

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Section 42 application to vary Condition I (19/03944/S42), with a cessation date of 01.11.2026 Coire Cas Car Park, Cairngorm Mountain, Glenmore Aviemore, Highland

REFERENCE: 2021/0259/DET

APPLICANT: Cairngorm Mountain (Scotland) Limited

DATE CALLED-IN: 16 August 2021

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Emma Bryce, Planning Manager

AND

Section 42 application for variation of Condition I (20/01058/FUL) cessation date of 01.11.2026 Coire Cas Car Park Cairngorm Mountain Glenmore Aviemore Highland

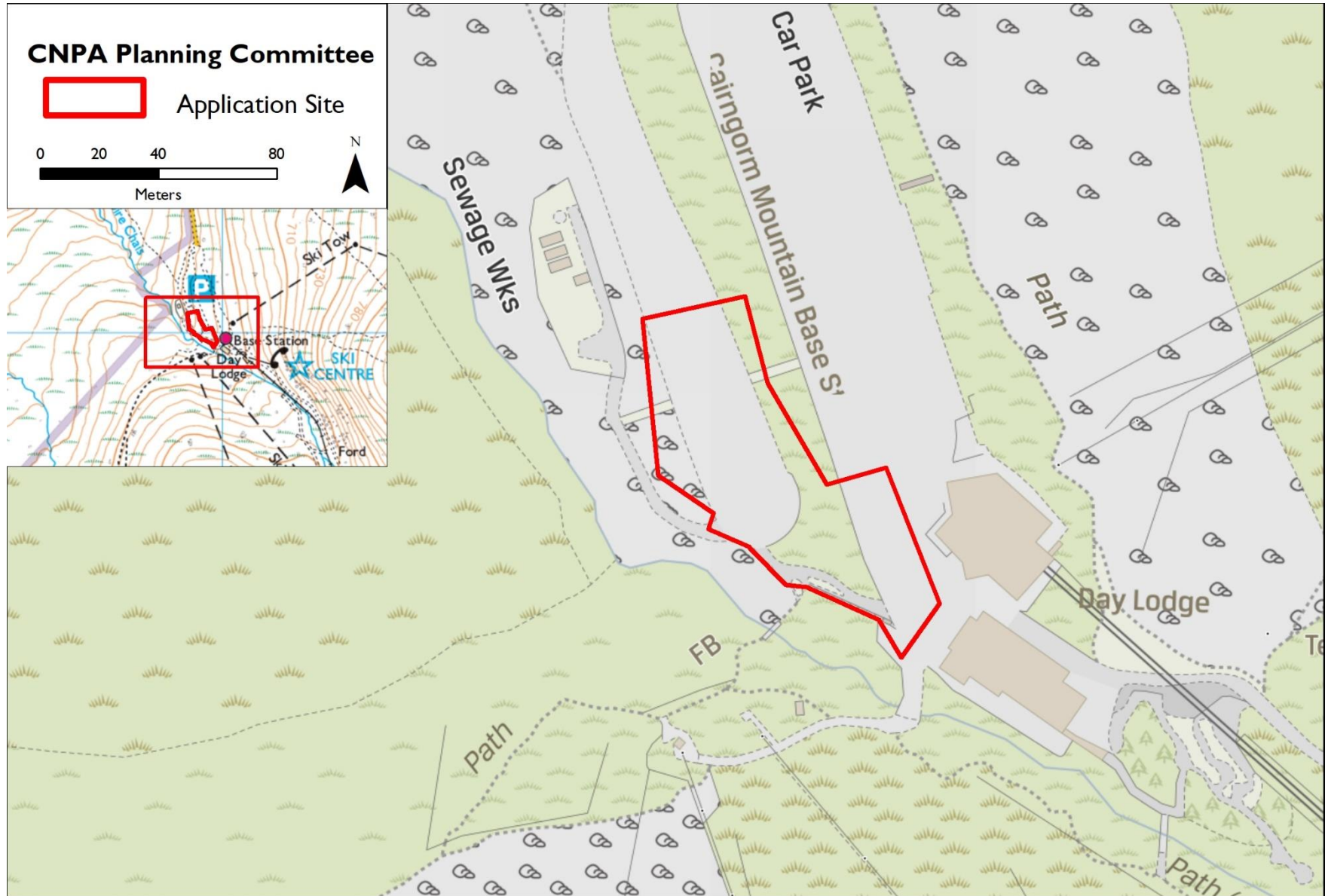
REFERENCE: 2021/0281/DET

APPLICANT: Cairngorm Mountain (Scotland) Limited

DATE CALLED-IN: 31 August 2021

RECOMMENDATION: Approve Subject to Conditions

CASE OFFICER: Emma Bryce, Planning Manager



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application sites are within and between the southern ends of the Cairngorm Mountain Ski Centre car parks below the Day Lodge and Funicular Railway Base Station. The car parks are accessed by the existing B970 road from Glenmore.
2. The application site lies within the Cairngorms National Scenic Areas, but is not covered by any other specific environmental designations. The Glenmore National Nature Reserve lies approximately 25 metres west of the application site. The Cairngorms Wild Land Area No.15 as identified in Scottish Natural Heritage's wild land area map lies around 690 metres west of the site at its closest, circling the entire ski area.
3. An original consent from Highland Council (19/01765/FUL) granted temporary planning permission for a tubing slide from the upper car park to the lower car park as well as a short zip wire at the southern end of the lower car park. The CNPA consent 2020/0105/DET granted permission for a one year period for extension and realignment of the original slide, a second slide running to the lower car park and a third short slide capable of being moved to different locations.

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

<https://www.eplanningcnpa.co.uk/online-applications/caseDetails.do?caseType=Application&keyVal=QXPXTQSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan	-	-	16/08/2021

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

5. The tube slides and zip wire previously granted consent by Highland Council (references 19/01765/FUL and 19/03944/S42) and the CNPA (reference 2020/0105/DET) have been operating on the site during the summer of 2021. There are images and descriptions of the facilities on the Cairngorm Mountain website at www.cairngormmountain.co.uk/mountain-activities/adventure-play-tubing-park/. Layout plans for the originally consented development is included in **Appendix I**. The location of the additional short slide was moved through agreement to occupy sloping ground in the lower car park along the line of the original slide exit. This reduced the footprint of the development and means the

third slide is hidden from view from most areas of both car parks as well as from longer views to them.

6. The two applications made under S42 each seek a new permission to change the condition that required the operation of the slides to cease and the structures to be removed by 1st November 2021. Consent is now sought to extend the date for a further five-year period until 1st November 2026. Otherwise, the developments are identical to those previously consented and built. Although it is appropriate that they are made as two applications, they each relate to what is now functionally one development so are considered together within this report.

History

7. In June 2019, planning permission was granted by Highland Council for the installation of tube slide, zip line and play area for a temporary period with a cessation date of 1 November 2021 (reference 19/01765/FUL). In November 2019 an associated application (reference 19/03944/S42) was made under Section 42 of the Town and Country Planning (Scotland) Act 1997, was approved by Highland Council to amend Condition 1 of 19/01765/FUL requiring the removal of equipment by 1 November 2021.
8. In June 2020, the CNPA granted planning permission for two further tube slides (2020/0259/DET) within the same area, again as a temporary consent with removal of equipment by 1 November 2021.
9. There have been numerous planning applications within the wider Cairngorm Mountain area. On 14 October 2021, Highland Council granted consent (21/03808/S42) for the continued temporary siting of a double snow factory unit on ground between the tube slides and the Day Lodge and Funicular Base Station, repeating consents granted by both Highland Council and the CNPA in previous years. An application for installation of car park barriers (2020/0097/DET) at the entrance to the upper Coire Cas car park was granted consent by the CNPA on 16 June 2020. In May 2020, planning permission was granted by the CNPA for engineering works related to strengthening the funicular viaduct (reference 2020/0076/DET). In 2019, planning permission was granted by the CNPA for engineering works to smooth and re-grade land (reference 2019/0247/DET) and for the renovation and erection of extension to the Ptarmigan Restaurant building (reference 2018/0177/DET).

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022
Local Development Plan Policy	Cairngorms National Park Local Development Plan (2021) 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	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

10. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan (LDP). The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2020/11/CNPA-LDP-2020-as-Modified-for-web.pdf>

Planning Guidance

11. 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 (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance (2015)	

CONSULTATIONS

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

13. **CNPA Conservation Manager** has noted that there are no additional landscape or ecological effects from the temporary development in that location where there are complex visual effects from a number of permanent and temporary structures. The manager notes that if the application were for a

permanent development then additional tree planting would mitigate the visual effects in the long term.

14. **Aviemore and Vicinity Community Council** were consulted but have not responded at the time of writing this report.

REPRESENTATIONS

15. No representations on either planning application have been received.

APPRAISAL

16. The main planning considerations are considered to be the principle of development and landscape impact, design and scale of the development.

Principle of Development

17. **Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021**, seeks to support development which enhances formal and informal recreation and leisure facilities providing; there are no adverse environmental impacts, it makes a positive contribution to the experience of visitors, and it adds to or extends the core tourist season. **Policy 8: Open Space, Sport and Recreation** also seeks to support diversification or extension to existing sport and recreation related business activities.
18. The principle of the slides as temporary developments has been previously been considered by both Highland Council and the CNPA. The continued operation of the slides and zip wire will allow Cairngorm Mountain to provide a summer activity and source of income over a period of time where the Funicular Railway continues to be repaired and during a period where the activities can be complementary. The proposal fits into the context provided by Highland and Islands Enterprise's (HIE) recently published Cairngorm Masterplan, by providing an income from a diversified summer activity in one of the least sensitive locations of the estate.
19. The proposals are considered to comply with Policy 2: Supporting Economic Growth and Policy 8: Open Space, Sport and Recreation of the Cairngorms National Park Local Development Plan 2021.

Landscape Impacts

20. **Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021** seeks to ensure that all new development conserves and enhances the landscape character and special landscape qualities of the National Park. Similarly, **Policy 3: Design and Placemaking** seeks to ensure that development is suitably designed.
21. The continued operation of the existing facilities for a further five-year period, within the existing car park areas, close to the main buildings of Cairngorm

Mountain, will have only minor adverse visual impacts. Although the site lies within the Cairngorm Mountains NSA, the minor additional effects mean it is not considered that the proposal will have any significant impact on the special qualities of the National Scenic Area (NSA) or the special landscape qualities of the National Park. The proposal is considered to comply with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

Environmental Issues

22. **Policy 4:** Natural Heritage of the Cairngorms Local Development Plan 2021 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.
23. The proposal is within an area of ground that has been previously disturbed and of low ecological value. Although the site is close to many designated sites in national and international importance, the development will not affect them directly or indirectly. The application is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

24. In these overall circumstances, the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2021. There are no material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATIONS

That Members of the Committee support a recommendation to APPROVE:

- A. Section 42 application to vary Condition I (19/03944/S42), with a cessation date of 01.11.2026 Coire Cas Car Park, Cairngorm Mountain, Glenmore Aviemore, Highland.**
- B. Section 42 application for variation of Condition I (20/01058/FUL) cessation date of 01.11.2026 Coire Cas Car Park Cairngorm Mountain Glenmore Aviemore Highland;**

Each subject to the following conditions:

Conditions

- I. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 1st November 2026 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission and any ground disturbance reinstated to its condition prior to the granting of the permission 19/01765/FUL granted by the Highland Council, all to the satisfaction in writing of the Cairngorm National Park Authority acting as Planning Authority;

Reason: In recognition of the temporary nature of the proposed development, to enable the Cairngorm National Park Authority, acting as Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration;

Informatives

None

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.