
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: ERECTION OF 2 SKI TOWS, AT CAIRNGORM MOUNTAIN RAILWAY AND SKI AREA, COIRE CAS, AVIEMORE.

REFERENCE: 04/252/CP

APPLICANT: NEIL BAXTER,
CAIRNGORM MOUNTAIN,
BY AVIEMORE, PH22 1RB

DATE CALLED-IN: 21 May 2004

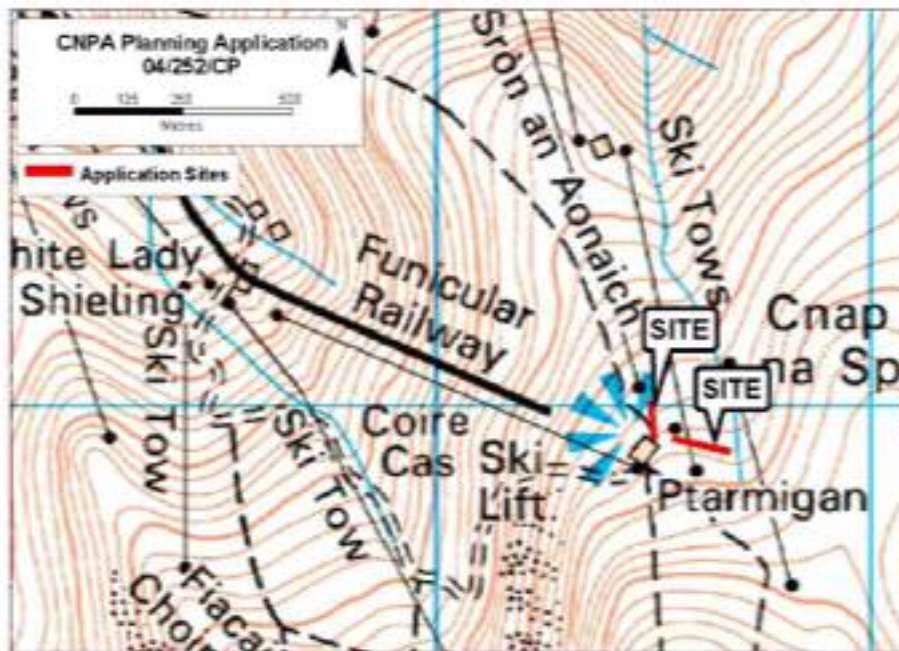


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The proposal is for the erection of 2 poma tows at the top of Cairngorm near to the Ptarmigan Restaurant (on the north and east sides) in an area known as The Ptarmigan Bowl. These are tows for beginners at the top of the mountain and are approximately 45 metres in length and 5 metres in height. Both tows will be visible from the Restaurant. The 2 tows will be relocated, from existing sites, at the Aviemore Centre (the baby poma formerly used by Caird Sports) and the link poma in Coire na Ciste (which ran between the top of the Coire na Ciste chairlift to the top of the West Wall poma).

DEVELOPMENT PLAN CONTEXT

2. The Cairngorms are covered by many designations, of international, national and regional importance. The development site is within the Cairngorm National Scenic Area (NSA) and adjacent to the Cairngorms Special Protection Area (SPA), the Cairngorms candidate Special Area of Conservation (cSAC) and the Cairngorms Site of Special Scientific Interest (SSSI). The site of this development is approximately 800 metres at its nearest point to the SSSI. The most relevant features of interest in terms of these designations, and the proximity of the application site to these designations, include the dotterel (in relation to the SPA), montane acid grassland (in relation to the cSAC), and ptarmigan (in relation to the SSSI).
3. For the cSAC and an SPA, where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. The need for appropriate assessments extends also to plans or projects outwith the boundaries of designated sites in order to determine a project's implications for the special interests protected within the site. This is in terms of the relevant Regulations (**the Conservation (Natural Habitats &c) Regulations, 1994**), where the Cairngorms National Park Authority (as the competent authority) has a duty to,
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implication for the site in view of the site's conservation objectives.The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.

4. **The Highland Structure Plan Policy SR8 (Skiing Developments)** supports the consolidation and improvement of existing downhill skiing facilities at Cairngorm subject to conformity with other policies. **Policy G2 (Design for Sustainability)** states that proposed developments will be assessed on the extent to which they, amongst other things, impact on resources including habitats, species, landscape and scenery. **Policy L4 (Landscape Character)** states that regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals will be made.
5. In the **Badenoch and Strathspey Local Plan Policy 2.2.8 (Downhill Skiing)**, supports the development of downhill skiing facilities in the Cairngorm lease area. **Policy 2.5.10 (Landscape Conservation)** indicates that the Council will seek to conserve areas of landscape importance, and development proposals will be considered carefully in respect of their impacts on conservation and the environment. Where significant, an environmental assessment will be required.

CONSULTATIONS

6. **Scottish Natural Heritage** were consulted on the application, and have commented on the development with regard to the Natura interests and on the landscape aspects.
7. With regard to the Natura interests, SNH consider that it is unlikely that any qualifying feature will be affected significantly either directly or indirectly. SNH do not consider that an appropriate assessment is required, even although the proposal is not connected with or necessary for the conservation management of the designated site. The site of the development is on non-designated Natura habitat – montane acid grassland – of which there are extensive areas in Scotland. To construct the tows, there will be excavations to provide tower bases, and SNH advise that special procedures be implemented for the excavation, storage and reinstatement of vegetation and soils. Also there should be proper reinstatement of the ground where the Coire na Ciste Poma tow is being removed from. Work methods detailed in the implementation plan for the Cairngorm Funicular railway development should be adopted to minimise ground disturbance in the dismantling and construction works.
8. SNH also comment that the development is located within habitat frequented by ptarmigan, and could lead to an increase of mortality to ptarmigan (due to birds colliding with overhead cables and snow fences) within the ski area, including birds from the adjacent SSSI. There would be a slight positive benefit to red grouse through the dismantling of one of the tows from a lower altitude location where red grouse are more prevalent. SNH therefore advise, that if the application is approved, the applicant be required to monitor the new tows for ptarmigan collisions on a monthly basis for a period of one year, and should any collisions occur, the applicant be required to reduce collisions by dismantling or marking the overhead cables during the non-skiing season.

9. With regard to the landscape impacts, SNH comment that the tows will be visible from the Restaurant but will be viewed with a background dominated by existing tows and snow fencing. The tows will not be highly visible from any distant viewpoints. The views from the viewing terrace and windows in the restaurant are not considered to be significantly affected.
10. The **CNPA Natural Resources Group** also support the need to implement special measures during the construction of the tows, to minimise damage to ground around the poma in Coire na Ciste during the dismantling process and the reinstatement of vegetation and soils in the tower bases, and for the excavation, storage and reinstatement of vegetation and soils at the new site. Also a study is referred to concerning the drop in ptarmigan numbers on the Cairngorm ski development area, and this suggests that the drop is not due to skiers directly, but rather caused by birds flying into ski lift wires and the arrival of scavenging crows (attracted by food scraps) which robbed nests. Dotterel mortality rate has been lower than ptarmigan, possibly due to a lower population and a different flight pattern. Crow numbers have been controlled by the neighbouring estates and currently do not pose a problem, however the ptarmigan and dotterel may still be killed by the ski tow cables. To reduce the numbers killed it is suggested that the cables should be lowered or marked during the non-skiing season.

REPRESENTATIONS

11. None received.

APPRAISAL

12. The main issues associated with this application are to do with the physical impact of the new tows on the landscape and on the local biodiversity.
13. The new tows are to be located in association with other chairlift and ski tow structures, and so will not be stark new additions to the mountain-top landscape. The new equipment will add to the range of facilities for skiers at the mountain-top, and therefore for most of the skiers, will appear as part of the necessary infrastructure for the number and range of abilities being catered for. In the non-skiing season, visitors to the locality will be more interested in the longer views from the restaurant windows and the viewing terrace. Being within the context of existing ski related structures, the two new tows will not detract from the main panoramic views to the north-east through to the south-west. This is also the opinion of SNH.
14. Being outwith the cSAC but within non-designated Natura habitat adjacent to the cSAC, and with the proposed development not assisting with the nature conservation or management of the area, the planning authority must consider if an “appropriate assessment” should be carried out in accordance with the Habitats Directive. The works are not considered to disturb any of the relevant special habitats in the designated area, and therefore SNH have

advised that, in their view, an “appropriate assessment” is not required. There may be an impact on ptarmigan from the SSSI site, but the danger to that species may be no greater than from the existing skiing infrastructure in the locality. SNH are advising that this possibility be actively monitored, and after a year the situation should be reviewed to see if the overhead cables of the tows should be dismantled or marked during the non-skiing season. Also one of the tows is being removed from a lower mountain location where other bird species may benefit.

15. In such a high altitude location, care needs to be taken to construct the new structures with minimal disturbance and careful reinstatement. This is best ensured with the applicants/developers adopting an appropriate works and management plan, which has agreed timings, procedures and practices for the carrying out of all the construction works. It is also important to carry out the full reinstatement of the site at Coire na Ciste where one of the tows to be used in this new development, is being removed, and this should be part of the works associated with this application. SNH have recommended adopting a similar plan to that used for the construction of the Funicular Railway. The Cairngorm Funicular Railway Implementation Plan (June 1999) provides detailed standards for working methods in the Cairngorms. It is appropriate that the same work methods be employed in the implementation of this application.
16. The applicants have indicated agreement to the adoption of the work methods detailed in the implementation plan for the funicular railway, and they agree to monitor ptarmigan and dotterel collisions. Although there are no requirements at present to dismantle or mark existing ski tow overhead cables on Cairngorm, the applicants are agreeable to investigating possible ways of marking the cables in the summer months, in the event that monitoring shows that there is a significant problem with birds colliding with them. The height of the new tows is lower than other existing ones in the Ptarmigan bowl. The applicants consider that for technical reasons, marking would be preferable to lowering or removing the cables in the summer, but if collisions were to continue, the lowering/removal options would be reconsidered.
17. On balance there is a good case to improve the facilities for skiers in this location, but any approval should be tempered with a number of conditions to ensure that the habitats and wildlife in the development area are properly managed. Whilst the only major designation covering the development site is the NSA, other international and national designation areas are close by, and need to be taken account of in terms of the quality of habitat and bird species management. As such, the recommendation is one of approval, subject to appropriate conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

18. The development does not positively contribute to the conservation or enhancement of the natural or cultural heritage of the area. The structures may have a negative/harmful effect on local biodiversity, through disturbance to local ground vegetation and a potential increase in ptarmigan collisions on skiing infrastructure. Mitigation measures can be taken to minimise these impacts. The removal of one of the tows from another part of the mountainside may have benefits to biodiversity in that area.

Promote Sustainable Use of Natural Resources

19. The construction materials used are not local. The new tows are taken from other locations in the area, and reused on the new sites. Proper reinstatement of the dismantled Coire na Ciste site is important to restore a natural area.

Promote Understanding and Enjoyment of the Area

20. The new tows will help to add to the range of facilities provided for different ability skiers on the mountain.

Promote Sustainable Economic and Social Development of the Area

21. The development will reinforce the existing recreational facilities and the skiing business on the mountain, which plays a part in the growth of the wider area's economy and employment opportunities.

RECOMMENDATION

22. **That Members of the Committee support a recommendation to Grant Full Planning Permission for the Erection of the 2 New Poma Ski Tows, at Cairngorm Mountain, subject to the following conditions,**
 - i. The development to which this permission relates must be begun within 5 years from the date of this permission.
 - ii. That the implementation of all the works associated with this application (including the removal of the poma tow in Coire na Ciste) shall be carried out in accordance with the methods and standards as set out in the Cairngorms Funicular Railway Implementation Plan (June 1999). Those methods and standards shall only be departed from with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
 - iii. That the applicants shall prepare a monitoring report for the 2 tows which will record the number (if any) of ptarmigan and dotterel collisions and fatalities adjacent to the tows on a month to month basis, for the first full year following

the erection and operation of the tows. The date of the completion of the construction works for the tows shall be notified to the Cairngorms National Park Authority acting as Planning Authority and the monitoring report shall be submitted to the Cairngorms National Park Authority acting as Planning Authority at the end of the first full year following completion. If any bird collisions have occurred, the overhead cables shall be suitably marked or dismantled during the non-skiing season, in accordance with a previously submitted and agreed scheme of implementation.

- iv. That at the termination of the operation and use of these tows, all the machinery, cables and other associated structural elements, shall be removed from the site, and disposed of in accordance with arrangements previously agreed with the Cairngorms National Park Authority acting as Planning Authority. The ground around the ski tows shall be reinstated to its former condition, particularly at and around the bases of the tow structures/towers, all in accordance with the reinstatement methods and standards set out in the Cairngorms Funicular Railway Implementation Plan (June 1999) and to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority.

Reasons for conditions:

- i. To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.
- ii. To ensure that proper care and attention is taken prior to, and during, the construction work in this sensitive location.
- iii. To ensure the monitoring of any impact on local ptarmigan during the early stages of the operation of these tows and the implementation of suitable mitigation measures.
- iv. To ensure that in this elevated location within the Cairngorms National Scenic Area, the tows and all associated structure are removed from the site with minimal damage to the environment.

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