

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Formation of access hill tracks adjacent to (1) Base Station and (2) Shieling at Land 1200M Ne Of Coire Cas Car Park Cairngorm Mountain Glenmore Aviemore

**REFERENCE:** 2022/0023/DET

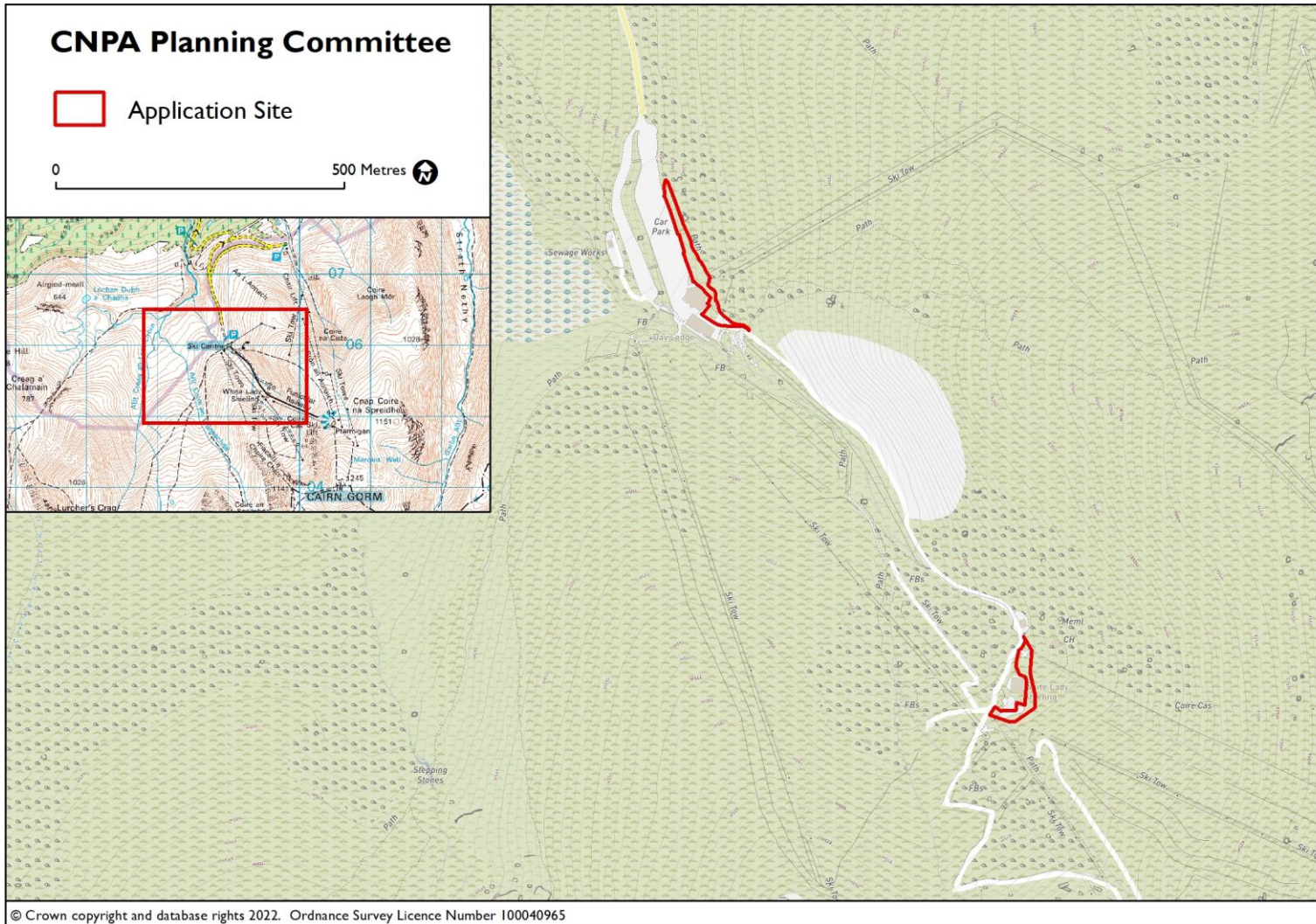
**APPLICANT:** Cairngorm Mountain (Scotland) Limited

**DATE CALLED-IN:** 24 January 2022

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Ed Swales Monitoring and Enforcement Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application sites site beside the existing buildings at the Funicular Base Station at Cairngorm and the Shieling building beneath the Funicular mid station. The Base Station track runs from the top car park north to south on the eastern side of the base station building and will be approximately 150 metres in length. The Shieling track runs from the north to south, going under the funicular rail line and again is approximately 150 meters in length.
2. Both tracks lie within the Cairngorms National Scenic Areas, but is not covered by any other specific environmental designations. The Glenmore National Nature Reserve lies approximately 200 metres west of the application site. The Cairngorms Wild Land Area No.15 as identified in Scottish Natural Heritage's wild land area map lies around 700 metres west of the base station site at its closest and 1500 metres south of the Shieling site.

### Proposal

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

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5UPKISI0C100>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan - Location plan	2317-110	05/01/22	24/01/22
Plan - Access layout plan - shieling access track	101	14/09/21	24/01/22
Plan - Access track long sections - shieling	102	14/09/21	24/01/22
Plan - Access track cross sections - shieling	103	14/09/21	24/01/22
Plan - Proposed base track plan	105	01/10/21	24/01/22
Plan - Proposed base track long section	106	01/10/21	24/01/22
Plan - Proposed base track cross section	107	01/10/21	24/01/22
<b>SUPPORTING DOCUMENTATION</b>			
Other - Response by applicant (CMSL) to comment in landscape consultation response		01/02/22	09/03/22

Other - Viewpoint Daylodge track at Daylodge Poma drive station		02/03/22	08/03/22
Other - Viewpoint from the Shieling Building showing full length of proposed Shieling track		01/03/22	08/03/22
Other - UAV Survey 2018 aerial visualisation		01/03/22	08/03/22
Other - Viewpoint A - Daylodge track at Car Park entry Viewpoint B - Daylodge track at upper end		02/03/22	08/03/22
Other - UAV Survey 2018 aerial visualisation Shieling Track		01/03/22	08/03/22

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

4. The proposal is for the formation of 2 no. access tracks, one adjacent to the base station building and one adjacent to the Shieling building further up the hill.
5. The purpose of the proposed tracks are to rationalise the track network around the two buildings in light of the recent changes to the funicular and other developments, some tracks will be restored as a result of these new tracks.

## History

6. There have been numerous planning applications within the wider Cairngorm Mountain area. On 14 October 2021, Highland Council granted consent (21/03808/S42) for the continued temporary siting of a double snow factory unit on ground between the tube slides and the Day Lodge and Funicular Base Station, repeating consents granted by both Highland Council and the CNPA in previous years, the latest renewal being November 2021.
7. An application for installation of car park barriers (2020/0097/DET) at the entrance to the upper Coire Cas car park was granted consent by the CNPA on 16 June 2020. In May 2020, planning permission was granted by the CNPA for engineering works related to strengthening the funicular viaduct (reference 2020/0076/DET).
8. In 2019, planning permission was granted by the CNPA for engineering works to smooth and re-grade land (reference 2019/0247/DET) and for the renovation and erection of extension to the Ptarmigan Restaurant building (reference 2018/0177/DET).

## Habitats Regulations Appraisal

9. A Habitats Regulations Appraisal has been undertaken (**Appendix 2**) regarding the proposal's impacts on the designated sites of the Cairngorms SPA and River Spey SAC. It was concluded that the track will have no direct impact on the habitat supporting SPA species due to the type and location of the proposed development. However there is the potential for sediment release entering the Allt a choire chais watercourse that

flows into the River Spey SAC during construction. It is therefore proposed to impose a condition requiring a Construction Method Statement detailing the pollution prevention measures to be submitted prior to commencement of development.

## DEVELOPMENT PLAN CONTEXT

### Policies

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 - 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	DESIGN AND PLACEMAKING	
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

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

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

### Planning Guidance

11. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance (2015)	

## CONSULTATIONS

### Summary of the main issues raised by consultees

12. **NatureScot** suggest it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required provided that that standard pollution prevention measures are put in place. They comment that the proposal is consistent with continued implementation of the VMP as required by the S50 agreement, and advise there are no associated implications for the Cairngorms SAC and SPA.
13. **CNPA Ecology Advisor** states that the tracks are to be constructed within areas that have previously been disturbed (including prior to the temporary works associated with the repair of the funicular) and therefore the impacts on habitat are negligible. A Construction Method Statement will be required confirming details of edge restoration to ensure any impacts are minimised.
14. **CNPA Landscape Advisor states** that a major factor likely to affect the predicted landscape and visual effects of the proposed tracks is the influence of existing ski buildings, infrastructure and activity on the baseline landscape and visual conditions. They suggest that a Construction Method Statement be submitted that addresses the landscape and visual sensitivities of the site, this should also be a condition on any approval of this application.
15. **Aviemore and Vicinity Community Council** gave no comments to support or object to this application.

## REPRESENTATIONS

16. One representation has been received stating they are concerned that the CNPA should fully recognise the sensitivities of the ground within the red line boundaries of this application and the surrounding area. This area should be treated as likely to be supporting significant biodiversity interest. It is important to recognise that this development will cause additional adverse impacts to the sites. They urge that appropriate measures are taken to both reduce these and strictly minimise habitat damage, and to ensure that best practice is achieved during construction and operation.

## APPRAISAL

17. The main planning considerations of this application are considered to be the principle of development, the impact upon landscape and the environmental impacts.

### Principle

18. The proposed development is aimed at rationalising some of the tracks within the Cairngorm Ski area following the works to the funicular railway. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 provides general policy support for proposals that support the economy, where they are compatible with existing business activity and support the viability of the local economy, subject to having no adverse environmental or amenity impacts.

19. The applicant has confirmed there will be no fences, bollards or signs as a result of these tracks as well some restoration of old, unused tracks once the new ones are in place. Subject to compliance with other relevant local development plan policies, the principle of the proposed works is considered acceptable and to comply with Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2021.

## Landscape

20. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development. It also has a presumption against new private roads and ways in open moorland areas unless they are essential for land management purposes and are either designed to minimise impacts, or are part of a programme of removal of other tracks.
21. The proposed tracks are sited around existing buildings and infrastructure, intending to rationalise the track network at Cairngorm Mountain ski centre, thus minimising the impact of the new tracks. There will be removal of existing temporary tracks as well as proposed mitigation measures to limiting edge erosion and sourcing of materials locally to ensure the top coat of the track matches that of the remaining track network. The addition of a condition requiring submission and approval of a Construction Method Statement setting out the details.
22. Based on the information currently submitted, as well as the required CMS, it is predicted that the proposed tracks are unlikely to result in significant adverse landscape and visual effects on the National Park compared to the baseline conditions therefore the proposal is considered to comply Policy 5: Landscape of the Cairngorms National Park Local Development 2021.

## Ecology

23. **Policy 4: Natural Heritage** of the Cairngorms National Park Development Plan 2021 seeks to restrict development that would have an adverse impact on protected sites, species and habitats and where this cannot be avoided that appropriate mitigation measures are provided. **Policy 10: Resources** of the Cairngorms National Park Development Plan 2021 seeks to maintain water quality and avoid impacts on the water environment
24. The tracks are to be sited in areas which have already been subject to development and disturbance and it is considered there will be negligible risk to the ecology of the area from the development once completed. A Construction Method Statement incorporating standard pollution prevention measures will prevent harm to the water environment during construction.
25. With the mitigation measures proposed in the planning application and a detailed Construction Method Statement incorporating further pollution prevention measures secured through condition, the proposal is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development 2021.

## CONCLUSION

31. Subject to a condition requiring a Construction Method Statement to be submitted prior to development the proposal is considered to be acceptable and to comply with the policies contained within the adopted Local Development Plan and approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Formation of access hill tracks adjacent to (1) Base Station and (2) Shieling at Land 1200M Ne Of Coire Cas Car Park Cairngorm Mountain Glenmore Aviemore subject to the following conditions:**

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

- I. **No development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be undertaken in strict accordance with the details and implemented in full prior to the first operation of the development. The document shall include but not be limited to:**
  - a) **Details of the pollution prevention measures.**
  - b) **Details of the finishing of the edges of the tracks and protection of ground adjacent to the track boundary.**
  - c) **Details of the material storage during construction.**
  - d) **Details of where construction material is to be obtained from, and if there is any to be won on site details of the borrow pits including location and restoration of those borrow pits.**

**Reason:** To minimise the ecological landscape and visual disturbance during construction in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.



## **Informatives**

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

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.