
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR FORMATION OF MOUNTAIN BIKE TRACKS, LECHT SKI CENTRE, CORGARFF, STRATHDON

REFERENCE: 08/123/CP

APPLICANT: LECHT SKI COMPANY LTD, PER AGENT, TCD ARCHITECTS, 4A ALFORD PLACE, ABERDEEN, AB10 1YD

DATE CALLED-IN: 18 APRIL 2008

RECOMMENDATION: APPROVAL, SUBJECT TO CONDITIONS

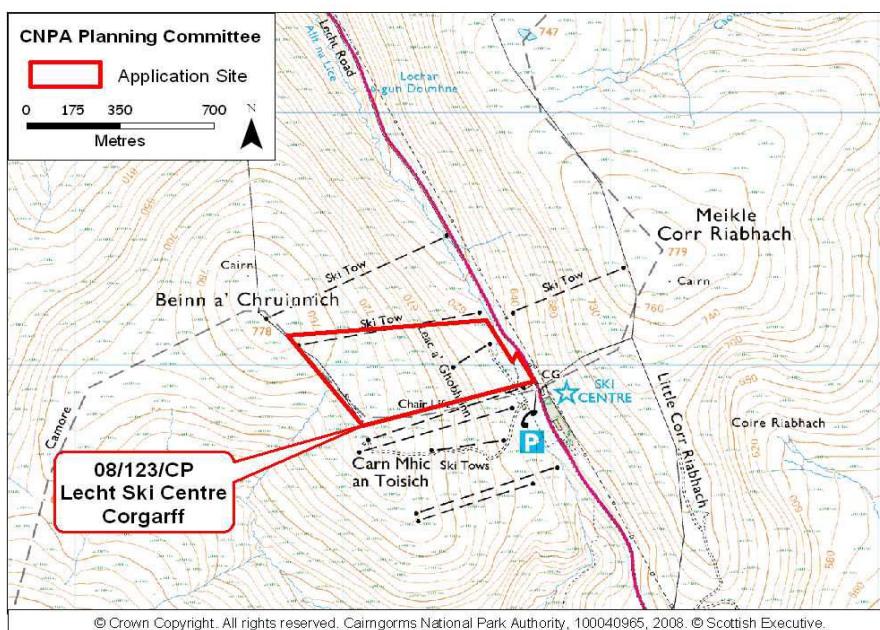


Fig. 1 - Location Plan
SITE DESCRIPTION AND PROPOSAL

1. The Lecht Ski Centre is located on the A939 Cockbridge to Tomintoul Road approximately 9km to the south east of Tomintoul. The Centre consists of ski tows, including a chairlift, and ski runs either side of the valley, car parking areas either side of the main Centre building, a house for the on-site manager, and some workshop accommodation. The A939 passes through the middle of the Centre.



Fig. 2. Existing chairlift and site of proposed trails

2. The proposal is to construct two mountain bike trails which would descend the western slope in an area centrally located within the Centre and which is not used for skiing. The routes have been designed by Mr. P. Laing who is considered to be an expert in this field in the UK, having been involved in the design and construction of trails for Tweed Valley Forest Park and other forestry departments. The trails are of different grades (red and blue) and are designed in three sections. The first section will be a dual grade track of 2m-3m width, descending the top part of the slope, which is a flatter area of peat hag, for a distance of approximately 750m. This trail then splits into two, where the slope steepens, to form two separate sections of trail (red and blue grades). These trails will be between 1.5m- 2m in width and will descend 1200m and 1500m respectively. The routes will encompass various features (berms, dirt jumps, drop-offs, and

bomb-holes) depending on the grade of difficulty of the trail. The trails end at the bottom of the slope, and join an existing surfaced track which runs back towards the chairlift.



Fig. 3. Site of proposed trails



Fig. 4. Site of lower sections of trails looking down towards car park and temporary skills area (see below).

3. In addition to the trails, part of the north most car park will be given over for the temporary use of a mountain bike skills area. This will be a circuit of moveable obstacles and structures, laid out for use as a skills learning and training area. All first time bikers will be encouraged to practice here before tackling the hill trails.
4. Bikers will be required to purchase a ticket (likely to be whole or half day) and then access the top of the trails by the existing chairlift. The chairlift will be adapted to accommodate the transportation of bikes. Once bikers have descended, they will be required to return to the chairlift by the existing surfaced track hence completing a loop. The use of the trails will be primarily a summer activity only and will operate along with other summer activities at the centre, such as karting. The initial anticipated number of additional users is about 100 people over a summer weekend. It is hoped that one of the trails will be constructed this year, and the other trail next year.
5. The applicant has submitted a supporting letter which explains the need to diversify activities at the Centre, particularly outwith the ski season, because of the varying weather and snow patterns currently being experienced. It is explained that the Centre has the advantage of existing related facilities such the café, toilets, hire shop etc. and that use of the fixed chairlift, will provide easy access to the routes, which is only available elsewhere in the UK at the Nevis Range at Fort William. It is considered that the trails will secure the employment of the Centre's full time staff, which is normally around 9 people during the summer.

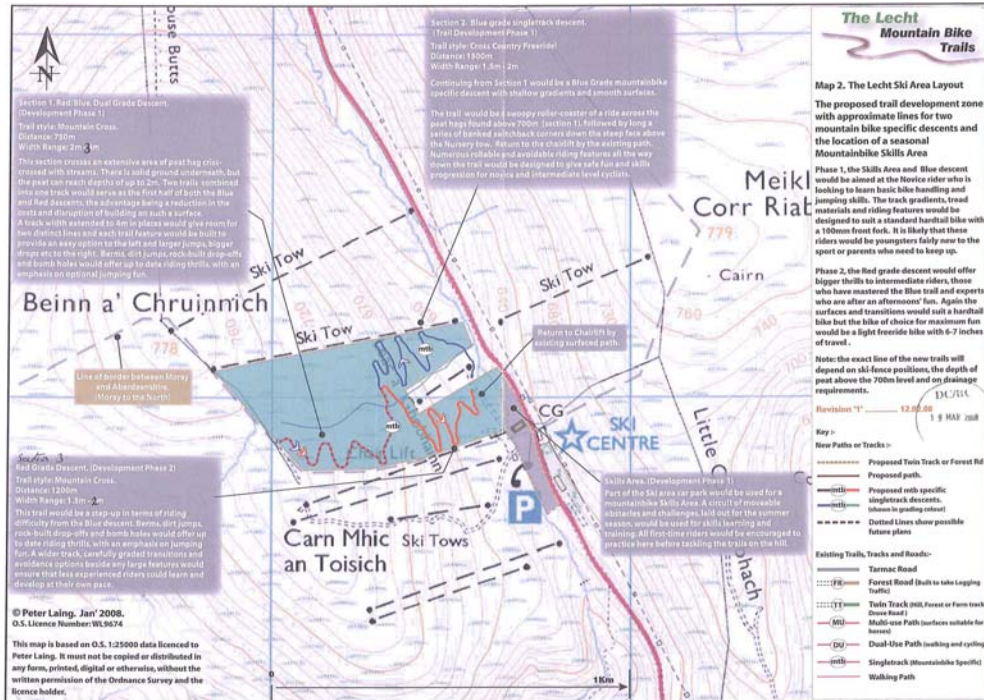


Fig. 5. Plan of proposed trails



Fig. 6. Photomontage showing proposed trail routes

DEVELOPMENT PLAN CONTEXT

National Policy

6. **NPPG 11 – Sport, Physical Recreation and Open Space** is of relevance. A section entitled 'The Countryside : Sport and Recreation in Rural Areas' (paras.60 – 67) is of particular relevance, and it is acknowledged that in addition to widespread participation in 'informal recreation' such as hill walking and rambling, a smaller but growing number of people are taking part in more 'organised sports'. Cycling and horse trails are specifically mentioned. In addition to recognising that natural resources for specific activities attract visitors to the countryside, **NPPG 11** also alludes to the fact that people residing in rural areas have the same need for sport and recreation facilities, and given the often scattered population of rural areas, it is often the case that a combination of support and use of facilities by residents, tourists and visitors are the only means by which such facilities are viable. In addition, **NPPG 11** highlights the fact that the provision of recreation facilities in rural areas has a significant purpose "in contributing to the retention of population and in promoting tourism, hence having an impact on the rural economy."
7. **NPPG 11** is realistic in noting that there are concerns about rural recreation, for example where there may be conflict between active sports such as mountain biking and more passive sports, such as walking or fishing. Other concerns highlighted include the environmental impact of recreational pursuits and their related developments, their relationship to rural land management, and "how they can be harnessed to bring benefits to the rural economy without posing a risk for landscape, nature conservation and rural management objectives."
8. Paras. 64 and 65 of **NPPG 11** provide guidance on the provision of recreational facilities within sites designated for nature conservation purposes or areas designated for their national landscape or cultural heritage importance. It is recognised that some recreational developments may be inappropriate but "there is no general prohibition against development in these areas." In general however, the approach of the strategic provision of managed facilities or the selection of alternative locations is advocated as a means of possibly reducing visitor pressure on the more sensitive environments.
9. **NPPG 12 – Skiing Developments** sets out general policies in relation to skiing developments. It emphasises the importance that existing ski centres can have for the rural economy while advising that this needs to be weighed up against the need for the conservation of natural heritage, including international and national designations. While mountain biking uses are not

specifically mentioned, Paragraph 36 states that some of the facilities provided to support downhill skiing, such as chair lifts, can also be used to provide access to higher areas outwith the ski season. The benefits, of this kind of alternative use, for the viability of the enterprise, through increased tourism, is acknowledged. However, it is also stated that the presence of a ski development should not carry with it an automatic presumption in favour of non-skiing uplift facilities and uses, unless such a use can be accommodated and managed without significant environmental damage.

10. **NPPG 14 - Natural Heritage** notes that attractive and ecologically rich environments where natural heritage is valued and cherished are essential to social and economic well-being. Para. 9 advises that conservation and development can often be fully compatible, and with careful planning the potential for conflict can be minimised. **NPPG 14** details the various national and international statutory designations and the objectives of designation. Para. 46 also makes reference to the fact that natural heritage is not confined to the statutorily designated areas, but is found throughout the countryside.

Moray Structure Plan 2000

11. **Policy S/ED8 – Tourism Proposals**, supports proposals that contribute to the area's role and image as a tourist area. There will be a presumption in favour of proposals which expand or enhance existing visitor centres/facilities. **Policy S/ENV1 – Approach to Environment** seeks to conserve and enhance the area's environmental assets. **Policy S/ENV3 – Scenic Designations** states that areas of scenic quality (including Areas of Great Landscape Value), will be protected from inappropriate development. **Policy S/CF4 – Skiing Development** states that proposals for skiing and related developments at existing centres will generally be considered favourably. Outwith existing centres, there is a presumption against skiing and related developments.

Moray Local Plan 2000

12. **Policy L/ENV1 – Statutory Nature Conservation Sites** advises that developments that may have an adverse impact on SAC/SSSI's will only be permitted where the objectives of the designation and overall integrity of the site is not compromised, or any significant adverse effects are outweighed by social or economic benefits of national importance. **Policy L/ENV7 – Areas of Great Landscape Value (AGLV)** states that development proposals within these areas will only be permitted

where they incorporate high standards of siting and design for rural areas. **Policy L/CF5 – Lecht Skiing Centre** states that new development should take place within the existing centre leading to the intensification of its use rather than its expansion. There is a presumption against expansion outwith existing boundaries.

Cairngorms National Park Plan 2007

13. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment. One of the strategic objectives for **Economy and Employment** is to 'promote opportunities for economic diversification across all areas of the Park.' In discussing this, there is recognition that the Park has a relatively narrow economic base, depending on a few sectors for employment and that many of the jobs associated with these sectors are seasonal and/or part time. The plan alludes to the fact that supporting appropriate opportunities for economic diversification has the potential to create higher paid, more permanent employment and also increases the resilience of the local economy to downturns within individual sectors.

14. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities. The promotion and management of outdoor access, recreation and visitor services is considered to be an integral part of developing a sustainable approach to tourism and is also integral to land and water management and the conservation and enhancement of natural and cultural heritage. Some of the strategic objectives to achieve this third theme include maintaining a high quality environment by encouraging sound environmental management by those involved in tourism in the Park, strengthening and maintaining the viability of the tourism industry in the Park and also developing a wide range of opportunities for

visitors to experience and enjoy the special qualities and distinctiveness of the Park.

CONSULTATIONS

15. **Moray Council's Environmental Health Manager** has no objections but there is a need to comply with the Health and Safety at Work etc. Act 1974, and the Workplace (Health, Safety and Welfare) Regulations 1992.
16. **Moray Council's Environmental Protection Manager** has no objections.
17. **Moray Council's Contaminated Land Team** require no further action.
18. **Moray Council's Transportation Manager** finds the parking provision acceptable because the demand generated is likely to be similar or less than that generated for the ski centre. Also the trails are only to be used during summer when there would be no skiing. The area of the car park given over for the temporary skills area is not considered to be significant in terms of overall provision.
19. **The CNPA's Landscape Officer has** stated that in relation to the potential visual impact from the proposal, including the temporary skills area, the development should be seen in context of the existing facilities. It is fair to say that the current ski infrastructure is a significant landscape visual detractor from this area. However it is an established use and the majority of the plant is contained within the pass itself. Consequently he would conclude that the additional impact is proportionately small, though not insignificant. There is an opportunity for some mitigation of the overall impact within this application by considering some remedial works such as removal of redundant plant, reinstatement of heavily eroded areas around the car park or additional features such as walling at strategic points. It is suggested that the skills area will require some form of mitigation through walling as it will be particularly prominent from the roadside. In relation to damage to soil and vegetation around the proposed tracks, the submission indicates that some works will be undertaken however there is insufficient detail. This aspect could be addressed through a landscape condition requiring the restoration of some soil areas with approved material and planting of native species; predominantly heather.

He would need to see a full planting plan, specification and methodology statement.

20. One issue raised is the possibility of 'spill-over' of cyclists into the surrounding hills causing increased erosion in a sensitive landscape. This is potentially a serious issue that could cause significant damage to the surrounding area by facilitating bike access to the hills around the site. Some form of management statement regarding the way bikes would be encouraged to stay within the track area as well as some form of interpretation explaining the nature of the landscape sensitivity as a back up would be required. The **conclusion** is that there is no major landscape objection to this application provided that the above comments are addressed. Of particular importance is mitigation for the increased landscape and visual impacts, the need for a full soil restoration and planting plan and a suitable cyclist management strategy. With such measures agreed as part of this application there would seem to be no conflict with the first aim of the National Park.
21. **The CNPA Visitor Services and Recreation Group** have stated that policies 4 and 13 of the Outdoor Access Strategy for the Cairngorms National Park support the development of cycling opportunities, including the development of professionally engineered cycling routes for leisure. The proposed construction of the route is also in line with Policies 1 and 6 of the Outdoor Access Strategy which encourages the use of high standard specification and design of infrastructure using best practice standards. Due to the current condition of the area and the scarring and erosion already occurring due to the winter activities we would not wish to see mountain biking exacerbating this problem. Whilst most users would generally use the purpose built trails there may be a risk of the formation of informal tracks on the hillside through usage by bikes. This may result in further degradation to the natural heritage. To reduce this risk we would expect the developer to identify a system for managing visitors to the site to encourage them to use the purpose built trails and avoid the formation of informal trails and erosion on the open hillside.
22. The plans state that cyclists will return from the foot of the trails to the chairlift along an existing surfaced track. The track that they refer to is not surfaced throughout its length and is muddy and churned up in places by the pisting machines that run over it in the winter. Because of the nature of this track cyclists are likely to cycle along the edge of the track to avoid the mud and therefore, over time, widening an already eroded track. If this

existing track was properly surfaced, however, this may be avoided. The only problem with this is that it may get damaged again in the winter months when vehicles relating to the ski operation pass over it, particularly when snow cover is not good. As such it may be better in the long term if an alternative track was constructed away from the area used by the heavy machinery, possibly along the edge of the car park. An alternative track along the edge of the car park would have the added benefit of providing cyclists with a more direct access to the car park and the skills area. Under the current proposals they would have to cycle back to the chairlift and then double back towards the car park and skills area. Without a direct access track cyclists may begin to form numerous informal tracks as they cycle cross country rather than going all the way round. Subject to consideration of the above issues, the **VS&RG** would be supportive of this application.

23. **The CNPA's Sustainable Tourism Officer** has stated that the planned development consists of 2 lift-served mountain bike trails within the existing ski area boundary, as well as a portable mountain bike skills area in part of the current car park. Currently the ski area is used in summer for other activities, including downhill deval-karting, and the mountain bike trails would add to these activities. The CNP sustainable tourism strategy recognises that increasingly unreliable snow cover is a threat to the local economy and suggests that snowsports are positioned as one of many activities rather than a stand-alone product. Diversification of existing ski centres to provide year-round activities increases the financial viability of the business and secures year-round local employment. Mountain-biking in Scotland is a fast-growing market and the development of carefully designed and built trails is a logical diversification for the Lecht. It is anticipated that there will be a small economic boost to other local businesses, particularly those already able to cater to mountain-bikers (eg. accommodation providers accredited by the *Cyclists Welcome Scheme*) or willing to diversify accordingly. There is a risk that mountain bikers use the uplift provided to cycle outwith the ski area, and this may need to be addressed. However the designed routes should be attractive enough to the target audience to minimise the risk of this.
24. **SNH** advises that the ski centre is surrounded by the Ladder Hills SAC/SSSI but is itself not part of the designated area. The SAC/SSSI is designated for its important upland vegetation, that includes alpine heath and blanket bog habitats. The proposal will not directly affect the SAC/SSSI and they do not consider that year round usage of the bike trails would have any impact on

the interests of the SAC/SSSI. As such, they do not consider that an Appropriate Assessment is required and raise no objections.

25. **SEPA** originally required the resolution of several matters. These related to, the need for a construction method statement covering matters such as waste, surface water run-off, fuel and chemical storage, road construction, timing of works and environmental management; the need for clarification on watercourses which would be affected; the need for information on any borrow pits proposed; and the need for further information on impacts on peat habitats and peat depths. Following the submission of information and a construction method statement from the applicant, **SEPA** have now advised that, due to the scale of the proposal, they are satisfied that any issues raised previously have been addressed.

REPRESENTATIONS

26. No letters of objection have been received. Attached to this report though is a letter from the applicant in support of the proposal.

APPRAISAL

27. The proposed development raises issues in relation to the principle of this form of alternative use of the Lecht Ski Centre; impacts of the proposal; and the construction and management of the development.

Principle and Policy

28. National and local planning policy, as contained in NPPGs 11 and 12, and the Moray Structure and Local Plans, and elements of the Cairngorms National Park Plan, provide general support for the consolidation of the existing ski centre at the Lecht. Consolidation is preferred to physical expansion and at the Lecht, the sensitive natural heritage areas surrounding the defined ski centre, restricts the scope for increasing activities, other than within the existing boundaries. Intensification and diversification of uses, particularly outwith the skiing season, and taking account of the changing weather patterns, is considered to be important to the long term viability and stability of all ski centres in Scotland. However, general acceptance of the principle of consolidation and diversification of uses at the Lecht, must be weighed up against any potential adverse impacts, in

particular in relation to the quality of the landscape and the adjacent natural heritage designations. As NPPG 12 states, while making use of existing ski infrastructure, to help accommodate alternative uses and activities can be acceptable, the fact that this infrastructure exists, does not presume in favour of developments that would be otherwise inappropriate or unacceptable in principle or in detail.

29. Nevertheless, mountain biking is now considered to be a fast growing market which can provide a degree of economic boost to other businesses in the locality and the provision of properly managed and designed trails falls in line with policies contained within the Outdoor Access Strategy. The applicants have stated that they are already in discussion with mountain bike hire operators in nearby settlements such as Ballater. They also already have alternative summer activities such as karting both in the south car park and down an existing track on the western slope. To my mind, in this instance, the existence of infrastructure at the Lecht, in the form of a chairlift, centre building accommodating eating and drinking facilities, shop, and toilet and changing accommodation, and existing car parking, provides an ideal base for the provision of a managed mountain bike trail operation. Indeed, it can be argued that, this type of development is best situated in such a location because it may relieve the pressure for usage of other sensitive areas elsewhere, in an unmanaged way. For example, the ski centre at the Nevis Range at Fort William has now had a successful mountain bike trail operation on-going for several years and this provides an important economic boost to the ski centre there during the summer months.
30. There are no specific planning policies that cover mountain bike trail proposals but, as can be seen from the above, there is a significant level of support for the principle of providing alternative but related uses at the Lecht in this instance. However, this is dependent on the proposal's impact and how the development is constructed and managed.

Impacts

31. While there are international and national heritage designations immediately adjacent, the ski centre site does not form part of these designations. Being located within the boundaries of the ski centre, and not on an area that is used for a ski run, SNH have no objection to the proposals.

32. The main potential impact therefore is that of landscape. The site lies within the wider Moray Council Area of Great Landscape Value policy designation. The CNPA's Landscape Officer does not consider that there is a major landscape objection to the application. Due to the prominence of the site, which is directly viewed from one of the major tourist routes through the Park, there will of course be an impact. The introduction of new "man-made" tracks on what is a relatively untouched part of the hillside here, will not conserve the landscape. However, the current ski infrastructure already provides a significant visual detractor in this locality, and with this being the established use and with it being relatively well contained within the valley, it is considered that the additional impact of the proposed trails is not unacceptable when seen in this context. Nevertheless, there is a need to ensure that impacts are minimised by the implementation of a sensitive scheme of construction and reinstatement. The location of the temporary skills area in the existing north car park will mean that the obstacles and structures will be visible from the road. This aspect, and the possibility of screening, has been discussed with the applicant. However, it is felt that any permanent feature such as walling could add to difficulties in the use of the car park in the winter, and the erection of a fence would in itself cause a visual impact. Since the skills area comprises low level and moveable obstacles, is located in the existing car park, and is temporary for the summer months only, I do not consider that the visual impact of this part of the proposal causes a significant concern.

Construction and Management

33. The applicants propose to carry out the construction of the trails themselves. They have stated that they have operated within the conditions and landscape of the Lecht for over 30 years and therefore are best placed to be able to work in this location and overcome any on-site issues. They are also located on site and can therefore operate and react effectively and efficiently to site conditions, rather than needing to work under contractor's constraints. The trail designer, has a significant amount of experience and will be supervising operations during construction. SEPA had raised some concerns in relation to construction and impacts on any natural watercourses in the area, peat habitats and stability, and working arrangements. However, the applicants have submitted a Construction Method Statement which advises on the nature of the ground conditions, the method of working, the use of minimal borrow pit operations, re-levelling, reinstatement and re-use of top vegetation, and formation of appropriately designed drainage channels. SEPA

have accepted the submission. On this basis, I am confident that the impact of the construction works and the nature of the finished development will be as sympathetic as possible. Conditions can be imposed to ensure implementation of the construction method statement and on-going maintenance of the trails.

34. Some concern has been raised from consultees, that the formation of the trails and the use of the chairlift to access the top of the hill at the locality, would encourage bikers to try and exit the ski centre boundaries and use the open, designated, adjacent hills for "informal" bike routes. This has been discussed with the applicants. Like the ski operations, there will be strict rules for use of the trails, and customers will be fully informed, that they are not permitted to leave the site. Bikers will be required to purchase a ticket and will be required to use the chairlift. There will be no other means of accessing the top of the trails. As with skiing operations, staff will be on-hand, to operate the chairlift, and generally oversee the activities. The applicant has offered to upgrade the fence that marks the boundary of the site at the top to make it "less penetrable" and they also agree, and indeed would wish to, install a scheme of signage and way marking which would reinforce the restrictions of the use of the trails and the importance of the natural heritage designations outwith the site. A condition can be imposed to require the submission and implementation of a detailed management and signage scheme. One issue that has been raised is the potential for damage to the existing track at the bottom of the trails. This track would take bikers to the bottom of the chairlift. The track is not an unsurfaced route and is used by people to access a sculpture and the bottom of an existing ski tow. I do not see any need to create another track to directly access the skills area or the car park from the bottom of the trails, and the maintenance of this existing track can be covered by the requirement to have a maintenance schedule in place for the whole development.
35. One final issue is that of complete reinstatement of the trails, in the event of the operation or the business at the Lecht failing. Having discussed this with the applicant, I can agree that a condition requiring a full reinstatement scheme can be imposed in this event.
36. This development is considered to be acceptable in terms of planning policy and the aims of the National Park and the objectives of the National Park Plan.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The development does not encroach on the adjacent natural heritage designations. While accepting that there will be an inevitable landscape impact, this is not considered to be significant or unacceptable within the existing ski centre context. Impacts can be minimised by sensitive construction, maintenance, reinstatement and management proposals.

Promote Sustainable Use of Natural Resources

38. There are no significant implications for this aim.

Promote Understanding and Enjoyment

39. The development falls in line with outdoor access strategies and will encourage active outdoor pursuits in a suitable location. It is considered that the development has positive implications for this aim.

Promote Sustainable Economic and Social Development

40. The development will help diversify and consolidate the economy of the Lecht Ski Centre, and encourage year round activities which will sustain the viability of the business. The development will also have some economic benefits to accommodation, service, and equipment hire providers in the wider area.

RECOMMENDATION

41. That the Committee agree a recommendation to:

Grant Full Planning Permission for Formation of Mountain Bike Tracks, Lecht Ski Centre, Corgarff, Strathdon, subject to the following conditions;

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the development shall be constructed and completed, in accordance with the approved Construction Method Statement, dated 30 June 2008.
3. That within three months of the date of this permission, but prior to the commencement of use of the development hereby approved, a detailed scheme/schedule for on-going maintenance, repair and reinstatement works for the bike trails and including the existing track linking the bottom of the trails to the chairlift, shall be submitted for the further written approval of

the CNPA acting as Planning Authority. Thereafter, the agreed scheme/schedule shall be implemented on an on-going basis, all to the satisfaction of the CNPA acting as Planning Authority.

4. That within three months of the date of this permission, but prior to the commencement of the use of the development hereby approved, a detailed scheme for the on-going system of management for the operation of the development shall be submitted for the further written approval of the CNPA acting as Planning Authority. For the avoidance of doubt, this scheme, shall include details relating to; access to the top of the trails; restrictions on access outwith the site and usage of the trails; signage and waymarking; staffing of the operation; and upgrades of existing boundary fencing. Thereafter, the agreed scheme shall be implemented on an on-going basis, all to the satisfaction of the CNPA acting as Planning Authority.

5. That within three months of the date of this permission, a detailed scheme for the potential and complete reinstatement of the trails, in the event of failure of the operation or the business at the Lecht Ski Centre, shall be submitted for the further written approval of the CNPA acting as Planning Authority.

Neil Stewart
15 July 2008

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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.