

8/5/7



Secretary: J.W.H. Conroy, FOCA
Old Mart Road, Torphins, Banchory, Aberdeenshire. AB3 4JG Tel: 033982 568

22 Baillieswells Crescent
Bieldside
Aberdeen AB1 9BD

24 October 1989

Mr Richard Cameron
Director of Planning
Highland Regional Council
Glenurquhart Road
Inverness IV3 5NX

Dear Sir,

Planning Application No BS 89 361
Extension to Vehicular Track in Glenfeshie

I am writing to you on behalf of the North East Mountain Trust to express our concerns over the above retrospective application for planning permission.

We appreciate that the normal date for representations on this planning application is past but we understand that the determination of the application has been remitted to the full planning committee. We hope therefore that this representation arrives before the committee's meeting and can be taken into account.

The Trust objects to the extension of this vehicular track for several reasons:

1 Although the length of track involved is not great, the work carried out does open up another large area of the Cairngorms to tracked vehicles. There is increasing concern that there should be no further intrusion into this area by tracked or wheeled vehicles. It should be particularly noted that access for these vehicles to upper Glenfeshie brings ever closer the opportunity for vehicles to traverse the Cairngorms from Glenfeshie to Deeside thus exposing yet another area of the Cairngorms to the problems associated with increased access.

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2 We are aware that before the work was carried out the estate was advised by the NCC that the operation would require planning permission. In spite of this the work was carried out without any application for planning permission being submitted. This is the second time that this has happened in Glenfeshie within a National Scenic Area. Your council will be aware of similar incidents elsewhere, for example Glen Ey in Grampian Region. We feel that if your council's authority is to be meaningful in these matters then there comes a time when a point has to be made. Surely this is the time to make that point otherwise planning requirements will continue to be ignored.

3 The ground over which the work on the track has taken place is extremely unstable and prone to erosion. Unless there is careful reinstatement the work may simply make matters worse.

4 We have seen the letter sent by the estate factor to Mr Victor Russell in which the factor contends that the work is necessary to make the ground safe for ponies to use. We have to dispute this as we understand that the track was perfectly safe for ponies before any work was started.

5 We note the contents of the Scottish Wild Land Group letter of 8 July 1989 and without repeating its contents we support their views on the damage to the landscape as a result of the work.

Having regard to the above we would ask you to reject the application and require restitution of the site.

Yours faithfully

Hew Fraser

8/5/7



Richard Hills, 10 Cairn Road, Peterculter, Aberdeen
Telephone: 732919

The Chief Executive
Highland Regional Council
Regional Buildings
Glen Urquhart Road
Inverness IV3 5NX

26 February 1990

Dear Sir

COMPLAINT CONCERNING THE HANDLING OF PLANNING APPLICATION
BS/1986/84 TO HIGHLAND REGIONAL COUNCIL TO ERECT SNOW FENCES
IN COIRE AN T'SNEACHDA

I enclose a copy of the Trust's objection to the above
planning application.

Paragraph 2 of our letter details why the Trust felt that the
planning application was invalid. The development of piste
skiing at a considerable distance from the snow fencing in the
application is a material change of land use and required
Planning Permission within Section 19(1) of the Town and Country
Planning (Scotland) Act 1972. The Company never sought or
received such planning permission.

In Paragraph 3 the Trust pointed out that there was no Site
Boundary on the Planning Application. We are aware that site
boundaries are mandatory with all planning applications and
applications at Glenshee for example are always required to
detail a site boundary on the accompanying map.

No response on the Trust's assertion that the application was
invalid on these grounds was ever received.

Although this planning application has already been determined
we understand there is no time limit within which a member of the
public must make a complaint on maladministration. The point at
issue remains relevant due to the developer's intention to pursue
further major planning for ski development in this area.

We therefore wish our complaint of maladministration in this case
to be pursued.

Yours sincerely

Richard Hills (General Secretary)

8/5/7



General Secretary : R Hills, 10 Cairn Road, Peterculter, Aberdeen.

COPY

Auchanacie Schoolhouse
Keith
Banffshire
AB5 3QE

The Secretary of State for Scotland
New St Andrew's House
EDINBURGH
EH1 3SZ

7 February 1990

Dear Sir,

HIGHLAND REGIONAL COUNCIL'S REVISED DRAFT STRUCTURE PLAN
NOTICE OF OBJECTION

SUMMARY

The North East Mountain Trust objects to Phase Two of Policy P60 in Highland Regional Council's Revised Draft Structure Plan and calls for its deletion.

Lurchers Gully and the Northern Corries are of outstanding recreational and environmental importance. On any criteria, be it environmental damage, displacement of other user groups, safety, destruction of visual beauty, or need, the case for conservation is overwhelming.

The Trust has considerable expertise in land use and planning matters and considers that the Draft Plan is seriously flawed, both in its presentation, and its analysis of environmental issues and the skiing industry.

The Plan omits to mention several important facts concerning the proposals to expand the downhill skiing area, in particular the decision of the Secretary of State in 1982, who found against a not dissimilar proposal, and the report of a House of Commons Select Committee which called for no further westward expansion. The Plan also ignores important parts of the National Planning Guidelines for Skiing, particularly the

references to the access road. We find this disturbing, as these reflect the view of National rather than Local government.

INTRODUCTION

The North East Mountain Trust is an association of mountaineers, hill-walkers and other recreational mountain users. It is a recognised charity formed to conserve the environment of the hills and mountains of Scotland for the benefit of the public taking recreation there, now and in the future. The Trust's membership is rapidly growing but at present consists of about twenty climbing, hill-walking and Field Clubs throughout Northern Scotland, including Highland Region, many individual members and three Associate Clubs, representing in total about 75,000 people.

The Trust's membership includes many people who not only have an intimate knowledge of the Highlands, but who also possess considerable professional expertise in land use. The Trust has drawn on the expertise of many of these members in preparing this submission.

The Trust has considered the Plan and now states its general comments and specific objections.

POSITION OF THE TRUST

The Trust is totally opposed to any further development of downhill skiing in the Northern Corries of the Cairngorms, including Lurcher's Gully.

However we wish to clearly state that the Trust has no objection whatsoever to the other proposed skiing developments at Cairn Gorm, within or to the East of the present areas. Neither do we wish to raise objections to skiing development at any of the other sites in Highland Region, existing or proposed, i.e. Aonach Mor, Drumochter or Glencoe. In fact, the Trust has publicly welcomed the proposed Drumochter scheme.

GENERAL COMMENTS ON THE PLAN

Before commenting on the contents of the Plan, we must first comment on aspects of the format and structure of the Plan itself, which is rather unusual. We limit our comments to Section 12 of the Plan. We note below relevant extracts from two documents.

- 1) Planning Advice Note No 27 "All Structure Plans and alterations should now be concerned solely with the treatment of strategic issues"
- 2) National Planning Guidelines for Skiing

Para 15 The criteria for choosing appropriate areas include " the possibility of accommodating developments with limited effects on the environment and minimum conflicts with other interests"

Para 16i "Structure Plan policies should provide the regional context for the proposals, including development of valley settlements and infrastructure allocations."

Para 16ii "Local Plans reflecting detailed assessments and the Area Guidelines should indicate the areas to be developed or improved, with access arrangements....."

Para 24 "Cairngorm.....there should be a presumption against road extension beyond the present car-parks and any development other than snow-fencing within Coire an t-Sneachda and Coire an Lochain."

In several key respects, the Plan as submitted, not only fails to meet these criteria, but also contradicts them.

For example, Section 12.25 of the Plan states that the National Planning Guidelines for Skiing form the basis of the Council's strategy. This is clearly not the case, as it runs contrary to the Guidelines in two important respects.

Firstly, Section 12.29 specifically refers to a road for access to Lurcher's Gully. Any access road, whether or not it is private or closed in the summer, is still a road. The Plan thus unambiguously and explicitly contravenes the National Planning Guidelines, which represent the policy of central Government.

The very specific detail given as background to Policy P60 is more akin to that of a specific planning application, and much is not even appropriate to a Local Plan. The strong and specific support promised to a single developer gives rise to concern and implies favouritism. Section 12.29 and Policy P60 have no place in a Regional Structure Plan.

Secondly, following from this, the Plan does not consider the additional infrastructure that would be required in Aviemore to cater for the additional workforce required to service an expanded ski area or to accommodate the increased number of visitors. Neither does it consider the effects of rural depopulation that might occur if all the development and job opportunities created by skiing are concentrated in the two urban areas of Aviemore or Fort William. Yet these are strategic issues, which ought to be in a Regional Structure Plan.

GENERAL COMMENTS RELATING TO SECTION 12 : TOURISM

The Trust welcomes and supports much that is in the Plan, such as the desire to integrate conservation and development. We welcome also Policy 62 concerning discussions leading towards a Cairngorms Management Plan. However, we would prefer to see a commitment to actually producing and implementing such a Plan, not just to discuss it.

It is noteworthy that in recent years the Council appears to have actively avoided such discussions. This eventually led to Grampian Regional Council producing a Plan for their part of the Cairngorms only. It is also noteworthy that the Highland Regional Council's Plan does not consider the effect that it will have on other Regions. Most of the Cairngorms are in Grampian Region, but a disproportionate amount of public

access is via Highland Region. Thus it could be said that Highland Regional Council's Policies create problems which will have to be solved by Grampian region, not Highland. The HRC Plan does not recognise this, and yet the skiing facilities and chairlift extend to within 400m of the regional boundary.

We note also that Para 12.4 recognises the importance of "scenery, heritage, wildlife and peace and quiet". However, it is a matter of concern that there is no policy to protect these features, only to exploit them.

Underlying much of the Plan is a lack of commitment to conserve the Region's natural resources, in particular its wildlife and landscape. This appears to be based on the mistaken belief that protection of wildlife or landscape through site protection threatens the economic development which we accept that local communities need. There is also confusion about the nature of designation of sites such as SSSIs and the approach to the conservation of natural resources.

This Section of the Plan is very restricted in the range of activities considered.

Angling, Climbing and Natural History Pursuits, which are mentioned in passing in Section 12.4 are not considered again at all.

i With the exception of Long Distance Footpaths the Plan fails to mention that HRC will encourage other recreational pursuits in the area.

ii Likewise it fails to mention the Cairngorms as a major attraction for tens of thousands of tourists other than downhill skiers. Why?

At a basic level of planning procedure, it remains the presumption that developers are free to do as they wish with their property, provided that no policy or law restricts this freedom. The chief function of planning is to delineate where and why this freedom is to be restricted. Yet this Plan is strewn with largely permissive policies which encourage development at the expense of the Region's natural resources. The Plan pays only lip service to conservation of wildlife and scenery, failing to give attention to the need to enhance these assets in what is often a degraded landscape. It also lacks an appreciation of the employment that can be directly or indirectly created by a positive approach to conservation.

The following is an example of this.

Policies 72 and 73 in their opposition to the use of land for defence purposes appears to state that local interests must always prevail over national ones. This position could be construed elsewhere, for example it could be argued that the development of the Northern Corries for skiing, a local concern, should take precedence over the nomination of the Cairngorms as a World Heritage Site, a national issue.

The Plan should be revised to state clearly that, where relevant, matters will also be viewed in their National, or even International, context.

DEVELOPMENT OF DOWNHILL SKIING

Conspicuously, the Plan only deals with skiing as a series of isolated and individual centres. It completely fails to consider skiing as a regional issue and consider how development of various resorts will affect others. This is a major omission of a strategic issue which should be discussed in a Regional Plan.

In Section 12.14 the Plan omits to mention that in the four skiing areas listed the number of visitor days for other outdoor sports exceeds the 700,000 quoted for downhill skiing. The contribution to the economy by climbers, walkers, pony trekkers and the like is far greater, and extends over a longer season, than that of skiers. It refers to the £10 million generated from downhill skiing and the 350 full-time job equivalents. But in view of the ownership of some of the hotels, it is worth considering how much of this money stays in the Region.

Section 12.29 states that longer term development at Drumochter is precluded by "substantial nature conservation interests". This is somewhat incorrect. There is currently no environmental opposition to development at Drumochter. Even if the NCC object on technical grounds, there would be no large scale or public opposition to development on general environmental grounds. In contrast, in the Northern Corries there is a very substantial nature conservation interest and massive public support for conservation, but here the Plan sweeps this consideration aside. There is a strong implication that the Council wishes to develop Lurcher's but not Drumochter for reasons that in fact have nothing whatsoever to do with conservation.

The Plan quite fails to justify :-

i The supposed substantial nature conservation interest at Drumochter.

ii Why the environment at Drumochter is perceived as more important, apparently, than the Northern Corries?

The Plan also makes issue of the hypothetical conservation issues which might affect Aonach Mor. Why therefore does it fail to detail the real, large scale, opposition to ski development at Lurcher's Gully expressed by the CCS, NCC and the voluntary sector- both by conservation and recreational bodies. It is worth noting that the Aonach Mor Ski Development describes itself as "conservation led", because it reached agreement with the NCC on ways to minimise damage, and there was no popular opposition movement.

It often appears that Highland Regional Council have a fixation that Lurcher's Gully must be developed. The Plan has apparently been written to support that case, by systematically finding arguments against other sites, but ignoring those same arguments when they should be applied to the Cairngorms. This is a complete reversal of the correct approach, which is to consider all the facts, and then make a decision based on those facts.

Policy 61 is an example of this strongly one-sided approach. It is quite irrelevant as there have never been serious proposals to develop the main plateau or the Braeriach massif for skiing within the last twenty years. To be consistent, if this policy is to have any merit at all it should resist expansion onto any other mountain in the Region.

SPECIFIC OBJECTIONS TO PROPOSALS CONCERNING LURCHER'S GULLY AND THE NORTHERN CORRIES

Section 12.29 also completely fails to address the very many reasons against development of Lurcher's. It mentions only three reasons and these are dismissed in a casual manner.

In 1982, after a lengthy Public Inquiry the Secretary of State for Scotland turned down a planning application for the expansion of skiing at Cairngorm into Lurcher's Gully and the Northern Corries. The Reporter found that "the site of the proposed development is of outstanding scientific, scenic and recreational importance.....and the scheme as submitted, and the road extension in particular, would change the character of the site and diminish the qualities which are the basis of its importance beyond the measure which the benefits would justify", (our underlining).

In 1984, the report by the House of Commons Select Committee on Scottish Affairs on the Highlands and Islands Development Board also recommended that there should be no further westward expansion of skiing at Cairn Gorm.

Nothing has fundamentally changed that can now justify a development into Lurcher's Gully. The Proposals described are, in their fundamentals, similar to those previously proposed and rejected in 1982. It is curious that neither of these documents are referred to. The decision by the Secretary of State after the Public Inquiry surely sets an important precedent.

In the intervening years the popularity of downhill skiing has increased, and we recognise the very real needs for additional facilities within Scotland. However, during those years, the public's awareness and concern about environmental problems has grown even more rapidly. The Structure Plan does not recognise this important fact. In particular, perhaps because of the previous Inquiry, people are especially aware of the uniqueness of the Northern Corries.

As an example of this increasing awareness, only last year an international organisation, the Mountaineering Protection Commission of the International Union of Alpinist Associations put the Cairngorms onto a Danger List - the reason being the proposed development of downhill skiing in the Northern Corries.

The Regional Council know that this issue is almost unique in the amount of controversy and opposition that it has and will generate. They fail to recognise this or to understand the reasons. This is reflected in the Plan, which fails to recognise the importance of conservation and relatively unspoilt landscape to the regional economy. Policy 54 completely ignores the nature conservation interest within the areas outlined in Policy 52.

However as the Plan, incorrectly as discussed earlier, does specifically mention Lurcher's Gully, we feel that we must also present specific objections to Policy 60 phase 2 on the following grounds.

1) -Displacement of other user groups.

Lurcher's Gully is a good ski run. Very considerable numbers of people already ski there. These are mainly nordic skiers and ski

mountaineers, but many off-piste downhill skiers also make their way across. Nordic skiing in all its forms is now growing in popularity at a faster rate than downhill skiing. The Northern Corries and Lurcher's Gully are one of the most important areas in the country for this sport.

The Northern Corries are a particularly important location for winter climbing, attracting large numbers of visitors, including some from overseas. The frequency with which they feature in avalanche incidents demonstrates this. The development of Lurchers Gully would seriously reduce the quality of the area for these snow and ice climbers.

Many other recreational groups, representing many thousands of people, also use this area, all in harmony with each other and with no conflict: walkers, ramblers, winter and summer climbers, photographers, bird watchers, naturalists, ski extreme. All these people will also find the proposed development detrimental to their interest. There is little logic in displacing one group of users, including nordic skiers by another group, especially when some of the funding is likely to come from public sources. It is a symptom of the narrow outlook of the Plan that despite the several pages devoted to skiing, nordic skiing is not mentioned once.

The Plan totally fails to acknowledge the opposition to the proposed Lurcher's Gully expansion. There is no other area in the country where a skiing development could cause such conflict with, and displace so many, other people. To many, the apparent double standard on this issue will be perceived as a Council biased in favour of a single user.

2) -Environmental Damage

The Northern Corries have been designated a Grade 1 Site of Special Scientific Interest. They contain one of the finest ranges of glacial features in the Eastern Highlands and the best example in the country of the vegetational sequence from tundra to Caledonian Pine Forest. Snow fencing, piste bashers and downhill skiing cause soil erosion and damages and changes the vegetation. This has no place in such a delicate ecosystem.

The main plateaux of the Cairngorms are one of the key parts of the National Nature Reserve. Erosion by large numbers of visitors causes unsightly scars and damage to vegetation. Easy access to Lurcher's Gully will shift this process to one of the most outstanding parts of the plateau and to Braeriach and the Lairig Ghru. The Northern Corries provide an important buffer zone to the Cairn Gorm plateau, providing an easy but safe introduction for the inexperienced visitor and reducing the pressure on the even more delicate plateau. If this buffer zone is lost the pressure on the Reserve would be further intensified.

3) -Destruction of visual character.

The Northern Corries, Loch Morlich and Rothiemurchus Forest provide some of the finest views in Scotland, and are the foundation of much of Strathspey's tourist industry. A road and snow fences across the Corries would be highly intrusive and seriously reduce the great visual beauty of the area.

4) -Loss of amenity and the 'wilderness' experience.

Numerous people think of the Cairngorms as a large unspoilt wilderness area, but this is no longer the case. Many of the hills have already been scarred by hill tracks, and other piecemeal developments are

nibbling away at the edges. If the distance of two miles from a road, track or chairlift is used as an index of remoteness then only 13% of the Cairngorms can be described as remote. If the Lurcher's Gully proposals do take place, then this "wilderness area" will be reduced by 10%.

These days, "getting away from it all" becomes increasingly important and increasingly difficult as recognised in para 12.4. If the Regional Council are not prepared to protect the "diversity of landscape, wildlife and cultural interest resources" in the Northern Corries, then where will they protect them?

Highland Region may feel that it possesses an abundance of wilderness, but this has to be viewed in a National if not European context. The Cairngorms are the lungs of Britain and Northern Europe, hence the large number of English and European visitors.

5) -Over development of the Aviemore area

Despite the £10 million that skiers spend annually, Badenoch and Strathspey District still has high unemployment. Tourism in general, and skiing in part, has led to a massive development of Aviemore over the last 20 years, but this has not solved the unemployment problem. In fact, many of the jobs have gone to incomers and not local residents. This is partly because there is now substantial local resistance to working in tourist sector jobs. These are perceived as poorly paid, unskilled, having few career prospects and involving anti-social hours.

Skiing does bring financial benefits to the local area. The case now is surely overwhelming for these benefits to be distributed to other highland communities, by developing the other proposed areas, rather than continuing to concentrate all development at Aviemore.

6) -Lack of need for further expansion.

The skiing development at Aonach Mor is now open. At Dalwhinnie, 50 kilometres south of Cairn Gorm and nearer to the Central Belt, leasing problems have been overcome and construction could start there in 1990. Glencoe and Glenshee will all have additional new facilities. The Lecht has just announced a £1 million expansion program, including three new tows. At Cairngorm a new tow, opened last season, links the Day Lodge with the top of the Aonach tow. These new developments will absorb the increase in demand for skiing for several years; can expansion into Lurcher's Gully really be justified in terms of customer demand?

7) -Safety

A development at Lurcher's Gully would be a self-contained ski area, quite separate from the other corries at Cairngorm. Access will only be by shuttle buses. How will these be able to cope with the peak surges of people during the day, especially at closing time, or with evacuation in the event of rapid deterioration in the weather?

8) -Finance

The Regional Council and Central Government have made a considerable investment in the Aonach Mor development. Drumochter is also likely to require Council or HIBD funding. Lurcher's already has and will continue to require public funds. If all schemes proceed there could be an oversupply of facilities, with serious financial implications at all sites.

9) -World Heritage Nomination

The Cairngorms are being considered for inclusion in the World Heritage List, in recognition of their outstanding National and International importance. We already understand that the Council wishes the area so nominated to be restricted to the plateau only. This is a far smaller area than that sought by all other organisations, which also wish to include the Northern Corries. Whatever area is eventually nominated, it is quite inappropriate to allow any further development in the Northern Corries, as this would mean all the approaches to the main plateau from the North would be through a grossly over-developed and degraded ski area.

GENERAL OBSERVATIONS

Finally, we would like to raise three other points that relate to Highland Regional Council's handling of the Draft Structure Plan, rather than the contents of the Plan itself.

1) Many of the points raised in this letter were raised in our letter to Highland Regional Council during the consultation period last February. Surprisingly they refused to answer the questions raised or enter into any correspondence. In the circumstances the North East Mountain Trust would appreciate it if you would answer the questions we have raised.

2) It appears from our own experience, and that of other organisations with whom we have been in contact, that Highland Region have taken little notice of the positive comments and suggestions that were made to the first draft of the Plan. What use is a public consultation if the considered views of a large number of experienced or professional people are to be, apparently, summarily ignored? Obviously, it is up to Highland Region Council to decide the contents of the Plan but in view of 1) above, we must ask whether the points raised were discussed and considered. Our researches lead us to conclude that there was no meaningful discussion of the Public's submissions.

3) Highland Region are strongly supportive of downhill skiing. We find it a very strange co-incidence that on both occasions there has been public consultation, there have been considerable delays within the Council, with no apparent cause, resulting in the Plan going out to consultation in February. This is the one month of the year when it is certain that Aviemore will be full of skiers, which makes it easy for the ski industry to lobby for support. This observation leads us to add the rhetorical question " how much support would there have been for the draft plan had the last consultation period been in July? " If however, the delays were deliberate, then this is the clearest possible indication of the Regional Council's bias.

ENDPIECE

We are mindful of the words of the Secretary of State, speaking at a conference in Aviemore on 29 September 1989. "We have an obligation to them and to the wider international community to ensure the high quality of our landscape and habitat is properly conserved to the highest international conservation standards. We will not swerve from this responsibility and we shall conform with our responsibilities under international conventions and European Community Directives."

In this context, we note the appointment of Mr Magnus Magnusson as Chairman Designate of the proposed Scottish Heritage Agency. You will be aware that Mr Magnusson has publicly endorsed the "Save the Cairngorms Campaign", which centres on the need to protect the Northern Corries. He has said, " No-one should forget that these wonderful mountains and their unique birds have already been subjected to many harmful pressures over the last forty years. The time has come to call a halt to further damage for short term gain, and to start taking care of our dwindling natural heritage".

This will be the first occasion that the Secretary of State has had to make a major environmental decision since Mr Magnusson's nomination. We trust that the credibility of the proposed agency will not be damaged by a decision that contradicts the views of the its Chairman Designate.

In view of the above the North East Mountain Trust expects that the Secretary of State will call for substantial revision of the Plan before granting approval and will specifically call for the deletion of Phase Two of Policy 60.

Yours faithfully,



Simon Jacyna, BSc(For), MIFor.
Co-ordinator, Cairngorms Working Party,
North East Mountain Trust.

cc Mr R Cameron, Director of Planning, Highland Regional Council

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