

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Installation of surface-tow and related infrastructure at White Lady Coire Cas
Cairngorm Mountain Glenmore Aviemore Highland

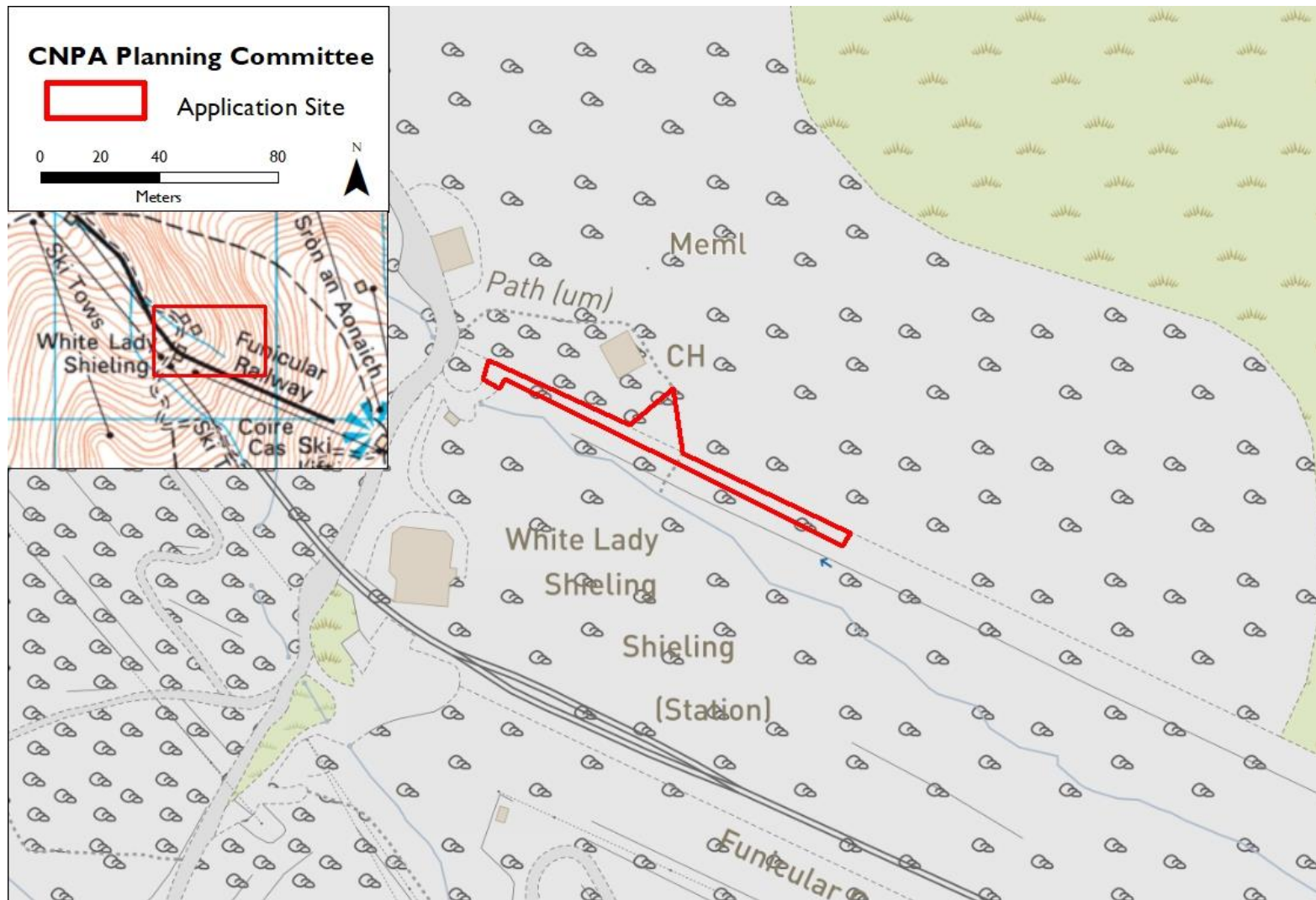
REFERENCE: 2022/0172/DET

APPLICANT: Cairngorm Mountain (Scotland) Limited and
Scottish Ski Club

DATE CALLED-IN: 30 May 2022

RECOMMENDATION: Approve, subject to conditions

CASE OFFICER: Nina Caudrey, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located adjacent to the existing Scottish Ski Club building and board walk on the north western slope of Coire Cas, at the foot of the White Lady opposite the mid-way funicular stop. It comprises steeply sloping vegetated ground, with a rocky channel that directs water downhill to drainage cross channels, which in turn divert the water into the Allt a choire chais. The land forms part of the ski slope used during winter snow cover by the ski club and centre. At the northern (lower) end of the proposed development site lies an existing vehicular track. There are numerous other elements of infrastructure in the vicinity associated with the recreational (e.g. skiing and hillwalking) use of the area, such as tracks, snow fencing other tows and artificial snow machines.
2. The wider ski centre is accessed by the existing B970 road from Glenmore, which terminates at a large parking area beside the Day Lodge and funicular railway base station.
3. The application site lies within the Cairngorms Mountains National Scenic Area. It is less than 10m from the Allt a choire cas, which flows into the River Spey SAC approximately 1km downstream. It is approximately 700m from the Cairngorms Special Protection Area (SPA) and SAC, and the Northern Corries, Cairngorms Site of Special Scientific Interest (SSSI), which share the same boundary at this location.

Proposal

4. 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=RC2QGXS10CP00>

Title	Drawing Number	Date on Plan*	Date Received
PLANS			
Plan - updated location plan		01/03/2022	27/07/2022
Plan – Sunkid Low Tows Section Plan 1/2	Pr21-20-009_r3	20/04/2022	31/05/2022
Plan – Sunkid Low Tows Section Plan 2/2	Pr21-20-009_r3	20/04/2022	31/05/2022
Plan – Sunkid Low Tows Overall Section Plan	Pr21-20-009_r3	20/04/2022	31/05/2022
Plan – Cable Route and Access Plan			18/06/2022

Plan – Drive Station Elevation Plan	M21-20- 102_Type2 M_TOTMA NN	04/02/2021	05/07/2022
SUPPORTING DOCUMENTATION			
Other - CEMP – FINAL		28/07/2022	02/08/2022
Other - Ecological desk assessment		23/03/2022	31/05/2022
*Where no specific day of month has been provided on the plan, the system defaults to the 1 st of the month.			

5. The application seeks permission for the installation of two below ground concrete tow anchor points, with above ground tow drive unit machinery mounted on top, one unit located near the existing ski club building and the other approximately 215 m uphill to the south east. A steel cable tow line with handles for skiers would be suspended above ground between the two drive units. Due to the sloping terrain, the ground would be reprofiled around the anchor points to minimise visibility of the concrete anchor blocks. Where possible, turves stripped at the anchor point locations would be used to vegetate the reprofiled ground, with supplementary seeding of an approved mix carried out if required.
6. The existing boardwalk providing access to and from the existing ski club building and slope would be reconfigured to accommodate the lower anchor point, while retaining access to the building and slope.
7. The steel cable tow line (and tow attachments) running between the machinery to move skiers uphill would be removed when not in use during times of no snow cover. The above ground tow machinery, while removeable, would remain in situ year-round (unless needed elsewhere on the mountain).
8. A power supply cable would be installed below ground, taken from the existing White Lady hut to the lower drive unit. This would be installed using machine excavation due to the depth of trench required. The turf along the trench line would be stripped back, material excavated, then the excavated material and turves would be reinstated following cable installation.
9. A safety cable link (a low current signal cable) would be installed between the lower and upper anchor points, connecting the drive units. This would be placed underground using a combination of machine excavation on the lower slope with hand digging elsewhere. The turf along the trench line would be stripped back, material excavated, cable installed, with excavated material and turves reinstated following cable installation.
10. The line of the previous White Lady tow cutting (which forms the rocky channel referred to in paragraph 1) would be reprofiled up to the 775m contour, with turf stripped back, soil reprofiled then turves reinstated. This would reduce visibility of the cutting along the line of the tow.
11. A Construction Environmental Management Statement (CEMP) has been submitted, which includes more detailed information on how the ski tow infrastructure will be

constructed, used and managed, as well as manufacturer’s photographs of the machinery.

12. Plans of the proposal can be viewed at **Appendix 1**.

History

13. There have been numerous planning applications at Cairngorm Mountain in the vicinity of the proposed development. The most recent being an application for the formation of three interlinked mountain bike trails together with the installation of a conveyor belt uplift system (2022/0046/DET). which was granted planning permission by CNPA in May 2022.
14. In October 2021, Highland Council granted permission (21/03808/S42) for the continued temporary siting of a double snow factory unit on ground near the Day Lodge, extending the duration of the siting that has been permitted by both CNPA and Highland Council in previous years.
15. An application for the installation of car park barriers (2020/0097/DET) at the entrance to the Upper Coire Cas car park was granted permission by CNPA on 16 June 2020. In May 2020, planning permission was granted by CNPA for the engineering works related to the strengthening of the funicular viaduct (2020/0076/DET).
16. To the west of the proposed development area, in December 2019 planning permission was granted by CNPA for engineering works to smooth and regrade the land (2019/0247/DET).

Habitats Regulations Appraisal

17. A Habitats Regulations Appraisal (HRA) has been carried out to consider the potential effects of the proposal on the conservation objectives of the River Spey SAC. A copy of the HRA is attached at **Appendix 2**.
18. The HRA concludes that, subject to a condition requiring the implementation of the submitted CMS to minimise the risk of pollution entering the SAC, then there would not be an adverse effect on site integrity.
19. Although other European sites are in the vicinity of the proposed development, there is no connectivity and so a HRA for the other sites is not required.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) The policies relevant to the assessment of this application are marked with a cross:

POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER OBLIGATIONS	

20. 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

21. 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	X
Policy 3	Design and Placemaking non-statutory guidance	
Policy 4	Natural Heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable Energy non-statutory guidance	
Policy 8	Open Space, Sport and Recreation non-statutory guidance	X
Policy 9	Cultural Heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	
Policy 11	Developer Contributions supplementary guidance (2015)	

CONSULTATIONS

Summary of the main issues raised by consultees

22. **NatureScot** agree with the content and conclusions of the HRA and have no further comments to make.
23. **SEPA** have not commented on the application.
24. **Highland Council Flood Risk department** have not commented on the application.

25. **CNPA Ecology Officer** has no objection but recommends that the implementation of the submitted CEMP is conditioned to ensure that environmental effects are minimised during construction.
26. **CNPA Landscape Officer** considers that there is landscape capacity to accommodate the proposed ski tow in-between the existing Scottish Ski Club building and funicular. This is strongly influenced by the presence of existing ski infrastructure which affects the character of the local landscape. It is important, however, that the proposal does not extend or amplify the existing landscape and visual effects of the ski centre by a significant degree in the National Park. A condition requiring the implementation of the measures set out in the CEMP, and a condition securing an appropriate matt brown colour for the above ground tow machinery are recommended. Other measures relating to the removal of existing debris were also recommended.
27. **CNPA Outdoor Access Officer** has no comments to make on the application.
28. **Aviemore and Vicinity Community Council** have not commented on the application.

REPRESENTATIONS

29. The application was advertised when first validated, and again on amendment of the red line boundary. No representations were received.

APPRAISAL

30. The main planning considerations are the principle of development, environmental and landscape effects.

Principle

31. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 sets out that development that enhances formal and informal recreation and leisure facilities; and tourism and leisure-based business activities will be supported where:
 - a) it has no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) it makes a positive contribution to the experience of visitors; and
 - c) it supports or contributes to a year-round economy.
32. In addition to the above policy, **Policy 8: Open Space, Sport and Recreation** sets out that extensions and enhancements to existing sport and recreation related business activities will be supported where:
 - a) they demonstrate best practice in terms of sustainable design, operation, and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
 - b) they will meet an identified community or visitor need; and

- c) they maintain and maximise all opportunities to link into the existing path network.
33. The supporting documentation (CEMP) explains that while Cairngorm Mountain Scotland Limited would operate the tow, its main function would be for training members of the Scottish Ski Club and Cairngorm ski club in optimal ski conditions. The tow is not expected to increase the numbers of users of the ski area, rather it is aimed at the existing, more experienced user group. However, the lift would also be open to any snow sport customers who have purchased a valid lift ticket and are of the necessary ability to use the lift. The tow is therefore considered to be complementary and supporting of the wider ski facilities at Cairngorm Mountain.
34. As a result, the proposed development is considered to support the ongoing viability and operation of Cairngorm Mountain as a year-round tourist destination and so in principle accords with Policy 2: Supporting Economic Growth and Policy 8: Open Space, Sport, and Recreation of the Cairngorms National Park Local Development Plan 2021, subject to the other material planning considerations as outlined below.

Environmental effects

35. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021, seeks to ensure there are no adverse effects on areas protected for nature conservation, protected species, or biodiversity.
36. There are areas protected for nature conservation within the wider Cairngorm area, however the proposed development is outside the boundary of any areas protected for nature conservation. There is however connectivity with the River Spey SAC. A HRA has therefore been undertaken and, subject to the mitigation measures set out in the CEMP being secured by planning condition, the conservation objectives of the River Spey SAC will be met and there will not be an adverse effect on site integrity. NatureScot has no objection to the proposal and agree with the conclusions and mitigation measures outlined within the HRA.
37. Although no specific ecological survey work has been carried out for the development site itself, the site is covered by contemporary habitat and species surveys previously carried out for other developments. A report presenting combined findings has been submitted with the application. The CNPA Ecology Officer is satisfied with the information provided but recommends that the implementation of the CEMP is secured by condition to minimise potential environmental effects, including on protected species.
38. Subject to the recommended planning condition securing the implementation of the CEMP, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

Landscape effects

39. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that all new development conserves and enhances the landscape character and Special Landscape Qualities of the National Park and the setting of the

development. Any significant effects must be clearly outweighed by social or economic benefits of national importance and adverse effects must be minimised and mitigated.

40. The proposed development is small in scale and set in the context of existing infrastructure. It is considered to have limited landscape and visual effects. The imposition of conditions requiring the implementation of the CEMP and an appropriate matt brown colour for the above ground machinery would reduce potential effects.
41. Subject to the recommended planning conditions securing implementation of the CEMP and appropriate matt brown colour for the above ground machinery, the proposal is considered to comply with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

42. This application involves the provision of winter ski tow facilities at an established tourist facility within the National Park. Subject to the implementation of the CEMP being secured by condition, the proposal is considered to comply with the relevant policies of the Cairngorms National Park Local Development Plan 2021. There are no material considerations which would warrant the refusal of planning permission. Approval is therefore recommended, subject to the appropriate planning condition.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the installation of surface-tow and related infrastructure at White Lady, Coire Cas, Cairngorm Mountain, Glenmore, Aviemore, Highland 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

1. The above ground tow machinery shall be finished in matt RAL8028 (Terrabraun) unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority retained, thereafter, in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the Special Landscape Qualities of the National Park in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

2. The development hereby approved shall be carried out in complete accordance with the Construction Environment Management Statement Revision E dated 28 July 2022.

Reason: To ensure there is no adverse effect on the environment in particular that pollution does not enter the River Spey SAC, to comply with protected species legislation and minimise effects on sensitive habitats in accordance with Policy 4: Natural

Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

3. Within one year from when the development, hereby approved, ceases to be used for the purposes applied for, the development must be removed in its entirety and land reinstated to its condition prior to the granting of the permission 2022/0172/DET, all to the satisfaction of the Cairngorms National Park Authority, acting as Planning Authority.

Reason: In recognition of the nature of the facility and to ensure that structures are removed, and land restored to safeguard long term impacts of the site should the proposal cease to operate in accordance with 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.
4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.

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.