



Committee report

Development proposed:

Install additional mountain biking downhill run on the existing buzzard lift (shown as trail 4) at the Lecht Ski Centre, Corgarff, Strathdon, Aberdeenshire, AB36 8YP

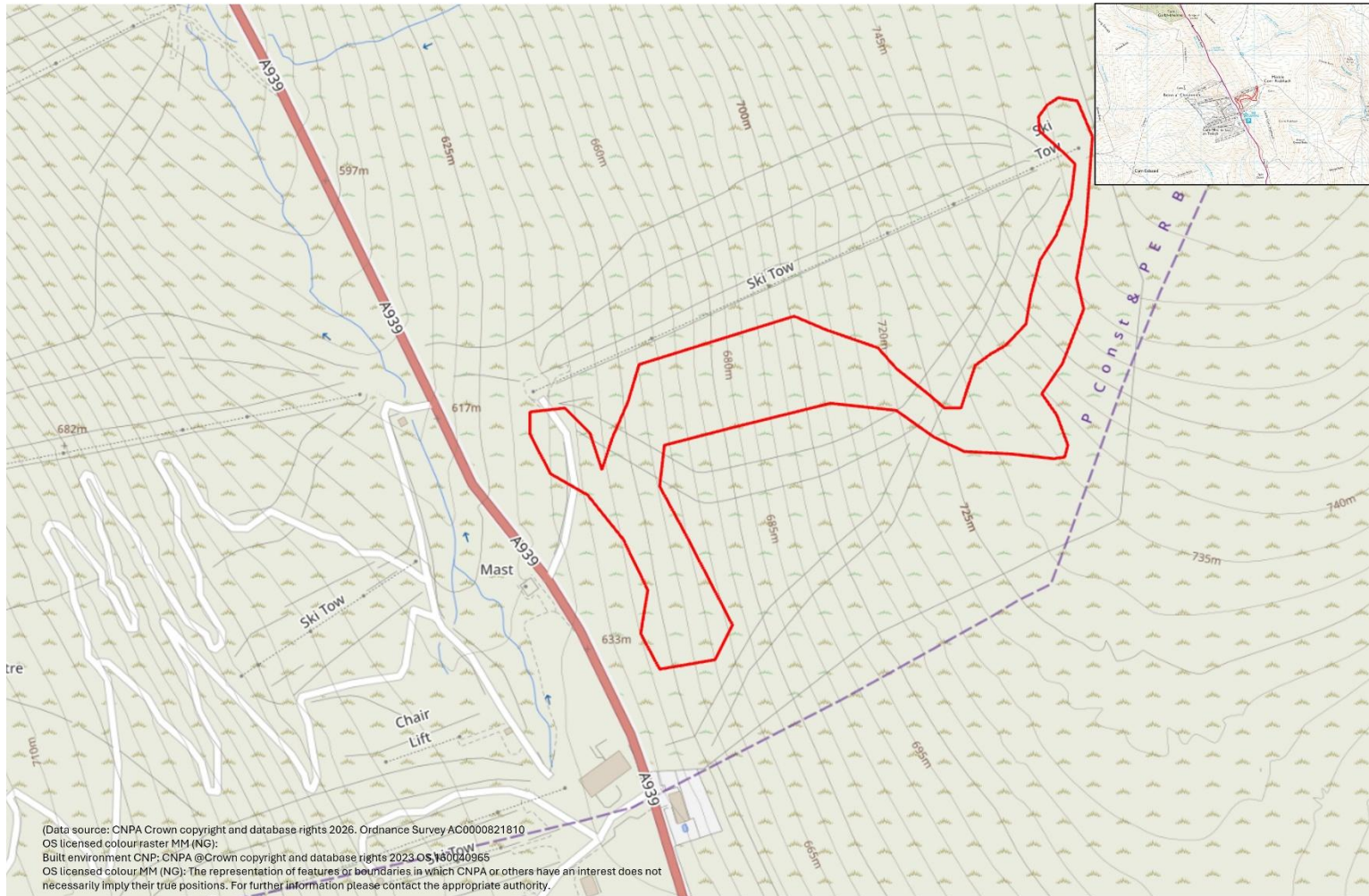
Reference: 2026/0060/DET

Applicant: Iain Du Pon, Lecht Ski Centre

Date called-in: 23/02/2026

Recommendation: Approve subject to conditions

Case officer: Katherine Donnachie, Planning Officer



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Site description, proposal and history

Site description

1. The application site is located at the Lecht Ski Centre beside the Tomintoul to Cockbridge A939 road. It is part of an existing ski slope on the eastern side of the public road. It comprises sloping moorland running up from the road. There is an access track off the public road which serves an existing long uphill ski tow known as the Buzzard uplift tow. The application site is largely moorland / heathland with some groups of boulders and gullies. On the opposite side (west) of the public road is the ski centre infrastructure comprising main visitor centre / café and large car parks. There are numerous ski tows on this side of the road along with mountain bike trails. There is also a wind turbine supplying energy to the facilities to the south of the main centre.
2. The site is surrounded to the north, south and east by further moorland, and the Ladder Hills Special Site of Scientific Interest (SSSI) and Special Area of Conservation (SAC), designated for European dry heath, alpine and subalpine heath and blanket bogs interests, are located around 20 metres to the east of the development site. The River Spey Special Area of Conservation (SAC) lies some 2.4 km north of the site (Conglass Water tributary), with the Cairngorms Massif SPA (Special Protection Area) lying some 5.6 km to the far southwest.
3. There are no listed buildings of architectural or historic significance or archaeological sites in the vicinity, nor any core paths.

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:
[2026/0060/DET | Install additional mountain biking downhill run on the existing buzzard lift \(shown as trail 4\) | The Lecht Ski Centre Corgarff Strathdon Aberdeenshire AB36 8YP](#)



Title	Drawing Number	Date on Plan*	Date Received
Plan - Location Plan	001A	12/02/26	20/02/26
Plan - Concept Trail Plan	002 Rev A	16/01/26	20/02/26
Plan - Proposed Trail Plan	003 Rev A	14/01/26	20/02/26
Plan - Proposed Trail Construction Details	004 Rev A	14/01/26	20/02/26
Plan - Road Plan - Proposed Plan Showing Safe Crossing for Cyclists	005A	25/03/26	31/03/26
Other - Planning Statement			17/03/26
Other - Economic Impact Statement			17/03/26
Other – Construction Method Statement			03/04/26
Peat Depth Survey	784- B080506 Version 1	12/05/26	
Preliminary Ecological Appraisal	784- B080506 Version 1	12/05/26	

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

5. The proposed development seeks to construct a new mountain bike downhill track on the same side of the public road as the existing Buzzard tow. The tow will be used to take riders and their bikes up to the top of the slope using this existing infrastructure which will be adapted to make provision for riders to use it. The trail will start at the top of the tow with a viewpoint area and will run downhill in a zig zag manner to join the existing track at the foot of the ski tow. At this point a level area will be formed to enable cyclists to dismount. A barrier fence will be erected here with closed gate for vehicular access. The existing path / desire line along the edge of the public road will be upgraded to a whin type surface. Cyclists will be directed along this path to a safe crossing point to the car park area.



6. The total length of the proposed new trail is 1,030 metres. It will be around 2 metres wide and micro sited to avoid any ecological constraints and to ensure appropriate safety and drainage is achieved. It will be constructed by digging out to form the trail, with locally won material used in construction. Trail edges will be stabilised using stripped turf from the trail route with a turf lined side ditch constructed where necessary, with twin wall pipe under the trail to allow surface water to drain away on the downhill side as required. Sub-base material with larger aggregate at the base will be used, with quarry dust or suitable “as dug” material compacted on top of this. Construction details have been supplied for various parts of the trail including typical trail, berms, floated trail (with geotextile geogrid detailing), rock feature details, piste trail and bench cut trail. Where the trail crosses a ski piste the profile / landscaping will be considered to ensure that snow groomers can cross the trail, with ski staff involved to ensure the detailing is suitable.
7. The design of the trail will be similar to those previously constructed and in use on the other (west) side of the main road where there are three trail routes. The current proposal will create a fourth trail. Plans of the proposals are attached as **Appendix 1**.
8. The application is supported by a number of documents as follows:

Construction Method Statement – explaining how the trail will be constructed by experienced operatives, with any digging out beside the trail route required to gain materials carefully reinstated. It details how construction stage drainage will be dealt with including use of silt curtains and sediment traps. Details of ecological mitigation during construction are provided including daily pre-works checks, ensuring no excavations are left open and avoiding light spillage.

Planning Statement – this explains that the development is part of a wider programme to diversify the Lecht’s offering beyond winter snowsports. It notes that this will complement the existing offering and is intended to consolidate managed recreation at an existing hub rather than dispersing activities into more sensitive locations. The statement sets out how the proposal aligns with Local Development Plan objectives and complies with policies relating to sustainable economic growth, access, and tourism and recreation. It explains how the design of



the trail seeks to minimise landscape impacts focussing on a low-profile intervention and following a sensitive alignment. Similarly, it aims to minimise disturbance to the ground and use locally won materials where possible.

Economic Impact Statement – this sets out the economic benefits of the proposed development. It explains that it is part of a wider programme to extend and enhance the Lecht's existing summer mountain bike offering with an uplift served riding experience and support a broader visitor experience. Details of costings are provided along with wider development spend in terms of repairs and maintenance, and contractor spend to support the local economy. It estimates that the trails will be open around 120 days per year and approximately 4 staff will be needed during the summer operations. Demand for the trails is expected to vary, with weekends and school holidays likely to be peak times. Wider economic benefits are identified related to increased spend in the local area (eg accommodation, fuel, food and drink etc) together with the ability to retain seasonal staff and the local procurement spend.

Preliminary Ecological Appraisal – this includes an extended Habitat Classification Survey to record habitat types and dominant vegetation including any invasive species, and a protected species survey. It concludes that the site comprises priority annex 1 blanket bog and UK biodiversity action plan mountain heath habitats with wet pockets and flushes. No rocky outcrops were found but habitats on site have potential to support resting, commuting and foraging mountain hare, invertebrates, reptiles and amphibians. Ground nesting birds were observed adjacent to the site with self-set Sitka spruce present and considered to be an invasive species in these habitats. It is noted that the site is close to the Ladder Hills SAC and SSSI, whereby sufficient information is required to inform a Habitats Regulation Appraisal by the Planning Authority.

The report recommends that an NVC survey confirms the extent of priority habitats. It also recommends the following: a Habitat Management Plan to identify restoration areas for offsetting and enhancing peatland habitats on site; targeted breeding bird surveys; precautionary working methods to avoid harm to mountain hare, amphibians, and other notable species; pre construction checks for reptiles; and implementation of a Construction Environmental Management Plan to reduce noise, dust, pollution and other impacts. The report details mitigation proposals



including: use of low pressure machinery to avoid compaction of habitats; care with storage of peat; avoidance of deep peat areas; avoiding ground clearance works during mountain hare breeding season (March to October) and bird breeding season (March to September) or precautionary working measures such as sweep surveys, pre-construction checks and nesting bird checks immediately ahead of works; capping of exposed pipes; avoiding work around dawn and dusk; tool box talks; vegetation clearance under supervision of ecological clerk of works to avoid harm to reptiles; and removal of Sitka spruce for habitat enhancement.

Peat Depth Survey – this surveyed peat depths within a 30-metre buffer of the proposed track on a 30 by 30 metre grid basis. The ground was noted as being generally soft organic peat with a surface covering of predominantly heather, grass and moss. The majority of peat exceeding 0.5 metre in depth (deep peat) lies within the 30-metre buffer rather than on the track itself. These locations are isolated at the base of the slope within the frequently trafficked area in the vicinity of the access track and at the south-eastern edge of the survey area. Overall peat quality varies and is considered to be “modified” due the dominance of heather. A drain was noted along the gravel track and land within 30 metres of this is described as “drained”. An area to the southeast of the survey area was categorised as actively eroding with areas of peat hags noted. Similarly, an area at the top of the Buzzard lift was noted as actively eroding due to the continuous surface of bare peat and absence of sphagnum moss. The report concludes than no significant thickness of peat (deeper than 0.5 metres) was encountered along the majority of the trails apart from at the far south-eastern edge and at the base of the slope where the proposed trail ends. Maps summarising this information are included in the report.

History

9. There have been numerous planning applications over the years in the area, including various mast related proposals, wind turbine (constructed and operational), and snow factory. Relevant to the current proposal is application 08/123/CP – formation of mountain bike tracks on the opposite (west) side of the public road, approved in July 2008.



Habitats Regulations Appraisal

10. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of European sites. The HRA is attached as **Appendix 2**. The European sites in this case are the River Spey Special Area of Conservation (SAC), designated for its Atlantic salmon, freshwater pearl mussel (FWPM), sea lamprey and otter interests, the Cairngorms Massif Special Protection Area (SPA), designated for its golden eagle interests, and the Ladder Hills SAC, designated for its European dry heath, alpine and subalpine heath and blanket bog interests.
11. It is considered that there will be no significant effects upon the heath interests of the Ladder Hills SAC as the development is outwith the SAC. However, there may be likely significant effects in relation to the blanket bog interests through drainage of hydrologically connected peatland close to the edge of the SAC (Nature Scot guidance indicates that drainage of blanket bog habitats can have indirect impact on hydrologically connected blanket bog within 30 metres). Whilst there is no work proposed within the Conglass Water (a tributary of the River Spey SAC), there is potential for likely significant effects through indirect impacts upon the otter, FWPM, sea lamprey and Atlantic salmon interests relating to potential for pollution and release of sediment during construction and, in the case of otter, any impacts on prey species. Finally, with regard to the Cairngorms Massif SPA, there is potential for likely significant effects in relation to potential disturbance to foraging golden eagle at the construction stage.
12. The HRA concludes that the likely significant effects on the Ladder Hills SAC can be satisfactorily addressed by securing (through planning condition) a development buffer of at least 30 metres from the SAC boundary. Implementation of this buffer will reduce potential effects to a minimal level so that all the conservation objectives can be met.
13. With regard to the River Spey SAC, it is concluded that likely significant effects can be satisfactorily addressed by suitable mitigation including timing of works to avoid the key Atlantic salmon spawning season (mid-October to end of February), and the provision and implementation of a pollution prevention plan. These measures can be secured by planning conditions.



14. Finally, with regard to the Cairngorms Massif SPA it is noted that the site is just within the core foraging range for breeding golden eagle, with habitat within the site suitable for their prey species (eg mountain hare). However, similar habitat is widespread within the Ladder Hills SAC such that golden eagle are unlikely to be solely dependent on the application site. Furthermore, the site is close to the public road and next to existing ski infrastructure where there is an existing level of human disturbance. Accordingly, it is not considered that there will be significant long-term impacts on the distribution and habitats of golden eagle within the SPA and no direct effects or significant indirect effects on breeding golden eagle.
15. On this basis, the HRA concludes that the conservation objectives of the designated sites will be met and there will not be an adverse effect on integrity of the designated sites. NatureScot have been consulted on the HRA and have confirmed agreement with these conclusions.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	X
Policy 6	Forestry, woodland and trees	
Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	X



Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	X
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	X
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	X
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	X
Policy 30	Tourism	X
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	X
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X
Policy 6	The siting and design of digital communications equipment	
Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	



Policy 9	Cultural heritage	
Policy 10	Resources	X
Policy 11	Developer obligations	

16. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning guidance

17. Supplementary guidance also supports 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 (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	X
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	

Consultations

18. A summary of the main issues raised by consultees now follows:



19. **Moray Council Transport Development Team** was consulted and initially raised concerns about safety issues with cyclists crossing the road from the trails to the car park area. Recommendations were made on how to achieve safe crossing and the applicants provided revised plans to address this, including a safe landing area at the foot of the trail and an identified crossing point with connecting path and gated arrangement along the bottom of the track. On receipt of the revised plans the Team has confirmed that they have no objections to the proposal. Suitable planning conditions will be required to ensure that the works are implemented, no water or loose material is permitted to drain onto the public road, and the opening path of the access gates is fully contained within the site.
20. **Park Authority Outdoor Access Team** advise that there are no designated paths in the area, no signs of the area being used for recreation other than the downhill skiing area, and they have no access related concerns.
21. **Park Authority Ecological Advice Officer** initially noted that no ecological surveys had been submitted, so only interim comments could be provided. These comments highlighted that habitat on site is likely to be suitable for mountain hare, adder and common lizard. Accordingly, there may be potential issues for these species. Hibernating reptiles may be also be disturbed during the hibernation season (October to March). The habitat is also likely to be suitable for other breeding birds. Accordingly, mitigation is likely to be required including timing of works to avoid breeding / hibernation seasons and exclusion of potential reptile hibernacula. It was also noted that there may be impacts on priority habitats and species, birds of conservation concern, and carbon rich soils and peatland habitats. With regard to the water environment, it was considered that due to the distance between the site and existing watercourses there is a lower risk of pollution. Finally, with regard to biodiversity enhancements it was considered that details could be required by planning condition.
22. Following consideration of these comments, the applicants submitted an Ecological Appraisal (including protected species survey) and Peat Survey as noted earlier. This additional information has been considered by the Park Authority's Ecological Advice Officer who considers that impacts upon protected species and breeding birds can be mitigated by timing and methods of working. Similarly in terms of the



water environment any impacts can also be mitigated by timing of works to avoid salmon spawning season and adherence to best practise as outlined in the Construction Method Statement and SEPA guidance.

23. With regard to carbon rich soils and priority peatlands, the officer notes that micro-siting of the tracks is proposed to avoid deep peat and priority habitats. However, information to inform micro-siting is only presently available for the “trail construction zone” which crosses areas of deep peat and two areas of blanket bog, including areas within 20 metres of the Ladder Hills SAC, resulting in potential significant impacts on the designated site. Mitigation is therefore required which should include habitat survey work to enable re- routing / micro siting of the trail to avoid these priority areas and any development within 30 metres of the Ladder Hills SAC. This would also be likely to reduce long term path maintenance as tracks through deep peat often sink over time. Where the proposed track cannot avoid priority peatland habitats then compensatory peatland restoration of degraded peatland habitats nearby will be likely to be required. This would equate to an area 10 times the extent of peatland habitat impacted, and should be calculated on the footprint of the trail where it passes through priority peatland habitat plus a 30 metre buffer on either side of trail. A Habitat Management Plan will also be required with details of peat management and if required a compensatory peat restoration plan. (If the applicant is able to realign the route over dry heath and acid grassland and avoid impacts upon deep peat there may not be a requirement for any compensatory peatland restoration. However more habitat and peat depth mapping would be necessary to inform such a change.)
24. The Habitat Management Plan should also provide details of biodiversity enhancements which are required to comply with NPF4 Policy 3. This could include native tree or shrub planting or installation of reptile hibernacula. Any off-site enhancement such as riparian native tree planting will require to ensure that areas of deep peat are avoided. Compensatory peatland restoration would not be considered a biodiversity enhancement unless the ratio of restored peatland is greater than 1:10. Planning conditions will be required to cover all these matters.
25. **Park Authority Landscape Advisor** has no concerns about the landscape and visual effects, noting that the development would be located within the curtilage of



the ski centre so would be seen in the context of existing ski related infrastructure, tracks and buildings. The advisor considers that the proposal would be barely noticeable from the A939 and surrounding hill ground due to its relatively narrow width and the construction method which proposes to use reserved turf on the path edges so reducing intrusion.

26. **Glenlivet and Inveravon Community Council** was consulted and have not provided any comments at the time of writing.

Representations

27. No representations have been received.

Appraisal

28. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.
29. The main planning considerations in this case are: the principle of development; landscape and design; environmental impacts; transport and access; amenity; flooding, drainage and water issues; and sustainability and climate change. These are considered in detail below.

Principle

30. In terms of general principles, **NPF4 Policy 29: Rural development** sets out that development proposals which contribute to the viability, sustainability and diversity of rural communities and the local rural economy will be supported subject to consideration of siting, scale, design and transport issues to ensure it is appropriate to rural character. **NPF4 Policy 30: Tourism** requires proposals for tourism related development to take into account factors such as the contribution made to the local economy; compatibility with the surrounding area; impacts on communities; opportunities for sustainable travel; accessibility for disabled people; measures to minimise carbon emissions; and opportunities to provide access to the natural environment. **NPF4 Policy 25: Community wealth building** sets out



that development proposals which contribute to local or regional wealth building strategies and are consistent with local economic priorities will be supported, noting that this could include for example ensuring the use of local supply chains and services and local job creation.

31. **LDP Policy 2: Supporting economic growth** similarly supports developments which support or extend the economy where they have no adverse environmental or amenity impacts, are compatible with the existing business activity and support the vitality and viability of the local economy. **Policy 2.3 Other tourism and leisure developments** supports development which enhances informal leisure and recreation facilities, tourism and leisure based business activities and attractions, and improved opportunities for responsible outdoor access where there are no adverse environmental or amenity impacts and where it makes a positive contribution to the experience of visitors and supports a year round economy.
32. The current proposal seeks to provide a mountain bike trail to expand and complement the existing recreational offering at the Lecht which is a well-established ski centre. This will help support the economic viability of the centre by providing year-round opportunities for both local employment and increased visitor use. As outlined in the applicant's supporting material, this will support the local economy both directly with the summer jobs provided as well as the spin offs in terms of contractors constructing the trail, then the local spend generated by visitors.
33. As such, the proposed development readily complies in principle with these general economic development policies, subject to the landscape, environmental and other impacts of the proposal being satisfactory. This will now be considered.

Landscape impacts and design

34. **NPF4 Policy 4: Natural places** states that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised. **LDP Policy 5: Landscape** sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the National Park. **NPF4 Policy 14: Design, quality and place** seeks to ensure that



development proposals improve the quality of the area and are consistent with the six qualities of successful places: healthy; pleasant; connected; distinctive; sustainable; and adaptable. Similarly, **LDP Policy 3: Design and placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places.

35. In this regard, and as noted by the Park Authority's Landscape Advisor, it is not considered that there will be any adverse impacts on the landscape character or special landscape qualities of the National Park. The new track will be located on an existing ski piste served by existing ski tow infrastructure and clearly related to the wider ski centre and its associated infrastructure. It will be constructed with a natural finish with turf edging which will help reduce any visual impacts in the wider landscape. As noted by the Landscape Advisor, the proposed track will be barely noticeable from the main road or surrounding hill ground due to the narrow width (less than 2 metres) and the careful use of turves proposed. The arrangements for safe access for cyclists to cross the main road to the parking areas are similarly low key, providing a naturalistic whin surfaced path largely on the route of an existing desire line beside the A939 road.
36. In these circumstances it is considered that the trail can be constructed to fit into the landscape, and planning conditions can be attached to ensure it is constructed in line with the submitted details. Accordingly, the proposed development is considered to comply with relevant development plan policies.

Environmental impacts

37. **NPF4 Policy 3: Biodiversity** requires development proposals to contribute to the enhancement of biodiversity including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. **NPF4 Policy 4: Natural places** does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations, which include SACs.
38. Similarly, **LDP Policy 4: Natural heritage** requires new development to have no adverse effects on the integrity of designated sites, the National Park, or on protected species or habitats. **Policy 3: Design and placemaking** also requires



development to create opportunities for further biodiversity and to promote ecological interest.

39. In this case the development is relatively small in scale with a limited landtake and has been designed to minimise disturbance by using existing infrastructure to service the tracks, using locally won materials in construction, and proposing suitable reinstatement of works.
40. Potential impacts on nesting birds and other protected species such as mountain hare and reptiles may arise at the construction stage. However, as noted by the Park Authority's Ecological Advice Officer, these potential impacts can be satisfactorily mitigated by the timing of works, pre-construction checks, and implementation of the construction method statement. Appropriate planning conditions can be attached to achieve this. Similarly impacts on the water environment may be mitigated by timing of works to avoid the salmon spawning season and implementation of an appropriate construction management plan.
41. There is also a policy requirement for the development to contribute to the enhancement of biodiversity. As noted in the comments of the Ecology Advisor, this can be addressed by planning conditions to secure appropriate measures such as provision of reptile hibernacula, off site planting or additional peatland restoration.
42. A further key issue with this application is the potential impact upon peatland, given the location close to the Ladder Hills SAC, designated for its blanket bog interests. **NPF4 Policy 5: Soils** sets out that development on peatland will only be supported in certain cases, including small scale developments directly linked to a rural business, farm or croft. The policy explains that a detailed site-specific assessment will be required to consider baseline conditions and likely effects. This assessment should be used to inform careful project design and ensure that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed alongside other appropriate plans required for restoring and / or enhancing the site. **LDP Policy 10: Resources** echoes this approach in terms of minimising disturbance of soils and peat.



43. In this case it is considered that the proposed development is directly linked to a rural business (ski centre), with the impact on peatland assessed and peat surveys provided whereby the principles of policy have been followed. The applicant's peat survey has highlighted that there are areas of deep peat on or close to the development site. One such area is close to the access track to the development on the lower side of the site close to the public road where the land is already disturbed by the existing infrastructure. The other area of is located at the higher end of the site in the south east corner, close to the boundary with the Ladder Hills SAC.
44. It is noted that the peat survey was carried out after the trail was designed, although the initial supporting material indicated that the trail would be micro-sited to avoid damage to peatland. Now that the survey has been undertaken, it is clear that sections of the trail including in the south-eastern part of the site would be located within deep peat. Accordingly, parts of the route will require to be reconsidered to avoid the peat and to also ensure that there is no disturbance / development within a 30 metre buffer of the Ladder Hills SAC boundary, as required by the HRA. Any such redesign of the trail will require to be informed by further survey work as highlighted by the Park Authority's Ecology Advisor. This can be secured by planning condition, and a change of trail route should not have any significant impact on the overall development in the landscape. Should there be any unavoidable impacts upon deep peat then there will be a requirement for compensatory peatland restoration as outlined in the Ecology Advisor's comments and this can be secured by planning condition.
45. Finally, with regard to other impacts upon designated sites (River Spey SAC, Ladder Hills SAC and Cairngorms Massif SPA), the HRA has concluded that, subject to suitable mitigation in terms of pollution control measures and timing of works, the conservation objectives can be met and there will be no adverse effect on site integrity. These additional mitigation measures can be secured by appropriate planning conditions in the event of the application being supported.
46. In these overall circumstances, it is considered that the proposed development complies with relevant NPF4 and LDP policies.



Transport and access

47. **NPF4 Policy 13: Sustainable transport** supports new development where it is in line with the sustainable transport and investment hierarchy and adequately mitigates any impact on local public access routes. **NPF4 Policy 18: Infrastructure first** also requires the impacts of development on infrastructure to be mitigated.
48. **LDP Policy 3: Design and placemaking** requires development to have an appropriate means of access, promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the National Park Core Paths Plan.
49. In this case the proposed development does not propose new access onto the public road network but instead will use an existing access track which serves the ski tow. It will also be served by the existing ski centre car parks, so no new transport infrastructure is required. The applicants have taken on board recommendations from the Moray Council Transport Development Team to ensure safe access for cyclists to cross the A939 by way of a suitable footpath link and measures to direct cyclists to a safe crossing point. Appropriate planning conditions can be attached to secure the implementation of these measures.
50. With regard to public / outdoor access, there are no impacts on any public access in terms of core paths or rights of way. In addition, the proposal will support policy objectives of maintaining and maximising opportunities for responsible outdoor access by providing another facility for mountain bike riders.
51. In these circumstances, and subject to appropriate planning conditions, the application is considered to comply with the relevant development plan policies.

Amenity

52. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise unacceptable noise issues will not be supported. **LDP Policy 3: Design and placemaking** requires new developments to protect the amenity enjoyed by neighbours.



53. In this case there are no residences within the area and no conflicts with these development plan policies

Flooding, drainage and water issues

54. **NPF4 Policy 22: Flood risk and water management** explains that development proposals at risk of flooding or in a flood risk area will only be supported if they fall into a series of specific categories. The policy also sets out that development proposals must not increase the risk of surface water flooding to others, and that all rain and surface water should be managed through sustainable urban drainage systems (SuDS) with areas of impermeable surfaces minimised. **LDP Policy 10: Resources** requires development to ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.
55. The proposed development is not located in a flood risk area and will not increase the risk of surface water flooding, with ample land around the trails to accept any surface water from the drainage of the tracks. Any other impacts upon the localised water environment can be protected during construction by working in accordance with the pollution prevention plan and other mitigation measures described earlier in terms of ensuring no adverse impacts upon designated sites. Accordingly, the proposed development complies with development plan policies in this respect.

Sustainability and climate change

56. **NPF4 Policy 1: Tackling the climate and nature crises** states that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate mitigation and adaptation** seeks to ensure that development is able to adapt to climate change risks. NPF4 also recognises the need to minimise waste, with **NPF4 Policy 12: Zero waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy. Similarly, **LDP Policy 3: Design and placemaking** requires new development to make sustainable use of resources including minimisation of waste and energy usage, while **LDP Policy 10: Resources** seeks to ensure minimisation of waste during construction and life of developments.



57. In this case, servicing the development will be achieved using existing infrastructure which is inherently sustainable, the development will help to support the sustainability of an existing facility and, as noted by the applicant's supporting material, the development avoids construction in more environmentally sensitive areas. Furthermore, the construction works will be undertaken in a manner that enables reuse of turves and ensures minimal long-term disruption to soils. The development is therefore considered to comply with relevant development plan policies in this respect.

Conclusion

58. The proposed development has been designed to make good use of existing infrastructure and local topography and will have negligible landscape impacts. It will help deliver welcome economic benefits by supporting the viability of a valuable local ski centre, supporting its year-round use and helping secure local jobs. The site can be satisfactorily accessed and impacts on wildlife and habitats can be satisfactorily mitigated subject to appropriate planning conditions.
59. In these overall circumstances, the proposal is considered to accord with the Development Plan and there are no material considerations that indicate otherwise. Approval is therefore recommended subject to appropriate planning conditions.

Recommendation

That members of the committee support a recommendation to APPROVE full planning permission to install additional mountain biking downhill run on the existing buzzard lift (shown as trail 4) at the Lecht Ski Centre, Corgarff, Strathdon, Aberdeenshire, AB36 8YP.

Conditions

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



1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended

2. **No development shall commence until a revised site plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority to show a minimum buffer zone of 30 metres from the edge of the Ladder Hills Special Area of Conservation to be maintained free from development and to show the proposed trail located to minimise impacts upon deep peat (defined as peat deeper than 50 cm and as detailed on the approved Peat Survey) and priority peatland habitats (blanket bog and wet heath). This plan to be informed by additional habitat and peat depth survey work. There shall be no: (a) development; (b) removal of surface vegetation; (c) storage of excavated peat, turves or construction materials; or (d) trampling / tracking over blanket bog vegetation within this buffer zone. This buffer zone shall be marked out on site before any development commences and the development shall be implemented in accordance with the approved plan.**

Reason: To minimise the risk of construction phase impacts on hydrologically connected peatland habitats within the Ladder Hills Special Area of Conservation, to minimise negative impacts on sensitive peatland habitats and carbon-rich soils in accordance with Policy 5: Soils of National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021, and to ensure that there are no adverse effects on the natural heritage of the National Park, in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, and Policy 5: Soils, of National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a site-specific Construction Environment Management Plan including site specific pollution prevention**



measures has been submitted to and approved in writing by the Cairngorms National Park Authority. The development shall thereafter be implemented in accordance with the approved details. These details to reflect the need to set out the construction methods and pollution prevention measures to be implemented during the construction phase to mitigate potential impacts on designated sites, and the water environment. The Construction Environment Management Plan shall include the following information and reflect the following requirements:

- a) Reference to mitigation measures outlined in the approved Preliminary Ecological Appraisal;
- b) Sediment management plan;
- c) Details of an appointed Environmental Clerk of Works (EnCoW), their remit, scope of their work (including the mitigation required by Condition 4) and reporting and monitoring schedule; and
- d) Details of water management to prevent run off from the site during construction work.

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

Reason: To protect the water environment and the River Spey Special Area of Conservation from pollution events, sediment mobilisation or disease caused during construction and to ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests and protected species, or any pollution of watercourses in accordance with Policy 3: Biodiversity, Policy 4: Natural Places, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

4. **No development (including vegetation clearance) shall take place:**



- a) During the upland breeding bird season (mid-March to August inclusive) unless a Breeding Bird Species Protection Plan including details of arrangements for pre-construction surveys and checks for any signs of nesting / breeding birds has been prepared by the appointed Environmental Clerk of Works;
- b) Between March and October unless a Mountain Hare Species Protection Plan including details of measures to detect leverets in the vegetation ahead of construction and in accordance with the measures outlined in the approved Preliminary Ecological Appraisal (section 4.1 Mitigation), has been prepared by the appointed Environmental Clerk of Works; or
- c) Between October to March unless a Species Protection Plan including details of pre-construction checks for reptiles and the mapping of their hibernacula together with details of any mitigation required has been undertaken by the appointed Environmental Clerk of Works.
- d) Any Species Protection Plans required to be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority before any development commences on site and development shall thereafter proceed in accordance with the approved details.

Reason: To minimise impacts on breeding birds, protected species (including mountain hare and reptiles) and to comply with environmental legislation in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

5. The construction of the development hereby approved shall be implemented in accordance with the mitigation measures detailed in section 4.1 of the approved Preliminary Ecological Appraisal document.

Reason: To ensure that the construction of the development is satisfactorily implemented in order to ensure that there are no adverse effects on the natural heritage of the National Park, including European Sites and protected species, or any pollution of watercourses in accordance with Policy 4: Natural Places, Policy 3:



Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

6. **No development shall commence on site until a Habitat Management Plan including details of biodiversity enhancements, peat management plan and timetable for their implementation has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The Habitat Management Plan shall be guided by advice contained in the approved Preliminary Ecological Appraisal. This plan shall include details of compensatory peatland restoration should there be impacts upon priority peatland habitats (defined as blanket bog and wet heath) as a result of the revised site plan required by Condition 2. The extent of peatland restoration shall equate to an area 10 times the extent of peatland habitat impacted. This area to be calculated based on the footprint of the track where it passes through priority habitat plus a 30-metre buffer on either side. The approved works shall thereafter be implemented in accordance with the approved timetable and maintained thereafter in accordance with the approved details.**

Reason: To ensure the development conserves and enhances the landscape and enhances biodiversity in accordance with Policy 4: Natural Places and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and to minimise negative impacts on sensitive peatland habitats and carbon-rich soils and to mitigate for any damage to priority peatland habitats in accordance with Policy 5: Soils of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

7. The timing of the construction work shall avoid the Atlantic salmon spawning season (mid-October to February).

Reason: To minimise potential construction phase impacts on qualifying interests of the River Spey Special Area of Conservation and to ensure that there are no



adverse effects on species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

8. The mountain bike trail hereby approved shall not be brought into use until the measures identified in the approved Road Plan - Safe Crossing for Cyclists (drawing reference B26/0502-01 005A) have been implemented, including the provision of a level landing area for cyclists to dismount, and a route provided directing users to an optimised Public Road crossing point to and from the existing Car Parking area.

Reason: In the interests of road safety, to ensure the safety of the users of the trails and in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

9. **No development shall commence on site until details showing arrangements to ensure that no surface water is permitted to drain or loose material carried from the site onto the public carriageway have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Moray Council Transport Team. The development shall thereafter be implemented in accordance with the approved details.**

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access or new path and as a result of any regrading works in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

10. The development shall be constructed in accordance with the approved Road Plan - Safe Crossing for Cyclists (drawing reference B26/0502-01 005A) to ensure the opening path of the new access gates is fully contained within the site and does not encroach onto the public carriageway / verge.



Reason: To ensure acceptable development that does not create any hazard to road users in the interests of road safety and in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021.

Informatives

1. 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.
2. 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.
3. The person undertaking the development should note the following comments of the Moray Council Transport Development Team:
 - a) Planning consent does not carry with it the right to carry out works within the public road boundary.
 - b) Before starting any work on the existing public road, the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access



joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk.

- c) The new whin style path and signage shall remain as private.
- d) Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe. Advice on these matters can be obtained by emailing roads.asset@moray.gov.uk.
- e) Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.
- f) No building materials / scaffolding / builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.
- g) The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.