
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: RESPONSE TO PUBLIC LOCAL INQUIRY FOR PROPOSED DRY SKI SLOPE, SKI CENTRE BUILDING, PARKING AND TURNING AREA AND SKI LIFT ETC. CORRIE FERAGIE, BRAEMAR (FULL PLANNING PERMISSION)

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Applicant: THE BRAEMAR DISABLED SKI & OUTDOOR ACTIVITIES CLUB

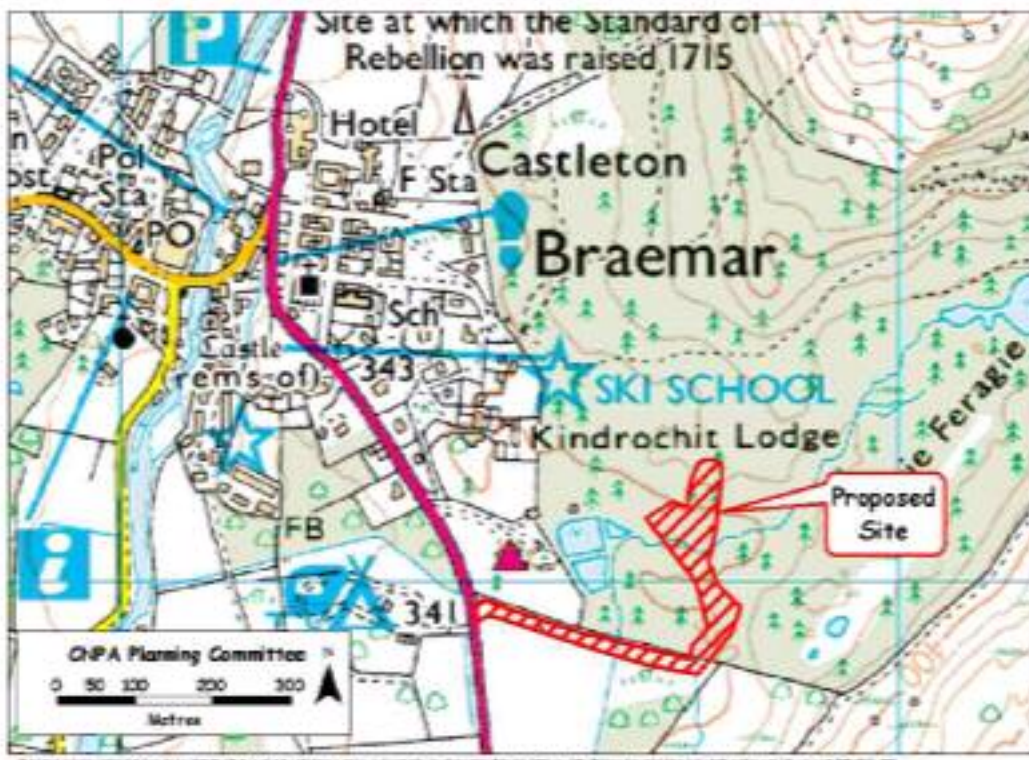


Fig. 1 – Location Plan

BACKGROUND

1. **Members of the Committee will recall that this proposal was presented at the Planning Committee on 5 November 2004. The Committee did not formally agree the paper but Members resolved to provide additional individual comments in order to inform a further paper for ratification at the Committee on 19 November 2004.**
2. In February 2004, the CNPA received a consultation request from Aberdeenshire Council for a proposal for the construction of a dry ski slope with associated ski centre building, parking and turning area and ski lift at a wooded site lying to the south east of Braemar. The application had been lodged with Aberdeenshire Council in May 2003, prior to the existence of the National Park. At the time of the request, it was not possible to formulate a consultation response because of outstanding issues relating to conflicts of interest of CNPA Board Members who were also constituent Local Authority Councillors. This conflict of interest matter was subsequently resolved with the Standards Commission but in the meantime, Aberdeenshire Council's Marr Area Committee had considered the proposal (May 2004) and proposed to grant Full Planning Permission, subject to a Woodland Management Agreement with the landowners (Invercauld Estate) and planning conditions.
3. Throughout the assessment of the application, Scottish Natural Heritage, as a statutory consultee because of the sites location within the Deeside and Lochnagar National Scenic Area, maintained a formal objection. As a result of this formal objection, under the Town and Country Planning (Notification of Applications) (National Scenic Area) (Scotland) Direction 1987, the application had to be notified to the Scottish Executive Development Department. On the 27 September 2004, the CNPA were notified that the Scottish Ministers had decided that the application would be the subject of a Public Local Inquiry. We, in turn, requested that the CNPA be considered a "relevant party" and be permitted to provide evidence at the Inquiry. On 12 October 2004, the Scottish Executive confirmed that the CNPA are now a "relevant party" and requested that our statement of case be submitted by 22 November 2004.

SITE DESCRIPTION AND PROPOSAL

4. The site of this development is located at Corrie Feragie which is a woodland area lying to the south east of Braemar on the lower southern slope of the hill known as Creag Choinnich. This incorporates an existing forestry access road, directly off the A93, which leads eastwards along the side of a woodland before turning northwards into the woodland to an existing turning area. The proposed ski slope is to be constructed within an area of woodland which slopes upwards, in a northerly direction from the turning area.
5. The surrounding area is characterised by a mixture of open and wooded hillsides. Directly opposite the access track on the west side of the A93 is the Braemar Caravan Park and further to the south west is the Braemar Golf

Course which straddles the River Clunie. Through the woodland to the west of the site towards the settlement boundaries of Braemar, are two abandoned curling ponds with the Braemar Youth Hostel and the Braemar Mountain Rescue Building and parking area beyond. A burn crosses part of the site on the south side.

6. The woodlands in the vicinity comprise mainly coniferous plantation trees. These extend northwards before being replaced by a more mixed semi-natural woodland stretching from the west through to the north east. To the east side of the proposed development, the coniferous plantation on the slopes has been thinned considerably. The whole of the woodland area surrounding the site is used for informal recreation purposes such as walking and orienteering with several footpaths traversing the slopes. The main two are the access path to Creag Choinnich to the north and the footpath known as The Queens Drive which is located at a higher altitude to the south east. Views towards the site are possible from various positions along this route.
7. The development proposal comprises two main elements. The first is the dry ski slope itself. The slope is to be 99.4m long and 20m wide plus some excavated embankments either side. It uses the natural contours of the slope which rises up from the parking and turning area and it follows the line of a rough track which has been formed through the plantation. At the top of the slope, there is to be a launch platform, constructed in steel, with handrails. This platform is 3m in height above the ground level. Users of the slope will use a poma tow (4 no.pylons) to access the top of the slope. The exact number of trees that would be felled to accommodate the ski slope is not established but the trees would be of the coniferous plantation type.
8. The second element is the ski centre building which is positioned adjacent to the parking and turning area. The site of this building is flat apart from the north east corner where some excavations into the slope will be required. The building is to accommodate a canteen (40 places) with associated kitchen and storage facilities, changing rooms, toilets, ski equipment storage space, and office and meeting rooms. The building is sized at 22.4m in length, 15.7m in width and 5.8m in height. It is single storey with a low pitched roof clad in dark green metal profiled sheeting. The walls are to be finished in rendered blockwork. A terrace, with disabled access ramps and paved footpaths will surround the building.
9. The applicants have submitted a supporting statement. They are The Braemar Disabled Ski and Outdoor Activities Club, usually known as Sport Any Way (Braemar) (SAWB). They are a Registered Charity. The prime aim of the project is to encourage use of the facility by those with disabilities but this is closely followed by use of the facility by the community of Braemar and visitors to Braemar. It is to provide an all year round facility and it is also recognised that it is necessary to offer the facility for other non-skiing support uses. They wish to promote general leisure and ski training, commercial try and buy for local traders, a base for other sports such as orienteering and archery, mountain craft, field studies and conservation, children's adventure days, adaptive cycling and club fund raising and functions. It is stated that

there would be employment for one part-time person but indirectly there would be opportunities for a range of instructors at various times.

HISTORY OF SITE

10. There are a few previous planning applications which relate to the vicinity of the site. These are:-
 - a. Full Planning Permission for the forestry access track. This was approved in 1997 following an amendment to the route, after consultation with Scottish Natural Heritage.
 - b. Full Planning Permission for the formation of a recreational fishing pond on low lying land to the south of the access track, adjacent to the A93 was refused in February 2001. The refusal related to the applicant's failure to provide essential information relating to; the control of fish stock and the pond's outfall with consequences for the potential pollution and biological contamination of the River Dee; landscape impact assessment; and landscaping requirements.
 - c. Full Planning Permission for the erection of 8 holiday chalets in an area of mature mixed woodland to the north west of the current site but using the same access as currently proposed was refused in January 2001. A subsequent appeal was dismissed. In his conclusions the Scottish Executive Reporter raised concerns about tourism development; the breach of the settlement boundary; landscape intrusion into a magnificent setting of Braemar; precedent for further development; relationship to established uses which form a strong defined settlement edge; impact on wildlife and ecology in this mature forest; and poor planning in a sensitive area where a conservation village and a National Scenic Area overlap.
11. The conclusions in the appeal dismissal on this last application for chalets on an adjacent site, are particularly relevant to the dry ski slope application. SNH have stated, in their formal objections, that the same arguments are relevant and valid.

DEVELOPMENT PLAN AND POLICY CONTEXT

12. National Policy Guidelines

- 12.1 NPPG12 (Skiing Developments) encourages skiing development where it will not lead to significant adverse effects. The main priority should be existing centres, while exploiting the close relationship of support facilities in nearby settlements. This primarily refers to existing snow skiing, and support facilities such as shops and hotels. Visual and other impacts are specific considerations. NPPG12 has relevance to this proposal in its complimentary and support role for snow skiing.

12.2 NPPG14 (Natural Heritage) does not preclude development in National Scenic Areas but states that it will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or any significant adverse effects are clearly outweighed by social or economic benefits of national importance.

13. Aberdeen and Aberdeenshire Structure Plan 2001-2016 (NEST)

13.1 Policy 3 (Other Employment Opportunities) seeks to ensure, that employment uses on unallocated sites integrate well with their surroundings and do not adversely affect the amenity of neighbouring land uses. Transport, locations near to the sources of labour and opportunities for social inclusion shall be taken into account.

13.2 Policy 6 (Tourism) states that tourism developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment.

13.3 Policy 16 (Sport and Recreation Facilities) seeks to encourage the provision of sport and recreation facilities close to where people live, reducing reliance on the car and the need to travel.

13.4 Policy 18 (Skiing Developments) guides skiing developments to existing centres, while encouraging off-slope tourism and recreation developments servicing existing ski centres to sites in or adjacent to nearby settlements, subject to other policies relating to environmental matters. There is a presumption against skiing and related developments in new areas other than existing centres.

13.5 Policy 19 (Wildlife, Landscape and Land Resources) states that development that would have an adverse effect on a national designation such as a national scenic area will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or that any significant adverse effects are clearly outweighed by social or economic interests of national importance.

13.6 Policy 22 (Water Management) requires development to be sited and designed to protect the natural heritage value and water quality of watercourses and ground water.

14. Finalised Aberdeenshire Local Plan 2002

14.1 Policy ENV\3 (Other Recognised Nature Conservation Sites) seeks to ensure that development that would have an adverse effect on sites such as Sites of Interest to Natural Science (SINS) or Semi-Natural Woodland will be refused unless the public benefits at local level clearly outweigh the nature conservation value of the site and there are no suitable alternative sites.

- 14.2 Policy ENV\4 (Biodiversity) states that development that would adversely effect protected habitats or species or identified as priority species in UK or Local Biodiversity Action Plans will be refused unless the benefits at local level clearly outweigh the habitat value. Siting and design must minimise adverse impacts and there must be no further fragmentation of habitats as a result of the development.
- 14.3 Policy ENV\5 (National Scenic Areas and Areas of Landscape Significance) will not permit development of a scale, location or design that will detract from the quality or character of the landscape.
- 14.4 Policy ENV\7 (Protected Areas Within Settlements) states that development that would have an adverse effect on a Protected Area will be refused unless it is an essential community facility that cannot be located elsewhere and whose public benefits clearly outweigh the value of the site to the settlements special character or amenity and it would positively impact on the settlements overall special character and amenity.
- 14.5 Policy ENV\8 (Trees and Woodlands) states that development that would cause the loss or serious damage to trees or woodlands of significant ecological and landscape value will be refused unless public benefits at local level clearly outweigh the value of the habitat. Development shall be sited and designed to cause minimum impact and there shall be no further fragmentation.
- 14.6 Policy ENV\22 (Public Access) states that development that would have an adverse impact on existing public access for walking will be refused unless its amenity vale is maintained or enhanced.
- 14.7 Policy EMP\3 (Employment Development in the Countryside) reiterates the criteria set out in Structure Plan Policy 3 above, which emphasises that the benefits of a development, to the community must outweigh any adverse environmental impacts.
- 14.8 Policy EMP\9 (Tourist Facilities) states that tourism developments will be approved if they meet similar criteria to those applying to Policy EMP\3. In addition, they shall be well related to existing settlements and avoid a dispersed pattern of development unless there is a demonstrable locational requirement to be near to a specific tourist interest which is being exploited.
- 14.9 Policy EMP\10 (Sport, Leisure and Recreation) states that sport, leisure and recreation facilities will be approved subject to similar safeguarding criteria to those stated in Policy EMP\3.
- 14.10 Policy INF\4 (Drainage and Water Standards) requires development proposals to demonstrate that they will not overload existing mains systems. Where public infrastructure is not available, private systems must not have negative impacts on public health, the environment or ground water.

- 14.11 Policy INF\5 (Sustainable Urban Drainage Systems) requires surface water drainage to be dealt with in a sustainable manner and in ways that avoid flooding and pollution.

SCOTTISH NATURAL HERITAGE ASSESSMENT

15. For Members information copies of the consultation responses from SNH are attached to this report. To summarise, they formally object to the application. They consider that the development has the potential to have significant adverse impacts on the landscape character and setting of Braemar which lies within the Deeside and Lochnagar National Scenic Area. They also state that the area around the development is well used for informal recreation and includes part of the Braemar village footpath network. Whilst sympathetic to the intention to provide facilities for disabled skiers, they consider that even if the proposal was reduced in scale it would run counter to national advice, the aims of the National Park, and structure and local plan policies. This is in relation to landscape impact, intrusion into an amenable area fringing Braemar and the potential for light pollution. **In addition, they state that they objected to the previous application to build holiday homes at this location, and that they believe that the issues relevant to that development are also valid for the proposed ski slope and its associated structures.**
16. The applicants have submitted an appraisal of alternative sites in the area. SNH have stated that they find none of the alternatives any more acceptable than the proposed one and they reiterate their suggestion that consideration should be given to locating this type of facility at Glenshee, where existing ski related development provides a more appropriate setting.

ABERDEENSHIRE COUNCIL ASSESSMENT

17. The recommendation of the Marr Area Planning Officer to the Marr Area Committee was one of approval, subject to conditions and the completion of a Management Agreement with the land owning estate which would provide for the future management of the surrounding woodland bounded by the Braemar settlement edge, the Creag Choinnich path, the Queens Drive Path and the site access. This would cover aspects such as conservation, natural habitat development, public access and sustainable forestry extraction all in accordance with a forestry management plan that will demonstrate principles for protecting the landscape setting of the proposed development, protecting the amenity of the area for passive recreational use and enhancing the biodiversity and visual amenity of the vicinity. The Marr Area Committee, after considering the terms of a confidential business plan, agreed the recommendation. A copy of this recommendation and the suggested conditions, is attached to this report.
18. The key findings that led to the recommendation of approval include:-
- a. The proposal is found to be a ski support facility in a location close to a nearby settlement with a ski tradition. This would comply, in principle,

with the advice given in NPPG12, and Policies 16 and 18 of the Structure Plan.

- b. The local interest is economic in that the proposal would widen the tourist base of Braemar and social in that it would provide a multi-functional facility primarily aimed at the young, whether able bodied or disabled.
- c. The Community Council has expressly stated that the proposal would be a great asset to the village, the site is appropriate, and the development would fit comfortably into its environs without the damaging impacts found in other tourist centres.
- d. The quality of the commercial plantation trees, the immediate surrounding area (suffered from insensitive forestry extraction activities), and the vegetation cover affected by the proposal, is not of the same significance as that of the semi-natural ancient woodland to the north west through to the east of the site. These areas are recognised for their landscape, habitat and amenity value and this was recognised by the Reporter in dismissing the appeal for the chalet development on the adjacent site. These areas must be protected but the development of the proposed site itself does not affect these areas and it therefore does not breach nature conservation policies in the Local Plan.
- e. In local landscape terms, the proposal, unlike the more general pressure for chalet or other residential development extending out from Braemar, is, specific in its siting (on the lower slope behind a treed “bluff”), of a limited scale and does not impact on the established boundary between the settlement and the mature woodland immediately adjacent.
- f. In the wider landscape, the development would only be visible, and in some cases only in part, from some stretches of the Queens Drive Footpath, a short stretch of the A93, the slopes of Carn nan Sgliat (a hill to the south east which is not frequently walked) and from some parts of Morrone Hill to the south west.
- g. Only a very small part of the “Protected Area” designation in the local plan, which is aimed at protecting the setting of Braemar from the southward approaches, is breached.
- h. The colours of the slope (dark green) and the building (dark green roof and brown/grey walls) are sensitive to the surroundings and conditions on essential tree felling around the edges of the slope and minimising light pollution will limit adverse landscape impacts.
- i. The amenity of nearby footpath users and the nearest noise sensitive property (house 230m away) will not be adversely affected by the additional activity in the area, particularly in relation to noise.

- j. There is a history of recreational development around the fringes of Braemar, including the golf course, caravan park and former curling ponds.
- k. The development provides an opportunity to improve some of the neglected areas of forestry on this side of Braemar through the management agreement with the landowning estate.
- l. Foul drainage (to the public sewer), water, and power supply routes will be via the Mountain Rescue Building to the west and will involve limited tree felling. Surface water drainage is by sustainable means and existing watercourses crossing the site are already culverted therefore there should be no disruption to them.
- m. The scheme is viewed as a discreet “one-off” development, which does not carry the same impacts as the previous chalet development, and there is no presumption that any further development would be acceptable.
- n. The development is not suited to a remote location in the hills, such as at Glenshee, and has no locational requirement for snow. To site it in such a location would generate more car journeys and would not be accessible for young people in the village.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

- 19. The paragraphs above detail the proposal, the site history, the development plan context and the positions of SNH and Aberdeenshire Council. Both bodies refer to the Cairngorms National Park and its aims and there can be little doubt that the planning application does raise issues of general significance to the aims of the Park. If the application had been submitted after the 1 September 2003, it is likely that it would have been called-in. **As such, and because Aberdeenshire Council formally consulted the CNPA, it is therefore appropriate that the CNPA be afforded the opportunity to make contributions to the determination process at the forthcoming Public Local Inquiry.** The CNPA are not the determining authority and therefore, in this context, a detailed assessment of the application in terms of planning policy is not necessary. The CNPA’s assessment of the proposal should therefore relate specifically to the aims of the National Park.

Conserve and Enhance the Natural and Cultural Heritage of the Area

- 20. The services of an independent professional landscape consultant have been used to inform the assessment of the proposal’s visual and landscape impact on the immediate setting of Braemar and the wider National Scenic Area. **A copy of this report was enclosed with the previous report to the Committee on 5 November 2004.**

21. The report states that the effect of the facility on the overall landscape character rests principally with the ability of the landscape to comfortably assimilate the development without perceived detriment. **The conclusion is that the development is relatively modest in scale in its context and is generally well screened from many viewpoints in the surrounding landscape. As such, it will not significantly compromise the local landscape character or the integrity of the wider National Scenic Area.**
22. **In coming to this conclusion, an assessment of the landscape impacts at a local level and at the immediate site level, has been made (Page 2 of the Report). The areas, where the scale and context of change is assessed, include existing land use, land cover, landform, landscape character and landscape quality. The components are, the magnitude and sensitivity (negligible, low, medium, high), the level of importance (international, national, regional, district, local), the impact (adverse, neutral, beneficial) and the nature (short term, long term, reversible, irreversible). In terms of visual impact, a photographic study from 14 viewpoints has been carried out. The analysis comprises the distance to the site, the likely receptors, the sensitivity of those receptors to change, the components of the view and the significance of the visual impact. The definitions of significance for visual impacts are contained on Page 3 of the Report.**
23. **To summarise, in relation to the landscape impacts at the wider local context, the conclusion reached is, that the development will have a medium level of significance in terms of scale and context of change, in only one of the areas considered (landuse). In the four other topic areas, the scale and context of change, in the wider local context, is deemed to be of low significance. This leads to the conclusion that in relation to the landscape setting of Braemar and the integrity of the wider NSA, the overall landscape impacts are deemed to be acceptable. In relation to the landscape impacts at the immediate site level, the impacts are deemed to be of a more significant level with 4 out of the 5 components registering medium on the scale. In the immediate site context, it is obvious that the construction of the development will have a medium level of landscape impact on the existing landuse, landcover, landform and existing features such as trees. However, the degree of this immediate negative impact must be weighed up against the overall significance in the wider context.**
24. **To summarise in relation to the visual impacts, the receptors are deemed to be hillwalkers in the area, golfers and other visitors at the Braemar Golf Course, police and rescue volunteers at the Braemar Mountain Rescue building and parking area, staff, and visitors at the Braemar Youth Hostel, car users on the A93, and casual walkers and tourists in the surrounding woodlands. Of these groups, the hillwalkers, visitors, tourists, golfers and casual walkers are viewed as being sensitive to changes in the character of views and visual amenity. Users of the mountain rescue base (will only experience views whilst engaged in a mountain rescue operation) and occupants of vehicles on the A93 (will only experience views when travelling reasonably quickly through the landscape) are deemed to be of low sensitivity to landscape change. It is**

recognised that the majority of the receptors in this case, will be in the sensitive category.

25. It is accepted in the study that there will be visual impacts, but of the 14 viewpoints assessed, 1 is considered to have no impact, 4 are considered to have only negligible impacts, 4 are considered to have only slight impacts, and the final 5 are considered to have moderate impacts. This equates to just over a third of the views considered. The definition of moderate is stated as *“the proposals may form a visible and recognisable new element within the overall view and will be readily noticed by the observer”*. The views towards the site where the visual impacts are considered to be moderate, are those from the upper and lower slopes of Cairn nan Sgliat, the upper reaches of Creag Choinnich and the footpath in the plantation immediately to the north of the site. These are areas where the receptors will be sensitive to changes in the landscape character. The requirement to have a woodland management strategy for the surrounding area, to provide for the regeneration of the bare areas surrounding the site and the sensitive tree felling in the immediate vicinity of the development, will, however, mitigate, to a degree, these moderate impacts in the long term.
26. It is accepted that over one third of the views assessed are deemed to fall within the moderate category and that this is a negative implication of the development. However, the development is considered to have visual impact significance of a level, less than moderate, in 9 of the 14 viewpoints assessed, and that the remaining 5 (where mitigation measures will compensate) are not considered to be substantial or severe. The balance therefore leads to the overall conclusion that the general visual impacts on the area are not of a scale significant enough to justify raising a significant level of concern in terms of the first aim of the Park. In stating this, it is also acknowledged that the floodlighting of the slope during the winter months, will provide a pool of light in the night sky which will be visible from all viewpoints in the area. However, again mitigation measures are proposed through the imposition of planning conditions (see proposed Aberdeenshire Council condition nos. 4 and 9). These will restrict the hours of opening and times for turning off the lights, and require the lights to be fitted with escape cowls. It is also the case that the principal receptors of the lit area will be road users on the A93, who will be viewing it for only a short period of time. More sensitive receptors such as hillwalkers are unlikely to be on the hills in the area during the hours of darkness. With the mitigation measures, the visual and landscape impact of the floodlighting is therefore viewed as only slightly adverse.
27. In addition to the visual and landscape study, the landscape consultant has provided comments on the objections raised by SNH. It is stated that SNH have taken a cautionary approach and their objection to the proposal is in line with their terms of reference which is to consider the impact on the natural heritage of the area. SNH's principle objection is based on paragraphs 25 and 26 of NPPG14 (Natural Heritage). These state:-

“...Development which would affect a designated area of national importance should only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.”
(Paragraph 25)

“...Planning Authorities should take particular care to ensure that new development in or adjacent to a NSA does not detract from the quality or character of the landscape. They should ensure that the scale, siting and design of such development are appropriate and that the design and landscaping are of a high standard.” (Paragraph 26)

28. Regarding these paragraphs, it is unlikely that the proposals will have social or economic benefits of national importance and accordingly the benefits of the proposal cannot outweigh any adverse effects on the NSA. However, development is not precluded within an NSA, provided that care is taken in the detail of the proposal, in order to ensure that it does not detract from the quality and character of the landscape. In coming to the conclusion that the overall integrity of the NSA is not compromised by the development, it is emphasised that the scale of the development is modest (0.9HA) in comparison to the extent of the NSA (40,000HA). The access track already exists as do the parking and turning areas. The building is described by SNH as “a large industrial-style building”. **It is considered that the building is not designed in a manner which reflects traditional characteristics and that it reflects its function, in appearance, but it is not viewed as being oversized in its context. It is 350sqm (15m x 22m) in size, and has a height of around 6m, well below the height of the surrounding trees.** It is also stated that any impacts are localised because of a combination of the scale and the low visibility of the development, and the fact that it is sited within an area of partially thinned conifer plantation where informal recreation already takes place. Tree felling will be limited in scale and the development utilises an existing slope with only some minor regrading adjustments.
29. SNH have also made reference to NPPG12 (Skiing Developments) where the consolidation of existing ski centres is the stated policy. However, again, it does not preclude the development of new sites where it can be demonstrated that, with careful planning and control, the overall integrity of the designated area, in terms of both its purpose and scale, is largely unaffected and can continue to meet its overall conservation objectives. It is submitted that being tightly controlled through the proposed planning conditions **and with the woodland management strategy**, the overall integrity of the NSA is unaffected. Indeed, it is also argued that reference to NPPG12 may not be wholly appropriate because there is no locational requirement for snow. It is the case that there is little opportunity to provide landscape mitigation at Glenshee and that further intensification of that site may compound the visual impact issues that currently exist. **It is felt that the site at Corrie Feragie, can absorb the development with only slightly adverse impacts on the wider landscape.**

30. SNH also raise the issue of the dismissed appeal for the chalets on the adjacent site. They state that “...*the proposed ski slope site is in close proximity to, and shares the same characteristics, as the earlier site. Accordingly, the sensitivities to the development proposal are the same while the magnitude of change, and therefore the levels of impacts, are arguably greater.*” It is submitted that the holiday chalet development extended to 5HA in size whereas the ski slope development amounts to an area of 0.9HA. They are not directly comparable. The land take of the ski slope development is much less and consequently, the number of trees that would require to be felled is also much less. **There is, however, the issue of precedent to consider. The position of the proposed development, detached from the settlement boundary, does provide a natural wooded gap between the site and the edge of the existing built environment. This is where the chalet development was proposed. It can be argued that development of the proposed site, now provides an opportunity to “close this gap” with further development. However, the fact that the residential chalet development on this site, was refused and dismissed on appeal, on the basis that it breached the settlement boundary, created landscape intrusion into the setting of Braemar and provided a precedent for further similar development, does give a degree of comfort in this regard. It is also the case that the dry ski slope development is site specific and would not carry the same degree of precedence.**
31. Turning to non-landscape natural heritage elements, the CNPA’s Natural Resources Group have provided comments. They state that the proposal would result in the removal of a relatively small number of even-aged Scots Pine trees from the plantation slope, but the adjacent semi-natural wet mixed broadleaved/conifer woodland (to the west) should not be affected. They state that the woodland management agreement with the landowning estate will help secure the long term conservation management of the site for many years. This would not only benefit the landscape, but it would also benefit the flora and fauna that uses the woodland, including such important species such as Red Squirrels and Scottish Crossbills. Without the management agreement, the woodland could be legitimately felled by the estate, and the dry ski slope proposal has allowed for the retention and conservation of the woodland to now occur. They state that if the development was to go ahead, the long term future of the woodland and its natural heritage value can be secured. In addition, the NRG state that the developers should take care to avoid damaging the burn that crosses near to the site and that perhaps additional tree planting could be carried out along the south side of the access track. SEPA have been consulted by Aberdeenshire Council and, as a result, a relevant planning condition is to be imposed which will protect the integrity of any nearby watercourses by employing SUDS and a method statement for surface water drainage. The additional tree planting along the track would not appear to be part of the woodland management agreement and this could certainly be suggested. It should also be noted that legally protected bird species such as the Scottish Crossbill breed early in the year. The developers would be expected to check for nests if working earlier in the year. The NRG also suggest that a baseline survey in and around the footprint of the development

could be carried out to establish the possible existence of other species such as badgers, wildcat, bats and otter.

32. In terms of cultural heritage, there are no features of historic or cultural interest in the vicinity of the site. Much of Braemar is designated as a Conservation Area and therefore its setting is important. However, from the conclusions drawn on the landscape impacts detailed above, it is not felt that there are any adverse effects on the setting of the Braemar Conservation Area. The development is of a sufficient distance from the Conservation Area boundaries. Part of the cultural heritage of Braemar is its link to skiing in the area. It has an established ski economy and tradition and is certainly considered the ski service centre for the Glenshee area. It therefore seems entirely appropriate that further ski support facilities, such as this proposal, are located in or near to the village. The establishment of the dry ski slope would consolidate the historic ski tradition of the community.

Conclusion

33. **The development does result in some negative implications for the conservation and enhancement of the natural heritage of this part of the National Park. However, the degree of significance of this, is relatively low in the overall context, in particular in relation to the landscape and visual impacts on the wider setting of Braemar and the overall integrity of the NSA. In this context, the balance of advantage is therefore in favour of the development. The woodland management strategy agreed with the landowning estate is, however, imperative, to ensuring that what impacts there are, are kept to be an acceptable level. It is therefore suggested that there should be a requirement for a legal mechanism, such as a Section 75 Legal Agreement, to secure the implementation of the strategy. It is not deemed to have any adverse implications for the conservation and enhancement of the cultural heritage of the area.**

Promote Sustainable Use of Natural Resources

34. It is difficult to argue that the development of the dry ski slope and its associated building and facilities promotes the sustainable use of the Park's natural resources. **It is independent of the natural resources of the area.** It is new development which will involve the use of non-renewable materials in its construction and require the removal of some woodland resources. However, as discussed above, the extent of tree removal is limited and in a location where the trees comprise commercial plantation. The Forestry Commission were consulted by Aberdeenshire Council and they have stated that a continuous cover policy is likely in this location with only thinning on a 6-10 year cycle. This would leave the best trees to grow on and allow for regeneration. While this provides a degree of security, the completion of the woodland management agreement, which is unlikely to have occurred without the ski slope development, provides the active mechanism for achieving the long term sustainable protection of the woodland resource in this area. It can be argued that this is a positive implication of the development in terms of this

aim. Nevertheless, as stated in Paragraph 33, it is suggested that the woodland strategy needs to be enforceable and that this would be better achieved through a legal agreement. It is also the case that, by locating the development close to the village and hence close to where people live, it reduces the need for people to use the car. **It is accepted that the development cannot be reliant on just local usage and that a location closer to larger population areas in more accessible positions, such as Aberdeen, may be considered to be more widely sustainable.** However, the development is promoted as a local community asset where a range of activities would take place, and being located in a position close to the village where users, especially young people, can access the development on foot or bicycle, is considered positive in terms of localised sustainability. Siting the development at Glenshee for instance, would mean that the facility would be totally reliant on vehicle users.

Conclusion

35. **The development does result in some negative implications for the sustainable use of natural resources in this part of the Park. However, these negatives are somewhat offset by the requirement for the woodland strategy which will improve the natural resource qualities of the wider area, (but which needs to be secured by legal means), and the localised benefit of being located close to Braemar.**

Promote Understanding and Enjoyment of the Special Qualities of the Area

36. The views of the CNPA's Visitor Services and Recreation Group have been sought. They state that dry ski slopes are an established alternative to snow skiing in Scotland where they have been developed in response to the need for training venues close to centres of population. There are two categories. One is an Introductory Slope (approx. 30m in length) such as at Glenmore Lodge and Loch Insch, where they are often linked to a provider of outdoor activities. The other is a Training Slope (typically 90m-120m in length) where they are often run as small businesses with uplift facilities. The North East of Scotland has a number of ski slopes at present, including Garthdee, Aberdeen (local authority supported), Alford (local authority provision with disabled access), the Lecht (private slope built as summer and "no snow" option for the ski centre) and Ballater Craigendarroch Hilton (small private slope for residents only).
37. In terms of the third aim of the National Park, the VS&RG state that the applicant's primary market will be people with a disability. This meets the National Park's desire to ensure that the Park is socially inclusive and accessible to all. However, it is debatable whether dry downhill skiing, which can take place in a number of different locations, is an activity that relates strongly to the enjoyment of the special qualities of the Park. **There are currently no clear definitions of the special qualities of the Park, although it is likely that the high landscape quality of the area would be one of these valued qualities. The proposal does not provide a significant level of**

direct opportunities for the promotion of these special qualities in the form of orientation, information and interpretation. However, the development is not just ski related. There are a range of activities which it is hoped will be accommodated in the development some of which will provide opportunities for understanding and promoting the “special landscape qualities” of the area. For instance, it is hoped that the facility will be used as a base for field and nature conservation studies. It is also the case that the variety of outdoor recreation opportunities (including skiing) has been seen by stakeholders, as a “special” factor of the Park. The Park does contain three of the five snow ski centres in Scotland and Braemar has also hosted an annual Telemark Ski Festival since 1999.

38. As described in the section on the first aim, it can be argued that hillwalking in the area is the most common form of outdoor recreation and that they are most likely to be sensitive to changes in the character of the special qualities of the landscape. The moderate visual impacts of the development in the short term for these users, therefore can be seen as being negative in terms of this aim. However, once again the imposition of the woodland management strategy, if enforceable, is vital to ensuring that the long term “enjoyment” of the special landscape qualities of this part of the Park are not found to be in conflict with this aim.
39. The VS&RG do however, raise some concerns about the sustainability of the development in economic terms. They state that they believe the development is of a scale where it would be considered as an independent visitor attraction and these would normally be close to large centres of population or directly associated with an existing winter site. The site is not part of an existing outdoor centre or large accommodation provider that already attracts large numbers of recreational users, although it is accepted that the applicant appears to have the support of the Glenshee Ski Area. There is, however, also some competition locally. Alford and Garthdee cater for users from Aberdeen and the Lecht caters for regular winter users in “lean weather” and will attempt to draw summer visitors to the dry slope as part of a package of activities. The slope may attract winter visitors when Glenshee is not open and perhaps even some snow skiers who want a half day activity as part of a longer break. While there is no hard evidence to suggest that the provision of the facility will attract substantial numbers of new visitors, it is likely to attract some users who are already visitors to the area. It therefore does have some synergy with the existing recreational opportunities in the area. The development will also add to the mix of recreational opportunities and there is a good level of local support.
40. In terms of impacts on other recreational users in the area, it is stated that while the development will be seen from local footpaths, there is no indication that the interests of these other users will be directly and adversely compromised.
41. To conclude, the VS&RG state that it is worth noting that the emerging Sustainable Tourism Strategy generally recommends that priority should be given not to the development of new visitor attractions but to the promotion of

quality in existing attractions and to the promotion of a high quality natural environment. The new facility would undoubtedly add a new recreational facility to the village infrastructure and it has a synergy with other recreation and visitor provision in the area, specifically, providers of accommodation for disabled people. However, there is some concern, that in recreational terms, there is not a clear sustainable demand for the facility that is not being met by existing dry ski slopes in the North East of Scotland.

Conclusion

42. **There are several negatives and several positives for this aim. On the basis of promoting the consolidation of existing recreational activity centres, it can be argued that there are advantages for siting the development at Glenshee. However, the proposal is not just related to the provision of ski related activities and it is hoped that the facility will promote other recreational opportunities which will, not only be socially inclusive, but could help promote the special qualities of the area. The potential negative impacts on hillwalker's "enjoyment" of the area can be offset by the mitigation measures of the woodland management strategy, provided it is enforceable.**

Promote Sustainable Economic and Social Development of the Area

43. The CNPA's Economic and Social Development Group have been consulted with regard to this aim. They state that, as the village nearest the Glenshee Ski Centre, Braemar is well placed to take advantage of the ski season, but has suffered in recent years due to inconsistent snow cover and therefore poor seasons. Braemar otherwise has a narrow, fragile economic base, which centres on tourism and employment with local estates. Any viable plan to broaden the economic base in Braemar should therefore be seen in a positive light. The proposal is therefore seen as having obvious initial benefits. It would add to what Glenshee can offer, and it is supported by the local population, Glenshee and local and national ski bodies. They state that it would add quality to the overall ski and tourism product and allow a flexibility in dealing with poor snow/weather days in the winter season. It may also extend the ski shoulder season if skiers could have the reassurance of ski activity whatever the snow cover. In principle, they therefore state that the proposal seems to meet the Park's aim of developing the economy of the Park. It would also strengthen the social infrastructure of Braemar.
44. In saying this though, it is stated that it is not possible to give a detailed critique of the economic viability of the project without access to a full business plan or appropriate financial projections. Aberdeenshire Council requested the submission of this information from the applicants. **A confidential report setting out some projected income and expenditure for year one, based on a comparative study of other dry ski slopes was submitted. This has not been made available to the CNPA. However, Aberdeenshire Council's Senior Business Development Executive assessed the information and expressed some concerns in relation to; the figures**

provided; the compatibility of the proposed charitable status with the commercial operation; the number of costs not mentioned including contingency costs and marketing costs; and the plan's reliance on visitor numbers. The applicants have stated though that this information was never intended to be a full business plan. It was felt by the Directors of the Braemar Disabled Ski & Outdoor Activities Club that to instruct the formation of a full business plan before planning was granted would be an inappropriate use of charity funds. They have stated that in the event of a successful planning application a full business plan would be made available for funding purposes. It is intended to seek funding from the Lottery (Sports Council), national and local trust funds and private individuals and that initial approaches have been made and viewed favourably.

45. There is no doubt that there is a degree of concern about the economic stability of the development and its potential to be sustainable in the long term. It may be that there is a very small scale of community demand, even with non ski slope activities included. There is also an argument that the development should be focussed on Glenshee because this is where there is existing infrastructure and where the applicants already have some operations. With the current situation at Glenshee, it can be said that Glenshee should be looking to diversify both in winter and summer and that it is also looking for public money. Consolidating the uses at Glenshee could be mutually advantageous and it may make it easier to draw down public funds. However, again though, it is important to emphasise that the proposal is essentially a community facility. The applicant's recognise that it would make poor business sense to offer the facility only for skiing support and they therefore wish to promote its use as a base for supporting a range of general leisure and sports training and activities. The applicant's have advised that until such time as they receive planning permission, they are unable to secure funding but that they have a professional advisor who will undertake the role of gaining funding from various sources. The applicant's have also emphasised that they are a charitable organisation and therefore they can develop and continue to develop fundraising.

Conclusion

46. In terms of the promotion of the economic development of the area's communities, the proposal does raise some concerns. In particular, in relation to its individual long term viability, and to whether it would be best, for the overall economic development of the community, for the facility to be located at the existing centre at Glenshee. However, in the circumstances, it is understandable that a full business plan has not been put together and it is understood that there is co-operation between Glenshee and the applicants. Financial viability can be a material planning consideration but the weight given to it, is relative to the implications of the development on other considerations. It is suggested that if financial viability was used as a main factor in planning considerations, then many new developments would not be given the chance to succeed. In this case, there are some concerns about financial

viability, but it is also suggested that the facility can be removed relatively easily. Any impacts are reversible. Nevertheless, in order that removal of the development, in the event of failure, can be secured, it should be a requirement that a mechanism for decommissioning in the form of a reinstatement bond or insurance policy is made. From discussions with the applicant they are willing to investigate this.

RECOMMENDATION

47. That Members agree the findings of this report as the basis for the CNPA's submissions to the forthcoming Public Local Inquiry.

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