

# AGENDA ITEM 5

## APPENDIX 3

2016/0295/DET

APPLICANT RESPONSE  
TO CONTRIBUTIONS

# CML responses to representations relating to the access track alongside the new Sheiling Tow.

## Planning application (2016/0295/DET)

### **Representation: “Soil profiles and existing hydrology destroyed”**

1. Soil profiles and Hydrology have changed many times in this area with the building of the Car Park tow, Shieling Tow, Hill Track, Sheiling tow track, Car park Chairlift and the access routes taken to build it, SSE Ring Main cable, Funicular Railway and associated access tracks and paths across this site.

During construction, large turfs were cut with a deep base, stored and then reinstated, the upper soil horizons are retained, as are the lower moraines and areas of deep peat that did not compromise the construction of the lift line. Unlike the Funicular Railway project, peat and mineral soils were not stored for long periods. They were transferred to create the desired ground levels of the tow systematically by tracked dumper. Operating this way removed the need to store ground on Terram and reduced silt movement. The new drainage channel on skiers left of the access track was given consent in the planning application which has improved the hydrology of the site, it has intermediate culverts, linking into the existing water courses. The work has balanced the need to protect the hydrology of the environment whilst at the same time improving the safety and ground conditions for the main ski piste to the base of the mountain.

### **Representation: “Inadequate vegetation storage for full restoration”**

2. Turfs were stored along the edge of the site in accordance with the planning approval, allowing restoration as shown in the provided photographs. Some areas did not have any previous vegetation as in the bridge crossing and concrete mass of the drive station and the concrete floor of the previous snowmaking plant building from the 1960's. Previous construction projects have left thin areas of vegetation around the top of the lift and at the base of the embankment which required reseeded rather than turfing, establishment of vegetation in the first growing season has been good (as shown in the images) and will improve further in years two and three.

### **Representation: “One of numerous montane scrub Scots Pines has died due to combination of waterlogging and/or root damage through destruction of soil profiles and drainage creating an area of artificially boggy ground between new track and the Funicular”.**

3. The death of the photographed Scots pine has nothing to do with waterlogging or destruction of soil profiles. The Scots Pine was moved from the embankments of the old tow line which was within the planning approval and relocated with four others to the side of the works. As these pines had root structures within the previous bulldozed boulder embankments it was unlikely that we could successfully transplant them. However, the contractor tried to save them by relocation and CML have no plans to remove them as they still provide habitat cover for Ring ouzel. Transplanting the small number of trees

on site (8 in total), was foreseen as difficult, but these small loses will be vastly offset by new planting. CML has always planned to plant more trees in this area as part of our wider programme. This project has not led to artificial boggy ground; it has improved the piste (see 1) and led to the reinstated water flows into the old channels between the railway and the tow line. The original tow cutting stopped water movement into these channels.

4. CML has planted 8000 trees to create mountain scrub within the ski area. CML promote Mountain woodlands across our site, we were part of the successful heritage lottery funded Action for Mountain Woodland project. CML are also part of the CNPA partnership to increase mountain woodland across the Cairngorms. New Scots pine seedlings are already germinating in disturbed ground as demonstrated to the CNPA ecology officer at the site meeting. Further seedlings will increase in the coming years as disturbed ground offers opportunities for plants to become established. This has happened widely across the Cairngorm estate in areas of restored paths and path margins.



*Image showing original locations of pine trees in old tow track embankments, which had to be moved and was part of re-grading under planning approval.*

**Representation:** *“New Sheiling Tow was installed on the premise that a modern rope tow required less maintenance than the old overhead Tow (which did not require a service track).”*

5. The new Sheiling tow requires less mid-point maintenance as it has no interim towers (see image above) but all ski lifts require maintenance at the drive stations and return stations. CML has never stated that a service track was no longer required. All lifts require access at times, the type of access is dependent on the yearly maintenance programme. Every tow now requires a yearly return wheel inspection where

the wheel must be taken down by telehandler machine. The old Sheiling tow had two service tracks as indicated in the Landscape and Access overview annotated image. There are no interim towers as shown in the image above therefore maintenance is only at the base and return station at the top of the ski lift. The removal of the three interim towers is an additional benefit to the landscape as described in the planning approval (2014/0251/DET).

**Representation:** *The old Sheiling Tow was maintained for decades without a parallel track and no lasting damage to adjoining vegetation.*

The Sheiling tow was maintained for five decades using two access tracks (see Background Landscape and access overview annotated image)

The Sheiling tow planning approval (2014/0251/DET) was to reprofile the whole tow track and remove embankments, boulders and the original cutting which acted as a ditch. The landscaping has created a more natural appearance with the removal of the original cutting and the smooth profiling to improve snow sport access and snow sport safety.

**Representation:** *Contrary to the statement in the application that this track will assist in the maintenance of other ski tows (plural) the only other ski tow in the vicinity is the top third of the Carpark T-bar and of that section the top most part is closer to the pre-existing hill road up the Zig Zags. During a summer 2016 overhaul of the Carpark T-bar, vehicles and plant drove up and down the Carpark T-bar line.*

6. This track will help maintenance of both the Sheiling tow and allow access into the middle section of the Car park tow on previous bulldozed access points. These access points were served by the Allt Cas Ford access prior to the Funicular completion.

**Representation:** *While there is a need for some service tracks within the ski area, the logical conclusion of the argument put forward to retain this track is that every ski lift on the mountain needs a parallel service track. That would neither be necessary nor acceptable.*

7. This access track was constructed within the area of reprofiling the old Sheiling tow track. It was used to move materials and components, avoiding further disturbance due to continual tracking during the build. It was created on the line of the previous bulldozed lift track and within the agreed work site of the planning approval (2014/0251/DET). It makes commercial and operational sense that CML wish to retain the track as it has been an investment which will allow routine maintenance and minimise ground disturbance to the surrounding ski pistes in the future. The opportunity to retain this as a permanent maintenance track will therefore serve this tow and others nearby as stated above, thus reducing the long-term need for vehicle access over undisturbed ground in the surrounding area. The logical conclusion of the argument is that CML can either reseed the remainder of the track which would complete the planning approval (2014/0251/DET) in which case vehicle movements would be required to drive over vegetation at times. The alternative is that consent is granted to allow this track to become a recognised route used occasionally for maintenance and snow cannon movement. Any future tracks within the ski area would be subject to planning approval (as it is in this case) by the CNPA board and it would be an informed decision if it was necessary or acceptable. CML are not arguing every lift requires

a service track however every lift does require maintenance and from time to time that requires vehicle access. In this planning application, we have a robust route that should be used.

Whilst we appreciate that this representation supports the need for some service tracks, CML are not proposing a robust parallel access/service track for every ski lift. Where possible we wish to see a reduction in longer route use and put in place better tracks that provide more effective access to multiple locations, while at the same time reducing the visual impact in key areas.

**Representation:** *“Snowmaking plant is likely to be moved over snow or over bare ground only once ground is frozen and less vulnerable to damage. Snowmaking will not take place on snowless ground until it is well frozen.”*

8. Snow making takes place when weather conditions become suitable, to maximise the potential and investment, cannons should be in the locations and set up prior to the cold temperatures. This often takes place early season and before any natural snowfall has taken place in any ski area with the capability. CML make snow when temperatures are at the required level and this is currently done on access roads in the surrounding area. Once the snow sports season has finished the snow cannons can be moved to their storage locations which this track would also allow. The Shieling piste area has the best snow making potential within CairnGorm ski area, and this access track will be important in increasing the potential in the future.

**Representation:** *“If there is snow, casualties will be evacuated by over snow transport (negating the need for a track) and if there is no snow, there will not be skiers or snowboarders on this slope.”*

9. Casualties are evacuated here at all times of year and are not confined to just skiers and boarders, CML evacuate walkers, mountaineers, sledgers, dog walkers, bird watchers and climbers. When the lower slopes are closed due to insufficient snow, skiers and boarders continue to use this area despite warning signs and closure. At these times, the conditions often lead to increased danger and CML will continue to be called to assist in a range of incidents.

**Representation:** *“Tow track now has much poorer snow holding gully storage is the most effective way of protecting snow from thawing effects of mild / wet windy weather. Thus, more and/or bigger fencing now required to counter loss of old trench tow track. Improvement in visual appearance is thus highly subjective.”*

10. CML received planning approval for removing the embankments of the old trench. The lift track doesn't have poorer snow holding as the water no longer washes out the base of the lift track and piste machines can now access for grooming. Less snow is required to operate the lift. This planning application is to retain the access track that has been created during the consented works. All snow fencing is being upgraded as part of a wider plan, which involved the replacement of the chestnut vertical fencing. CNPA board members have previously commented that the new fencing was a great benefit to snow catching and expressed a wish to see it used here. There is now less snow fencing in this area but of better quality and with no impact to wild life, unlike previous chespale fencing.



*Image showing old cutting and raised embankments with water draining the length of the previous tow track.*

**Representation:** *“Why did the original application not include the track. Far from assisting with maintenance work, the Sheiling track due to it following the fallline is in itself going to be a source of constant maintenance work if it is not to cause further damage due to water erosion of the track leading to washout onto other areas.”*

11. A defined track was discussed prior to planning however due to the initial budget estimates was removed from the plan. Now that reinstatement work has been completed and with additional cross drains added (if planning approval is granted) maintenance will be significantly reduced. The alternative is that we reseed the small area of bare ground on the track line to complete the planning approval (2014/0251/DET), and then tracking will be required across vegetation during the lifespan of this lift and at some point in the future its replacement or removal. This access track has additional benefits for access to the Car Park Tow track for maintenance, snow making, general access, and safety.

**Representation:** *“Misleading information in Application Page 3 of the supporting evidence for the application includes the following photo, dated Oct 2015 which claims to show reinstatement works to restore the site. This photo is misleading as it was taken before additional major groundworks were undertaken later in the project (Late Oct into Nov) to further modify the slope profile to fit the very strict requirement of the new tow.”*



12. The above image is not misleading it shows excellent reinstatement of stored turf on the worksite after the desired ground levels were achieved. The borrow pit had been reinstated at this point and the image shows that this work was also completed to a high standard which makes it difficult to see the difference in the ground changes. The following statement in the representation is incorrect. *“Highlighted on the image are the site of the following features which were not yet present on date photograph was taken: 1. A 3m+ deep borrow pit for materials was dug in the area marked 1 [red], later backfilled with large rocks recovered from October and November’s ground works.”*

The whole area was reinstated with stored turf apart from the left edge. The left edge of the site (looking down hill), was not reinstated as it was required as an access track to install the lift. It was during commissioning of the lift installation by the manufacturer that it was apparent that the ground profile needed raised by half a metre at the base and graded out for 30 metres back into the new ground level. It was at this point that the steep embankment running beside the path was regraded to win material and create a more natural looking landform.

The image below proves that the reinstatement of the borrow pit had been completed at this stage and the fences at the borrow pit were removed.



**Representation:** *“It should be noted that the area between the Shielling Tow and Funicular is an area of ground to which very considerable efforts were extended to prevent ground damage during the Funicular construction. Yet during the construction of the new rope tow and associated service track, this entire area was bulldozed to in places a width exceeding 60m (the original planning application was for a site limit of 30m across).”*

13. This representation is incorrect and misleading. At no point was this area bulldozed. Care was taken using excavators with specialist rotation turving buckets. Following the same method as the Funicular construction in this area, whereby turf was removed and in deep peat areas peat was reduced to desired levels. Where it was not possible to returf, the vegetation was established using the same seed and fertilizer. In some areas spot turving was done outside the extents of the site to gain more turf and to maintain existing ground levels surrounding the site. All areas have since been reinstated.

The image below demonstrates Railway re-instatement at the same elevation and within an area of deep peat, re-instated by grass seeding and Seed Aide. The methods used to store turf and re-instate the Shielling were completed to a higher standard using stored turf. It has been stated in various representations that the principals used in the Funicular construction have not been followed, this is misleading. The Funicular re-instatement was conducted at various altitudes and with numerous methods that were adapted to both the habitat, accessibility and ground conditions. Undoubtedly Funicular re-instatement was a success and given that the Shielling works were being commented on before the first growing season had started then conclusions on the success in some representations are unreasonable and premature.



The images above demonstrate different techniques used depending on the location. In some instances, vegetation was stored for two years before replacement and therefore the use of Terram was needed. On the Shielling tow the turf was only stored for six weeks and then replaced. The top image shows

where peat removal was the chosen option and second where moraine is the dominant ground condition and was stored and back filled.



The ground at the top of the Sheiling tow has changed on many occasions, firstly with the construction of the Car Park Chairlift, secondly with the building of the hill road, thirdly with the bulldozed tow track, fourth with the realignment of the hill track, realignment of the Shieling return wheel and tower installation during Funicular construction. The images above and below demonstrate the start of reinstatement on the hill track and re-alignment during Funicular construction.





**Representation: Background and history of the Sheiling Tow**

14. This representation is irrelevant to this application for an access track. The reasons for the new ski lift were given during the planning approval for replacement of the Sheiling tow (2014/0251/DET).

**Representation: Gradient & construction of the Sheiling Track**

15. This representation lists points taken from SNH best practice on hill tracks. This access track links the previous access route at the top of the Sheiling tow to the base of the lift on the old shieling track and is therefore constrained to existing ground levels. As with many of his images and comments they are during works and have allowed no consideration on completion of work. The proposed drainage channels are widely used on hill tracks across the north of Scotland and here at Cairngorm we have tried many ways to direct surface water on access tracks with steel channels working best. Drainage has been added to stop surface water getting onto the track, the track has vegetation on a central verge reducing visual impact and washout. The visual impact of steel drainage channels suggested is negligible.

## CNPA Ecological Response

**Representation:** Contrary to this claim (originating with the applicant?) as can be seen from the photo, there was no erosion taking place on this bank prior to construction of the new tow and associated track. The bank had a healthy and full vegetation cover.

16. CML are unsure what is suggested by the representation in this statement against the CNPA ecological response. CML believe that the CNPA landscape officer is highlighting that the steep slope on the embankment was regularly clipped by piste machine blades, which continually requires reseeding each spring to prevent erosion. CML agree with the CNPA statement and the regrading of the steep embankment has improved this aspect, including skiing safety. The regrading of the bank has created a more natural appearance; spot turfing has taken well in the first growing season and full vegetation cover will be achieved in the next year. Plants and pine seedlings are moving into this area since the ground has been disturbed.

**Representation:** Weather Conditions during construction

17. The weather data submitted is not relevant to this application. CML agree with the comments made by the individual in relation to supporting the access track. CML have on site daily meteorological checks for weather, which are relevant to this statement. On several occasions work was halted due to heavy rain creating poor ground conditions. This was in the method statement and is documented in site contract diaries. SEPA visited the site on four occasions and each time were satisfied by site works mitigation measures and controls, including the finished drainage works.

The final statement lists water logging and changes to hydrology. The area around the shieling track below Tower 5 foundation of the Old car park chairlift has always been wet and all drainage works have tied into previous drainage channels. This has reduced snow loss due to better track drainage and piste drainage.

**Representation:** "Natural Retreats failed to keep to the Method Statement CNPA had approved for the construction of the shieling tow, caused considerable damage to the land round about and failed to store vegetation in the manner agreed."

18. The vegetation was stored in a manner that allowed it to be easily placed back by machine. Although the Turf was not stored on Terram it was far more effective to use this method on this occasion due to the ground conditions. Turf was not stored for long periods which reduced the need to use Terram. (see 1&13).

**Representation:** "It appears because they were so short of vegetation for restoration purposes they decided to create a track and appear to have imported material from outside the area to do so."

19. As the ground contained mostly peat and boulders moraine was used from a borrow pit to make up the final levels. The whole area was reinstated with stored turf apart from the left edge which was not reinstated as it was required as an access track to install the lift and safeguard the reinstatement. Part of the site required seeding due to previous developments which did not have turf. (see 2)

**Representation:** *"The track is not needed (other tows at Cairngorm do not have access track and equipment can be transported up and down on the tow), and has increased the speed of water run-off - indeed it has already eroded."*

20. This is inaccurate and incorrect. Tows are not designed to suspend heavy loads. Maintenance on ski lifts is governed by controls set out by cable way directives, European standards and HSE to prevent injury to employees, members of the public and damage to the infrastructure itself. Cairngorm Mountain Limited holds the safety of its employees and members of the public in the highest regard and will continue this approach. The need for access tracks for tows has been discussed in previous responses.

21. Washout on the upper access track during the period of storm Desmond (December 2015) did occur but measures put in place during construction worked to catch sediment. Since then reinstatement has taken place and further steel channels as proposed under this planning application will shed surface water.

**Representation:** *"Natural Retreats claim that once channels are installed the water will run into the "existing drainage network" - the CNPA should ask what this network is? Water that was once retained by vegetation is now going to be channelled down the hill. The CNPA should require an independent survey of all the damage in the area and options to restore the ground which remove this further scar from Cairngorm."*

22. SEPA and CNPA have held site visits and are aware of the existing drainage that there is in the vicinity. The Old Sheiling Tow track cutting and embankments channelled water down the hill for the full length (270 metres). The new drainage channel allows water to flow into the water courses at regular intervals which the old track dissected and compromised. This has been achieved whilst improving safety and the ski pistes ability to direct snow melt effectively.

**Representation:**

23. There is no "virgin area" as these tow tracks and pistes have been extensively manipulated in the past. Tracking can be repaired and the new Sheiling access track was used for the car park lift upgrade to access the middle section contrary to what the representations have stated. The representation has stated in the same paragraph that the Sheiling track or the Car Park track would have "sufficed", this recognises that the track is therefore warranted and is somewhat contradictory.

24. Many of the comments and objections made in this representation did not allow for the contractor to complete the work. The contractor has a vast experience of working on a range of projects in upland areas and has completed many on Cairngorm and within the wider national park. As stated by the objectors comparing the Sheiling with the Funicular construction (see 13), the Funicular reinstatement was a success and is often used by SNH and CNPA as best practice. Unfortunately, many of these same objections have not allowed the Sheiling project to be completed nor have they permitted any allowance for the site to have a full growing season.

25. This view is entirely subjective. CML believe that the landscaping has already improved the area of the tow and Sheiling pistes and given time and subsequent growing seasons this will be proven.

### **Representation:**

26. The Track is aligned slightly to the left (looking uphill) of the previous track cutting on the old Shielling tow and given time it will be less prominent than the previous tow track. The track is within an existing network of paths and tracks on the main ski piste to the base of the mountain which is the reason for this planning application to retain the track.
27. It is refreshing to see acknowledgement that the Funicular and the path infrastructure are important elements of the visitor experience on the hill. Many of these have been opposed by the group making this representation, including the Guided walk to the summit of Cairn Gorm which has been described by the independent reporting officer in the annual report as follows. "The provision of guided walks allows visitors to experience the mountain environment first-hand without additional pressure on the protected habitats and species whilst contributing to the economic benefit of the Funicular."

### **Representation: General Ecological impacts**

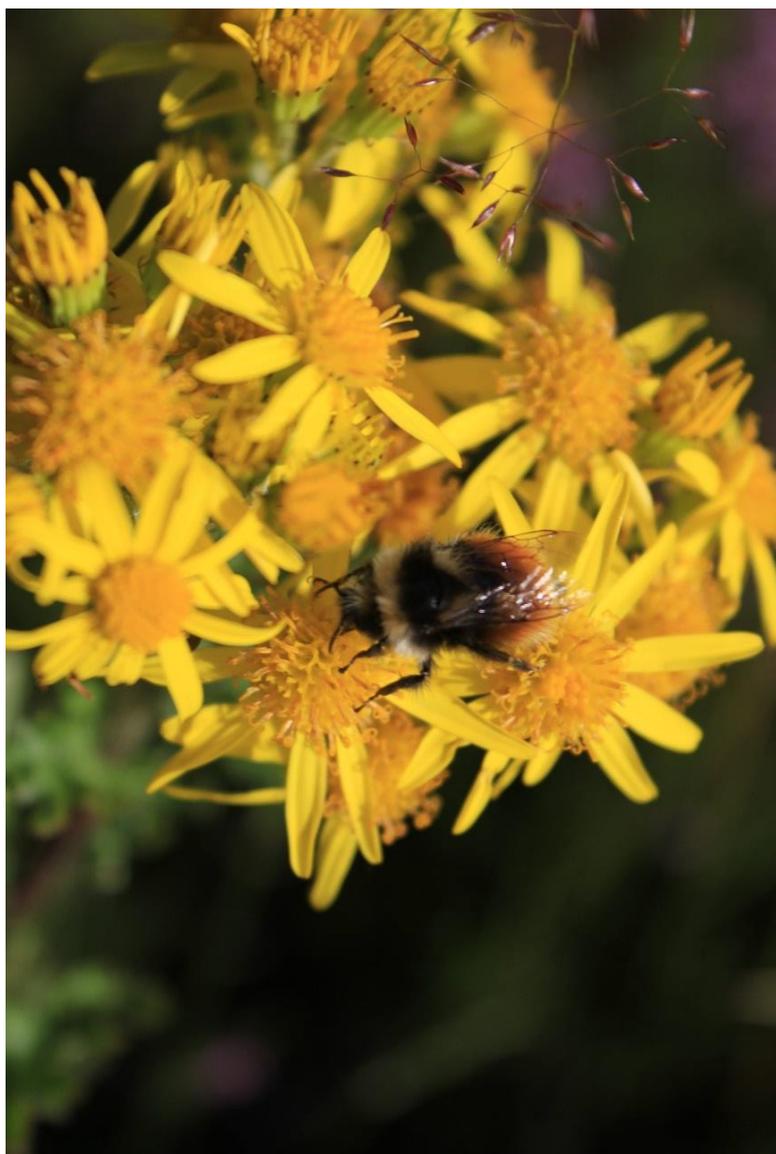
Many subjective comments based on tenuous speculation have been included in this representation.

Species listed "not far from the ski area" and "have been found in the Cairngorms in recent years". These areas are protected outside the ski area this application is for a site within the most disturbed and heavily accessed part of the ski area.

28. Water Voles have returned to the Allt Cas during the past 4 years after an absence likely to have been caused by mink. CML and other partners have put in a great time and effort to eradicate the mink downstream. The facts on the ground are that Water voles are using and living in the banks within 10 metres from the Daylodge building in the most visited and worked part of the ski area. Water vole have been in this area of the Allt Cas throughout the construction of the Shielling Tow and in the year since its completion.

*"The reprofiling has resulted in the loss of flowering vegetation for invertebrate pollinators" "The mountain or blaeberry bee Bombus monticola was recorded on undisturbed vegetation around the development area"*

29. The Turf was stored and re used therefor the vegetation has been retained within the area and flowering plants will have opportunities to seed into disturbed ground. Planting of trees including willows will also increase opportunities for pollinators. Like water voles, mountain bumblebees have been recorded during and after the Shielling construction work (as shown in the image) in the most visited and worked parts of the ski area.



Blaeberry bumblebee *Bombus monticola*

*This image was taken on 20/08/2016  
Next to the Daylodge building at the  
Allt Coire Cas*

*It demonstrates that pollinators use a  
variety of flowering plants and will  
travel large distances on warm winds.  
The opportunities for pollinators has  
increased within the ski area with  
projects like the Wild Mountain Garden  
in the past 15 years.*

*The image shows Ragwort that has  
moved up the road verges from  
Glenmore, where disturbed ground  
has increased the range of flowering  
plants and more importantly flowers  
available to them during different times  
of year in summer and autumn.*

*Plant diversity within projects in the ski  
area, has had real benefits to the  
wildlife.*

**Representation: Erosion**

30. See responses 1, 2, 15.

**Representation: Standards**

31. Standards that were used during the funicular construction were applied and the comparison between the peat land excavations running parallel to the shieling site are exactly the same. (see 13)

**Representation:**

32. Existing tracks to both the top and the base of the lift are retained. The previous tow track used for access linked the top of the tow to the base of the tow. The linear site access had a logical defined vehicle route to allow re turfing and construction of the tow. The location of the track is described next

to the scalloped ditch in the method statement in the planning approval (2014/0251/DET), and the track used for tow decommissioning and installation. Method statement 2.2 & 2.5

*2.2 Down the entire length of the track, stripping and turf storage for re use in landscaping will be carried out, at this time 250 metres of scalloped ditching along skiers left of the track will be formed.*

*2.5 Access for CML to remove towers and base unit / Rtn wheel extraction via regraded track to mid station.*

33. Whilst Terram was not used along the length of the track for turf storage, standard practices were followed for upland construction. As the soils were heavily disturbed in the past and were being used for Fill to level the previous track cutting this was the best option for the ground conditions in this location. Turf was stored along the length of the site and re-instated to high standards. Using Terram would not have enhanced reinstatement for this work.
34. The access track has significantly better drainage than the old tow track, where there was no outflow for nearly 300m running directly down the fall line contained within a deep cutting with banks on either side. The track has almost complete vegetated cover in the first growing season.
35. All slopes around the shieling tow are moderate and the regrading associated with the new shieling tow has reduced steeper slopes in the area. Whilst not directly linked to this application CML can demonstrate successful steep slope reinstatement across the ski area, the Cairngorm estate, including the Funicular development. CML have a right to present this application to formalise this track for access maintenance and as stated before it will help future management and maintenance of lifts on our main ski piste to the base of the mountain.
36. CML believe that this access track and the work associated with the Shieling tow will be seen as an improvement on the previous cutting by the majority of visitors with a far more natural appearance to the associated landforms. Snow sports are enhanced directly by this application in many ways which are listed within the application. This access track lies within the most historically manipulated landscape within the ski area. It is within the middle of developed zone within the Estate Management Plan.

**Representation:** *“There is a broader issue which ---- would ask the National Park to consider in relation to all hill tracks and which is relevant to this application.” “This visually intrusive track on Cairngorm is not one of these exception circumstances as there is no justification for it: work on tows and lifts can be carried out without it as there are other ways of preventing damage to the ground.”*

37. It is apparent that many representations made are seeking to make this planning application into a judgement on hill tracks in the National Park and beyond. CML trust that the CNPA board will recognise this as a merited application. CML have been guided by the CNPA planners in the process and believe this will enhance not detract in the future management of the ski area. CML have explained the reasons why this access track was used as part of the construction process as set out in the method statement 2.5 (approved under planning permission 2014/0251/DET) and the value to the ski area management if it can be retained. *2.5 Access for CML to remove towers and base unit / Rtn wheel extraction via regraded track to mid station. 2.14 Delivery to site of new lift.*

Many of the points that are raised in this representation are currently being addressed, and that has a direct link to an increased level of construction and removal across the ski area in the past 3 years, and subsequent increase in vehicle movements. The mountain environment is valued and of high importance to CML and we work within many constraints to protect it. These constraints protect the designations beyond the ski area boundaries and inside. Within the ski area we must also balance the importance of both employee and visitor safety which is increased with better access and infrastructure, where possible this balance can also have benefits for the landscape which will be demonstrated at the Shieling given time.

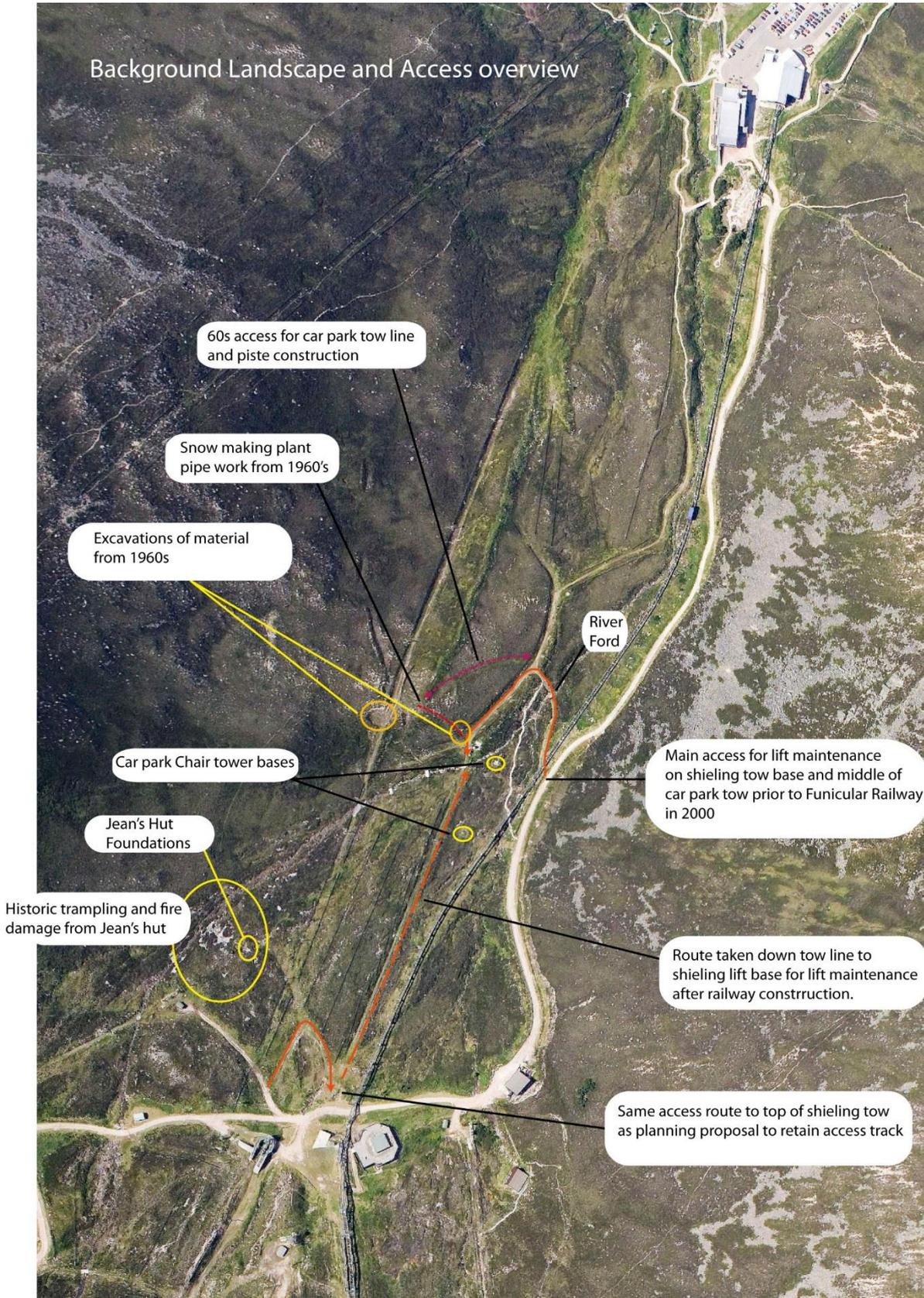


Top image taken in Nov 2016 looking across the site showing the access track after first growing season. Lower image Nov 2016 shows re-graded embankment along the path edge.



Image December 2016. Looking down AMwood path with re graded embankment and location of borrow pit on the left, existing path drainage and path levels retained.

# Background Landscape and Access overview



Background Landscape and access overview