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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Section 42 application for non-compliance of Condition 1 of Planning Permission 19/04135/S42 (replacement of cessation date 19.11.20 with 19.11.21 at Cairngorm Mountain Glenmore Aviemore Highland PH22 IRB

**REFERENCE:** 2020/0213/DET

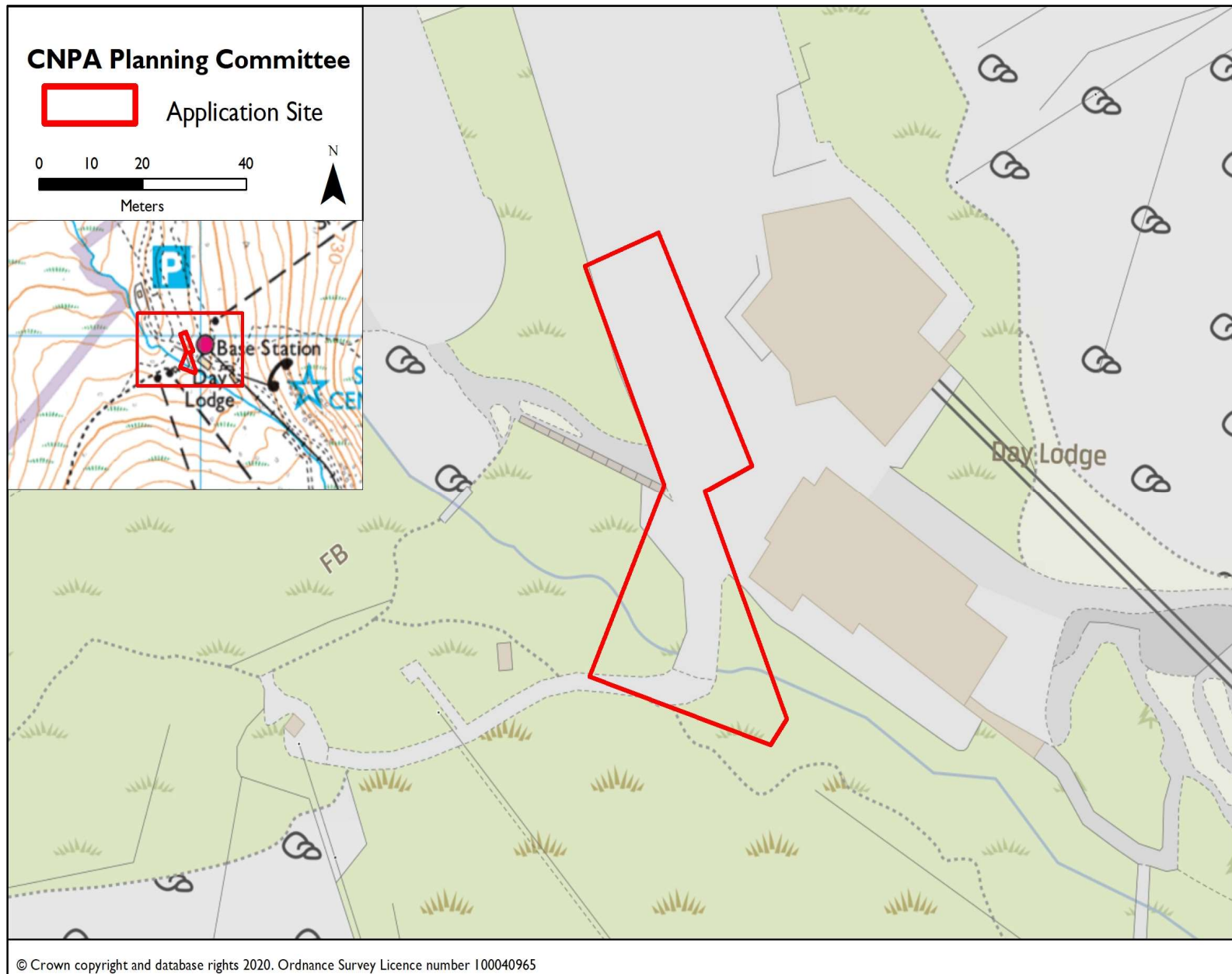
**APPLICANT:** Cairngorm Mountain (Scotland) Ltd

**DATE CALLED-IN:** 14 September 2020

**RECOMMENDATION:** Approve Subject to Conditions

**CASE OFFICER:** Ed Swales, Monitoring and Enforcement Officer

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

### **Site Description**

1. Cairngorm Mountain is located in the Glenmore area of the Highlands approximately 9 miles south east of Aviemore. The mountain is one of three ski centres within the Cairngorms National Park and has been operating for more than 50 years.

### **Proposal**

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

<http://www.eplanningnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGC8RPSI0CH00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Location Plan	Appendix 2C		14/09/20

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

3. The proposal is for a snow making machine, housed within a steel shipping container to be retained on site for a further year. The location of the structure is on an area of hardstanding, adjacent to the upper car parking area, Base Station and Day Lodge on Cairngorm Mountain.

### **History**

4. There have been many applications associated with the ski centre, in recent years as the operators have sought to upgrade the infrastructure around the site.
5. Temporary consent was granted for a single storey snow factory unit on 13.11.17 (Council ref: 17/04736/FUL). Subsequent permission was granted for a larger scale snow factory and further duration (Council ref. 18/05078/FUL). The snow making factory has been on site for 3 years with this being the 4<sup>th</sup> renewal application.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	Scottish Planning Policy 2014	
<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2017 – 2022	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2015) 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	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>

POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	<b>X</b>
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	

6. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

### Planning Guidance

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

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	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 Contributions Supplementary Guidance	

## CONSULTATIONS

### Summary of the main issues raised by consultees

8. **NatureScot** offered no new considerations for this application, and state their previous response still stands, this was one of no objection.
9. **CNPA Landscape and Ecology Advisors** offered no comments regarding this application.

## REPRESENTATIONS

10. There have been no representations received for this application.

## **APPRAISAL**

### **Principle**

11. This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of 19/04135/S42 requiring the removal of the snow making factory by 19 November 2020. The condition was attached in recognition of the temporary nature of the development and to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.
12. The principle of the development has been considered acceptable previously. The proposed development is for a temporary period and can be reviewed by the Planning Authority at the end of the proposed timescale.
13. Policies within the Cairngorms National Park Authority Local Development Plan generally support the application in that the development will provide for winter sports and support the winter economy of the surrounding area. Policy 2: Supporting Economic Growth supports this type of tourist and leisure development where it will positively contribute to visitor experience and where it adds to or extends the core tourist season. Policy 8: Sport and Recreation further supports such development where there is an identified visitor need.

### **Design and Materials**

14. Policy 3: Sustainable Design encourages development to be sympathetic to its surroundings and for materials and landscaping that will complement its setting. The structure essentially has the appearance of two metal shipping containers, with one placed on top of the other, with fans and operating infrastructure on top. While such a structure in this location is not considered best practice, given its temporary nature it is considered the use of the equipment to continue for a further 12 months is considered to be acceptable. Any future permanent structure would require planning permission at which time proper mitigation through appropriate siting, screening and/or colour finish would be sought.

### **Environmental and Landscape Impacts**

15. The development is a temporary structure on land where recreational use is well established and where it is accepted that additional ancillary infrastructure may be required. As such it is considered that the continued use of the land for the siting of the snow factory will not impact on the wider natural heritage or landscape interests of the surrounding area in compliance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

### **Servicing**

16. The structure utilises existing services for its water supply, drainage provision and electricity supply and as such is in compliance with Policy 10: Resources of the Cairngorms National Park Local Development Plan.

## CONCLUSION

17. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.
18. It is recommended that temporary permission be granted subject to the recommended conditions.

## RECOMMENDATION

**That Members of the Committee support a recommendation to approve the Section 42 application for non-compliance of Condition 1 of Planning Permission 19/04135/S42 (replacement of cessation date 19.1.20 with 19.11.21 at Cairngorm Mountain Glenmore Aviemore Highland PH22 IRB subject to the following conditions:**

### Conditions

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on November 19<sup>th</sup> 2021 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance to its condition prior to the installation and siting of the snowmaking factory on the site.

**Reason:** In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and to secure removal and restoration in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2015.

### Informatives

1. Following completion of the development, a notification of the 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.

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.