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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### **DEVELOPMENT PROPOSED:**

Formation of mountain bike track and related infrastructure at Ranger Base Office  
Cairngorm Mountain Glenmore Aviemore PH22 1RB

**REFERENCE:** 2022/0046/DET

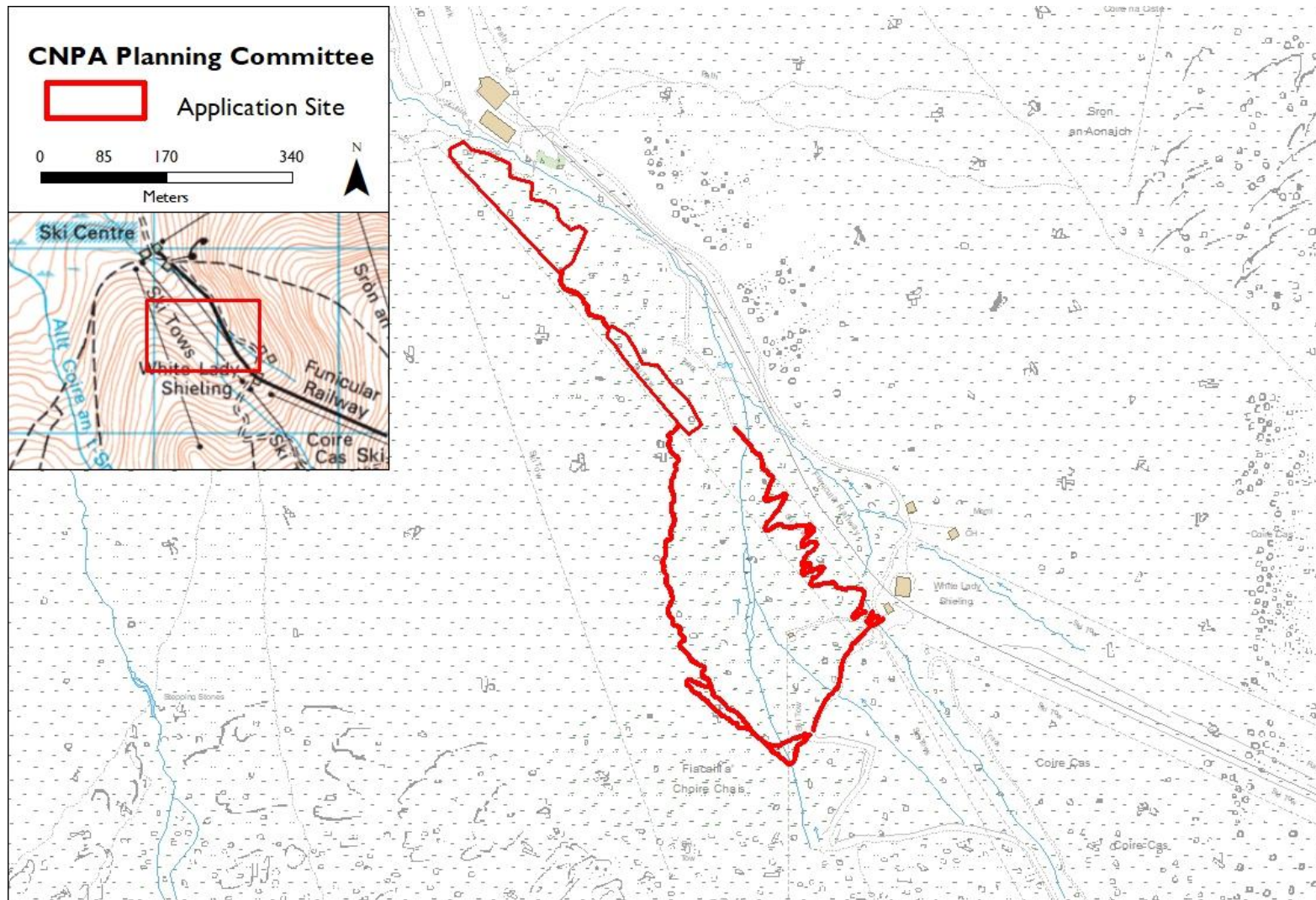
**APPLICANT:** Cairngorm Mountain (Scotland) Limited

**DATE CALLED-IN:** 14 February 2022

**RECOMMENDATION:** Approve, subject to Conditions and Developer  
Contribution

**CASE OFFICER:** Stephanie Wade, Planning Officer

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is located on the north-western slope of Coire Cas and to the south and south-eastern area, adjacent to the Cairngorm Mountain Ski Centre Day Lodge. It comprises sloping, vegetated land with drainage channels flowing into the Allt a-Choire Chais. The land, forms part of the ski slope used by the ski centre and is segregated in places by snow fencing. A footpath runs partially within, and subsequently adjacent to, the north-eastern development site boundary, which links the Day Lodge to the Mid-Station area, further up the slope. The vehicular track to the western side of the Funicular railway is also partially within the development area. The development area also includes the vehicular track which runs north-easterly to south-westerly at the Mid-Station.
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 National Scenic Area but is not covered by any other specific environmental designations. The Cairngorms Special Area of Conservation, designated for habitat interests, and the Northern Corries, Cairngorms Site of Special Scientific Interest lies over 400 metres west of the site. The Cairngorms Wild Land Area No.15 lies over 600 metres west of the site at its closet point, circling the entire ski area.

### 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.eplanningnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6Y9OQSI0C100>

Title	Drawing Number	Date on Plan*	Date Received
<b>PLANS</b>			
Plan- Location Plan	001 Rev.A	16/11/21	14/02/22
Plan- Location Site Layout Plan	001 Rev.A	16/11/21	14/02/22
Plan- Site Layout Plan Overall Trail Plan	002 Rev.A	16/11/21	14/02/22
Plan- Learner Zone Trail Layout	003 Rev.A	16/11/21	14/02/22
Plan- Site Layout Plan- Upper Zone	005 Rev.A	16/11/21	14/02/22
Plan- Site Layout Plan- Mid Mountain Zone	004 Rev.A	16/11/21	14/02/22
Plan- Conveyor Belt Overview Plan	Pr19-10-142_r2	13/10/21	12/04/22

Plan- Conveyor Belt 93m Large Size Plan	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Conveyor Belt 96m Large Size Plan	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Conveyor Belt 93m Length Plan 1 of 2	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Conveyor Belt 93m Length Plan 2 of 2	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Conveyor Belt 96m Length Plan 1 of 2	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Conveyor Belt 96m Length Plan 2 of 2	Pr19-10-142_r2	13/10/21	12/04/22
Plan- Trail Alignment and Potential GWDTE Habitat	676287-QGIS001	21/04/22	03/05/22
<b>SUPPORTING DOCUMENTATION</b>			
Other- Working with the Environment		01/02/18	14/02/22
Other- Visitor Management Plan		21/01/22	14/02/22
Other- Supporting Statement		01/01/22	14/02/22
Other- Covering Letter, Supporting Information	CAIR0017/bm/jp	19/01/22	14/02/22
Other- Construction Method Statement		01/02/18	14/02/22
Other- Assessment of Risks to Adjacent European Sites to Inform HRA		01/11/21	16/02/22
Other- Ecological Constraints Survey	9779	26/11/21	16/02/22
Other- Further Information for Transport Queries and Visitor Numbers		29/04/22	29/04/22
Other- Agent response to Roads Planning Conditions		01/04/22	29/04/22
Other- Further Information for Landscape Queries		29/04/22	29/04/22
Other- Agent Response to Ecology Queries		03/05/22	03/05/22
Other – Monitoring Strategy for Path Number 4701		01/05/22	05/05/22

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

5. This application seeks planning permission for the formation of three interlinked mountain bike trails together with the installation of a conveyor belt uplift system comprising two conveyor belts of 93m and 96m in length. The proposal would be sited within the lowest section of Cairngorm Mountain between the base station and the mid-station.
6. It is understood that the proposal has been developed by the applicant in association with the Developing Mountain Biking in Scotland (DMBS)- who are part of Scottish Cycling and who is responsible for overseeing the delivery of the Scottish Mountain Bike Strategy. The trails are aimed at the family market, on gravity flow type beginner/intermediate trails accommodating young riders, with the magic carpet type uplift. Flow trails are purpose-built mountain bike trails.
7. The conveyor belt would be sited within the proposed Learner Zone. Access is from the track running south from the Day Lodge. An area of hardstanding is proposed to be created at the start of the first conveyor belt to provide a surfaced, waiting area for the users. The first conveyor belt would be 93m in length providing an uplift up the slope with users stepping off this belt and moving across to take the 96m conveyor belt to ascend further or taking the descent trail back down from this point. The conveyor belts both have flat entry and exit platforms, a central belt of approximately 0.6m in width and walkways of approximately 0.3m on either side. Cut and fill of ground where the conveyors will be sited is required to ensure the belt gradients are maintained throughout the lengths of the belts. The average grade for the belts is 15%. The belt itself is black, natural rubber, raised above the ground and supported by metal legs which are adjustable to create the gradient.
8. At the top of the second conveyor belt, beginner trails No.08 and No.09 provide meandering descent routes, with added berms on corners, back to the bottom of the Learner Zone. The Intermediate descent trail No.10 runs along the southern side of the conveyor belts through the Learner Zone.
9. Ascent trail No.01 connects the top of the conveyor belt with the existing footpath which will be used by the bikers and walkers for a section linking into Ascent Trail No.02, which meanders up the hillslope adjacent to the existing vehicle track. Within the Upper Zone, ascent trail No.03 runs adjacent to the existing hill track at the Mid Station, joining into descent trails No.04 and No.05 and subsequently No.06. Descent trail No.04 links into the Mid-Zone area. This area includes Advance descent trail No.07, with trail No.04 providing the final descent link back to join descent trail No.10.
10. The trails are to be constructed of a compacted subbase and finished with a 25mm dust, compacted surface. The widths of the trails will predominantly be of 1 metre or below, with straighter trail sections reduced to 0.75m. Landings and run offs are generally less than 2m for short sections at approximately 6 to 7 metres in length at the feature. A small number of higher rider level features are more than 2m for 6 to 7 metres in length. The overall trail lengths are included within the table below:

<b>Trail Name</b>	<b>Length/ Area</b>
Ascent Trail 01	240m
Ascent Trail 02	650m
Ascent Trail 03	250m
Descent Trail 04	694m
Descent Trail 05	75m
Descent Trail 06	100m
Descent Trail 07	120m
Learner Zone Area	1.05 Ha
Mid Mountain Zone Area	0.43 Ha

11. The new ascent trail which adopts a zig-zag route, is specifically required to reduce the steepness of the incline to adequately address the family market that is targeted. Where the ascent track joins the hillwalkers path, the supporting information states that the existing path is wide enough to cater for both users without conflict for that section. Trail and conveyor belt drainage is proposed by way of the construction of turf lined drainage ditches where required, and trails are to be constructed of porous material with a compacted, dust finish above a compacted subbase.
12. The supporting information projects visitors to use the mountain bike facilities between May - October (inclusive). Annual visitor numbers are projected at 10,408 in year 1, increasing to 11,488 in year 2 and 13,738 in year 3. This is based on a maximum capacity of 90 people, a 10% increase in year 2 and 20% in year 3, driven by increased efficiency in operation and maximisations of potential season use.
13. A Visitor Management Plan has been submitted, which includes information on how the facility will be operated, proposed signage and booking information.
14. Plans of the proposal can be viewed at **Appendix I**.

## **History**

15. There have been numerous planning applications within the wider Cairngorm Mountain area. On 14<sup>th</sup> October 2021, Highland Council granted consent (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 which has been permitted by both the CNPA and Highland Council in previous years.
16. An application for the installation of car park barriers (2020/0097/DET) at the entrance to the Upper Coire Cas car park was granted consent by the CNPA on 16 June 2020. In May 2020, planning permission was granted by the CNPA for the engineering works related to the strengthening of the funicular viaduct (2020/0076/DET).
17. Within the same development area as the application being considered within this report, was planning permission 2019/0247/DET which permitted engineering works to smooth and regrade the land.

## Habitats Regulations Appraisal

18. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the effects of the proposal upon the conservation objectives of the European Sites: River Spey SAC, Cairngorms SAC and Cairngorms SPA. A copy of the HRA is attached at **Appendix 2**.
19. CNPA and NatureScot worked with the applicant to devise a monitoring strategy to address potential effects on the Cairngorms SAC. The monitoring strategy methodology was originally proposed as a condition in the original HRA. However, on further consideration, this was used to create a monitoring strategy document, which was submitted by the applicant in May 2022 as supporting documentation.
20. The HRA concludes that there will be no direct or indirect effects on the habitats, their structures or function or supporting processes, subject to the inclusion of two planning conditions. The first being for the agreement of a construction method statement to ensure pollution does not enter the River Spey SAC and so avoid an adverse effect on site integrity. The second planning condition required is for the implementation of the submitted Monitoring Strategy for Path 4701 to ensure damage to qualifying habitats is minimised and so avoid adverse effect on site integrity.

## DEVELOPMENT PLAN CONTEXT

### Policies

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

21. 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

22. 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	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	X

## CONSULTATIONS

### Summary of the main issues raised by consultees

23. **NatureScot** agree with the content and conclusions of the HRA and have no further comments to make. They also agree with the content of the monitoring strategy document.
24. **SEPA** have no specific comments to make as the development falls below their consultation threshold and their Standing Advice therefore applies.
25. **Highland Council Flood Risk Management Team** does not wish to comment on the application. They note that the application is for outdoor recreational use and therefore water compatible under SEPA's Flood Risk and Land Use Vulnerability Guidance.
26. **Highland Council Transport Planning Team** has reviewed the revised information which includes visitor forecasts and confirm they have no objection to the application subject to the inclusion of planning conditions for:
- Provision of additional covered cycle parking close to the main entrance; and
  - A financial contribution towards the road safety issues from the ski road into the Sugarbowl car park. The Team note that the access is poor and there is a conflict point between cars using the road and pedestrians wanting to cross it. The proposed development will increase the volume of traffic on the ski road and exacerbate these existing conflicts and the financial contribution would help the development of proposals to address them.
  - Provision of a construction traffic management plan to protect the integrity of the public roads.



27. **CNPA Ecology Officer** has no objection. Regarding the protected species survey, the Officer notes that the survey was undertaken at the wrong time of the year to pick up breeding birds, breeding mammals and amphibian and reptile presence. From previous surveys undertaken on Cairngorm Mountain we know that the site area is likely to be used by mountain hare, amphibians, breeding birds and reptiles. This has been acknowledged within the report and likely significance surmised and mitigation provided.
28. Regarding the water environment, including GWDTE, the Officer is content that the information supplied detailing the location of the GWDTE's and the proposed mountain bike trails along with the proposed mitigation to micro-site the tracks to avoid the GWDTE will prevent any damage to this habitat type resulting from this proposal. The Officer recommends the addition of planning conditions for pre-construction surveys for mountain hare, water vole and breeding birds and a construction method statement.
29. **CNPA Landscape Officer** assesses that there is some landscape capacity to develop mountain bike trails in-between the Cairngorm Main Building and Funicular Mid-Station, particularly due to the strong influence of existing ski infrastructure on the character of the existing landscape. It is important, however, that this does not extend or amplify the existing landscape and visual effects of the ski centre by a significant degree in the National Park.
30. Based on the information submitted, it is assessed that the proposed Ascent Trail 01 and 02 would result in adverse cumulative effects in addition to existing access routes and it is advised that scope to utilise existing ascent routes to reach the 'Upper Zone' are considered and/or rationalisation and restoration of existing tracks is undertaken.
31. The proposed conveyor uplift would relate in character to other infrastructure around the Cairngorm Main Building. Nonetheless, this would introduce a new linear structure which extends approximately 200m across the slopes south of the Cairngorm Main Building and would have cumulative effects in addition to existing infrastructure. It is advised that further information on this conveyor is provided, including illustrations and visualisations.
32. **CNPA Outdoor Access Officer** notes there is an absence of detail concerning how the public will be managed around construction works while they are underway, specifically in respect of statutory access rights which are exercisable across much of the land area within the site proposed for development including over pre-existing tracks and paths in the locality.
33. **Aviemore and Vicinity Community Council** support the application, on the basis that it falls within the terms of the Cairngorm Masterplan. However, this is based on the development being contained within the lower area of the corrie and they would be concerned about the impact of any subsequent spread further up the mountain. They also have a concern that the separation of cycle paths from walking routes is not totally clear and seek reassurance on this point.

## REPRESENTATIONS

34. The application was advertised when first validated. Two letters of objection have been received from Badenoch and Strathspey Conservation Group and a further member of the public. One letter has been received from North East Mountain Trust offering general comments on the scheme. Their comments are summarised below, and full copies can be viewed at **Appendix 4**.
35. The North East Mountain Trust (NEMT) are generally opposed to the principle of development of mountain biking facilities at higher altitudes, however they accept that a biking facility on Cairngorm is part of the management plan for the mountain. They raise concern that the acceptance of higher altitude facilities will cause potential damage to vegetation. They request the agreement of monitoring measures by planning condition. They also raise concern regarding the visual impact of the proposal and request mitigation measures to reduce the impact. NEMT also raise concern about the future expansion of the proposal.
36. Key points raised by parties in objection are as follows:
- Lack of a sufficient development plan
  - Lack of supporting detail
  - Adverse landscape and environmental impact
  - Fails to accord with planning policy
  - Proposal could lead to further expansion of the facility and even more impacts.
  - Proposed location of facility on a mountain is inappropriate for the target user due to weather.
  - Proposal would increase vehicles within the Glenmore corridor
  - Insufficient information on addressing landscape impacts

## APPRAISAL

37. The main planning considerations are the principle of development; the impact upon landscape, siting, and design; the environmental impacts; access impacts and developer contributions.

### Principle

38. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 sets out that development which enhances formal and informal recreation and leisure facilities; and tourism and leisure-based business activities where:
- It has no adverse environmental or amenity impacts on the site or neighbouring areas; and
  - It makes a positive contribution to the experience of visitors; and
  - It supports or contributes to a year-round economy.
39. In addition to the above policy, **Policy 8: Open Space, Sport and Recreation** permits extensions and enhancements to existing sport and recreation related business activities 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.
40. The supporting documentation explains that the operators of the ski centre look to progress towards providing facilities to increase the year-round attractiveness of the resort. The document references the Cairngorm Mountain Masterplan and Strategy G within that document which relates to mountain biking. The vision of the project is to diversify the seasonal activities of Cairngorm Mountain by bringing a family-orientated mountain biking offering that is both complementary to the surrounding tourism sector but attracts additional sustainable tourism and leisure usage of the Cairngorm Mountain Estate. The facilities are proposed to offer cycling paths for beginner to intermediate level riders providing a wider range of introductory trails within the area. The proposed development is therefore considered to support the ongoing viability and operation of this tourist site and the 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.

### Landscape Impacts

41. The application site is located within the Cairngorm National Scenic Area, the National Park and close to the Cairngorms Wild Land Area No.15. As such, it is important that the landscape impacts of the proposed development are fully considered in relation to **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021. This policy 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 impacts must be clearly outweighed by social or economic benefits of national importance and all adverse effects must be minimised and mitigated.
42. In this regard, the development is confined to the existing developed area of Cairngorm Mountain which is currently strongly characterised by a variety of ski infrastructure including: the funicular, ski tows, snow fences, buildings, car parking, vehicle tracks and footpaths. Whilst the proposal involves changes to vegetated land by the introduction of bike trails and conveyor belts, the wider context is one of rural development and the addition of this development would be seen in the context of the wider ski infrastructure within the developed bowl of this part of Coire Cas. It is therefore considered, that due to this existing character, there is capacity to develop the mountain bike trails in between the base station and funicular mid-station.
43. Much of the existing infrastructure is linear in nature and the proposals follow this overall form. The new trails have a complex alignment that adds to the extent of the existing tracks while the conveyor is a flat feature of strong uniform colour that contrasts with the landform and infrastructure. Individually the track and conveyor have an adverse effect on the landscape character. Together there is also a cumulative adverse effect, even when seen in conjunction with the existing infrastructure and the car park and buildings etc. Nevertheless, the visual effects will be relatively localised, and

always seen in conjunction with the existing infrastructure on the site. In addition, the function of the conveyor and tracks would be broadly in line with the expectation of visitors as part of the bike/ski facility. Consequently, though there will be adverse landscape and visual effects they are likely to be moderate and not significant. Based on this, the proposal is considered to have a neutral impact on the landscape character and the final conveyor belt details and finishes are recommended to be agreed by planning condition to ensure that the impact level remains the same. A planning condition is also recommended to ensure the removal of structures and reinstatement of land should the facility cease to operate in the future, to safeguard the long term landscape character of the site.

### Environmental Impacts

44. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021, seeks to ensure there are no adverse impacts upon designated areas, protected species, or biodiversity, whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources.
45. There are natural heritage assets of international importance within the wider Cairngorm area, however the work proposed is outside the boundary of any nature conservation sites designated for their biological or geographical interests. A Habitats Regulations Appraisal has been undertaken and subject to the mitigation measures being adhered to, by way of planning conditions, then the conservation objectives of the River Spey SAC, and Cairngorms SAC and SPA will be met and there will not be an adverse effect on site integrities. NatureScot has no objection to the proposal and agree with the conclusions and mitigation measures outlined within the HRA.
46. Regarding the proposed impact on protected species and habitats, the CNPA Ecology Officer has no objections to the scheme. Satisfactory survey work has been carried out with appropriate mitigation identified in relation to impacts upon protected species, hydrology, and ground water dependent terrestrial ecosystems.
47. The Highland Council Flood Risk Management Team has no objection on the grounds of flood impact and the proposal is not considered to cause any adverse impacts relating to flooding on or off site. Vegetated drainage channels are proposed to feed into the existing drainage network on site which is acceptable. Pollution prevention during construction will adhere to the measures to be agreed within the construction method statement planning condition.
48. Subject to the recommended planning conditions relating to pre-construction ecological surveys and subject to the conditions required from the HRA, the proposal is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

### Access

49. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily services without harm to resources or the environment.

50. The Highland Council Transport Planning Team has reviewed the submitted information relating to road impacts arising from the addition of the new facility at Cairngorm Mountain and the visitor forecast figures. Planning conditions are recommended by the Team including a construction traffic management plan, and provision of additional covered cycle parking to promote active travel facilities.
51. **Policy 11: Developer Obligations** of the Cairngorms National Park Local Development Plan 2021 states that where development creates a need to increase or improve public services, facilities, or infrastructure, or mitigate adverse effects, the developer will be required to make a fair and reasonable contribution in cash or in kind towards additional costs or requirements.
52. The Team also seeks a developer contribution towards the road safety issues from the ski road into the Sugarbowl car park. The Team note that the access is poor and there is a conflict point between cars using the road and pedestrians wanting to cross it. The Team confirms that the issue is not purely associated with the maximum quantum of vehicles on any typical day but more about the level of risk exposure to the identified conflict. This development is intended to generate additional and more sustained access to the hill throughout the year, which will heighten the exposure to the above issue and the financial contribution would help the development of proposals to address them.
53. The applicant sought further information on what the contribution would fund, and it is confirmed that the moneys being sought will support a small traffic management scheme (signing and road markings) to improve the identification of the car park access and to highlight to approaching drivers the potential for turning vehicles and pedestrians crossing the road to access local walks on the hill. The contribution request is considered reasonable and relevant.
54. The National Park's Outdoor Access Officer has requested further details to be submitted regarding how the visiting public will be managed around the intended works. A post determination condition is therefore recommended requiring the submission of an access management plan.
55. Subject to the appropriate conditions being attached and the payment of the developer contribution, it is considered that the application satisfies the roads requirements of Policy 3: Design and Placemaking and Policy 11: Developer Contributions of the Cairngorms National Park Local Development Plan 2021.

### **Other Issues Raised in Consultations and Representations**

56. Matters raised by consultees and contributors have largely been addressed throughout this report. There are however some additional points to comment on as noted below.
57. The Community Council raise concern regarding how the shared path will work. The applicants have confirmed that the biking and walkers are kept separate for a majority of the ascent apart from one section which is wide enough to ensure that conflicts between users will not arise. Shared paths are a common feature within the National Park and as the shared section is for the biker's ascent, cycling speeds will be at a very low level which would not impact on the safety of other users of the path.

58. Concern is raised regarding the future expansion of the proposal. Any future expansion would be dealt with through the appropriate process of a planning application and therefore it is not a material consideration in this proposal.
59. Monitoring measures have been agreed by Cairngorms National Park Authority and NatureScot to ensure the impacts on the European Sites remain acceptable.

## CONCLUSION

60. This application involves the provision of mountain biking trail facilities at an established tourist facility within the National Park. The proposal to enhance the facilities at the ski centre is welcomed, as evidenced by the supporting letter from the Community Council. Landscape and environmental impacts are acceptable subject to the refinements being agreed which will require the inclusion of planning conditions on any subsequent decision notice.
61. In these overall circumstances, the development is considered to comply with the relevant policies of the Cairngorms National Park Local Development Plan 2021, and there are no material considerations which would warrant the refuse of planning permission. Approval is therefore recommended, subject to the appropriate planning conditions and payment of the developer contribution.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Formation of mountain bike track and related infrastructure at Ranger Base Office Cairngorm Mountain Glenmore Aviemore PH22 IRB subject to:**

- a) **The payment of the developer contribution for road safety improvements; and**
- b) **The following conditions:**

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

### Conditions

- I. **No development shall commence on site, until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Cairngorms National Park Authority acting at Planning Authority, in consultation with the Highland Council Transport Planning Team. The development shall thereafter be undertaken in strict accordance with the approved CTMP and the CTMP shall include but not be limited to:**

- a) Identification of all Council maintained roads likely to be affected by the various stages of development and proposals of any measures to mitigate the impact of development traffic, especially at affected settlements.
- b) Proposed measures to mitigate the impact of general construction traffic on the local road network following detailed assessment of relevant roads.
- c) Details of any traffic management required for the duration of the construction period.
- d) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- e) If the development involves any abnormal loads, a detailed protocol and delivery programme.

**Reason:** To ensure there are no adverse impacts on the road network in relation to road safety and that construction traffic associated with the development causes minimum disturbance to other road users in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Authority Local Development Plan 2021.

2. **No development shall commence on site until an updated Construction Method Statement (CMS) and programme of works has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CMS shall include, but not be limited to:**
  - a) The approach to site preparation, soils management, restoration and reinstatement.
  - b) Construction stage SUDs.
  - c) Reference to the pre-commencement ecological surveys and any subsequent species protection plans and how these will be adhered to during construction.
  - d) Construction pollution prevention measures.

**The construction of the development shall thereafter be implemented in accordance with the approved details.**

**Reason:** A Construction Method Statement must be agreed prior to the commencement of any works to ensure that work on site proceeds without damage to the environment, to ensure pollution does not enter reach the River Spey SAC, and so avoid an adverse effect on these sites integrity, in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

3. **No development shall commence, (unless otherwise agreed in writing), until pre-construction surveys for breeding birds, mountain hare, and water vole, have been undertaken and the results, together with any associated species protection plans have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority - details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before construction works commence.**

**Reason:** To ensure there is no adverse impact upon the environment, adjacent Natura Sites and European Protected Species, pre-construction survey work and subsequent

mitigation measures are required in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 4. No development shall commence (unless otherwise agreed in writing) until an outdoor access management plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved outdoor access management plan.**

**Reason:** In accordance with the consultation response details from the CNPA Outdoor Access Officer, the works are to be undertaken in an area which includes public access rights and therefore it is necessary to ensure that the management of visiting public around the intended working area is agreed in accordance with statutory access rights and Policy 3: New Development of the Cairngorms National Park Local Development Plan 2021.

5. Prior to their installation, for the development hereby permitted, details of all materials and finishes, including elevation, and section plans, for the conveyor belts shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and shall be constructed and retained, thereafter, in accordance with the approved details.

**Reason:** To ensure that the development conserves and enhances the landscape and special landscape qualities of the National Park in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

6. Prior to its installation, details of a covered cycle parking area, shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The cycle parking shall be installed in accordance with the approved details prior to the first operation of the development, hereby permitted.

**Reason:** To ensure that adequate cycle storage facilities are provided on site in the interests of promoting active travel, in accordance with the Highland Council Transport Planning Team Standing Advice and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

7. The development shall be carried out in complete accordance with the annual monitoring details contained within the approved 'Monitoring Strategy for Path 4701' document, dated May 2022, unless otherwise agreed in writing with the Cairngorms National Park Authority, acting as Planning Authority, in consultation with NatureScot. Regular, reporting of monitoring results shall be submitted for review together with the agreement of any remedial action required to be carried out within the timescale agreed by Cairngorms National Park Authority, in consultation with NatureScot.

**Reason:** To ensure damage to qualifying habitats is minimised and so avoid an adverse effect on site integrity in accordance with Policy 4: Natural Heritage of the Cairngorms



National Park Local Development Plan 2021, and in accordance with the requirements of the Habitats Regulations Appraisal.

8. 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 2022/0046/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.

## Roads

5. The developer may also be requested to enter into a section 96 agreement with the Highland Council to cover any abnormal wear and tear to the Council roads. This will include a requirement for pre and post construction surveys to be undertaken and agreed with the Council and for the provision of a suitable bond.

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.