
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Engineering works for strengthening funicular viaduct at Cairngorm Mountain
Glenmore Aviemore Highland PH22 IRB

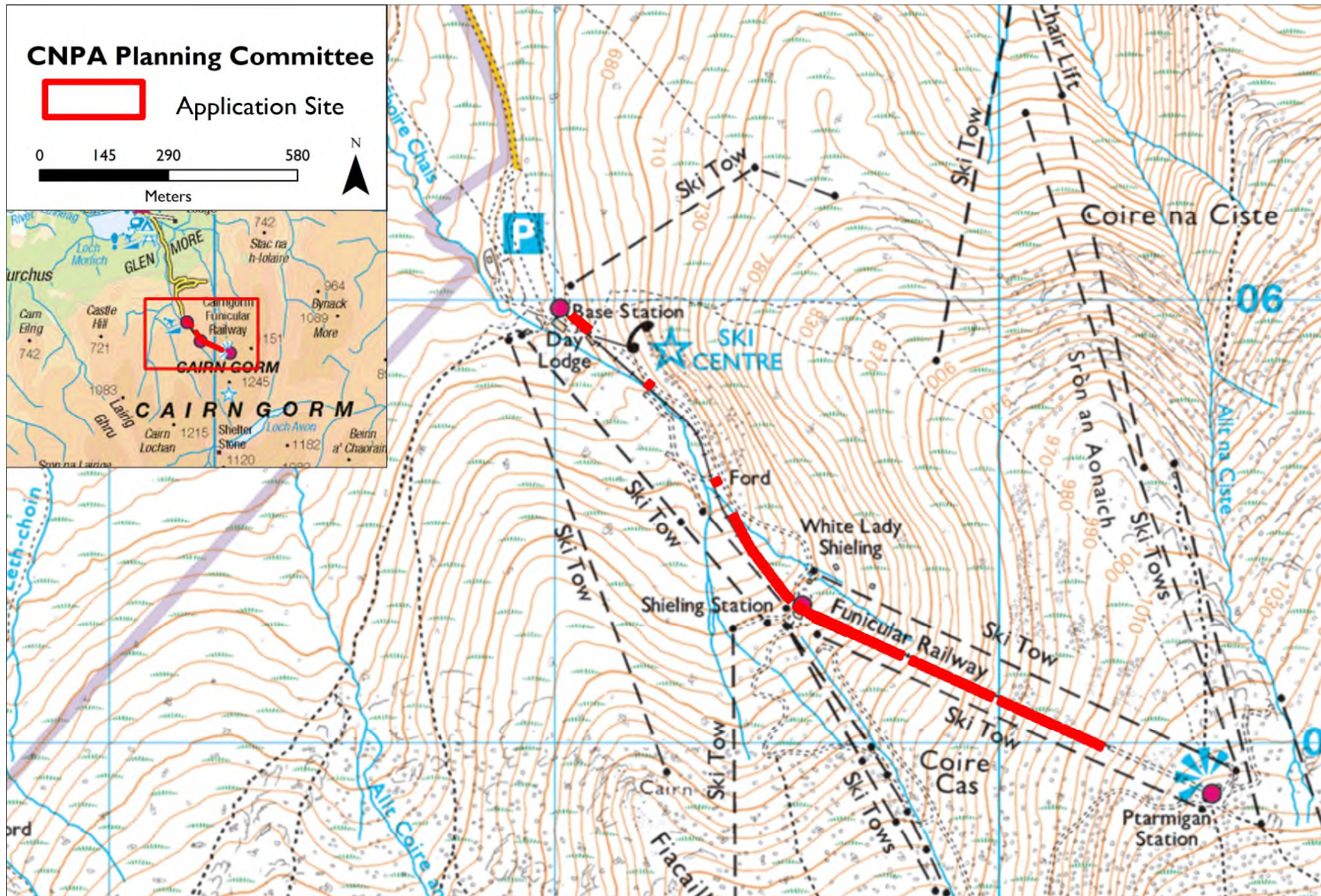
REFERENCE: 2020/0076/DET

APPLICANT: Highlands And Islands Enterprise

DATE CALLED-IN: 23 March 2020

RECOMMENDATION: Approve subject to Conditions

CASE OFFICER: Stephanie Wade, Planning Officer



© Crown copyright and database rights 2020. Ordnance Survey Licence number 100040965

SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located on the slopes of Cairngorm within the established ski area and 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 funicular railway viaduct runs from the base station and car park at approximately 630m above sea level, past the mid station and Shielling building at 700m to the Ptarmigan restaurant at 1080m above sea level. Throughout the ski area, there are a number of tracks providing access to the higher ground, allowing maintenance of ski infrastructure and providing access for walkers. Also within the ski area is associated ski infrastructure including snow cannons, snow fencing and ski tows.
2. The site is within the Cairngorm Mountains National Scenic Area. The European sites the Cairngorm Special Area of Conservation (SAC) and Special Protection Area (SPA) surround the ski area, bordering it to the south, west and north sides. Water courses with the ski area are connected to the River Spey SAC. A number of Sites of Special Scientific Interest (SSSI) overlap the Cairngorms SAC and SPA. To the south lies the Cairngorms SSSI, to the west lies the Northern Cairngorms SSSI and to the north lies the Glenmore Forest SSSI and the Allt Mor SSSI. The proposed site is located approximately 400m from the nearest of these designations.

Proposal

3. 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=Q7DXNCSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Plans			
Site Location Plan	AI32354/CFV/P LN/DWG/800 Rev.02	06 March 2020	23 March 2020
Section Plan- Overall Site Plan and Longitudinal Section	AI32354/CFV/P LN/DWG/900 Rev.03	06 March 2020	23 March 2020
Section Plan- Typical Type 2 Beam Strengthening Details	AI32354/CFV/P N/DWG/920 Rev.03	06 March 2020	23 March 2020
Section Plan- Passing Loop Beam Strengthening Details	AI32354/CFV/P LN/DWG/921 Rev.02	06 March 2020	23 March 2020

Section Plan- Pier 46 Typical Prop Detail	AI32354/CFV/P LN/DWG/911 Rev.03	06 March 2020	23 March 2020
Section Plan- Typical Passing Loop Pier 56 Typical Prop Detail I	AI32354/CFV/P LN/DWG/926 Rev.02	09 March 2020	23 March 2020
Section Plan- Typical Passing Loop Pier 56 Combined Strengthening Details	AI32354/CFV/P LN/DWG/924 Rev.02	06 March 2020	23 March 2020
Section Plan- Pier 41 Typical Prop Detail I	AI32354/CFV/P LN/DWG/910 Rev.03	06 March 2020	23 March 2020
Section Plan-Typical Passing Loop Pier 55 Combined Strengthening Details	AI32354/CFV/P LN/DWG/923 Rev.02	06 March 2020	23 March 2020
Section Plan- Typical Passing Loop Pier 55 Typical Prop Detail I	AI32354/CFV/P LN/DWG/925 Rev.02	09 March 2020	23 March 2020
Typical Passing Loop Combined Strengthening Details	AI32354/CFV/P LN/DWG/922 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 1 of 6	AI32354/CFV/P LN/DWG/930 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 2 of 6	AI32354/CFV/P LN/DWG/931 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 3 of 6	AI32354/CFV/P LN/DWG/932 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 4 of 6	AI32354/CFV/P LN/DWG/933 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 5 of 6	AI32354/CFV/P LN/DWG/934 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Showing Beam Strengthening Works 6 of 6	AI32354/CFV/P LN/DWG/935 Rev.02	06 March 2020	23 March 2020
Plan and Longitudinal Section Sheet 1 of 6	AI32354/CFV/P LN/DWG/901 Rev.03	06 March 2020	23 March 2020

Plan and Longitudinal Section Sheet 2 of 6	AI32354/CFV/P LN/DWG/902 Rev.03	06 March 2020	23 March 2020
Plan and Longitudinal Section Sheet 3 of 6	AI32354/CFV/P LN/DWG/903 Rev.03	06 March 2020	23 March 2020
Plan and Longitudinal Section Sheet 4 of 6	AI32354/CFV/P LN/DWG/904 Rev.03	06 March 2020	23 March 2020
Plan and Longitudinal Section Sheet 5 of 6	AI32354/CFV/P LN/DWG/905 Rev.03	06 March 2020	23 March 2020
Plan and Longitudinal Section Sheet 6 of 6	AI32354/CFV/P LN/DWG/906 Rev.03	06 March 2020	23 March 2020
Supporting Documents			
Breeding Birds Species Protection Plan	8502 Version 1.3	16 March 2020	23 March 2020
Ecological Baseline Report Part 1 of 2	8502 Version 1.4	16 March 2020	23 March 2020
Ecological Baseline Report Part 2 of 2	8502 Version 1.4	16 March 2020	23 March 2020
Species Protection Plan: Mountain Hare	8502 Version 1.3	16 March 2020	23 March 2020
Species Protection Plan: Reptiles	8502 Version 1.3	16 March 2020	23 March 2020
Species Protection Plan: Water Vole	8502 Version 1.3	16 March 2020	23 March 2020
Methodology Report Parts 1-8 inclusive	Revision 00	11 March 2020	23 March 2020
Planning Statement	HIGH0001	11 March 2020	23 March 2020
Landscape and Visual Appraisal and Appendices		30 March 2020	31 March 2020
Atmos Consulting responses re: sepa comments		27 April 2020	07 May 2020
Balfour Beatty response re: sepa comments		01 May 2020	07 May 2020

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

4. The proposed development includes the strengthening of the existing Cairngorm Mountain funicular viaduct by adding props to a number of the existing viaduct piers. The planning application provides details of both the permanent works that require a planning application to be authorised, and other temporary enabling works that would be undertaken as permitted development under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, if planning permission is granted for the funicular strengthening works, as well as the restoration methods for all ground affected on completion.
5. The structure of the funicular viaduct is supported above ground by the anchor blocks and piers. The proposed strengthening works to the viaduct will involve the installation of reinforcing props and concrete bases beside existing piers beneath the funicular viaduct. This will involve minor earth works to allow construction with removal of vegetation and soils, leading to a small increased in the hard surface area of the funicular through the installation of the props' concrete bases on completion. The areas for the concrete bases would be within a maximum size of either 11m x 14m area or an 11m x 18m area for 63 of the 94 viaduct piers. Vegetation and soils would be cleared for these areas and topography would be locally altered during the construction of the prop foundations. The soils would be temporarily stockpiled before being replaced and vegetation restored.
6. Access for the delivery of construction materials to the worksites would be either from existing tracks, temporary access tracks or by helicopter. The helicopter use will involve transporting materials to piers 62 to 33. This will consist of a minimum of five hours construction flying time with an average of 8 return trips per hour with a temporary helipad to be located in the Coire-na-Ciste car park.
7. The application is supported by a Landscape and Visual Appraisal, Ecological Baseline Report, Peat and Groundwater Terrestrial Ecosystems Report, Habitat Management and Restoration Plan, and species protection plans for the species most likely to be affected during construction: breeding birds; mountain hare, reptiles; and water vole.
8. Plans of the proposal are included within **Appendix 1**.
9. For reference, the temporary works can be found within the construction method statement plans included at **Appendix 2**.

History

10. There are no recent planning applications relating to the immediate red line area of this application, however there have been numerous planning applications within the wider Cairngorm Mountain area, which are summarised below:
11. The original funicular railway application was approved 1997 and dealt with by Highland Council prior to the forming of the National Park, (reference 94/00254/FULBS). In 2002, full planning permission was granted by the Highland Council to vary condition 11 of the original funicular railway consent in order to retain a 3 metre wide access track for vehicular use, (reference 02/00382/FUL).

12. In 2006, planning permission was granted by the CNP for the “erection of a camera obscura” within the mountain garden area of Cairngorm Mountain (reference 06/319/CP) and for “path works, dyking, landscaping and art works” (reference 06/258/CP).
13. In 2014, planning permission was granted at the November CNPA Planning Committee meeting for the removal of the Shieling ski-tow and replacement with a modern rope tow of similar length and profile, located beside the funicular railway.
14. In 2015, the Highland Council granted permission for an extension to the west wall poma ski tow beside the Ptarmigan and a new return wheel at the southernmost end of the ski tow (reference: 15/01000/FUL).
15. In 2017, retrospective planning permission was granted by the CNPA Planning committee for the “retention of a ski area access track” (reference 2016/0295/DET). Also, the Highland Council granted permission for the “siting of a snow factory unit” in November 2017 (reference 17/04736/FUL).
16. In 2018, planning permission was refused by the CNPA Planning Committee in October for the “installation of beginner and intermediate artificial ski slopes with associated services.” The application was refused on grounds of siting, location, colour of material, changes to landform leading to unacceptable landscape impacts in the short and medium term on the site and on views to the site, with the proposed mitigation not being achieved in an acceptable time frame. Also in 2018, the Highland Council granted a temporary permission for the “installation of a double unit snow factory” (reference 18/05078/FUL).
17. In May 2019, planning permission was granted for the renovation and erection of an extension to the Ptarmigan Restaurant building (reference: 2018/0177/DET) and at the December 2019 planning committee, permission was granted for “engineering works to smooth and re-grade land” at Cairngorm Mountain (reference: 2019/0247/DET). Also during this period the Highland Council granted permission to application reference 19/03944/S42, which sought to vary condition 1 of planning permission 19/01765/FUL (installation of a tube slide, zip line and play area within the Coire Cas car park at Cairngorm Mountain) and, application reference 19/04135/S42 for the variation of condition 1 of planning permission 18/05078/FUL to alter the cessation date of the permitted snow factory.
18. The CNPA are also currently considering and processing two further live applications. Application reference: 2020/0097/DET for the ‘installation of car park barriers at Cairngorm Mountain’; and application reference: 2020/0105/DET for the ‘installation of two tube slides and extension and realignment of existing tube slide at the Coire Cas Car Park’.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	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	X
POLICY 3	SUSTAINABLE DESIGN	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	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

19. 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

20. 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	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

Cairngorms National Park Local Development Plan 2020

21. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is still progressing, its contents currently carry limited weight.

CONSULTATIONS

A summary of the main issues raised by consultees

22. **Scottish Natural Heritage (SNH)** note that the proposed works are site close to the Cairngorms Special Area of Conservation (SAC) selected for a variety of species and habitats, and Cairngorms Special Protection Area (SPA) classified for a variety of bird species and associated SSSI's. The proposed works are to be undertaken outside any of the designated sites and subject to the work being undertaken in accordance with the described methodology, SNH consider the proposal is unlikely to impact on any of the qualifying features or notified interests. SNH therefore confirm, that in their view, the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly and an appropriate assessment is not required.
23. **Scottish Environment Protection Agency (SEPA)** has no objection to the application subject to the imposition of recommended planning conditions as outlined below under each subheading.
- a) **SUSTAINABLE PEAT MANAGEMENT:** SEPA welcomes the utilisation of existing tracks where possible and acknowledge that there is little scope for mitigation in terms of reducing volumes of excavated peat with regards to the proposed new pier supports. However, there appears to be scope for further mitigation in relation to the new temporary tracks proposed with a significant volume of peat estimated to be excavated for these in table 3 of the Outline Peat Management Plan and SEPA therefore request that all temporary tracks where peat would otherwise be excavated comprise of geotextile or plastic track matting unless there is a significant technical reason why this is not feasible. They note that there may also be scope for micro siting of the temporary compounds at the mid and upper stations should pockets of peat be found in these areas- it is noted that there appears to be no details of whether these temporary construction compounds will required excavation nor have they been included in the excavated peat volume estimates in table 3. SEPA therefore request peat volumes be provided for all proposed excavation works in the final Peat Management Plan and that the landscaping details which utilise the excavated peat are provided.
- b) SEPA welcome the proposed mitigation as included in the ‘Peat and Groundwater Dependent Terrestrial Ecosystem Report’ (March 2020) and included in the outline Peat Management Plan. To ensure the mitigation measures

are taken forward, they request the inclusion of a planning condition requiring the agreement of a final Peat Management Plan.

- c) **GROUND WATER DEPENDENT TERRESTRIAL ECOSYSTEMS (GWDTE):** SEPA note from the submitted NVC that GWDTE occur predominantly at the bottom of the site and note that the date of when the survey took place is not an ideal time for surveying ground vegetation. However, they welcome the commitment for a pre-construction survey by the ECoW in the Habitat Management and Restoration Plan (March 2020). Whilst in general SEPA consider that the planned layout looks to minimise the impact on GWDTE, due to the presence of GWDTE in the lower section (from the polma track across to the funicular at two points), they request that the proposed new temporary track in these locations maintains hydrological continuity in these areas, i.e. no cut track should be used at these locations, only floating track. They also request the final HMRP and Surface Water Management Plan demonstrate that the risk that upgraded tracks could become a preferential pathway for ground water flow can be mitigated. A post determination condition is requested for the submission and agreement of the final Habitat Management and Restoration Plan.
 - d) **POLLUTION PREVENTION:** SEPA query the construction site area and note that should the construction site area be over 4ha, a Construction Site Licence (CSL) would be required. Notwithstanding this, SEPA have reviewed the Outline Surface Water Management Plan and require this to be more site-specific. Whilst they anticipate that a CSL will be required, they ask that the comments relating to the surface water management plan are addressed in a revised Pollution Prevention Plan as part of the final Surface Water Management Plan.
 - e) **WATERCOURSE DIVERSION:** It is noted that a watercourse diversion is required adjacent to Pier 45/46. As per correspondence with SEPA Water Permitting this will require a Simple Licence. Specific controls relating to this activity can be outlined in a specific Method Statement which will be conditioned in this licence. However, it is recommended these controls are referenced on the final Appendix 3- Water Management Layout of the Surface Water Management Plan.
 - f) **SITE WASTE MANAGEMENT:** In accordance with Policy 10: Resources, SEPA request a site specific waste management plan is submitted and agreed before construction commences and this should be secured by condition.
24. **The Highland Council Flood Risk Management Team** has no specific comments relating to this application noting that the works will not cause any long term impacts or changes in terms of flood risk or drainage.
25. **CNPA Landscape Officer** considers that the conclusions of the submitted Landscape and Visual Assessment report are sound although notes that the conclusions are predicted on the assumption that all restoration of the existing ground will be successful. The Officer comments that the Habitat Management and

Restoration Plan provides a good outline to the approach proposed to achieve the aim of restoring existing vegetation however recommends a planning condition is attached to any subsequent decision notice requiring the submission of a restoration plan to be agreed and implemented to ensure that the specific details of how the restoration will be achieved are agreed.

26. **CNPA Outdoor Access Officer** requested the submission of further information of an outdoor access management plan detailing how the visiting public will be managed around the intended works, specifically in respect of statutory access rights.
27. **CNPA Ecology Officer** confirms that following consultation with SNH, the works will be undertaken outwith any designated sites and subject to the works being undertaken in accordance with the described methodology, there will be no indirect or direct significant effect on the qualifying features or notified interests of nearby sites. An appropriate Assessment is therefore not required. The Officer states that if the works are undertaken there will be permanent loss of Annex I quality habitats (Dry and Wet Heath), along the route of the funicular and the proposal would therefore need to be supported by compensatory measures. The Officer considers that the submitted Species Protection Plans, Habitat Management Plan and Methodology Report (2020) should ensure the protection of mammals, birds, reptiles, amphibians and surrounding habitat including GWDTE during the construction period. The HMP and Methodology report also includes proposals for habitat restoration and post-restoration monitoring which is welcomed. The Officer recommends the following outstanding requirements are included as planning conditions:
 - a) A helicopter flight plan approved by SNH and RSPB to prevent disturbance to breeding birds especially Golden Eagle;
 - b) Details of methods used for soil stripping, turf storage and re-seeding as per Landscape Advice; and
 - c) Details of compensation for loss of habitats to include montane scrub planting, this should be developed in conjunction with Cairngorm Mountain and the CNPA Landscape Advice.
28. **CNPA Peatland Officer** has reviewed the application and notes the thoroughness of the submitted Peat and GWTE Report, however requests the submission of a Peat Management Plan. The Plan needs to set out how peat, turves and soils will be handled, managed, stored and maintained during construction.
29. **Aviemore and Vicinity Community Council** note their support for the proposal although provide a number of general comments regarding: the timing of the application pre-empting the publication of the Future of Cairngorm; the lack of information regarding the duration or potential timing of the works; concern regarding running site traffic through the existing Coire Cas Car Park; support for the comprehensive measures proposed to protect wildlife and the environment; and queries the submission of this application prior to the HIE production of a Masterplan which was understood by them to include a review of options for the funicular. A copy of their full response can be found at **Appendix 4**.

REPRESENTATIONS

30. The application was advertised when first submitted. 13 letters of representation, objecting to the application have been received from individual members of the public and on behalf of the North East Mountain Trust, Mountaineering Scotland, Cairngorm Campaign and the Badenoch and Strathspey Conservation Group (BSCG). The Royal Society for the Protection of Birds (RSPB) has provided general comments on the matter. A copy of these representations can be found at Appendix 3. The BSCG have requested to address the committee. The main issues raised from the objectors are summarised as follows:
- a) Concerns raised relating to the accuracy of the application details for the proposal;
 - b) No Masterplan for Cairngorm Ski Area and the application is pre-mature to the publication of the outcome of the community consultation on “The Future of Cairngorm”;
 - c) Impact of proposal on increasing flood risk and its potential increase water run off rates;
 - d) Proposal conflict’s with CNPA’s Working Principles for Cairngorm Mountain;
 - e) Insufficient information submitted relating to environmental assessment for the proposal, including peat management, restoration works, construction methods, construction materials, fuelling areas, ecology information;
 - f) Concern regarding the scale of works for the working corridor and the quality of its reinstatement;
 - g) Request for the suspension of the application’s consideration until post Covid-19;
 - h) Red line development boundary does not cover the whole site impacted by the proposal and the application is therefore invalid as it should be part of a major application process;
 - i) Concern regarding the sensitivity of the site as works will cause significant damage to habitats, ecology and landscape;
 - j) Temporary tracks and existing track upgrades should be included within the red line boundary and concern is raised regarding the temporary nature of the tracks and their retention in the future;
 - k) Concern regarding the accuracy of the information with conflicting information such as the number of props to be installed,;
 - l) Props introduce a visual intrusion to the area;
 - m) Use of helicopters is inconsistent with CNPA decision for the Ptarmigan planning application due to the risks associated with protected birds;
 - n) No demonstration that the works will address the issues and fix the funicular;
 - o) No business case to support the repair of the funicular and the funicular’s contribution to the local economy and its viability is queried.
31. General comments have also been provided by the RSBP who note that a species protection plan for breeding birds has been produced and that the ECoW should carry out surveys for breeding birds prior to work taking place in the area. They also confirm that a helicopter flight plan should be agreed taking into account p to date information on breeding Schedule I species along the light path.

APPRAISAL

32. The main planning considerations in relation to this application comprise: the principle of development, and the impact on the natural environment in respect of: designated areas, protected species and habitats, landscape impacts, together with the impact on flooding. The relevant issues in determining the planning application are solely related to the development proposed and its impacts. The funicular railway on Cairngorm already exists and is not a matter for review in this application. The costs of the strengthening works and peoples' opinions on the value for money or use of public money are matters for the applicant and are not relevant to the determination of the planning application.

Principle

33. **Policy 2: Supporting Economic Growth** of the Cairngorms National Park Local Development Plan 2015 supports development which enhances formal and informal recreation and leisure facilities providing: there are no adverse environmental impacts; it makes a positive contribution to the experience of visitors; and it adds to or extends the core tourist season. **Policy 8: Sport and Recreation** also seeks to support existing sport and recreation related business activities. National planning policy as contained in Scottish Planning Policy similarly seeks to promote business development which increases economic activity whilst also safeguarding and enhancing the natural environment.
34. In this regard, the principle of development, which is related to the continued safe operation of the main winter uplift infrastructure and sole summer uplift capacity of the long-established Cairngorm ski centre, generally complies with policy, providing environmental impacts are acceptable. The proposal is related to the strengthening of the existing Cairngorm Mountain funicular viaduct by adding props to a number of the existing viaduct piers to allow for continued safe operation at the site. The principle is beneficial to visitors providing that there are no adverse landscape or environmental impacts. These matters are now considered in more detail.

Environmental Issues

35. **Policy 4: Natural Heritage** of the Cairngorms Local Development Plan 2015 seeks to ensure that there are no adverse effects on natural heritage interests, designated sites or protected species and that any impacts upon biodiversity are avoided, minimised or compensated. **Policy 10: Resources**, also seeks to ensure that disturbance to soils, peat and any associated vegetation is minimised.
36. There are natural heritage interests of international importance within the wider area, however the work proposed is outside the boundary of any nature conservation sites designated for their biological or geological interests and Scottish Natural Heritage confirm that subject to the work being undertaken in accordance with the described methodology, the proposal is unlikely to impact on any of the qualifying features or notified interest and will subsequently not have a significant effect on any qualifying interests either directly or indirectly.

37. Ecological survey work submitted in support of the application has been reviewed by the CNPA Ecology Officer who notes that the proposal would need to be supported by compensatory measures to mitigate against the loss of Annex I quality habitats (Dry and Wet Heath) along the route of the funicular. The Officer considers that the submitted Species Protection Plans, and Habitat Plan and Report should ensure the protection of mammals, birds, reptiles, amphibians and surrounding habitat. Planning conditions are recommended to ensure the mitigation and habitat compensation measures, including a helicopter flight plan to prevent disturbance to breeding birds, are undertaken.
38. There would be a loss of peat excavated from the installation of new pier props and bases and there is little scope for mitigation of that impact. However, given the relatively small scale of loss of peat, it is not considered to cause any significant adverse effects. SEPA confirm that they have no objection to the proposal in relation to its impact on groundwater dependent terrestrial ecosystems (GWDTE) subject to revised information being submitted and agreed by way of post determination planning conditions for the Habitat Management and Restoration Plan and Peat Management Plan. The CNPA Peatland Officer concurs with the request for a final Peat Management Plan noting that the details should set out how peat, turves and soils will be handled, managed, stored and maintained during construction.
39. In these overall circumstances, and subject to appropriate planning conditions, the application is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Landscape Issues

40. 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 Local Development Plan 2015**. 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 adverse impacts must be clearly outweighed by social or economic benefits of national importance and all adverse effects must be minimised and mitigated. **Policy 3: Sustainable Design** seeks to ensure that development is suitably designed.
41. In this regard, the development relates to alterations to the existing viaduct structure and will therefore be viewed in the context of that infrastructure. The two key conclusions drawn from the submitted Landscape and Visual Assessment confirm that: the effects on landscape character would not be adverse and the changes are barely perceptible; and regarding visual amenity, no potentially adverse effects were predicted, meaning visual receptors were not predicted to experience a meaningful change in existing views as a result of the proposed strengthening works. The National Park's Landscape Officer has no objection to the proposal noting that the conclusions of the Landscape and Visual Assessment report are sound and the Habitat Management and Restoration Plan provides a good outline, although requests the attachment of a planning condition for a final restoration plan to be agreed and

implemented to ensure that the specific details of how the restoration will be achieved are agreed. The Officer also recommends that a biodiversity enhancement is included in any subsequent restoration plan of continuing to develop the montane scrub within the area, which would help to mitigate the visual effects of the funicular line itself in time, and by extending the existing habitat of the garden to provide more nesting opportunities for birds such as the ring ouzel.

42. Whilst the site is in the National Park, the presence of the existing infrastructure and built form on the mountain already impacts on the qualities of wildness and remoteness which are associated with other areas of the park. The scale and nature of the proposed works mean that landscape and visual effects would be localised and on completion, would lead to little change from the established baseline. During construction, temporary access, construction vehicles, compounds and construction works would lead to more obvious landscape and visual impacts but these will all be temporary and the ground restored on completion. There are potential cumulative effects in relation to the adjacent built form of ski tows and associated infrastructure. However, due to its scale and nature, those effects would also be localised and seen in the context of the adjacent built form and infrastructure and barely perceptible. The outlined details of the habitat restoration together with the mitigation measures also serve to ensure that there will be limited impact upon the wild land area and in these overall circumstances, the application is considered to comply with Policies 3 and 5 of the Cairngorms Local Development Plan 2015, subject to appropriate planning conditions being attached to any consent issued.

Impact on Flooding

43. **Policy 10:** Resources of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that all developments do not increase flood risk nor adversely impact on the water quality of the area. The main water course on site flows alongside the viaduct route. Several burns run north-east through the upper slopes of the site to become the Allt a Choire Chais. It then continues north-west from mid-station towards the main visitor centre area and in addition to this, several man-made channels exist around the site but do not appear to contain water at all times.
44. The Highland Council Flood Risk Management Team has considered the details of the application and confirm that the works will not cause any long term impacts or changes in terms of flood risk or drainage.
45. The works associated with the development have potential to lead to local pollution, including of water courses connected to the River Spey SAC, but all the operations can be managed through normal site health and safety measures and construction management plans. In accordance with this, SEPA confirm the recommendation of planning conditions for final surface water management plans, pollution prevention plans and site waste management plans to be submitted and agreed before construction commences, which are to be site specific. On this basis the proposal is considered to comply with the requirements of Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Other Issues Raised in Consultations and Representations

46. Aviemore and Vicinity Community Council support the proposal welcoming the comprehensive measures to protect wildlife and the environment, however query the timing of the application prior to the publication of the 'Future of Cairngorm' and the Masterplan.
47. A number of objectors have also raised concern that the application has been submitted in advance of any masterplan for the wider site at Cairngorm Mountain being produced as set out in the Cairngorm and Glenmore Strategy (CGS) and the CNPA's working principles for Cairngorm Mountain¹. Both the CGS and the working principles set high level objectives for the area and reflect the CNPA's desire for new development on Cairngorm to be based on a rational long term plan. HIE are currently undertaking this process but it will still take some months to be completed.
48. The application under consideration relates to the modification of an existing viaduct structure to continue its operation; it does not therefore relate to the introduction of any new facilities on site. It is the Officer's view that the application does not prejudice any future development or management of the ski centre that the masterplan may set out, as the continued operation of an existing facility at the ski centre is clearly consistent and compatible with the existing use and operational efficiency of the existing business at Cairngorm Mountain. Officers consider that to delay determination or to refuse planning permission of this application simply on the basis of the lack of a masterplan would be unreasonable.
49. A number of objectors have raised concern regarding the proposed development area, as submitted, and illustrated by the red line area on the plans. As previously highlighted, the application has been put forward for consideration of the permanent development works of adding props to the existing piers. The applicant has provided further details of temporary construction access arrangements and temporary compound areas, by way of reference, and confirms that these all fall within the stipulations of Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. For matters of clarity, this planning appraisal considers precisely what has been applied for in respect of the permanent works as included within the red line areas on the submitted plans and this report therefore considers these permanent works and their acceptability in relation to the local development plan and other material planning considerations as outlined above. However, it should be noted that the processing of a planning application under section 37 of the Town and Country Planning (Scotland) Act 1997 is not the mechanism to determine the legality of other issues, such as the potential lawfulness of other works outside the red lined area, which the applicant makes the case for on the basis that they would be permitted development. This instead would be under sections 150-153 of the 1997 Act.
50. Concern has also been raised relating to the acceptability of the strengthening works in relation to whether or not they will be sufficient to repair the existing problem. It is understood a separate application under the Cableway Installations Regulations 2018

¹ <https://cairngorms.co.uk/wp-content/uploads/2019/04/Cairngorm-Mountain-CNPA-Working-Principlesconverted.pdf>

has been submitted to obtain authorisation in relation to the works which includes among other things a safety report to confirm that the works meet the regulatory standards. This application is currently under consideration and it is through this process that the safety implications of the works will be analysed.

51. The National Park's Outdoor Access Officer has requested further details to be submitted regarding how the visiting public will be managed around the intended works. A post determination condition is therefore recommended requiring the submitted of an outdoor access management plan.

CONCLUSION

52. The proposed development involves the strengthening of the existing, funicular viaduct at Cairngorm Mountain to bring it back into operation. Sufficient information has been submitted by the applicant to demonstrate that the development can proceed without adverse harm to the environment and landscape subject to the final details/ refinements being agreed which will require a number of suspensive conditions to be attached to any subsequent decision notice. There are no adverse environmental impacts subject to the appropriate mitigation measures being implemented.
53. In these overall circumstances, the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the National Park. There are no material considerations which would warrant the refusal of planning permission. Approval is therefore recommended, subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Engineering works for strengthening funicular viaduct at Cairngorm Mountain Glenmore Aviemore Highland PH22 IRB 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

- I. **No development shall commence, (unless otherwise agreed in writing) until a final Peat Management Plan (PMP) has been submitted to and approved in writing by the Cairngorm National Park Authority acting as Planning Authority in consultation with SEPA at least one month prior to construction commencing on site and thereafter shall be implemented in full on site in accordance with the approved details. The final PMP shall:**
- a) **Ensure minimum peat excavation, demonstrating on a plan:**
 - i. **The use of floating tracks (geotextile or plastic track) where possible to minimise peat disturbance.**
 - ii. **micro siting has taken place for any works involving excavation (both permanent and temporary), as a result of detailed peat probing.**

The plan should include the peat probing data overlain with all infrastructure/built elements

- b) Given the finalised estimated volumes of excavated peat and identify where this will be reused beneficially for peat restoration/landscaping within the construction site boundary or on land under the applicant's control.
- c) Give a detailed methodology and timescales for:
 - i. The storage of excavated peat, and
 - ii. re-use and restoration.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence, (unless otherwise agreed in writing) until a final Habitat Management and Restoration Plan (HMRP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA at least one month prior to construction commencing on site and thereafter shall be implemented in full on site in accordance with the approved details. The final HMRP shall provide management and restoration specifications for all ground affected by works associated with the development and include:**
- a) **Ensure minimum disturbance to Groundwater Dependent Terrestrial Ecosystems (GWDTE), demonstrating on a plan:**
 - i. **Where micro siting has taken place as a result of a spring/summer inspection by the ECoW for all new built elements of the works (both permanent and temporary).**
 - ii. **The use of floating tracks (geotextile or plastic track) over areas GWDTE.**
 - iii. **No pump effluent water from excavation works shall be discharged onto a GWDTE.**
 - b) **Where GWDTE areas cannot be avoided, identify a methodology and possible areas for translocation of the vegetation within the construction site boundary or within an area under the applicant's control.**
 - c) **Specifications of any plants or seed mixes to be used.**
 - d) **Areas of montane scrub planting between the base station and mid station.**

Reason: In order ensure there is no adverse impact upon the environment and to minimise disturbance of GWDTE and ensure appropriate construction methods are utilised to mitigate against impacts on GWDTE in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence on site until a site specific Site Waste Management Plan (SWasteMP) has been submitted to and approved in writing by Cairngorms National Park Authority, acting as Planning Authority in consultation with SEPA. The SWasteMP shall set out how**

construction waste associated with the application site shall be minimised, recovered, stored, reused and disposed of. The management of waste on site must thereafter be undertaken in accordance with the approved SWasteMP.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste from the development site in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

4. **No development shall commence on site until a site specific Surface Water Management Plan (SWaterMP) shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA. The works shall thereafter be undertaken in strict accordance with the approved SWaterMP details. The SWaterMP shall include:**
- a) A site specific pollution prevention plan, in accordance with WAT-SG-75 best practice guidance and template;**
 - b) A plan showing the construction surface water management layout with annotated drainage systems;**
 - c) Concrete works- confirmation of how and where any concrete mixing will be conducted and what special pollution prevention measures will be implemented in these areas;**
 - d) Details of refuelling areas and the pollution prevention measures to be put in place for these;**
 - e) Intended disposal routes for water from wheel washing along with details of other liquid waste disposal generated on site;**
 - f) Confirmation of the phasing of soil stripping to minimise exposed soil;**
 - g) Programme of works.**

Reason: The works are to be undertaken in an environmentally sensitive area. In line with the recommendations included within the SEPA consultation response, it is therefore necessary that the works are undertaken in strict accordance approved pollution prevention details and surface water management details to ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

5. **No development shall commence on site until (a) details of a suitably qualified Ecological Clerk of Works to be retained by the developer to supervise construction (b) details of the scope of their work and (c) monitoring regime and (d) frequency and method of reporting, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter the approved person shall provide monitoring reports in accordance with the approved scheme to the Cairngorms National Park Authority with any recommendations implemented in accordance with the monitoring report and any comments from the CNPA**

Reason: To ensure that the construction of the development is satisfactorily supervised to ensure that there are no adverse impacts on the landscape character and natural heritage of the National Park in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

6. **No development shall commence (unless otherwise agreed in writing) until a helicopter flight plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Scottish Natural Heritage. The works shall thereafter be undertaken in strict accordance with the approved flight plan.**

Reason: The works are to be undertaken in an environmentally sensitive area and a helicopter flight plan is required to prevent disturbance to breeding birds, including Golden Eagles in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

7. **No development shall commence (unless otherwise agreed in writing) until an outdoor access management plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved outdoor access management plan.**

Reason: In accordance with the consultation response details from the CNPA Outdoor Access Officer, the works are to be undertaken in an area which includes public access rights and therefore it is necessary to ensure that the management of visiting public around the intended working area is agreed in accordance with statutory access rights and Policy 3: New Development of the Cairngorms National Park Local Development Plan 2015.

8. **No development shall commence (unless otherwise agreed in writing) until a revised Site Specific Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The revised construction method statement shall be updated to ensure it references the approved documents and plans which are the subject of these conditions and the works shall thereafter be undertaken in strict accordance with the approved documents.**

Reason: To ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development plan 2015.

9. The development, hereby permitted, shall not be undertaken other than in strict accordance with the mitigation measures as set out in the following approved ecological documents and supervised by the retained Ecological Clerk of Works:
- a) Species Protection Plan: Breeding Birds, 8502 Version 1.3, prepared by James Wilson of Atmos Consulting and dated 16 March 2020;
 - b) Species Protection Plan: Reptiles, 8502 Version 1.3, prepared by James Wilson of Atmos Consulting and dated 16 March 2020;

- c) Species Protection Plan: Water Vole, 8502 Version 1.3, prepared by James Wilson of Atmos Consulting and dated 16 March 2020;
- d) Species Protection Plan: Mountain Hare, 8502 Version 1.3, prepared by James Wilson of Atmos Consulting and dated 16 March 2020;
- e) Section 4: "Evaluation and Recommendations" of the 'Ecological Baseline Report', 8502 Version 1.4, prepared by Andy Davis of Atmos Consulting and dated 16 March 2020;

Reason: The site is associated with a number of European protected species and the development is only considered to be acceptable subject to the mitigation measures being undertaken to secure the strict protection of European protected species and ecological interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015;

10. Prior to their installation, for the development hereby permitted, details of all materials and finishes for the props shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and shall be constructed and retained, thereafter, in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the landscape and special landscape qualities of the National Park in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

11. The development, hereby approved, shall be constructed in accordance with the approved plans, approved sections and approved documents.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

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.

SEPA Regulatory Requirements

4. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). The applicant should therefore contact the regulatory team as soon as possible to discuss the proposed watercourse and bridging works.
5. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011 and should be referenced in the SWMP. SEPA have requested the submission of a SWMP by condition. Further information on the preparation of a SWMP can be found on the NegRegs site.
6. It is likely a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site, including access tracks, which:
 - a) is more than 4 hectares
 - b) is in excess of 5km, or
 - c) Includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees
7. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence SEPA strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in the local SEPA office.

8. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
9. Further details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: GS@sepa.org.uk

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.