

AGENDA ITEM 5

APPENDIX 4B

2022/0046/DET

PUBLIC REPRESENTATIONS- OBJECTIONS

Deirdre Straw

From: BSCG info <info@bscg.org.uk>
Sent: 21 March 2022 23:51
To: Planning; Stephanie Wade
Subject: 2022/0046/DET

Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ



Scottish Charity No. SC003846

Email info@bscg.org.uk

Website bscg.org.uk/

Stephanie Wade

CNPA

21 March 2022

Dear Stephanie Wade

2022/0046/DET | Formation of mountain bike track and related infrastructure | Ranger Base Office Cairngorm
Mountain Glenmore Aviemore PH22 1RB

The Badenoch & Strathspey Conservation Group wishes to object to the above proposal and we request the opportunity to address the planning committee when the application is determined.

We are concerned about the ecological and landscape impacts of the tracks and associated works.

Bats (All species are European Protected Species): Tree growth can be predicted to extend up the hill, to higher altitudes, due to the increasing effects of climate change. This is likely to increase the connectivity with existing trees and forest at lower altitudes, and potentially improve the conditions for bats. As the EnviroCentre Report says (3.2.2), the commuting, roosting and foraging opportunities for bats would be likely to improve with more tree cover. We consider that the site should be carefully managed in the immediate term, so as to maximise the potential future benefits for bats over the longer term.

Road traffic is a known cause of mortality for bats in Scotland. Bats are relatively long lived, take several years to reach reproductive maturity, and only produce one offspring a year. This reproductive strategy makes bats particularly susceptible to impacts that compromise their numbers or ability to reproduce.

The assessment doesn't take account of bat mortality due to road traffic accidents (off the proposal site), and gives no reference to the nearest known bat roosts.

Noteworthy bat roosts have been recorded in buildings near the main Glenmore road and Loch Morlich. The Glenmore road provides a linear feature of a type known to be used by bats.

Bats use the Glenmore road, especially in the vicinity of Loch Morlich, and dead bats associated with the road have been found, highly likely to have been RTAs. The proposal would increase traffic on this road and be likely to contribute to elevating bat mortality due to RTAs.

A weakness in the Assessment of Risks to European Sites is the ongoing development of new types of bikes, including e-bikes, that are suited to more challenging terrain, making the assessment of risk unreliable. Patterns of recreation have changed substantially over recent years, and this trend looks set to continue.

Water Voles are known from the area and the Ecological Constraints report found suitable water vole habitat. However, the report doesn't provide an indication of possible impacts or suggestions of mitigation measures. Similarly, ring ouzel are known from the site but there is no indication of impacts or mitigation measures.

Landscape impacts during construction and operation, and possible mitigation measures, are insufficiently addressed.

It is unclear how combining the user groups of walkers and bikers on the same path will not be to the detriment of both groups' enjoyment, especially where the path is not particularly wide. For example, the ascent trail apparently uses the existing footpath for a stretch.

The inclusion of an 'Advanced Descent Trail' seems at odds with the provision of beginner/intermediate trails, and it is not clear how this is intended to coordinate with the rest of the trails;

In terms of transport the proposal does not create a low carbon facility. It fails to support government net zero targets and does not support a significant switch in use from private cars to public transport.

For families to take their own car, with or without their own bikes, is by far the most likely choice in order to access the MTB facility. It is unrealistic to expect families to walk or cycle to the Cas car park in any significant numbers. And the bus will only attract limited use, and will have limitations on numbers of bikes it can transport.

The proposal requires all traffic to go through the Glenmore corridor, which contradicts the CNPA's stated intention to reduce car use in the Glenmore corridor.

There has long been recognition of problems with car numbers and overheating in terms of traffic impacts in the Glenmore corridor.

The proposal would exacerbate this with increased car numbers driving through Glenmore, as well as adding to problematic concentration of visitor pressure on this area. Glenmore is a 'red hot' destination already, as is evidenced by heat maps of recreation use, and we are not aware of any rationale from the CNPA as to why encouraging further concentration of use of the Glenmore area is appropriate, desirable or represents wise planning, in either the immediate or the longer term.

In terms of supporting action to address the climate and nature emergencies, there is no rationale for promoting car use in the Glenmore corridor nor up to the Cas car park.

We consider Cairn Gorm is an inappropriate location for MTB trails aimed at the young, beginner family market. There are significant issues of windy, cold, exposed and wet weather conditions making riding at this altitude unattractive; and the trails will be unusable due to the presence of snow/ice on them at times when facilities at lower altitudes would not have this constraint and would be rideable.

In addition, extreme and stormy weather is predicted to increase in frequency and severity due to the progression of climate change.

We find the suggestion that it would be globally among the best family orientated MTB facilities as extremely unrealistic: in addition to the constraints of weather conditions, there is the failure to maintain the current site as an attractive-looking, well maintained and evidently well cared for facility.

The facility would provide a focus for mountain biking from the Cas car park area, whether this was intended or not, with attendant environmental and recreational issues. We are concerned at the extent to which mitigation measures such as notices, online information, etc. will be successful. In this context we point out that the mitigation measures CNPA put in several years ago with respect to impacts of mountain bikers at Badaguish, remain completely ineffective, with the notices asking people to "Please use designated tracks" located so that they are nonsensical.

The assessment of the impacts on Glenmore European sites fails to take account that the bridge over the burn accessed from the Ciste car park has been closed for many months. The assessment emphasises the indistinct

nature of the path; however, when the bridge is repaired, this path could rapidly become a clear route with potentially catastrophic consequences for capercaillie in Glenmore.

The current proposal, if approved, can be predicted to lead to further applications for more MTB facilities elsewhere on the hill. Whereas we realise that planning is undertaken on the merits of each application, we are also aware of how one development is used to justify the next one. We are very concerned that by approving this application, the CNPA would be setting in motion a sequence of future applications.

Yours sincerely

Gus Jones

Convener

The Dulaig
Seafield Avenue
Grantown-on-Spey
PH26 3JG

20 March 2022

Cairngorms National Park Authority
Planning Team
14 The Square
Grantown on Spey
PH26 3HG

Objection to Planning Application 2022/0046/DET - Formation of mountain bike track and related infrastructure

These comments are presented as:

- a concerned member of the public living in the Cairngorms National Park
- an operator of a tourism accommodation business operating within the Cairngorms National Park, and
- a Director of the Cairngorms Campaign with the approval of the Cairngorms Campaign Board

I wish to object to this planning application for reasons of lack of an overall development plan for the Coire Cas area, insufficient supporting detail, major adverse landscape and environmental impact of the current proposals and that the application does not support many of the CNPA Planning Policies. Consequently, I recommend that CNPA rejects this application in full.

1. Lack of a Development Plan

CMSL has produced what it calls a masterplan. In the introduction to the document CMSL states:

“This masterplan has been created as a framework to enable the planning authority to consider the impact of future applications not only as individual projects but as contributors to a joined-up vision of Cairngorm’s future that is based on targeted and public consultation.”

The major problem with the CMSL masterplan is that it simply presents a series of disjointed aims and goals without showing what the finished development will look like and how the various aims (wintersports, biking, walking, centre for the mountain environment) fit together on the ground. In fact, despite mountain bike trails being a so-called key strategy, there is no mention of mountain biking anywhere in Section 5 of the masterplan entitled “Creation of a zoned masterplan that supports the key strategies”. Are we meant to assume that mountain biking is only a temporary activity?

Despite all the visionary words which way overegg the importance of this part of Cairngorm Mountain, this document is far from a masterplan. Section 3 is entitled “Key

strategies”, but all that it contains are a vision and some individual goals – not one strategy is explained or developed. A strategy is a plan to achieve a certain aim or goal. This so-called masterplan contains no plans to achieve the ambitious goals it presents and does not demonstrate how all these goals link with each other and what the overall plan might look like on the ground with all its impacts on the landscape and the environment and on sustainability targets.

A development plan for the whole area should as a minimum show:

- a plan of the completed development illustrating the overall layout and interaction between the various aims and goals
- an appraisal of the overall landscape and environmental impact of the complete masterplan
- a description of how the overall development plan is consistent with and supports the LDP Policies
- some detail on the plan to achieve the various aims and goals

There is an attempt to illustrate in outline format the plan to achieve the various aims and goals in the table in Section 3.3 of the masterplan, but all the other key parts of a development plan are either missing or have major omissions.

Just one example which makes the assessment of the part of the masterplan to which this planning application relates very difficult are the references to the relocation of the snow factory into and through the mountain bike trails area. Without details of the haul road, services provision and design of and siting of the snow factory base it is not possible to assess the viability of the mountain bike trail area and the overall impact on landscape and the environment. It is also not clear how the operation of the mountain bike trails interfaces with the snow factory infrastructure. This is yet another classic example of what CMSL and its owners HIE have done over the years with planning applications. They try to inch their way with disjointed planning application after disjointed planning application to achieve what they want at the time of each planning application without presenting a clear overall picture of how these individual schemes fit together.

This is a classic example of dangerously poor planning, and CNPA should reject all the claims that this planning application is supported by a masterplan. If this application is approved, we will get yet another example of planning creep where it might be presented that the application will provide benefits, which will not materialise when the overall picture develops. We will all waken up to realise what a complete mess CMSL and HIE has made of Cairngorm Mountain. Many of us have been aware of this for years. When will CNPA waken up and realise that these plans are not plans but just wishful thinking?

2. Lack of Supporting Detail

This application appears to be a concept only and lacks co-ordination and detail.

Issues include:

1. It is unclear how the proposed tracks and infrastructure fit in with the existing snow sports infrastructure. Is the magic carpet there for snow sports or for the beginners

biking area? Is such a magic carpet needed for uplift in this beginners' area?

2. The purposes of the ascent trails are not explained. Why do these need to be separate from the existing roads, given that vehicular traffic is supposed to be minimal.
3. The trails seem to be schematic only with no real explanation of how they will operate and integrate together.
4. There is no clear indication how people will access the mountain bike trails from the car park and how these bikes will integrate with walkers using the area.
5. How do bikers get up to the mid station? Do they ride or walk up one of the tracks, or will the funicular be used or even available for use?
6. The track sections, clearly lifted from other plans, do not give a clear indication of what track layouts will be used in the various locations. This cannot be left to CMSL to decide, there needs to be clear plans of what track sections will be used and where, especially when there is a sensitive environment and ground conditions to consider.
7. There is no detail on berms and rollers or proposed tree planting
8. Highland Council's concerns over the transport linkages with Aviemore and the Glenmore area need to be addressed. There has been little or no attempt to do this in the application documents.

3. Adverse Landscape and Environmental Impact

The main supporting documents on this important subject are:

1. "Working with the Environment at Cairngorm" (dated February 2018) and a slim lacking in any detail Construction Method Statement, which just relies on the generic Working with the Environment at Cairngorm document.

This generic document provides some useful guidance on conducting excavation and construction works on and into the sensitive vegetation cover and underlying soils. The problem is that there is a raft of evidence that most of the previous works conducted in the area under previous planning consents have not complied with this guidance and there is a history of little or no enforcement of this guidance by CNPA Planning. Despite the Construction Method Statement being almost wholly based on this guidance, what confidence is there that CMSL and its chosen contractors will comply with this guidance or that CNPA will actively check on works to ensure that CMSL and its contractors comply?

2. Assessment of Risks to Adjacent European Sites to inform a Habitats Regulations Appraisal

This report purports to thoroughly explain that the risk of mountain bikers straying outside of the Mountain bike park onto other vehicular trails, walking paths and out into the surrounding protected area is either low or very low. However, there is little or no evidence to back up the opinions and statements.

- There is little or no evidence presented of what has happened on other mountain bike areas (e.g. Glenlivet or Nevis Range).
- One simple example of an erroneous claim is that the quantity of walkers on some routes would deter mountain bikers. I have personal experience of walking on the track from Glenmore up to Ryvoan bothy and regularly having to step aside to let bikers pass. The many walkers on this path do not deter mountain bikers.
- There are claims that notices and enforcement on the ground will prevent mountain

bikers straying out of the mountain bike park. Given the track record of poor management over many years of the Coire Cas area, what confidence is there that proliferation of mountain biking will not just be allowed to happen? Also what enforcement will there be to ensure that CMSL contains mountain biking to the mountain bike park area.

- The report claims that mountain bikers are unlikely for a variety of reasons to open up routes down the mountain from the Ciste car park area. Again, the reasons given are just unsubstantiated opinions. The pictures showing the potential bike tracks along existing walking routes seem quite plausible bike tracks for experienced riders. What monitoring would CMSL do in the Ciste area, given their limited resources and the great focus on the Cas area? I suspect there would be no monitoring.

Without real substantiation of the assessments by independent, knowledgeable and experienced persons with evidence from other mountain biking areas, these assessments of risk lack credibility as they are just the opinions of a motivationally biased organisation – namely CMSL, the applicant.

3. Ecological Constraints Survey

Concerns about this document include:

- How much faith can anyone have with this Envirocentre report when in section 1.3 it says, “The ‘site’ is located on the south facing slopes of Cairngorm Mountain”! Any quick look at a map shows the site is on NW facing slopes – so what other errors are there in this report?
 - This supporting document was commissioned to provide a “an ecological baseline of the site, in terms of the habitats present and evidence of protected and notable species. Apart from a desk study, only one on-site survey was conducted (20 October 2021). This is insufficient to establish a credible baseline survey as many species and flora need to be surveyed during various seasons. It does recommend further surveys be conducted prior to commencement of construction works, but this cannot influence any decision on this application and can only be used at best to attempt to add further mitigation measures.
 - The survey report even admits that Mid October is not the right time to assess bird or reptile populations and presence. This survey should have at least have been conducted in the summer months when birds are breeding and amphibians and reptiles are not hibernating.
 - A list of possible mitigations to avoid damage to flora and fauna during construction work is provided. What the report is silent on is the effect of loss of habitat etc. by the construction of the mountain bike park on protected species. Additionally, there is no advice on what should happen if nests etc. are found which would be damaged or abandoned if construction proceeded.
 - The NVC survey conducted in 2019 has been referenced and extracts from this report have been included, although I cannot find any assessment or comments on whether this development would adversely affect these NVC communities.
- In summary, a basic ecological survey has been conducted, but the adverse effects of this proposed development on the ecology of the area have not been assessed. The report just assumes that the development will proceed and provides basic mitigation recommendations.
- If the mountain bike park is successful, there will be a much larger human presence in

the Coire Cas area over the summer months. The numbers of people, the movement of people and the inadvertent extra human noise must have a negative effect on local wildlife, especially during the breeding season. The ecological report is silent on this significant issue – a major omission which must be addressed.

4. The Supporting Statement

The description of the visual impact of this proposed development is at best sketchy and optimistic.

- The statement mentions that trail berms and rollers will reduce visual impact, but there is no information on the design of these features or whether these features will actually do anything to reduce visual impact.
- The statement further claims that visual impact is mitigated by the development being in the lower Coire Cas area. CNPA needs to remember that it rejected a planning application for a synthetic ski area in this very area – one of the main reasons for rejection was the adverse visual impact of that proposed development. Even using the applicant's measure of the development area (1.82 hectares) this is a large part of the lower Coire Cas and will have significant visual impact.
- The statement says that there will be mountain woodland planting to 'enhance' the area and reduce visual impact. No details of any proposed planting has been provided. Given the high altitude, great care needs to be applied to any design of tree planting both in positioning and tree species selection. Furthermore, how will such tree planting succeed in screening the mountain bike park, whilst not interfering with (or being protected from) winter sports?

There are far too many questions and omissions on potential adverse impact on landscape and the environment for these to be covered off by planning conditions, thus unless these questions and admissions can be professionally answered this application should either be rejected or held in abeyance until satisfactory supplementary information has been submitted.

4. Planning Policy Context

The supporting document submitted on behalf of CMSL by Ryden, purports to cover off the planning policy context of the application. The very slim document does list the relevant planning policies in the CNPA LDP 2021, however the simplistic bullet points purporting to demonstrate that the application is supportive of these policies are at best minimal and misleading.

Policy 2: I agree that there is potential for the application to enhance recreational and leisure facilities, however the proviso in this policy that there is no environmental impact, is not met – unless one cynically assumes that the environment within Coire Cas is already completely trashed. Even then the case has not been made that this application will not adversely impact the various surrounding protected areas, and the potential adverse effects on drainage and associated erosion downhill of the proposed development.

Policy 3: I believe that this application falls into the definition of a Major Development. The application claims in drwg CR20158-002 that the development area is only 1.82 hectares. Even if the figures presented are believed, the table in this drawing adding

up the development area omits the Upper Zone referred to in CR20158-005 as a boxed area. Inclusion of this zone takes the development over 2 hectares making it a Major Planning Application with all the extra requisite supporting documents. Additionally, I can find no attempt to justify the sustainability of the design (e.g. minimising the effect on climate change – no sustainable transport plans described, lack of description on access and egress and no assessment that the built structures will survive the adverse weather conditions without causing environmental erosion and regular maintenance).

Policy 4: The potential adverse impact on surrounding designated sites, on protected species and on biodiversity has been glossed over by the relevant supporting documents. Attempts to describe minimisation and mitigation are either missing or lacking detail.

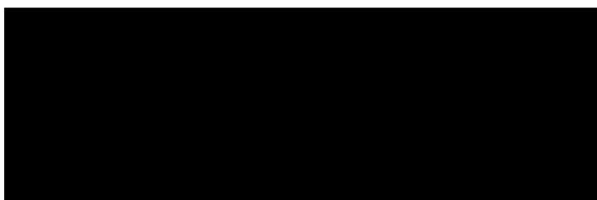
Policy 5: I can find no evidence presented to support that this development complies with this policy as this development will not enhance or conserve the landscape character and special landscape qualities of the CNP including wildness. It is clear that the opposite will result. Additionally, no evidence has been submitted to demonstrate that any social or economic benefits of this development outweigh the negative landscape impacts, neither has adequate mitigation of the negative impacts been demonstrated.

Policy 8: I believe this development in some respects does meet the requirements of Policy 8, however, I have real doubts about whether this development meets the requirements of 8.1a, namely, that it “demonstrates 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”.

This section of my objections alone presents strong grounds for the rejection of this planning application.

This application does not meet the required quality standards to demonstrate compliance with CNPA LDP Policies. There are also numerous significant omissions and unsubstantiated statements and opinions within the supporting documents. At the very least, CNPA Planning should point out the omissions and failures and ask the applicant to resubmit the application. If the application goes to the CNPA Planning Committee in its current form it should be rejected.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Dr Gordon Bulloch