
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **REPORT ON CALLED-IN PLANNING APPLICATION**

Prepared by: **MARY GRIER, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: **FULL PLANNING PERMISSION FOR AN EXTENSION TO THE COIRE CAS TRAIL FOOTPATH AT CAIRNGORM SKI AREA, COIRE NA CISTE ROAD, AVIEMORE.**

REFERENCE: **08/177/CP**

APPLICANT: **N. BULLIVANT, CAIRNGORM MOUNTAIN LIMITED.**

DATE CALLED-IN: **16 MAY 2008**

RECOMMENDATION : **APPROVE WITH CONDITIONS**

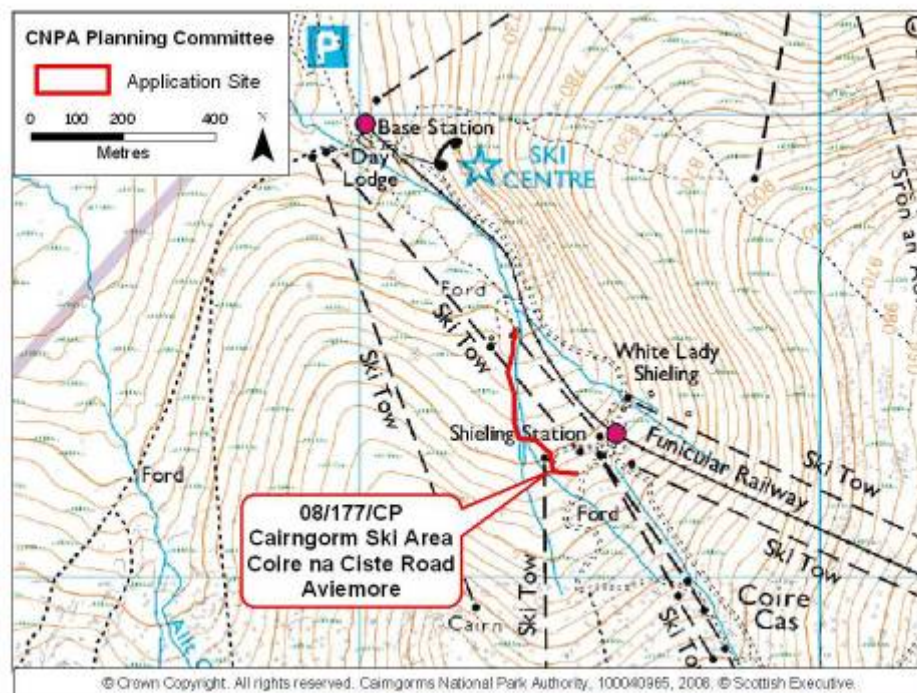


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought in this application for the construction of an extension to the Coire Cas trail footpath at Cairngorm ski area. The path / trail is proposed to extend approximately 400 metres and would connect the existing lower Coire Cas trail with the upper Coire Cas mountain trail, close to the former middle ski station. The new section of path would start approximately 500 metres uphill to the south east of the Day Lodge. The proposed development is in an area which the applicants indicate experiences only limited ski activity. At present in the absence of a path in this area many walkers tend to use the ski tow lines (out of the operating season) to walk up and down. In support of the proposal, the applicants have put forward the view that the development would allow "appreciation and interpretation of the natural regeneration of mountain scrub on the site."



Fig. 2 : existing sections of lower Coire Cas trail



Fig. 3: general terrain over which path / trail is proposed

2. The proposed path would for the most part be 1.2 metres wide, although there would be narrower points at occasional existing natural obstructions. At its widest in a limited number of places, it would be 1.4 metres. Information which has been provided on the construction techniques indicates that the path would be surfaced with imported aggregate sourced from Alvie Quarry, which would be equal parts granite and schist and would match the existing paths. Imported materials would be stock piled at a specific location within the main car park and then imported by truck along the existing hill road to be stockpiled at an agreed location in the vicinity of the former middle station. From there power barrows would be utilised to distribute material down the site as and when required. The workforce would access the area on foot. It is anticipated, subject to a favourable planning decision, that works would take place in the immediate future, before the on set of winter.
3. All materials dug in the course of the construction process would be reused in the landscaping phase of the work. The trail would be finished in a similar manner to existing trails in the vicinity, with landscaping works including mounding along the path and the retention and redeployment of turf and re-seeding with grass seed in places. The purpose of such work is to create a semi natural appearance, which would provide screening of parts of the paths surface, and would also clearly identify the trail in order to confine walkers to the surfaced path. The landscaping works at the path verge would also assist in reducing surface water run-off. The path work is proposed to be carried out to standards set by the Path Industry Skills Group.¹
4. The proposed trail extension would include one water crossing, in the form of a wooden bridge construction which would have a span of approximately 2.5 metres. Beams would be set on mass concrete abutments, with wooden deck boards fixed to each beam. The handrails of the bridge would also be in the form of continuous lengths of wood. All timber would be pressure treated and all metal work would have a galvanised finish.
5. A Health and Safety Plan was submitted in the course of the application assessment. It includes a general method statement in which reference is made to maintaining public access for the duration of the works. It is intended that the area would remain

¹ The document referred to by the applicants - Path Industry Skills Group - was published by Scottish Natural Heritage in 1999. It has since been superseded by 'Upland Pathwork : Construction Standards for Scotland' which takes account of changes in legislation since 1999, the most notable of which is the Land Reform (Scotland) Act 2003.

open to the public during the carrying out of the works. Signage would be erected to give warning of on going construction work, movement of construction traffic and any other associated hazards. Machine operatives would also temporarily cease work when a member of the public approaches within 20 metres of the work.

DEVELOPMENT PLAN CONTEXT

6. **SPP11** entitled **Open Space and Physical Activity**² emphasises the importance of quality open spaces and the policy is intended to embrace sport and both passive and active recreation. The document focuses to a large extent on the provision and protection of open space within new developments. However, some reference is made to rural areas which are noted as supporting outdoor recreation in a wide range of settings including hills, forests, coasts and inland waters. Such places are considered to present opportunities for people to enjoy Scotland's natural heritage at first hand. The importance of outdoor recreation to the rural economy is also recognised.
7. Other national level advice is contained in **NPPG 14** on **Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, paragraph 33 states that "while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities."
8. In a section entitled Enjoyment and Understanding of Natural Heritage **NPPG 14** acknowledges that "the natural heritage is enjoyed both for its intrinsic value and as a setting for open air recreational and educational activities which depend on its qualities." The benefits of natural heritage linked to open air recreation are recognised in the form of economic benefits to rural communities due to visitors being attracted to an area, as well as indirect benefits to the nation in terms of health and quality of life. Paragraph 22 of the Planning Guidance advises that Planning Authorities should seek to identify opportunities for promoting the enjoyment and understanding of natural heritage which are compatible with its conservation.³
9. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed

² SPP11 was adopted in November 2007 and replaces NPPG 11 : Sport, Physical Recreation and Open Space.

³ Guidance on this has been prepared by Scottish Natural Heritage - *Countryside Recreation and Access Strategies : Guidance for Local Authorities* (1997).

as being of potential value in the development of habitat networks are woodlands, rivers and burns.

Highland Council Structure Plan 2001

10. The **Highland Structure Plan 2001** includes several policies that are broadly applicable to the type of development proposed, including policies on sport and recreation as well as tourism and the environment. The benefits of sport and recreation facilities are highlighted in section 2.5.1 of the Plan, where they are attributed to making an important contribution to sustainable development and enhancing the health and quality of life of the residents of the Highlands. The Plan's strategic themes include encouraging the "adoption of a proactive approach to the wise use of the natural environment".
11. Section 2.5.10 of the Plan concentrates on the subject of informal recreation and access, noting that it is of very high importance, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry. The Plan however recognises that increasing demands for access necessitates the achievement of a balance between accommodating the needs of countryside users and protecting the fragility of the Highland countryside. Section 2.5.13 of the Plan notes that the "protection of rights of way and provision of an integrated system of well maintained and signposted paths catering for walking, cycling and equestrian use are a valuable resource for local communities and visitors, both in terms of providing access and heightening appreciation of the wider environment.
12. The **Highland Structure Plan** also includes a number of detailed policies on Tourism which are pertinent to the development proposal. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. Section 2.7.1 also highlights the fact that community needs should also be considered in order to ensure that facilities and opportunities are provided which serve the needs of both visitors and local residents.
13. **Policy T2** of the Structure Plan aims to support high quality tourism development proposals, particularly those which extend the season, spread economic benefit more widely and provide

opportunities for the sustainable enjoyment and interpretation of the area's heritage.

14. The proposed site is located within a National Scenic Area. The Cairngorms Mountains NSA has been designated for its landscape quality.

Badenoch and Strathspey Local Plan (1997)

15. The **Local Plan** details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage.
16. The proposed site is on land which is identified for commerce / tourism in the Glenmore Corridor map contained in the **Badenoch and Strathspey Local Plan (1997)**. Section 4.14.1 accepts the principle of reasonable consolidation and improvement of established businesses, but maintains a strong presumption against further new development throughout the Glenmore Corridor area except where it is considered essential for the proper management of visitors. Development which would be considered essential for this purpose is expected to comprise measures to avoid conflict between uses and activities; avoid hazard or jeopardy to public safety; and avoid damage to the environment.
17. The general topic of Tourism and Recreation is addressed in Policy 2.2.9 of the Local Plan where it is acknowledged that tourist activities will continue to make a vital contribution to the economy. The priority is to ensure that broadening the range and quality of facilities is balanced with protecting the area's exceptional scenic and heritage resources.

Constructed Tracks in the Scottish Uplands

18. In March 2005 Scottish Natural Heritage produced a document entitled *Constructed Tracks in the Scottish Uplands*, which is essentially a good practice guide. The document recognises that the uplands are a sensitive and valued part of Scotland's natural heritage. Although the advice given on the construction of new tracks generally refers to tracks capable of accommodating vehicles, many aspects of advice contained in the document is equally applicable to the development of paths and trails in upland areas. One of the key messages emanating from the document is that "careful location, design, construction and maintenance of tracks can reduce the magnitude of impacts on the natural heritage." It is also recognised that tracks

can create access and recreation benefits, providing new routes for walkers etc.. In further discussing the recreational benefits it is noted that careful track design can help address or avoid conflicts between land management and access and can also help to direct recreational activity away from sensitive habitats and soils.

Upland Pathwork – Construction Standards for Scotland

19. *Upland Pathwork – Construction Standards for Scotland* generally covers practical pathwork techniques and the context in which they should be used. The overall aim of the manual is to assist in the effective management of the impacts of access to uplands whilst protecting the scenic quality of such areas. The manual was first produced in 1999 by the Path Industry Skills Group and was modified in 2004 in response to significant changes in the legal framework, most notably the introduction of the Land Reform (Scotland) Act in 2003. The manual is divided into a number of sections, the first of which introduces the basic principles of path management, with subsequent sections covering the practicalities of upland pathwork, including guidance on when and where to use various techniques.
20. In discussing the principles of upland pathwork, the document recognises that there are several factors which influence the need for such paths and it is necessary to reconcile demands for recreation, safety, tourism and the needs of rural economies and communities with the overriding need to maintain the unique scenic quality of Scotland's mountain landscapes.

Cairngorms National Park Plan (2007)

21. The Cairngorms National Park Plan has a number of strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. The strategic objectives are set out under three broad headings – (i) conserving and enhancing the park; (ii) living and working in the park; and (iii) enjoying and understanding the park.

22. In terms of conserving and enhancing the park, the specific objectives are intended to ensure the management of the natural and cultural heritage of the Park whilst recognising the interdependence between the special qualities and the important links to the socio-economic viability of land management, businesses and communities. The Park Plan includes a strategic objective for Landscape, Built and Historic Environment, which has a number of aspects including maintaining and enhancing the distinctive landscapes across the park and ensuring that development complements and enhances the landscape character of the park. Also in relation to the conservation and enhancement of the Park, the subject of biodiversity is addressed in considerable detail. Reference is made to Natura 2000 sites⁴ and it is highlighted that there is an “obligation by law to prevent any activities being undertaken which are likely to have an adverse impact on the qualifying features of interest, unless such impact would be caused by an activity that is in the overriding public interest and for which, there was no available alternative. One of the strategic objectives for biodiversity which is of particular relevance to the current application is to “develop awareness and understanding of the interactions of land-uses, tourism, outdoor access and nature conservation amongst other interests.”

23. Continuing on the theme of conserving and enhancing the Park, the Plan includes strategic objectives for Forest and Woodland Management. Objectives include promoting multi-objective forest and woodland management that delivers environmental, economic and social benefits and also promoting the value of forests and woodlands as a major sustainable tourism asset, increasing the derived economic benefits to woodland owners and local communities.

24. Under the heading of ‘Enjoying and Understanding the Park’ the Park Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation

⁴ Natura 2000 is a European network of protected sites which represent areas of the highest value for habitats and species of plants and animals which are rare, endangered or vulnerable in the European Community. The network includes Special Areas of Conservation and Special Protection Areas.

opportunities and that this in turn requires “a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.” The Plan also emphasises that enjoyment of the area is not only relevant to those people travelling to the Park, but is also part of the everyday experience of those living in and around the area. There are a number of strategic objectives which are of relevance in relation to ‘Sustainable Tourism.’ Objectives include improving and maintaining the quality of the experience in the Park for all visitors, communities and those working within the tourism industry; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and also to encourage an optimum flow and spread of visitors across the Park and minimise social and environmental impact including traffic generated by visitors and conflicts between different forms of recreation.

25. A specific section of the Park Plan addresses the subject of ‘Outdoor Access and Recreation’ and strategic objectives of relevance to this proposal include – encouraging people of all ages and abilities to enjoy and experience the outdoor environment; developing a co-ordinated approach to the sustainable management of high quality outdoor access and recreation by the public, private, community and voluntary sectors; planning for outdoor recreation needs and opportunities in a co-ordinated way across sectors; and developing a high standard of responsible management of outdoor access based on a common understanding of the needs of access managers and users.

CONSULTATIONS

26. In an initial consultation response **SEPA** required details of any proposals such as culverting, ditch clearing, dredging, bridging or damming. Further to the provision of the required information **SEPA** reviewed the construction specification of the proposed wooden footbridge and confirmed its acceptability. The response from **SEPA** also recommended that the footings be located back from the watercourse and that care should be taken during the course of construction to ensure that no wet concrete enters the watercourse.

27. **SEPA** also recommended in the event of the granting of planning permission that a condition is attached requiring the submission of a detailed construction method statement for the site, to be agreed with the planning authority (in consultation with **SEPA**) prior to the commencement of development. The method statement is required to address temporary measures to deal with surface water run-off during construction and prior to the operation of the final SuDS.
27. **Scottish Natural Heritage** was consulted on the proposal but have no comment to make, other than stating that the proposal is not connected with designated sites or European Protected Species and the assessment of potential impacts on the national park therefore rests with the CNPA.
28. The proposal has been assessed by the CNPA's **Sustainable Tourism Officer** and it is noted in the response that the existing Coire Cas Trail is a short walk within the Cairngorm Ski Area, which is beneficial in encouraging visitors who do not have the confidence of regular hillwalkers to explore the mountain and it also encourages visitors to remain within the ski area as opposed to venturing onto adjacent land. The Sustainable Tourism Officer comments that the planned extension to the route would provide visitors with a further option when walking in the area and she is therefore supportive of the proposal.
29. The **Visitor Services and Recreation Group** have assessed the proposal and in the response state that they are fully supportive of this application as a new section of path would complement the existing network, would assist in managing visitors and would also improve the visitor experience. It is commented that the path is likely to be popular with a range of users and abilities. In order to encourage this wide use **VSRG** suggest that the path is at least 1000mm wide and that bridges and culverts are utilised as burn crossings rather than open drain crossings. It is also recommended that materials used should match the existing paths and that the new trail extension should be generally constructed in accordance with 'Upland Pathwork, a Construction Guide for Scotland' as published by the Footpath Trust / Scottish Natural Heritage, 1999.
30. Despite the overall positive view of the proposal, the response from the **Visitor Services and Recreation Group** comments that as development proposals move further up the mountain, it gives rise to issues regarding visual impact. It is noted that much of the area is already dissected by numerous existing linear features. Having regard to this situation, **VSRG** require that the line of the

proposed trail is carefully considered and that a line is chosen which best takes advantage of features that may screen it and also that vegetation either side of the path is full reinstated.

31. The proposal has also been examined by the CNPA's **Heritage and Land Management Group**, with particular assessment of the landscape impact. In this regard the Heritage and Land Management Group have no objection to the application, despite some concern being expressed at the limited level of information provided in the application submission.

REPRESENTATIONS

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

APPRAISAL

33. Earlier sections of this application have referred to general planning policy applicable to developments of this nature, as well as the more specific design guidance. The general principle of the development of footpath trails in this particular location has already been established, with trails existing at either end of the proposed path. The proposed works therefore represent the completion of a trail loop in an area where similar existing associated developments have largely assimilated into the general surroundings. Although located in an elevated mountain location, it is necessary to recognise that the proposed trail extension is not an isolated development and should be considered in the context of its relationship with the myriad of existing paths, hill roads, the funicular railway, and various ski industry related apparatus, as well as the buildings associated with the existing base and former middle station. In this context, and having regard to the nature of the development and the limited extent of the trail extension, I do not consider that the proposed works would have an adverse physical or visual impact on the area. This comment should not however be interpreted as an acceptance of future continuing development on the hillside justifiable merely by the acceptance of developments to date.
34. In terms of the impact of the development on designated areas it is necessary to recognise that the proposed trail extension is within a National Scenic Area. The subject site lies outwith the Cairngorm Mountains Special Area of Conservation (SAC),

Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), all of which are located to the west of the proposed site, at a minimum distance of approximately 385 metres.

35. As noted earlier in this report the proposed trail will link with existing developed trails at either end. The area which is the subject of this application bears evidence of gradual informal use and the creation of some desire lines between the existing trail sections. The formalisation of a walking route at this location could therefore be considered to have a beneficial aspect on the conservation of the natural heritage and landscape character of the general area, as the proposed trail extension would identify a specific route and deter walkers from encroaching into more sensitive areas, thereby reducing the potential for random erosion and damage to natural vegetation. The provision of an appropriately designed trail could also be considered to represent an enhanced level of safety for walkers in this area, as well as providing increased recreational opportunities in the area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

36. The proposed development is located within the Cairngorm Mountains National Scenic Area, in a location which already accommodates various ski infrastructure and associated building, as well as a network of existing paths. The proposal is relatively minor in the context of its setting. The formalisation of a path in this area would deter users from venturing off the route into more sensitive areas and in this respect could be considered to assist in conserving the natural heritage of the wider area.

Promote Sustainable Use of Natural Resources

37. There are no significant negative impacts associated with the proposed development. The extension of the path to link two existing sections of path would assist in promoting healthy outdoor pursuits, and in this respect can be considered as a positive sustainable use of the National Park's natural resources.

Promote Understanding and Enjoyment of the Area

38. The proposed development promotes increased recreational use of the area and provides opportunities for enjoyment of this part of the National Park.

Promote Sustainable Economic and Social Development of the Area

39. The proposal by its nature and location provides the opportunity to attract additional visitors to the area. The proposal is therefore considered to be of benefit to the socio-economic development of the community and the wider area.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant Full Planning Permission for an extension to the Coire Cas Trial Footpath at Cairngorm Ski Area, Coire na Ciste Road, Aviemore, subject to the following conditions -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. All construction and reinstatement works shall be carried out in accordance with "Upland Pathwork – Construction Standards for Scotland" as specified and referred to in supporting documentation accompanying this application, and shall not be departed from without the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
3. All footing for the bridge crossing shall be located back from the watercourse. Protective measures shall be put in place to ensure that no wet concrete enters the watercourse during the course of construction.
4. Prior to the commencement of development a detailed site specific construction method statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The agreed construction method statement shall be implemented in full during works on the site.
5. Prior to the commencement of development details of the extent of signage (of a temporary and permanent nature), together with a detailed specification of all signage, including its contents and the identification of signage locations, shall be

submitted for the agreement of the CNPA acting as Planning Authority.

6. Unless otherwise agreed in writing with the Planning Authority, controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavations or other operations on site, shall be disposed of only at a licensed facility or re-used strictly in accordance with an activity exempt from waste management licensing controls, as specified within The Waste Management Licensing Regulations 1994, and pre-registered with SEPA.

Advice notes :

1. The construction method statement required in condition no. 5 shall address the following –
 - Surface water run-off : measures to prevent erosion, sedimentation or discolourisation of controlled waters should be provided, along with monitoring proposals and contingency plans;
 - Timing of works : works should be undertaken to avoid periods of high rainfall;
 - Fuel or chemicals : measures to ensure any fuel / chemicals from plant does not cause pollution;
 - Landscaping works : planting should be undertaken to minimise run-off;
 - Waste : all waste streams associated with works should be identified.

Please note that the Health and Safety Plan including a general method statement appended to the submitted document does not constitute a comprehensive construction method statement.

2. The proposal requires registration with SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The applicants are advised to liaise with SEPA for further information on this matter.

Mary Grier
11 September 2008

planning@cairngorms.co.uk

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.