

## CAIRNGORMS NATIONAL PARK AUTHORITY

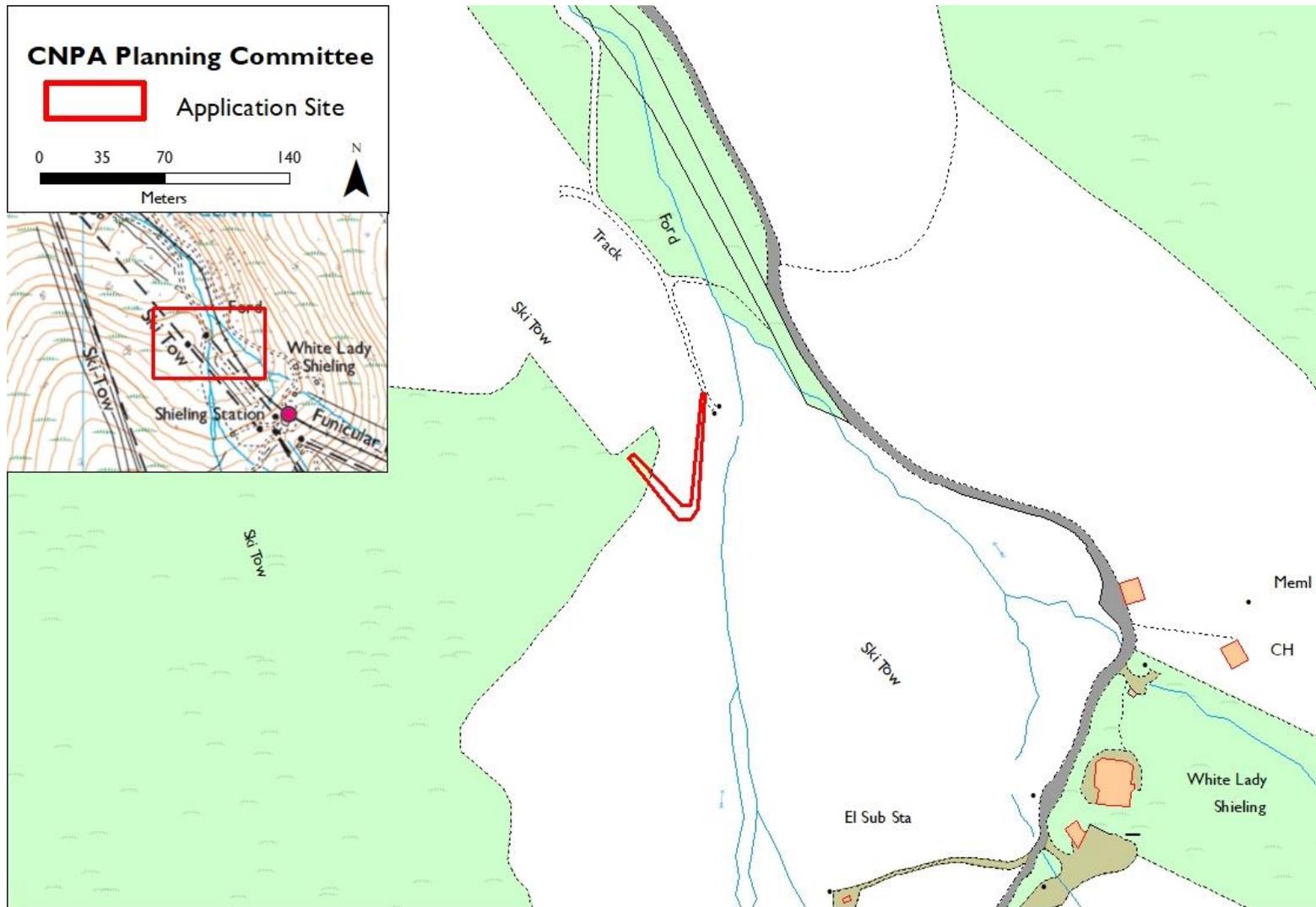
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### **DEVELOPMENT PROPOSED:**

Formation of mountain bike track link (including temporary construction access) and related infrastructure at Coire Cas Cairngorm Mountain Glenmore Aviemore

**REFERENCE:** 2023/0243/DET  
**APPLICANT:** Cairngorm Mountain (Scotland) Limited  
**DATE CALLED-IN:** 5 June 2023  
**RECOMMENDATION:** Approve subject to Conditions  
**CASE OFFICER:** Stephanie Wade, Planning Officer

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## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site is located on the north-western slope of Coire Cas and to the south-east of the Cairngorm Mountain Ski Centre Day Lodge. It comprises sloping, vegetated land. The land forms part of the ski slope used by the ski centre and is segregated in places by snow fencing and subsequently the approved mountain bikes tracks. The development site adjoins a footpath on the north-eastern side of the red line area. This footpath links the Day Lodge to the Mid-Station area, further up the slope.
2. The wider ski centre is accessed by the existing B970 road from Glenmore, which terminates at a large parking area, beside the Day Lodge and Funicular Railway Base Station. The application is for an additional track link to the permitted mountain biking tracks under planning permission 2022/0046/DET, which was approved by Planning Committee in May 2022.
3. The application site lies within the Cairngorms National Scenic Area but is not covered by any other specific environmental designations. The Cairngorms Special Area of Conservation, designated for habitat interests, and the Northern Corries, Cairngorms Site of Special Scientific Interest lies over 400 metres west of the site. The Cairngorms Wild Land Area No.15 lies over 600 metres west of the site at its closet point, circling the entire ski area.

### **Proposal**

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVMA3PSI0CP00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
<b>PLANS</b>			
Plan – Location and Site Plan			02/06/23
Plan – Link Track Update to Trails Overview	ENVd178 6_008A	18/05/23	02/06/23
Plan- Proposed Link Track	ENVd178 6_09A	18/05/23	02/06/23

Plan – Cairngorm Bike Trails Trail Section Details	006 Rev.A	16/11/21	02/06/23
<b>SUPPORTING INFORMATION</b>			
Other – Construction Phase Method Statement	1786 version 3.0	06/04/23	02/06/23
Other – Proposed Link Track Photos		19/05/23	02/06/23
Other – Visitor Management Plan		21/01/22	02/06/23
Other – Outdoor Access Management Plan			02/06/23
Other – Supporting Information from Agent		02/03/23	02/06/23
Other – Agent – Further Information in Response to Outdoor Access		28/06/23	28/06/23

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

5. This application seeks planning permission for the creation of a mountain bike track link of 75m in length. The track link is to be constructed of a compacted subbase and finished with a 25mm dust, compacted surface. The widths of the trail will predominantly be of 1 metre or below, with straighter trail sections reduced to 0.75m.
  
6. The proposal would link the approved Mid-Zone of the bike tracks to the permitted ascent path, located to the east. The proposal has been developed by the applicant in association with the Developing Mountain Biking in Scotland (DMBS)- who are part of Cycling Scotland. The approved mountain bike tracks which were permitted at the May 2022 planning committee, are currently under construction, and it was noted during these construction works that an option to enter the ascent trail from the mid-zone would be beneficial to the user. The agent has described the need for the proposal as follows:
  - a) *“The need for the link is simply to provide a short connection on the upper loop so that there is potential for riders to link to the upper section via a connecting route which is clear on the location plan as submitted. This provides a clear and obvious route for upper zone users to re-join the upper ascent trail after descending into the top part of the mid zone area negating the need to complete the whole length of track and avoiding the potential to cut across an undefined route. In the same way it avoids an*

*extended descent into the lower leaner zone before being able to reconnect to the ascent trail to the mid and upper zones.”*

7. Plans of the proposal can be viewed at **Appendix 1**.

## History

8. There have been numerous planning applications within the wider Cairngorm Mountain area. On 14<sup>th</sup> October 2021, Highland Council granted consent (21/03808/S42) for the continued temporary siting of a double snow factory unit on ground near the Day Lodge, extending the duration of the siting which has been permitted by both the CNPA and Highland Council in previous years. On 5 May 2023, Committee approved the relocation of the snow factory and implementation of related infrastructure (2022/0307/DET).
9. An application for the installation of car park barriers (2020/0097/DET) at the entrance to the Upper Coire Cas car park was granted consent by the CNPA on 16 June 2020. In May 2020, planning permission was granted by the CNPA for the engineering works related to the strengthening of the funicular viaduct (2020/0076/DET).
10. Within the same development area as the application being considered within this report, was planning permission 2019/0247/DET which permitted engineering works to smooth and regrade the land; and more recently planning permission 2022/0046/DET, which was granted approval by Planning Committee in May 2022. This permission relates to the formation of mountain bike tracks and related infrastructure. More recently, members permitted relocation of the snow factory at the April 2023 planning committee meeting under reference 2023/0307/DET.

## Habitats Regulations Appraisal

11. A Habitats Regulations Appraisal [HRA] was undertaken for the original bike track permission (2022/0046/DET) to consider the effects of the proposal upon the conservation objectives of the European Sites: River Spey SAC, Cairngorms SAC, and Cairngorms SPA. The conclusions of that HRA are still valid and applicable to the minor track extension proposed under this application. A copy of the HRA is attached at **Appendix 2**.

## DEVELOPMENT PLAN CONTEXT

### Policies

National Policy	National Planning Framework 4 (NPF4) Scotland 2045
POLICY 1	Tackling the Climate and Nature Crises

POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 5	Soils	
POLICY 21	Play, Recreation and Sport	
POLICY 29	Rural Development	
POLICY 30	Tourism	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 – 2027	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	DESIGN AND PLACEMAKING	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DEISGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	<b>X</b>
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER OBLIGATIONS	

12. 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. 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

13. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	Housing Supplementary Guidance	
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Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Design and Placemaking Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Non-Statutory Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	<b>X</b>
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Obligations Supplementary Guidance	

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

14. **CNPA Ecology Officer** has no objection. The Officer recommends that appropriate pre-construction checks for protected species should be undertaken by an experienced ecologist prior to construction. The Officer also recommends that works should adhere to the methods stated in the submitted Construction Method Statement with regards to removal, storage, and reinstatement of vegetation, and that the operation of the track should follow the agreed Monitoring Strategy Document (dated May 2022). Regarding the impact of the proposal on designated sites, the HRA for 2022/0046/DET remains valid for this application.
15. **CNPA Outdoor Access Officer** has no objections following receipt of further information to aid understanding of the proposal in respect of purpose and design of the path link. The Officer agrees with the applicant's observation and that the inclusion of the path link would lessen the risk of conflict between different user groups.
16. **Aviemore Community Council** were consulted but provided no comments.

## **REPRESENTATIONS**

17. The application was advertised when first submitted. No letters of public representation have been received during the consultation period.

## **APPRAISAL**

18. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021, and the National

Planning Framework 4. Where there is conflict between policies, NPF4 policies will be used.

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

## Principle

20. At national policy level, **Policy 30** of NPF4 supports tourist related development which is compatible with the surrounding area and contributes to the local economy. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2021 sets out that development which enhances formal and informal recreation and leisure facilities; and tourism and leisure-based business activities where:
  - a) It has no adverse environmental or amenity impacts on the site or neighbouring areas; and
  - b) It makes a positive contribution to the experience of visitors; and
  - c) It supports or contributes to a year-round economy.
21. In addition to the above policy, **Policy 8: Open Space, Sport and Recreation** permits extensions and enhancements to existing sport and recreation related business activities where:
  - a) They demonstrate best practice in terms of sustainable design, operation, and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
  - b) They will meet an identified community or visitor need; and
  - c) They maintain and maximise all opportunities to link into the existing path network.
22. By way of background, planning permission was granted last year for the creation of the bike tracks at Cairngorm, which are currently under construction / near completion. The facilities offer cycling paths for beginner to intermediate level riders providing a wider range of introductory trails within the area. The proposed path link is required by the applicant to provide a connecting path between the Mid-zone bike tracks to the ascent path to improve connectivity and user experience. The proposed development is therefore considered to support the ongoing viability and operation of this tourist site and the principle accords with Policy 2: Supporting Economic Growth and Policy 8: Open Space, Sport and Recreation of the Cairngorms National Park Local Development Plan 2021, and Policy 30 of NPF4, subject to the other material planning considerations as outlined below.

## Landscape, Siting and Design Impacts

23. The application site is located within the Cairngorm National Scenic Area, the National Park and close to the Cairngorms Wild Land Area No.15. As such, it is important that the landscape impacts of the proposed development are fully considered in relation to **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021. This policy seeks to ensure that all new development conserves and enhances the landscape character and special landscape qualities of the National Park and the setting of the development. Any significant impacts must be clearly outweighed by social or economic benefits of national importance and all adverse effects must be minimised and mitigated.
24. In this regard, the development is confined to the existing developed area of Cairngorm Mountain which is currently strongly characterised by a variety of ski infrastructure including: the funicular, ski tows, snow fences, buildings, car parking, vehicle tracks, bike tracks and footpaths. The proposal is for the addition of a bike track to be installed, which is 75m in length. Whilst the proposal involves changes to a vegetated area, the wider context is one of rural development and the addition of this development would be seen in the context of the wider ski and bike track infrastructure within the developed bowl of this part of Coire Cas. It is therefore considered, that due to this existing character, there is capacity for the additional track link. Due to the location of the proposed track link, visual effects will be relatively localised, and the addition will have a neutral impact on the landscape character. A planning condition is recommended to ensure the removal of track and reinstatement of land should the facility cease to operate in the future, to safeguard the long-term landscape character of the site.

## Environmental Impacts

25. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021, seeks to ensure there are no adverse impacts upon designated areas, protected species, or biodiversity, whilst **Policy 10: Resources** sets out the need to fully consider impacts on flooding and water resources. **Policy 3** of NPF4 requires development proposals to contribute to the enhancement of biodiversity, including restoring degrading habitats.
26. There are natural heritage assets of international importance within the wider Cairngorm area, however the work proposed is outside the boundary of any nature conservation sites designated for their biological or geographical interests. The Habitats Regulations Appraisal associated with the original wider bike tracks permission (2022/0046/DET) is valid and applicable to this track extension proposal. Subject to the mitigation measures being adhered to, by way of planning conditions, the conservation objectives of the River

Spey SAC, and Cairngorms SAC and SPA will be met and there will not be an adverse effect on site integrities. The original HRA recommended two planning conditions: one for path monitoring and the second for pollution prevention measures. The path monitoring remains as a conditional requirement of the original permission and to avoid duplication, will not be carried forward to this application which provides a small link within the wider bike trail facility. A planning condition is recommended to be included for any subsequent decision notice regarding pollution prevention measures, as the proposal involves additional construction works to those already carried out under the original permission.

27. Regarding the proposed impact on protected species and habitats, the CNPA Ecology Officer has no objections to the scheme subject to the undertaking of ecological pre-construction checks, which are to be secured by planning condition.
28. The proposal is not considered to cause any adverse impacts relating to flooding on or off site. Vegetated drainage channels are proposed to feed into the existing drainage network on site which is acceptable. Pollution prevention during construction is included within the submitted Construction Method Statement.
29. Subject to the recommended planning conditions relating to pre-construction ecological surveys and subject to the conditions required from the HRA, the proposal is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021 and Policy 3 of NPF4.

## **Access**

30. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 sets out the need for new development to be satisfactorily serviced without harm to resources or the environment. The additional track link will not have any effects on the existing public road network. The proposal will be constructed as part of the Phase 2 construction works under the original bike track permission and will therefore be undertaken in accordance with the approved Construction Traffic Management Plan linked to the 2022/0046/DET permission.
31. An Outdoor Access Management Plan has been submitted which details how the visiting public will be managed during the construction works, and the contents of this are deemed satisfactory by the Outdoor Access Officer. The inclusion of the path link would reduce the likelihood of riders performing a U-turn at this point and heading back down the shared path, therefore lessening the risk of conflict between different user groups.

32. Subject to the appropriate conditions being attached to ensure adherence to the Access management Plan, it is considered that the application satisfies the access requirements of Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

## CONCLUSION

33. This application involves the minor extension of the permitted mountain biking trail facilities at an established tourist facility within the National Park. The proposed addition is minor in nature to scale of the wider, permitted bike tracks and would improve user experience. Landscape and environmental impacts are acceptable subject to the refinements being agreed which will require the inclusion of planning conditions on any subsequent decision notice. Subject to these recommended conditions, the proposed development is considered to comply with the policies contained within the adopted Cairngorms National Park Local Development Plan 2021 and the policies of NPF4. Approval is therefore recommended.

## RECOMMENDATION

**That Members of the Committee support a recommendation to APPROVE the Formation of mountain bike track link (including temporary construction access) and related infrastructure at Coire Cas Cairngorm Mountain Glenmore Aviemore subject to the following conditions:**

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

### Conditions

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

**Reason:** To avoid adverse harm and comply with protected species legislation in accordance with Policy 3: Biodiversity of NPF4 and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021.

2. The development, hereby permitted, shall be undertaken in strict accordance with the following documents:
  - a) Construction Phase Method Statement, Version 3.0, dated 06/04/2023;
  - b) CMSL Mountain Bike Project- Outdoor Access Management Plan.

**Reason:** To ensure pollution does not enter the River Spey SAC and so avoid an adverse effect on site integrity in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2021, and Policy 3: Biodiversity of NPF4 and to ensure that public access rights are maintained and managed around the intended working area in accordance with Policy 3: New Development of the Cairngorms National Park Local Development Plan 2021.

3. Within one year from when the development, hereby approved, ceases to be used for the purposes applied for, the development must be removed in its entirety and land reinstated to its condition prior to the granting of the permission 2023/0243/DET, all to the satisfaction of the Cairngorms National Park Authority, acting as Planning Authority.

**Reason:** In recognition of the nature of the facility and to ensure that structures are removed, and land is restored to safeguard long term impacts of the site should the proposal cease to operate in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period, then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. Construction work (including the loading/unloading of delivery vehicles, plant, or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.