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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Engineering works to smooth and re-grade land at Cairngorm Mountain Glenmore  
Aviemore Highland PH22 IRB

**REFERENCE:** 2019/0247/DET

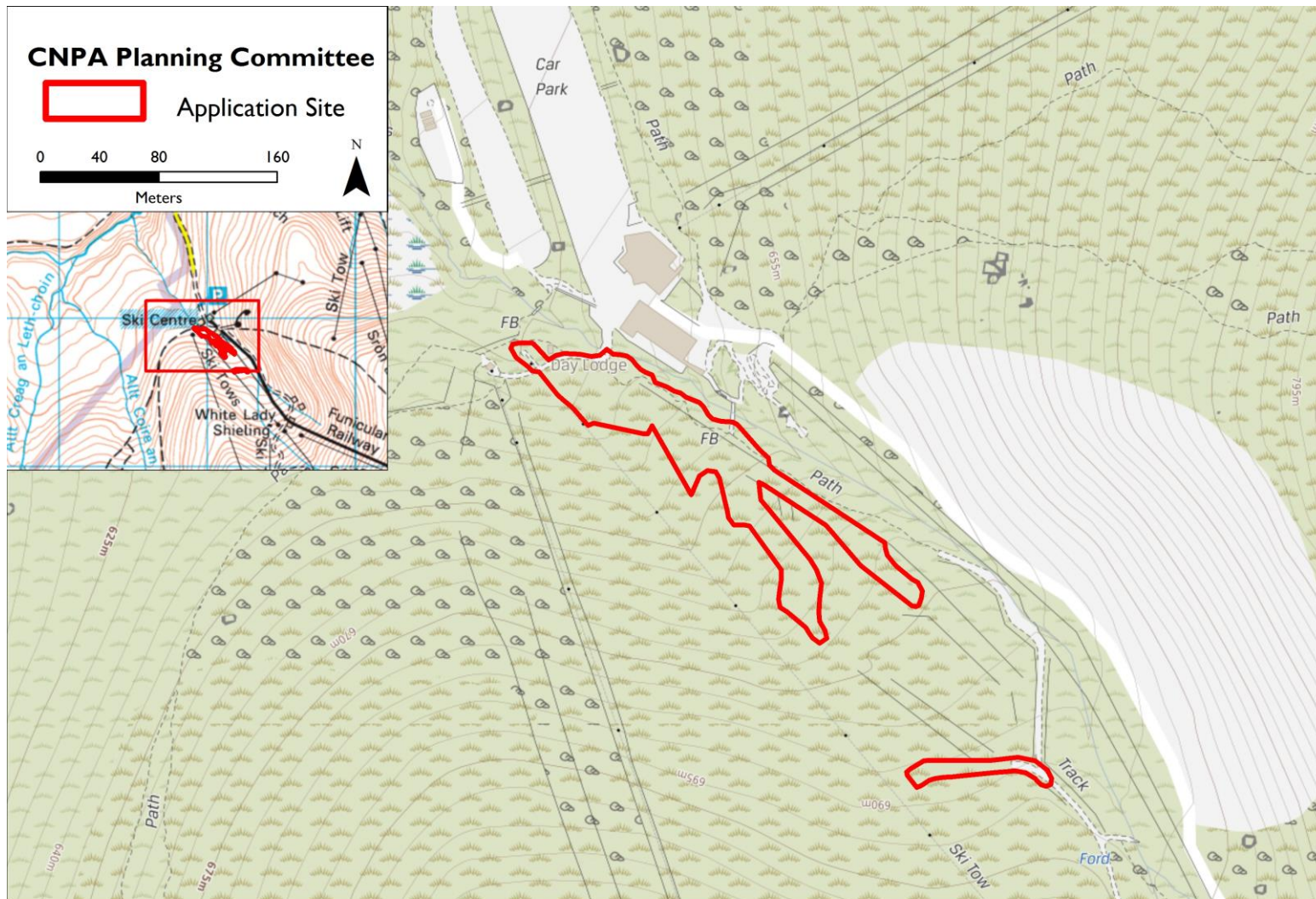
**APPLICANT:** Mr Jim Cornfoot

**DATE CALLED-IN:** 5 August 2019

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Stephanie Wade, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is located on the north-western slope of Coire Cas and to the south and south-east area adjacent to the Cairngorm Mountain Ski Centre Day Lodge. It comprises sloping, vegetated land with drainage channels flowing into the Allt a' Choire Chais. The land forms part of the ski slope used by the ski centre and is segregated in places by snow fencing. A footpath runs partially within, and subsequently adjacent to, the north-eastern development site boundary, which links the Day Lodge to the White Lady Shieling Tow area, further up the slope. The 'Car Park Tow' runs along the southern development site boundary with the Car Park Tow Drive Station located to the west. A couple of snow-making fan guns are located on the hill slope. The development site covers a length of approximately 470 metres of the lowest mountain piste within the ski centre.
2. The wider ski centre is accessed by the existing B970 road from Glenmore, which terminates at a large parking area, beside the Day Lodge and Funicular Railway Base Station.
3. The application site lies within the Cairngorms National Scenic Area, but is not covered by any other specific environmental designations. The Cairngorms Special Area of Conservation, designated for habitat interests, and the Northern Corries, Cairngorms Site of Special Scientific Interest lie approximately 180 metres west of the site. The Cairngorms Wild Land Area No.15 as identified in Scottish Natural Heritage's wild land area map lies around 600 metres west of the site at its closest, circling the entire ski area.

### Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PVJVZ2SI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>Plans</b>			
Location Plan	-	-	05 August 2019
Drainage Pipe Installation Route Plan	-	-	12 August 2019
Section Area E, C and D Plan	-	-	12 August 2019
Section Area I and J Plan	-	-	12 August 2019

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 5 13/12/2019**

Section Area K Plan	-	-	12 August 2019
Section Area M Plan	-	-	12 August 2019
Section Area N Plan	-	-	12 August 2019
Section Across Area A Plan	-	-	20 August 2019
Section Across Area B,C,H Plan	-	-	20 August 2019
Contour Plan	-	-	04 October 2019
<b>Supporting Documents</b>			
Supporting Information	-	01 January 2019	05 August 2019
Working with the Environment at Cairngorm document	-	14 February 2018	05 August 2019
Ecological Survey Report	8804	17 July 2019	05 August 2019
Pollution Prevention Plan	-	-	11 September 2019
CMSL Response to SEPA Advice document	-	-	11 September 2019
Response to SEPA Planning Objections document, prepared by Bruce Cranston	-	11 September 2019	11 September 2019
Additional Information from Applicant	-	-	04 October 2019
National Vegetation Classification Survey	673031/MC/002	03 October 2019	04 October 2019
Hydrological Assessment flows and run-off	673031/kmd/003	06 November 2019	07 November 2019
Construction Method Statement	-	-	13 November 2019
Planting Plan	-	-	26 November 2019

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

5. This application for planning permission proposes the smoothing and re-grading of land together with the installation of drainage pipes and infilling of drainage channels on the base area of the lowest mountain piste. The application describes the works as “critical

to maximise the potential of snowmaking on the lowest pistes of the mountain” and that they are required to be undertaken as part of the maintenance work of the ski centre to improve the ski slope surface for the man-made snow coverage. The application details state “by infilling the large depressions, the amount of produced snow needed to get the beginners area into operation will be reduced, creating a wider area of useable snow in a shorter time, making snow production both more energy efficient and saving costs.” The works have been split into the following parts:

- a. **Area A:** Proposed infilling of 26 cubic metres of ground together with the laying of a 450- 600mm diameter HDPE pipe and building up the area with infill from embankment in Area H. The proposed pipe will join into the existing culvert pipe together with the creation of a silt trap to minimise sediment entry into the Allt Chais water course. The finished ground level would be at the height of the adjacent path.
- b. **Area B:** Proposed infilling of 19 cubic metres of ground from cut and smoothing of Area H embankment. Installation of the HDPE pipe and connection with the existing culverted path crossing pipework. Ground level to be re-graded to match the adjacent path level.
- c. **Area C:** Proposed infilling of 14 cubic metres of ground from the cut and smoothing of Area H ground. Installation of HDPE pipe.
- d. **Area D:** Proposed infilling of 7 cubic metres of ground, smoothing off the depression in Area D and lifting the surface level.
- e. **Area E:** Proposed infilling of 20 cubic metres of ground comprising two existing eroded peat channels. Height of infill is proposed to match the existing surrounding surface level. Proposed installation of HDPE pipe linking into upper drainage pipe run.
- f. **Area F:** Proposed smoothing off of any extra material from the proposed HDPE pipe installation.
- g. **Area G:** Proposed cut of 20 cubic metres of ground to remove embankment.
- h. **Area H:** Proposed cut of 57 cubic metres of ground to reduce existing embankment using material cut from area I and area K.
- i. **Area I:** Proposed cut of 84 cubic metres of ground to level area in keeping with the surrounding ground level. The non-native montane pine located on this mound is proposed to be removed and the scots pine, silver birch and common juniper are proposed to be relocated downslope from the carpark tow unit.
- j. **Area J:** Proposed infilling of 8 cubic metres of ground to smooth out base area of car park tow.
- k. **Area K:** Proposed creation of embankment adjacent to the car park tow drive station using 72 cubic metres of fill taken from the cut of Area I. The ground is proposed to be built up against the concrete base with a flat top and tapered

down to the existing ground level in the interests of health and safety requirements.

- l. **Area L:** Proposed removal of large rocks exposed above 150mm above ground level of surrounding surface.
  - m. **Area M:** Proposed cut of ground on western side of Area M and filling ground of eastern side of Area M to create a more level surface across this section of ground.
  - n. **Area N:** Proposed regrading of easterly aspect of embankment within this area to create a gentler slope to the western area ground levels.
6. Plans of the proposal are included within **Appendix I**.

## History

7. There are no recent planning applications relating to the immediate red line area of this application, however there have been numerous planning applications within the wider Cairngorm Mountain area, which are summarised below:
8. The original funicular railway application was approved in 1997 and dealt with by Highland Council prior to the forming of the National Park, (Reference 94/00254/FULBS). In 2002, full planning permission was granted by the Highland Council to vary condition 11 of the original funicular railway consent in order to retain a 3 metre wide access track for vehicular use, (reference 02/00382/FUL).
9. In 2006, planning permission was granted by the CNPA for the “erection of a camera obscura” within the mountain garden area of Cairngorm Mountain (reference 06/319/CP) and for “pathworks, dyking, landscaping and art works” (reference 06/258/CP).
10. Full planning permission was also granted by the Highland Council in 2015 for an extension to the west wall poma ski tow beside the Ptarmigan and a new return wheel at the southernmost end of the ski tow (reference 15/01000/FUL).
11. In 2014, full planning permission was granted in November 2014 at the CNPA planning committee for the removal of the Shieling ski-tow and replacement with a modern rope-tow of similar length and profile, located beside the funicular railway.
12. In 2017, retrospective planning permission was granted by the CNPA planning committee for the “retention of a ski area access track” (reference 2016/0295/DET). Also, the Highland Council granted permission for the “siting of a snow factory unit” in November 2017 (reference 17/04736/FUL).
13. In 2018, planning permission was refused by the CNPA Planning committee in October for the installation of a beginner and intermediate artificial ski slopes with associated services.” The application was refused on grounds of siting, location, colour of material, changes to landform leading to unacceptable landscape impacts in the short and medium term on the site and on views to the site, with the propose mitigation not

being achieved in an acceptable time frame. Also in 2018, the Highland Council granted a temporary permission for the installation of a double unit snow factory (reference 18/05078/FUL).

14. In May 2019, planning permission was granted for the renovation and erection of extension to the Ptarmigan Restaurant building (reference 2018/0177/DET).
15. The Highland Council are currently considering and processing two live planning applications. Application reference 19/03944/S42, seeks to vary condition 1 of planning permission 19/01765/FUL (installation of a tube slide, zip line and play area within the Coire Cas car park at Cairngorm Mountain) and application reference 19/04135/S42 for the variation of condition 1 of planning permission 18/05078/FUL to alter the cessation date of the permitted snow factory.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	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	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	<b>X</b>
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

16. 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>

### **Planning Guidance**

17. 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	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	<b>X</b>
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	

## **Cairngorms National Park Local Development Plan 2020**

18. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to start, the Proposed Plan and its contents currently carry limited weight.

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

19. **Scottish Environment Protection Agency** initially objected to the application on the grounds of lack of information in relation to groundwater terrestrial ecosystems and requested the submission of additional information including an NVC survey. Following the submission of the required information SEPA had the following comments:
- a. **Groundwater Dependant Terrestrial Ecosystems (GWDTE):** Following the submission of the Vegetation Survey (September 2019), SEPA confirm the removal of their previous objection noting that the re-profiling uphill of polygons is to land that protrudes above the surrounding landform, and the downslope GWTE areas each include M32a springs which are small, localised features. SEPA would not expect the re-profiling to disrupt the groundwater supplying the M32a, and as they expect the springs are supplying the water to the M6b, M15a and M10a, then they would not expect any impact to GWTE. In relation to the drainage pipe that starts above polygons 44 and 46, their understanding is that the new pipe will follow largely the same route as the current ditch for the high voltage ring main, and that the depth of the ditch will not be deepened, therefore SEPA consider there to be minimal impact to the hydrology as a result of replacing the new pipe.
  - b. **Pollution Prevention:** SEPA confirm that the submitted Pollution Prevention Plan is acceptable and that the condition previously requested in consultation response (PCS167250) is no longer required.



20. **Scottish Natural Heritage** has no objections to the proposal noting that the work proposed is outside the boundary of any nature conservation sites designated for their biological or geological interests and will not impact on any of those interests.
21. **The Highland Council Flood Risk Management Team** initially objected to the application due to the lack of information on flood risk and drainage. Regarding flood risk, the Team note that the site is located next to the Allt a' Choire Chais and as such may be at risk of flooding from this source. However, based on the general topography, steeply sloping ground with the watercourse in a well-defined channel, they are satisfied that the works are outside of any potential floodplain apart from Area A, which is immediately upstream of a culverted embankment that carries a footpath/ access track over the watercourse. The Team therefore requested the submission of further topographic information was provided to cover all of Area A, the watercourse and the opposite bank, and the downstream culvert and embankment to demonstrate if any of this area is potential floodplain, which would in turn require a Flood Risk Assessment.
22. Regarding drainage, the Team note that the proposal does not include any new areas of hardstanding and so they are satisfied that the re-grading will have limited impact on direct runoff from the site once the slopes have revegetated. The Team agree that the applicant is not increasing the volume of water flowing from upslope areas. However, the existing ditch is a vegetated, semi-naturalised feature and, would help reduce sediment transfer, slow conveyance and potentially attenuate runoff originating from access tracks and other positively drained areas. The installation of drainage pipes down steeply sloping ground has the potential to increase the rate of runoff into the water course and increase flood risk downstream. The Team therefore requested further assessment of the impact of installing the new drainage pipes with consideration given to the rate of runoff into the Allt a' Choire Chais under current and proposed conditions.
23. Following the submission of further information including a Hydrological Assessment Report, the Flood Risk Management Team withdraw their objection, subject to the inclusion of the following two conditions:
  - a. **Flood Risk:** Appropriate compensatory storage is provided upstream of the Allt a' Choire Chais culvert for any ground raising in this area that is to take place on land currently below 631.5m AOD.
  - b. **Drainage:** The measures to attenuate discharge from the piped drainage system proposed in the Hydrological Assessment are implemented.
24. **CNPA Landscape Officer** notes that the existing landscape is strongly characterised by the infrastructure of a ski centre, with the fencing, uplift equipment, the funicular and the buildings providing a strong contribution to the overall character as the topography and ground cover. The Officer considers that the extent of the works is limited though several smaller areas are included in the project. There are a handful of small trees that will be removed and some of these are non-native species. The regrading of the topography is considered by the Officer to reduce the apparent naturalness to a small degree (even allowing for the fact that some of the areas were disturbed decades ago). However, the Officer considers that overall; this will be of

minimal effect to the character and unlikely to be noticeable for most viewers once the ground has recovered. The loss of trees is noted as being unfortunate by the Officer, however, outwith the burn and ski-centre garden the trees are a small component of this landscape. The effects of the proposal can be limited by application of mitigation measures including a construction method statement and a planting plan showing areas of compensation planting in the vicinity of the lower slopes. Following the applicant's submission of a planting plan, the Officer confirms that the planting specification is acceptable and requires no further information.

25. **CNPA Ecology Officer** welcomes the submission of the ecological surveys with the original application details but notes the clarification required by SEPA on the presence of GWDTE, by way of the submissions of an NVC survey. The Ecology also requires confirmation regarding the location of the most species rich of the historic drainage channels and an overlay of areas of ground that will be disturbed over the Phase I Habitat Survey to assess impacts on habitats including wind clipped lichen rich heath, and flush and wet heath. A species protection plan detailing timing of groundworks which will impact on birds and reptiles and specifying the requirement for a walkover survey prior to the construction to check for mountain hare, breeding birds, reptiles and water vole is recommended, in addition to the habitat compensation proposals as suggested by the CNPA Landscape Officer.
26. Following the submission of the additional information, the Officer notes the submitted Pollution Prevention Plan is a comprehensive plan which will protect the water environment. Regarding the National Vegetation Classification Survey submitted, the Officer notes that the confirmation from the report that all GWDTE's are outwith the regrading area. The Officer is content with the habitat reinstatement proposals as outlined in the supporting documentation and welcomes the additional tree planting and ecological mitigation measures. The Officer further notes the additional submission details of the Construction Method Statement and together with the submitted pollution prevention plan, and the HIE document "Working with the Environment at Cairngorm", the Officer is satisfied that the works undertaken will prevent pollution of the burn and also present the best method of soil removal, storage and subsequent reinstatement. The Officer confirms that no further information is required.
27. **CNPA Outdoor Access Officer** has no objection to the proposal noting that although the red line area extends over the lower loop path, there will be no works affecting the ongoing physical condition and future public use of the path. Notwithstanding this, the Access Officer makes reference to the requirements of compliance with the Land Reform (Scotland) Act 2003 where the path might be affected by the works.
28. **Aviemore Community Council** supports the application. They note that skiing plays a very important role in the economic development of Badenoch and Strathspey district with the survival of communities in the area depending upon the continuing activity of skiing as a tourist attraction, which can bring a great deal of money and employment. The proposed works are considered by the Community Council to minimise any adverse effects of recreational skiing on the natural environment and special qualities and will increase and improve sustainable recreation opportunities for the local community and visitors maximising the benefits to the local and National

Park, economy and support initiatives encouraging training and recreation. The Community Council's full comments can be found at **Appendix 2**.

## REPRESENTATIONS

29. The application was advertised when first submitted. A total of 15 letters of public representation have been received. Copies of all public responses can be viewed at **Appendix 3**. In support of the application, a total of five letters have been received- one letter from an individual and four letters from the following groups/businesses: Cairngorm Ski Trust, Cairngorm Mountain Trust, Badenoch and Strathspey Schools Snowsports Association and Free Ski. Their comments are summarised as follows:
- a. Any future masterplan for Cairngorm Mountain will include lift served wintersports.
  - b. Changes to the working at height regulations are already statute and must be complied with. The proposed ground works at the current Car Park T Bar loading area are a sensible solution.
  - c. The proposal relates solely to the quality and delivery of skiing on the piste and not uplift.
  - d. Works proposed will enhance an area for beginners skiing, helping CMSL and other ski schools in delivering lessons and improving participation.
  - e. Proposal will also for a safer, wider slope making the learning outcomes greater.
  - f. Proposal will allow a greater number of instructors work and employment, helping to increase the commercial viability and sustainability of those businesses that rely on Cairngorm Mountain.
  - g. Proposal will boost visitor numbers.
  - h. Works relate to an already well developed area of ski runs and are on a small percentage of the ski area.
  - i. Enhance the continuations of the local schools snowsports programme
  - j. Promotes sustainable economic development and understanding and recreational enjoyment of the National Park.
30. In contrast, a total of nine letters of representation have been received objecting to the proposal, comprising: six letters from individual members of the public and three letters from the Cairngorms Campaign, North East Mountain Trust and the Badenoch and Strathspey Conservation Group (BSCG). BSCG request to **address the committee**. The main issues raised from the objectors are summarised as follows:
- a. Scottish Government has declared a climate emergency and disturbance of the peat on the proposed site may lead to the release of carbon dioxide;
  - b. Impact of proposal on increasing flood risk and its potential to increase water run-off rates.
  - c. Concerns raised relating to the accuracy of the application submission details including infill and volume of material figures.
  - d. No masterplan for Cairngorm Ski Area.
  - e. Conflict with CNPA's Working Principles for Cairngorm Mountain.
  - f. Insufficient information submitted relating to environmental assessment for the proposal.

- g. Loss of vegetated drainage ditches which help to mitigate flood risk and provide valuable habitats.
  - h. No submission of construction method statement details.
  - i. Impact on species including: dotterel, ring ouzel, snow bunting, mountain bumblebee, ptarmigan, mountain hare, and water voles.
  - j. Scale and nature of operations, would have an extensive impact on the landscape and natural heritage of the ground between the bottom and middle stations, with the landscape impacts impacting on the existing terrain and vegetation cover with substantial areas of exposed ground that will take time to regain anything approaching a more natural and attractive appearance.
31. Mountaineering Scotland also provided general comments on the scheme regarding the prematurity of the application, the timing of the works and the level of detail submitted in support of the application, such as the construction method statement.

## APPRAISAL

32. The main planning considerations in relation to this application comprise: the principle of development, and the impact on the natural environment in respect of designated areas, protected species and habitats and landscape impacts, together with the impact on flooding.

### Principle

33. **Policy 2:** Supporting Economic Growth 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:** Sport and Recreation also seeks to support diversification or extension to existing sport and recreation related business activities. National planning policy as contained in Scottish Planning Policy similarly seeks to promote business development which increases economic activity whilst also safeguarding and enhancing the natural environment.
34. In this regard, the principle of development, which is related to the operation of a long established ski centre, generally complies with policy providing environmental impacts are acceptable. The proposal is related to the re-grading of land, which is used as a ski slope to make the use of the ski slope more efficient and useable for longer periods, outwith the natural snow fall by way of manmade snow. The principle is beneficial to visitors, providing that there are no adverse landscape or environmental impacts. These matters are now considered in more detail.

### Environmental Issues

35. **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.

36. There are natural heritage interests of international importance within the wider area, however the work proposed is outside the boundary of any nature conservation sites designated for their biological or geological interests and Scottish Natural Heritage confirm they have no objection to the proposal noting that it will not impact on the interests of the adjacent natural heritage designations.
37. Ecological survey work submitted in support of the application has been reviewed by the CNPA Ecology Officer who has no objection to the proposal noting that satisfactory environmental survey work has been carried out to enable impacts to be fully considered with appropriate mitigation identified in relation to the impacts upon protected species and ground water dependent terrestrial ecosystems. Planning Conditions are recommended to ensure the mitigation and habitat compensation measures, including the species protection plans as listed in the ecological survey report, are undertaken.
38. Also in relation to habitats, SEPA confirm that following the submission of the Vegetation Survey (September 2019), they have no objection to the proposal in relation to its impact on nearby groundwater dependent terrestrial ecosystems. Regarding the installation of the drainage pipe, SEPA consider this would cause minimal impact to the hydrology of the area. Both SEPA and the CNPA Ecology Officer consider the submitted pollution prevention plan to be acceptable and a condition is therefore recommended to ensure the work is undertaken in accordance with these details. The CNPA Ecology Officer also confirms that the submitted documentation in relation to construction methods and pollution prevention are acceptable and no further information is required.
39. In these overall circumstances and subject to appropriate planning conditions, the application is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

## Landscape Issues

40. The application site is located within the Cairngorm 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. This policy 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.
41. 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, snow fences, buildings, car parking and footpaths. Whilst the site itself currently comprises vegetated land with drainage channels, the wider context is one of rural development and as the works predominantly relate to the regrading of the current

land form within the application site area and the installation of pipework within the drainage channels, the proposal therefore does not introduce any structures or elements that would give rise to adverse landscape impacts. It is understood that the existing works relate to previously regraded land, where earthworks were undertaken for the installation of the ring main cable in 1960.

42. The National Park's Landscape Officer considers that the nature of the works are relatively small and subject to mitigation measures being undertaken, the proposal will have no significant effect on the landscape character or special landscape qualities of the area. It is noted that the works will be disruptive due to the nature of the earthworks, however the impact would be limited to the vegetation recovery time of approximately 1-3 years. Compensatory planting for the loss of the trees within the working area is recommended and the applicant has subsequently submitted a planting plan, which the CNPA Landscape Officer confirms as being acceptable. The mitigation measures 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.

### Impact on Flooding

43. **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that all developments do not increase flood risk nor adversely impact on the water quality of the area. As the proposal involves the installation of drainage pipework in place of the existing natural drainage channels, it is therefore essential to consider the potential risks from flooding to both the site and other receptors in the area, as required by policy.
44. The site is located next to the Allt a' Choire Chais and as such may be at risk of flooding from this source. However, based on the general topography of steeply sloping ground with the watercourse in a well-defined channel, the majority of the works are outwith any potential flood plain apart from Area A, which is immediately upstream of the culverted embankment. The Highland Council Flood Risk Management Team has reviewed the submitted Hydrological Assessment and has no objection to the scheme. Regarding flood risk, the Team note that the report conclusions that a displacement of 4.3m<sup>3</sup> of flood storage volume in area A, upstream of the embankment, from the proposal and therefore requests that a planning condition is attached to any subsequent decision to ensure that appropriate compensatory storage is provided upstream of the Allt a' Choire Chais culvert for any ground raising in this area that is to take place on land currently below 631.5m AOD.
45. Regarding drainage, the proposal does not introduce any new areas of hardstanding and the land re-grading will therefore have limited impact on direct runoff from the site once the slopes have revegetated. The Highland Council Flood Risk Team are satisfied with the proposals to introduce measures to reduce velocity and provide attenuation at the outlets of the drainage pipes prior to indirect discharge into the Allt a' Choire Chais and request a planning condition to ensure implementation of the measures as outlined in the supporting Hydrological Assessment are implemented. The proposed installation of the drainage pipe is therefore not considered to increase

upstream or downstream flood risk subject to the implementation of the mitigation measures. On this basis, the proposal is considered to comply with the requirements of Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

### **Other Issues Raised in Consultations and Representations**

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 set out in the Cairngorm and Glenmore Strategy (CGS) and the CNPA's working principles for Cairngorm Mountain<sup>1</sup>. Both the CGS and the working principles set high level objectives for the area and reflect the CNPA's desire for new development on Cairngorm to be based on a rational long term plan. HIE have now started the process of developing a masterplan for the whole site but this will take some months to be completed.
47. The application under consideration relates to modification of slopes within one of the most intensively used parts of the ski area, where snow cover permitting, skiers are funnelled to the base station and lowest tows. Officer's view is that the application does not prejudice any future development or management of the ski centre that a masterplan may set out, and that better snow holding capacity and management of snow in this area is clearly consistent and compatible with the existing use and operational efficiency of the ski area and existing business. Officers consider that to delay determination or to refuse planning permission of this application simply on the basis of the lack the masterplan would be unreasonable.
48. Aviemore Community Council support the proposal noting that skiing plays a very important role in the economic activity and development of the Badenoch and Strathspey district. The proposed works are considered by the Community Council to support sustainable recreation activities for the communities and visitors.
49. The National Park's Outdoor Access Officer has no objections to the proposal.

### **CONCLUSION**

50. The proposed development involves the re-grading of land and the culverting and infilling of drainage channels on land currently used as a ski slope as part of the Cairngorm Ski Centre.
51. Sufficient information has now been submitted by the applicant to demonstrate that the development can proceed without adverse harm to the environment and landscape subject to the final details/ refinement being agreed which will require a number of suspensive conditions to be attached to any subsequent decision. There are no adverse environmental impacts subject to appropriate mitigation measures being implemented.

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<sup>1</sup> <https://cairngorms.co.uk/wp-content/uploads/2019/04/Cairngorm-Mountain-CNPA-Working-Principles-converted.pdf>

52. In these overall circumstances, the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the National Park. There are no material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Engineering works to smooth and re-grade land at Cairngorm Mountain Glenmore Aviemore Highland 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.*

### Conditions

- 1. No development shall commence, (unless otherwise agreed in writing), until pre-construction surveys for breeding birds, mountain hare, reptiles and water vole, have been undertaken and the results, together with any associated species protection plans have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority - details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before construction works commence.**

**Reason:** In order to ensure there is no adverse impact upon the environment, adjacent Natura Sites and European Protected Species, pre-construction survey work and subsequent mitigation measures are required in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

2. The development shall not be undertaken other than in strict accordance with the mitigation measures to attenuate discharge from the piped drainage system and the mitigation measures of compensatory storage provided upstream of the Allt a'choire Chais culvert for any ground raising that is to take place on land currently below 631.5mAOD as set out in the Cairngorm Mountain Engineering Works: Hydrological Assessment of Flows and Run-off Report, dated November 2019 and prepared by Enviro Centre.

**Reason:** To ensure that measures to reduce velocity and provide attenuation at outlets of the drainage pipes prior to indirect discharge into the Allt a'Choire Chais are implemented together with the implementation of the compensatory storage measures to mitigate against the displaced flood storage volume by the proposal, in the interests of reducing flood risk in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.



3. The development shall not be undertaken other than in strict accordance with the approved planting plan and shall be implemented in full, by a suitably qualified landscape consultant during the first planting season or as otherwise agreed in writing by the Cairngorms National Park Authority, acting as Planning Authority.

**Reason:** In the interests of ecological and habitat enhancement for the area to ensure that the development enhances the landscape character and ecological value of the area in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. The development shall not be undertaken other than in strict accordance with the approved Pollution Prevention Plan and Construction Method Statements.

**Reason:** The works are to be undertaken in an environmentally sensitive area. It is therefore necessary that the works are undertaken in strict accordance with the approved pollution prevention plan and approved Construction Method Statement 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 National Park Local Development Plan 2015.

5. The development shall not be undertaken other than in strict accordance with the mitigation measures (Section 4.2) set out in the Engineering and Ground Works on the Beginners' Base Area Ecological Survey Report, dated 17 July 2019 and prepared by Enviro Centre.

**Reason:** The site is associated with a number of European protected species and the development is only considered to be acceptable subject to the mitigation measures being undertaken to secure the strict protection of European Protected Species and ecological interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage 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 which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be

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

3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The person undertaking the development is advised that Road Construction Consent will be required from the Roads Authority (Highland Council) as per the comments of the Highland Council Transport Planning Team available on the CNPA website.
5. Construction work (including the loading/ unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
6. The person undertaking the development should note that Scottish Water is unable to reserve capacity at their water treatment works for the approved development. The person undertaking the development will need to make a formal connection application to Scottish Water who will review capacity then and advise the applicant accordingly.

SEPA Regulatory Requirements

7. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). We confirm a Simple Licence will be required due to the proposed culverting of surface water. Please see page 43 of the CAR Practical Guide 2019 for further information.
8. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.
9. It should be noted that a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
  - a. Is more than 4 hectares
  - b. Is in excess of 5km, or
  - c. Includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees
10. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. It should be confirmed by the applicant with the local SEPA team whether the site falls under the last bullet point. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR

application discussions with a member of the regulatory services team in your local SEPA office.

11. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment as required by the planning condition in Section 2.1.
12. Further details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel. 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.