
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNER (DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: FORMATION OF A WALKING TRAIL, BETWEEN DAY LODGE AND COIRE CAS, CAIRNGORM SKI AREA (FULL PLANNING PERMISSION)

REFERENCE: 04/358/CP

APPLICANT: CAIRNGORM MOUNTAIN LIMITED SKI AREA, NR. AVIEMORE, PH22 1RB

DATE CALLED-IN: 16 JULY 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application is for the formation of a walking trail, 1.2 metres wide from near the Day Lodge southwards up Coire Cas. The first 167m of the trail will be on an existing informal path, 167m to 421m of the trail will involve no construction works, and the last 137m will involve new construction. The construction will follow the specification in the “Upland Pathwork, a Construction Guide for Scotland”, published by the Footpath Trust/SNH 1999. This provides detailed specifications for the formation of an “aggregate path”. This is described as a “*traditional path using natural aggregate material.....the resulting path is one that it is not out of place in an upland environment, blending with the surrounding landscape without appearing too formal*”. The specifications include details on construction components and methods which incorporates drainage, sub-base and base laying, surface and edge finishing and reinstatement, and maintenance. The finish material in this instance will be of local/Alvie granite.
2. Cairngorm Mountain Ltd. has operated the railway for three summer seasons and they have become aware that the existing available trails are either very short (the Aonach Trail) or quite strenuous (the Coire Cas Trail). Visitors seeking a moderate level of exercise have been using the Northern Corries Path which takes users into a designated Natura site. The new trail provides a circular route, within the ski area, which incorporates areas where footpaths exist and have become established. The purpose of the new path is therefore to offer a short loop which incorporates the existing path to the east of the mountain railway and utilises some old paths on the west side of the railway that will require minimum additional work. It is stated that the new trail will be within proximity of the railway and an attractive burn area which will provide interest for users as well as providing a pleasant walking experience for visitors who are not capable of walking further afield. The trail will offer a natural extension to the existing garden trail and it is stated that the route is already beginning to be established through use despite the lack of a formalised path. It is also stated that the route does not cross any land that has been reinstated.

DEVELOPMENT PLAN CONTEXT

3. The proposal lies within the Cairngorm Mountains National Scenic Area (NSA). It lies adjacent to, but **outwith**, the Cairngorms Site of Special Scientific Interest (SSSI), the Cairngorms Special Protection Area (SPA), and the Cairngorms candidate Special Area of Conservation (cSAC). The most relevant features of interest in terms of these designations, and the proximity of the application site to these designations, include dry heath types, and upland breeding birds including dotterel.
4. For the cSAC and the SPA, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. The need for appropriate assessments extends also to plans or projects outwith the boundaries of designated sites in order to determine a project’s implications for the special interests protected within the site.

5. The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.
6. In the **Highland Structure Plan 2001, Policy T2 (Tourism Developments)** states that support will be given to high quality tourism development proposals particularly those which spread economic benefits more widely and provide opportunities for the sustainable enjoyment and interpretation of the area's heritage. **Policy L4 (Landscape Character)** states that regard will be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.
7. In the **Badenoch and Strathspey Local Plan, Policy 2.2.9 (Tourism and Recreation)** states that tourism and recreational activities 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 areas exceptional scenic and heritage resources. **Policy 2.5.10 (Landscape Conservation)** states that the conservation of areas of landscape importance will be sought, and development proposals will be considered carefully in respect of their impacts on conservation and the environment. Where significant, an environmental assessment will be required.

CONSULTATIONS

8. **Scottish Natural Heritage** are grant aiding the development, but have commented on the development with regard to the Natura interests and on the landscape aspects.
9. They are supportive of the application as it will have benefits for Natura features on the adjacent Natura site and for landscape interests. The proposal will provide an alternative walking trail outwith the designated site, and is also considered to be potentially of educational value. SNH do not consider that an appropriate assessment is required, as it is unlikely that any qualifying features will be affected significantly, either directly or indirectly.
10. The construction works will result in some loss of dry heath habitat, albeit outwith a designated site. Mitigation measures are in place, however, through the reduction in width, through reinstatement of edges, of the existing track which lies on the east side of the railway. This will increase the extent of this habitat type and reduce the landscape impacts of the existing track. The interests of the adjacent SSSI, SPA and cSAC include a range of habitats and species which are likely to benefit through reduced erosion of existing footpaths and reduced disturbance.
11. With regard to the landscape interests and the NSA designation, SNH state that, while the length of new track will have an impact, the existing impacts of the eastern track will be improved. There are also likely to be positive implications for landscape within the Natura sites as footpath erosion is likely to be reduced.
12. **Highland Council's Development and Building Control Service** were initially concerned at the rationale for the new footpath, the safety implications of formalising

a path under the railway track, and encroachment on land reinstated following the construction of the funicular railway. Clarification on these aspects was sought from the applicants, and forwarded to the Council. The Council have indicated that they now do not have any objection to the application.

13. The **CNPA's Natural Resources Group** advise that close to the funicular, a narrow footpath is unlikely to have any adverse impact on the landscape. If the footpath is constructed sensitively, there is unlikely to be much damage caused in construction, and re-vegetation work should be carried out at the side of the path.
14. The **CNPA's Access Officer** has commented that the proposal appears to meet the need for short loop walks and will be beneficial from the point of view of access opportunities for visitors. The impact of the new construction will be minimal in respect of wild land issues given the extent of infrastructure in the vicinity.

REPRESENTATIONS

15. A letter of representation has been received from the Highland Cycle Campaign. This group have requested that sheltered parking for bikes be provided for at least 20% of users (in the form of Sheffield stands). It is stated that there is much cycling activity in this area and many visitors will arrive by cycle and then go for a walk. 6 Sheffield stands are requested (12 spaces). A copy of this letter is attached.

APPRAISAL

16. The new footpath is within a sensitive area. Sensitive in respect of the designation of the area within a National Scenic Area, and adjacent to a Natura site where there are important habitats and wildlife species. The impacts of the development on these special features and the potential recreational benefits are the critical issues in the assessment of the application.
17. Some of the route already exists, formally, and more has come gradually into existence, informally. There is a recognised need for a mid-range footpath – longer than the short footpath routes such as the Aonach Trail and the garden walk. Walkers seeking a moderate level of exercise have been using the Northern Corries Path which leads into the Natura site. The proposed footpath provides a circular route, which a lot of walkers prefer, and which will avoid incursion into the Natura site. SNH, and the CNPA's Natural Resources Group, are content that the proposals will not have any significant adverse impacts on nature conservation interests or on landscape character. Indeed the proposal may provide some benefits in this regard. There are no therefore no planning policy contraventions in this respect.
18. While the purpose of the path is primarily to formalise a natural desire line for existing walkers and to encourage users to divert from other routes into a more "controlled" and less sensitive area, the trail will provide an alternative route which has the potential to improve the recreational facilities and promote the enjoyment of the area. This is supported in terms of planning policy.

19. Although the new path passes under the railway, there are no safety implications in developing this new route. The height of the railway track is above the level which requires fencing off. Other similar crossings are already in use during the skiing season and for walkers, such as in the garden area. The other main concern of Highland Council was the effect of the new path on newly reinstated ground, following the funicular railway contract. The applicants have confirmed that the path route does not cross any re-instated ground.
20. In relation to the representation received, the issue of providing additional cycle storage as a result of this fairly minor development is difficult to justify. The applicants have confirmed that there is already cycle storage facilities at the Day Lodge which are deemed to be adequate for the level of usage. They have no reason to believe that there is a shortage of cycle stands at present. As stated above, the prime purpose of the trail is to formalise a route which is already being informally established. It will provide an alternative formal route but this does not necessarily indicate that there will be a significant number of new additional visitors to the site.
21. In summary, while the footpath will involve some disturbance to the ground, and loss of vegetation in some areas, the overall impact is beneficial. The footpath encourages walkers away from more sensitive natural areas in the Natura sites, and formalises an emerging informal walking route or routes, thus reducing the potential for random erosion and damage to natural vegetation. The application is therefore recommended for approval, subject to compliance with the established practices stated in the Upland Pathwork Document..

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

22. The construction works do not necessarily conserve and enhance the local natural heritage, but by formalising a new trail that provides an attractive and safe walking route, the trail will reduce the pressures on the more sensitive Natura site adjacent, and will help to reduce the number of walkers wandering off recognised routes in this area.

Promote Sustainable Use of Natural Resources

23. Local materials will be used for the construction of the footpaths and the reinstatement of the edges.

Promote Understanding and Enjoyment of the Area

24. Providing a moderate length of footpath in this location may encourage a wider range of users to experience the local nature, the landscape and the views from the hillside. The proposal therefore has positive implications for this aim.

Promote Sustainable Economic and Social Development of the Area

25. The development will reinforce the existing facilities and the associated businesses on the mountain, which is an important part of the wider area's economy and employment.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the Formation of a Walking Trail between Day Lodge and Coire Cas, Cairngorm Ski Area, subject to the following conditions:-

- i. The development to which this permission relates must be begun within 5 years from the date of this permission.
- ii. That all construction and reinstatement works shall be carried out in accordance with "Upland Pathwork, a Construction Guide for Scotland", published by the Footpath Trust/SNH 1999 as specified in the applicant's letter of 9th August, 2004, and shall not be departed from, without the prior written approval of the Cairngorms National park Authority acting as Planning Authority.

Reasons for conditions:-

- i. To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.
- ii. To ensure that proper care and attention is taken prior to, during, and after the construction work takes place in this sensitive location.

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