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## CAIRNGORMSNATIONALPARKAUTHORITY

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**Title:** REPORTONCALLED -INPLANNING  
APPLICATION

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(DEVELOPMENTCONTROL)

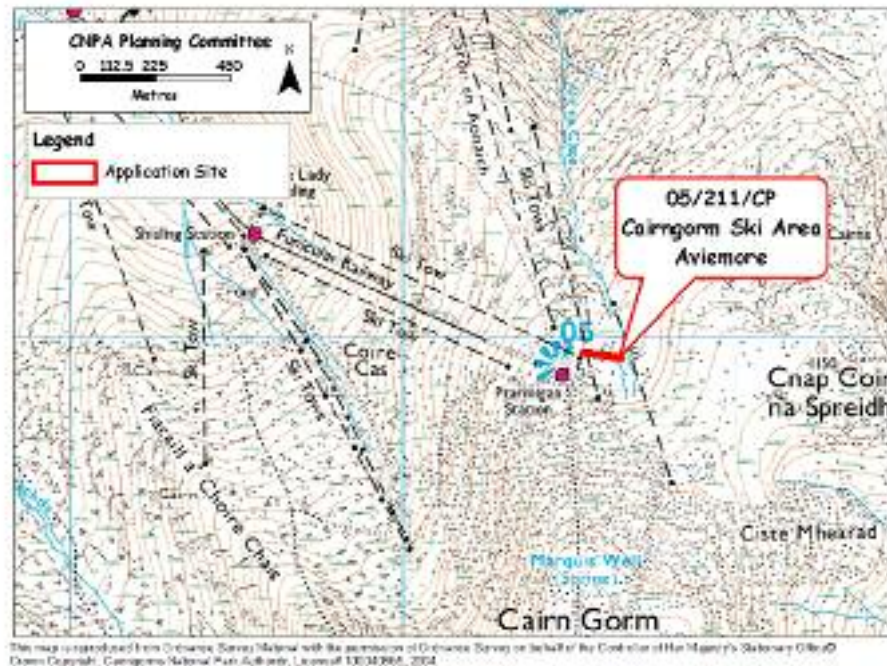
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**DEVELOPMENTPROPOSED:** RE-SITING OF SKI TOW, AT  
CAIRNGORMMOUNTAINRAILWAY AND  
SKIAREA,COIRE CAS,AVIEMORE

**REFERENCE:** 05/211/CP

**APPLICANT:** NEILBAXTER,  
CAIRNGORMMOUNTAIN,  
BYAVIEMORE,PH221RB

**DATECALLED -IN:** 6thMay2005



**Fig.1 -LocationPlan**

## SITE DESCRIPTION AND PROPOSAL

- The proposed development concerns the erection of a new poma tow in the Cairngorms Ski Area. Planning permission was granted in 2004 by the Cairngorms National Park Authority for the erection of 2 Poma tows close to the eastern side of the Ptarmigan Restaurant (ref. no. 04/252/CP refers). The two permitted tows were to be relocated from other locations. The current proposal involves the positioning of one of the permitted poma tows in an alternative location. The permission granted in 2004 was for the erection of the tows in an area known as the Ptarmigan Bowl. The current proposal involves the positioning of one of those tows (the beginner poma) further east/southeast of the Ptarmigan Restaurant than originally permitted. The major landscape features in the vicinity, as viewed from the Ptarmigan Restaurant are the adjacent slopes of Cairn Gorm and Cnap Coire na Spreidhe.



Fig.2: approx. location of poma tow in relation to Ptarmigan Restaurant  
Fig.3: proposed location adjacent to Coire na Ciste tow

- The poma tow is for beginners use at the top of the mountain and extends approximately 45 metres in length and 5 metres in height. The tow will be visible from the Restaurant area, but is proposed in the vicinity of existing and permitted similar skiing infrastructure. The tow is proposed to commence in line with the Ptarmigan station and extend uphill from there. It is located to the east of adjacent tows, approximately 6 metres and 15 metres east of the existing Coire na Ciste tow and the other permitted beginners poma tow respectively. The latter has not yet been erected.

## DEVELOPMENT PLAN CONTEXT

- The Cairngorms are covered by many designations, of international, national and regional importance. The development site is within the Cairngorm National Scenic Area (NSA) and in relatively close proximity to the Cairngorms Special Protection Area (SPA), the Cairngorms candidate Special Area of Conservation (cSAC) and the Cairngorms Site of Special Scientific Interest (SSSI). The site of this tow is further away from the SSSI than the previous permitted tows, being

approximately 1,100 metres east of the designated area. The features that have contributed to designated status include the presence of dotterel (in relation to the SPA) and ptarmigan (in relation to the SSSI) and the existence of montane acid grassland (in relation to the cSAC).

3. For the cSAC and an SPA, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. The need for appropriate assessments extends also to plans or projects outwith the boundaries of designated sites in order to determine a project's implications for the special interests protected within the site. This is in terms of the relevant Regulations **(the Conservation (Natural Habitats &c) Regulations, 1994)**, where the Cairngorms National Park Authority (as the competent authority) has a duty to
  - a. determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not;
  - b. determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
  - c. make an appropriate assessment of the implication for the site in view of the site's conservation objectives.

The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.

4. Policy SR8 of the **Highland Structure Plan 2001** concerns Skiing Developments and supports the consolidation and improvement of existing downhill skiing facilities at Cairngorms subject to conformity with other policies. Policy G2 (Design for Sustainability) states that proposed developments will be assessed on the extent to which they, amongst other things, impact on resources including habitats, species, landscape and scenery. Policy L4 on Landscape Character states that regard will be had in the consideration of development proposals to the desirability of maintaining and enhancing present landscape character.
5. The **Badenoch and Strathspey Local Plan (1997)** includes a specific policy on Downhill Skiing. Policy 2.2.8 supports the development of downhill skiing facilities in the Cairngorm lease area. However, development proposals should also take into account the requirements of the policy on Landscape Conservation (policy 2.5.10) which indicates that the Council will seek to conserve areas of landscape importance, and development proposals will be considered carefully in respect of their impacts on conservation and the environment. Where significant, an environmental assessment will be required.

## CONSULTATIONS

6. **Scottish Natural Heritage** has commented on the proposed development. Although they raise no objection to the proposal, they reiterate comments and recommendations similar to those expressed in the course of the assessment of the two permitted proposals, with the comments having particular regard to Natura interests and also landscape implications.
7. With regard to the Natura interests, SNH refer to the fact that the proposal is not connected with or necessary for the conservation management of the designated site. It is however stated that the proposed development is unlikely to affect, either directly or indirectly, any qualifying features. Consequently Scottish Natural Heritage do not consider that an appropriate assessment is required.
8. The site of the development is on non -designated Natura habitat – montane acid grassland – of which there are extensive areas in Scotland. The method of construction of the proposed tow includes the erection of tower bases that would necessitate excavation of montane acid grassland vegetation and soils. SNH advise in the event of planning permission being granted for the proposed development that a condition be included to ensure the implementation of similar methods to those used in the construction of the Cairngorm Funicular Railway for the excavation, storage and reinstatement of vegetation and soils, and that special procedures be implemented for the excavation, storage and reinstatement of vegetation and soils, in order to minimise ground disturbance in the course of construction works.
9. In relation to SSSI interests, namely the presence of ptarmigan, Scottish Natural Heritage comment that the development is proposed within a habitat frequented by ptarmigans. The report highlights the fact that “skiing infrastructure is a known hazard to ptarmigan as a result of the birds colliding with overhead cables” and states that a new tow at the proposed location “could lead to an increase of mortality to ptarmigan within the ski area.” In order to assess the potential implications, SNH recommend in the event of consideration being given to the granting of planning permission that a condition be included requiring the monitoring of the new tow for ptarmigan collisions on a monthly basis for a one year period. In the event of any bird collisions occurring, SNH recommend that the applicant be required to reduce collisions through the dismantling or marking of the overhead cables during the non-skiing season.
10. On the issue of landscape interests, SNH note that the greatest level of visibility of the proposed tow by members of the general public would be from within the Ptarmigan station, where the main landscape features to the south east are the slopes of Cairn Gorm and Cnap Coire na Spreidhe. The proposed new tow would not be highly visible from any distant public viewing points. SNH note that the dominant

landscape views promoted from the building are the panoramic views to the north east through to the south west as seen from the viewing terrace. Given that it is in a less visible location from the Ptarmigan station than that previously approved, SNH consider that the tow will not impinge on views from the viewing terrace nor would it significantly detract from views as seen from the restaurant. SNH express the view that visitors to the Ptarmigan station are likely to be aware that whilst visiting a skiing area they are likely to observe skiing infrastructure, and note that the proposed tow would have a background dominated by existing tows and snow fencing.



**Fig. 3 : location of proposed tow in the vicinity of existing tows and snow fencing.**

11. The proposal has been discussed with the **Natural Resources Group** of the Cairngorms National Park Authority, and as with the previous application for the two tows (04/252/CP), and similar to the comments of SNH, the Natural Resources Group have highlighted the need to implement special measures during the construction of the tows, and for the excavation, storage and reinstatement of vegetation and soils at the proposed new site. The Group also support the monitoring of any bird deaths in the area, with mitigation measures being implemented to reduce any evidence of collisions with tow equipment.

## REPRESENTATIONS

12. No representations have been received in respect of the proposed development.

## APPRAISAL

13. The main issue to consider in this application is whether the relocation of this tow will have any different or significant impact on the landscape and on the local biodiversity.
14. The new tow will be more closely associated with other existing and permitted skiing infrastructure, rather than its originally proposed siting in the area between the Ciste tow and the Restaurant building. The new equipment will appear as part of the infrastructure for the number and range of abilities being catered for at the top of Cairngorm. The tow is being located in this new position as the engineers have advised the company that the ground angle is better for the construction of the tow equipment. Being within the context of existing ski related structures, as viewed mainly from the Restaurant and the terrace, the new tow will not detract from the main panoramic views to the north east through to the south west.
15. Being out with the cSAC but within non-designated Natura habitat adjacent to the cSAC, and with the proposed development not assisting with the nature conservation or management of the area, the planning authority must consider if an "appropriate assessment" should be carried out in accordance with the Habitats Directive. The works are not considered to disturb any of the relevant special habitats in the designated area, and therefore SNH have advised that, in their view, an "appropriate assessment" is not required. There may be an impact on ptarmigan from the SSSI site, but the danger to that species may be no greater than from the existing skiing infrastructure in the locality. SNH advise that this possibility be actively monitored, and after a year the situation should be reviewed to see if the overhead cables of the various new tows should be dismantled or marked during the non skiing season.
16. In such a high altitude location, care needs to be taken in the construction of new structures to ensure minimal disturbance and careful reinstatement. This is best ensured with the applicants/developers adopting an appropriate works and management plan, which has agreed timings, procedures and practices for the carrying out of all the construction works. SNH have again recommended adopting a similar plan to that used for the construction of the Funicular Railway. The Cairngorm Funicular Railway Implementation Plan (June 1999) provides detailed standards for working methods in the Cairngorms. It is appropriate that the same work methods be employed in the implementation of this application.
17. In the course of the previous application for the two poma tows, discussions took place with the applicant where willingness was indicated to adopt the work methods detailed in the implementation plan for the funicular railway, and agreement was also reached to monitor ptarmigan and dotterel collisions. Although there are no

requirements at present to dismantle or mark existing ski tow overhead cables on Cairngorm, the applicant agreed in the course of the previous application to investigate possible ways of marking the cables in the summer months in the event that monitoring shows that there is a significant problem with birds colliding with them. The height of the new tow is lower than other existing ones in the locality. The applicant highlighted in the course of the previous application that for technical reasons marking would be preferable to lowering or removing the cables in the summer, but if collisions were to continue, the lowering/removal options would be reconsidered.

18. The current proposal is considered to constitute an amendment to the permission granted in 2004 for the relocation of two poma tows. As has been noted in the response from Scottish Natural Heritage the currently proposed location of one of the poma tows would in fact be likely to have less of a visual impact in this mountain landscape. On balance there is a good case to improve the facilities for skiers in this location, but as was recommended previously, any approval should be tempered with a number of conditions to ensure that the habitats and wildlife in the development area are properly managed. Whilst the only major designation covering the development site is the NSA, other international and national designation areas are close by, and need to be taken account of in terms of the quality of habitat and bird species management. It is also important to carry out the full reinstatement of the site where one of the tows to be used in this new development is being removed, and as this may be for this application site, this should be part of the works (and planning conditions) associated with this application.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

### Conserve and Enhance the Natural and Cultural Heritage of the Area

20. The development does not positively contribute to the conservation or enhancement of the natural or cultural heritage of the area. The structure may have a negative/harmful effect on local biodiversity, through disturbance to local ground vegetation and a potential increase in ptarmigan collisions on skiing infrastructure. Mitigation measures can be taken to minimise these impacts. The removal of one of the tows from another part of the mountain side for this development or the other already approved tow may have benefits to biodiversity in that area.

### Promote Sustainable Use of Natural Resources

21. The construction materials used are not local. However, the new tow is one taken from another location in the area, and reused on this new site. Proper reinstatement of the dismantled site is important to restore a natural area.

### **Promote Understanding and Enjoyment of the Area**

22. The new tow at the proposed location will help to add to the range of facilities provided for different ability skiers on the mountain.

### **Promote Sustainable Economic and Social Development of the Area**

23. The development will reinforce the existing recreational facilities and the skiing business on the mountain, which plays a part in sustaining the wider area's economy and employment opportunities.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to :  
**Grant Planning Permission for the Erection of a New Poma Ski Tow, at Cairngorm Mountain, subject to the following conditions,**

- ii. The development to which this permission relates must be begun within 5 years from the date of this permission.
- ii. That the proposed development shall be carried out in conjunction with the previously permitted application for the relocation of two poma tows on Cairngorm Mountain (ref. no. 04/252/CP prefers). The overall development permitted through planning ref. no's. 04/252/CP and 05/211/CP shall result in the erection of a maximum of two poma tows only.
- iii. That the implementation of all the works associated with this application (including the removal of the poma tow from another location) shall be carried out in accordance with the methods and standards as set out in the Cairngorms Funicular Railway Implementation Plan (June 1999). Those methods and standards shall only be departed from with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
- iv. That the applicants shall prepare a bird monitoring report for this tow, in conjunction with reporting on the other tow approved under consent Reference No. 04/252/CP in the same locality. This report will record the number (if any) of ptarmigan and dotterel collisions and fatalities adjacent to the tows on a month to month basis, for the first full year following the erection and operation of the tows. The date of the completion of the construction works for this tow shall be notified to the Cairngorms National Park Authority acting as Planning Authority and the monitoring report shall be submitted to the Cairngorms National Park Authority acting as Planning Authority at the end of the first full year following completion. If any bird collisions have occurred, the overhead cables shall be suitably



marked or dismantled during the non-skiing season, in accordance with a previously submitted and agreed scheme of implementation.

- v. That at the termination of the operation and use of this tow, all the machinery, cables and other associated structural elements, shall be removed from the site, and disposed of in accordance with arrangements previously agreed with the Cairngorms National Park Authority acting as Planning Authority. The ground around the ski tow shall be reinstated to its former condition, particularly at and around the bases of the tow structures/towers, all in accordance with the reinstatement methods and standards set out in the Cairngorms Funicular Railway Implementation Plan (June 1999) and to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority.

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**11<sup>th</sup> July 2005**