, in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 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 on 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 the 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

4. The person undertaking the development should note that they require to apply to SEPA for a construction site licence to cover surface water management across the whole development site. This should be based upon the submitted Construction Method Statement and Pollution Prevention Plan and will require further information on mechanical wash residue as this may require a discharge license. SEPA's regulatory team at Elgin should be contacted for advice telephone 01343 547663

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.