Comment on Sheiling Track Retrospective Application

As discussed with members of the CNPA planning staff on a site visit on Wednesday 7th September the fact this is a retrospective planning application raises a number of concerns, because the option of rejecting the application requires enforcement action to remove the track, however it is not possible to fully restore the site, due to the following:

- Soil profiles and existing hydrology destroyed
- Inadequate vegetation storage for full restoration
- Potential issue of causing further damage from significant new ground works.

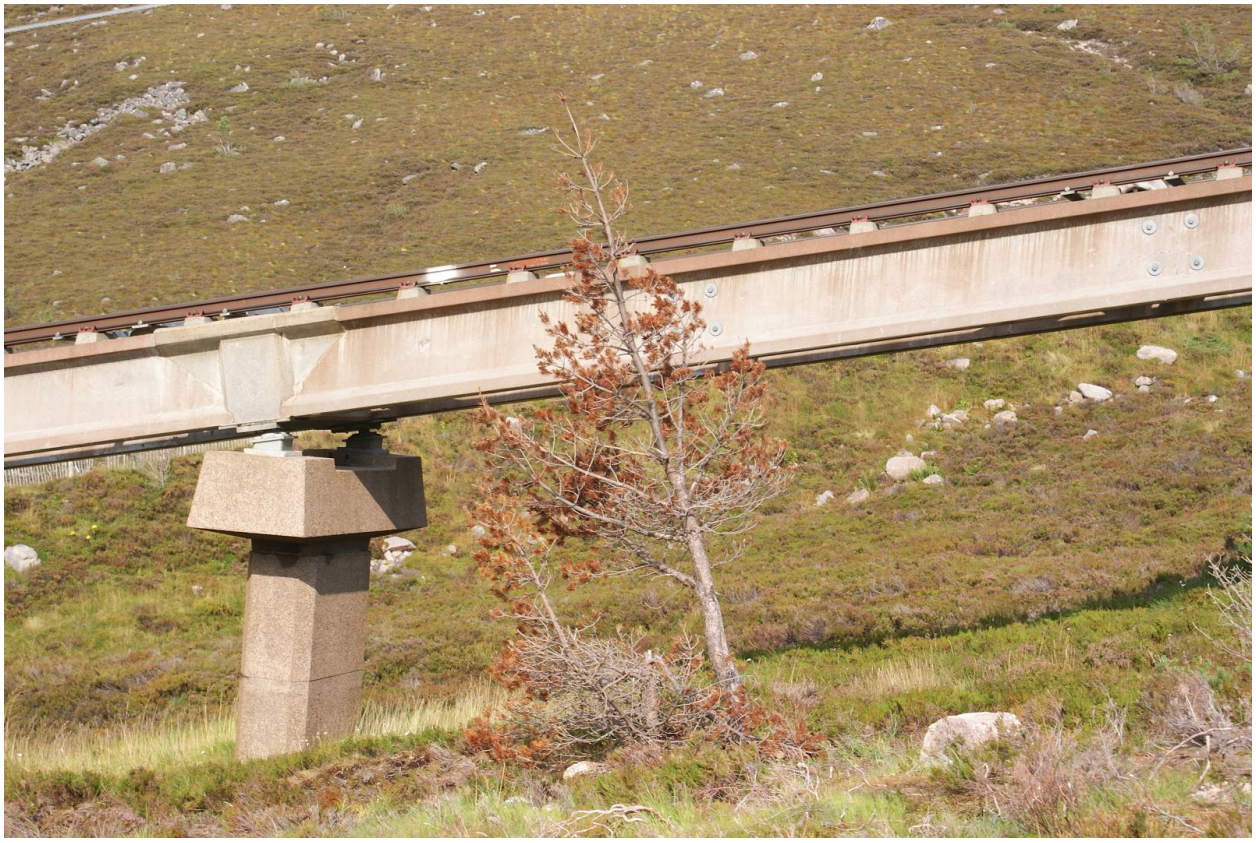


Image 1: One of numerous montaine scrub Scots Pines that has died post Sheiling Tow works due to combination of waterlogging and/or root damage through destruction of soil profiles and drainage creating an area of artificially boggy ground between new track and the Funicular.

Thus because full removal of the track may cause yet more damage and make matters worse it is a concern that by flouting planning regulations and then applying retrospectively the Sheiling Track is a fait accompli.

Yet the case for retaining the track is weak and had this been a pre-construction application in accordance with planning regulations, there would have been a robust argument for rejecting the application.

With respect to the applicant's case for retaining the track the following should be noted:

- New Sheiling Tow was installed on the premise that a modern rope tow required less maintenance than the old overhead Tow (which did not require a service track).
- The old Sheiling Tow was maintained for decades without a parallel track and no lasting damage to adjoining vegetation.
- Contrary to the statement in the application that this track will assist in the maintenance of other ski tows (plural) the only other ski tow in the vicinity is the top third of the Carpark T-bar and of that section the top most part is closer to the pre-existing hill road up the Zig Zags. During a summer 2016 overhaul of the Carpark T-bar, vehicles and plant drove up and down the Carpark T-bar line.
- While there is a need for some service tracks within the ski area, the logical conclusion of the argument put forward to retain this track is that every ski lift on the mountain needs a parallel service track. That would neither be necessary nor acceptable.
- Glenshee, Glencoe and Nevis Range all maintain at least significant portions of their uplift network well beyond the reach of any hill tracks or public roads.
- Snowmaking plant is likely to be moved over snow or over bare ground only once ground is frozen and less vulnerable to damage. Snowmaking will not take place on snowless ground until it is well frozen.

With regard to some of the comments that have been submitted in support of retention:

- Comments that track will assist with the winter evacuation of snowsports casualties:
    - If there is snow, casualties will be evacuated by over snow transport (negating the need for a track) and if there is no snow, there will not be skiers or snowboarders on this slope.

- Tow track now has much poorer snow holding - gully storage is the most effective way of protecting snow from thawing effects of mild / wet windy weather. Thus more and/or bigger fencing now required to counter loss of old trench tow track. Improvement in visual appearance is thus highly subjective.

As this retrospective application relates to the new Sheiling Tow which was constructed last autumn, the question arises as to why the original application did not include the track?

Far from assisting with maintenance work, the Sheiling track due to it following the fall-line (that is at right angle to the contours) is in itself going to be a source of constant maintenance work if it is not to cause further damage due to water erosion of the track leading to washout onto other areas.

Misleading information in Application

Page 3 of the supporting evidence for the application includes the following photo, dated Oct 2015 which claims to show reinstatement works to restore the site. This photo is misleading as it was taken before additional major groundworks were undertaken later in the project (Late Oct into Nov) to further modify the slope profile to fit the very strict requirement of the new tow.

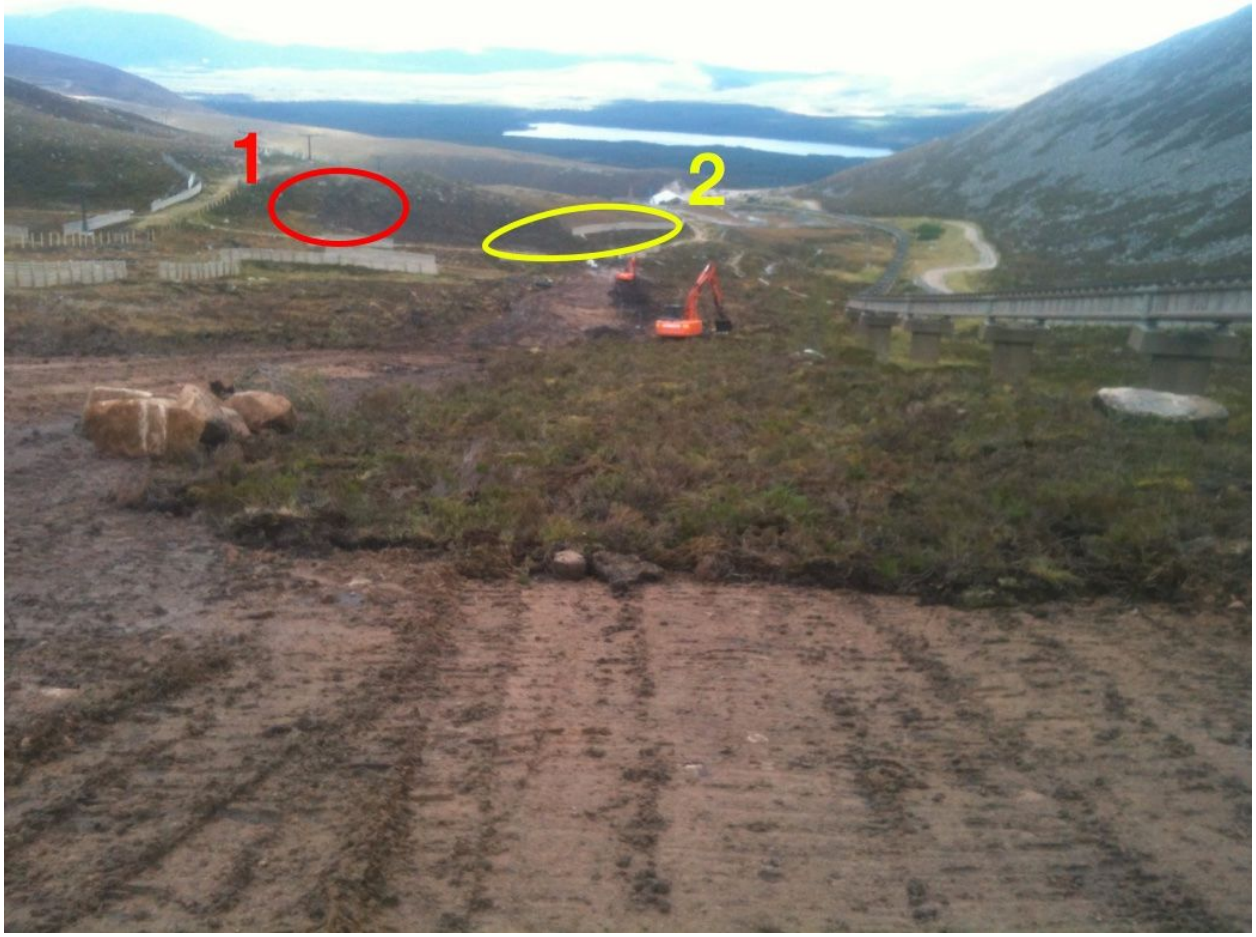


Image2: Highlighted on the image are the site of the following features which were not yet present on date photograph was taken:

1. A 3m+ deep borrow pit for materials was dug in the area marked 1 [red], later backfilled with large rocks recovered from October and November's ground works.

2. Bank and snow fencing above 'the Slot' still intact at area marked 2 [yellow]. The fencing was removed to allow this bank to be dug back for additional material for re-profiling the tow uptrack.

The area between the two machines in image 2 which purports to show reinstatement works in progress in October 2015, was heavily disturbed and further modified in the attempt to get the required profile for the lift line.

These photos taken by Alan Brattey on 25th November 2015 show an excavator ripping out material and them being transported to the side of the Sheiling Tow uptrack in a tracked dumper which is sinking into the heavily disturbed peat.

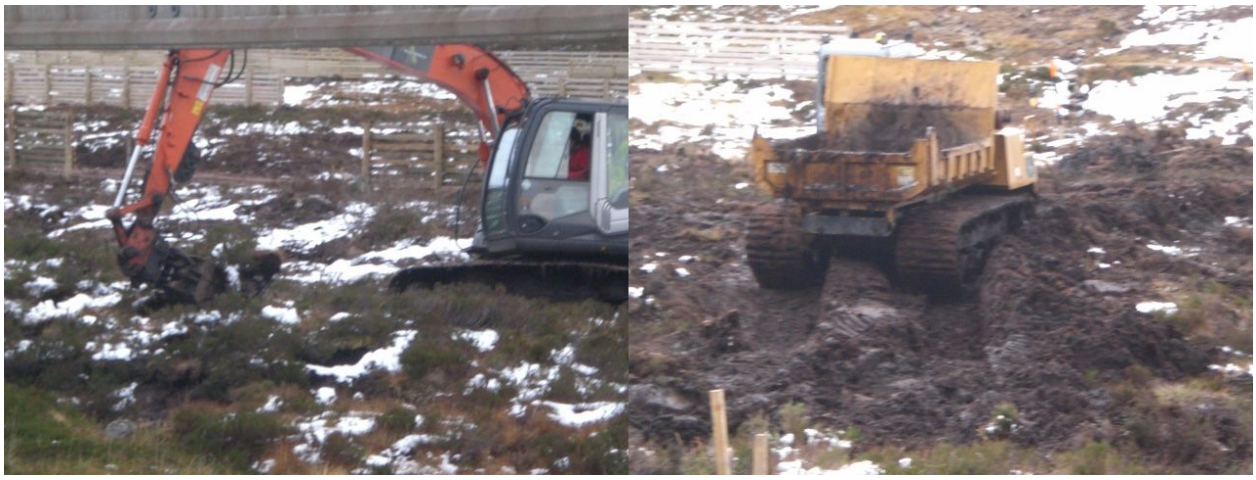


Image 3: Ground works between the Funicular and Sheiling Tow on 25th November 2015. At least a month after the photo included in the application's supporting statement showing reinstatement works in progress in October 2015.

It should be noted that the area between the Sheiling Tow and Funicular is an area of ground to which very considerable efforts were extended to prevent ground damage during the Funicular construction. Yet during the construction of the new rope tow and associated service track, this entire area was bulldozed to in places a width exceeding 60m (the original planning application was for a site limit of 30m across).

Background and history of the Sheiling Tow

Though proposed as a replacement beginner tow, the slope is unsuitable for complete beginners and the original tow was never intended to serve as a beginner tow. The original Sheiling Tow served as part of surface lift access to mid-station level prior to an extension of Carpark T-bar extension in 1970s.

The Slope is too steep for first time skiers and boarders and it is not practical to get beginners to the foot of this tow. For novices advancing from nursery slopes used for complete beginners, a proper overhead ski tow that allows people to learn to use uplift similar to those on the rest of the mountain would be of more benefit. A significant mess has been created for no benefit to the snowsports area or winter customers.

Gradient & construction of the Sheiling Track

Scottish Natural Heritage (SNH) issued their 2nd edition of "Constructed tracks in the Scottish Uplands" in 2013 and updated it in September 2015. This document provides a best practice guide to the construction of 'private ways' in upland areas.

- The maximum recommended gradient in the SNH guide for light all terrain vehicle tracks is 8º:
    - The Sheiling Track exceeds this gradient, with the track averaging 12º on top half and reaching 15º (near top of rope tow and link onto pre-existing hill track).
    - Contrary to good practice the bulk of the track runs in a straight alignment at right angles to the contours of the land.
    - Lack of adequate drainage or camber to prevent water channeling and resulting erosion from track.
    - Central verge may help funnel run off down the exposed grit.
    - Steel box drains elsewhere on mountain quickly fill with washout and add to visual impact.

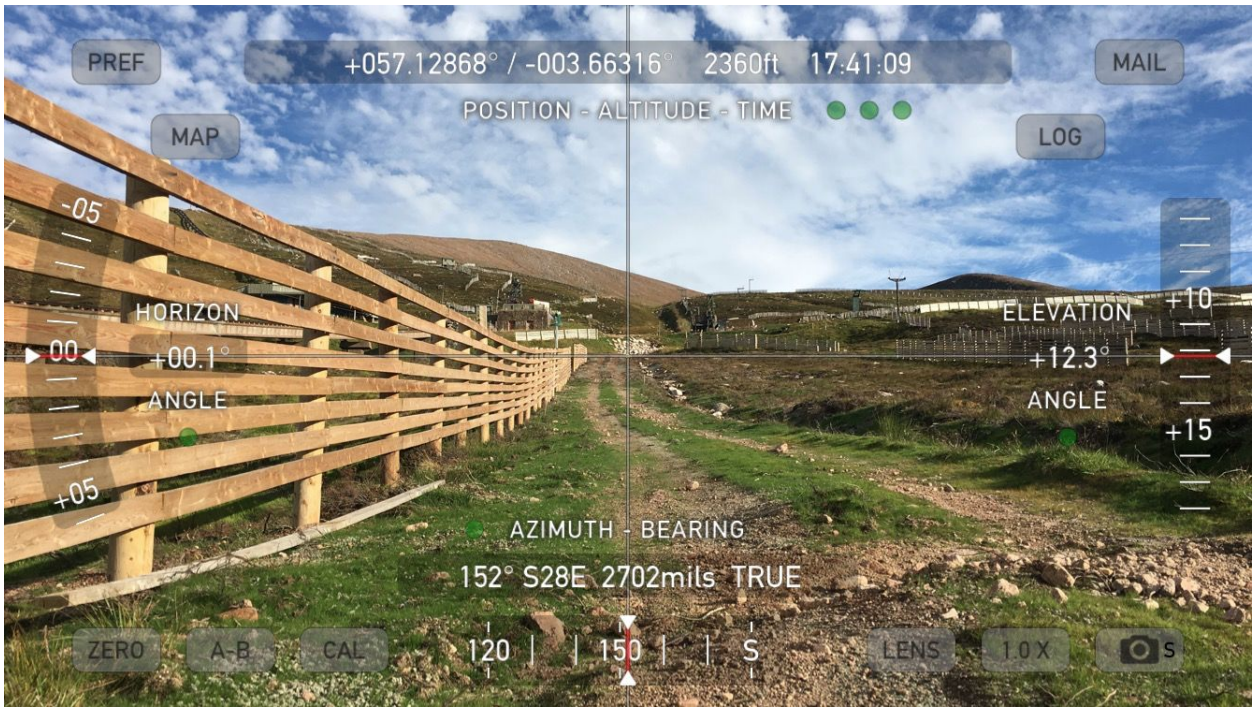
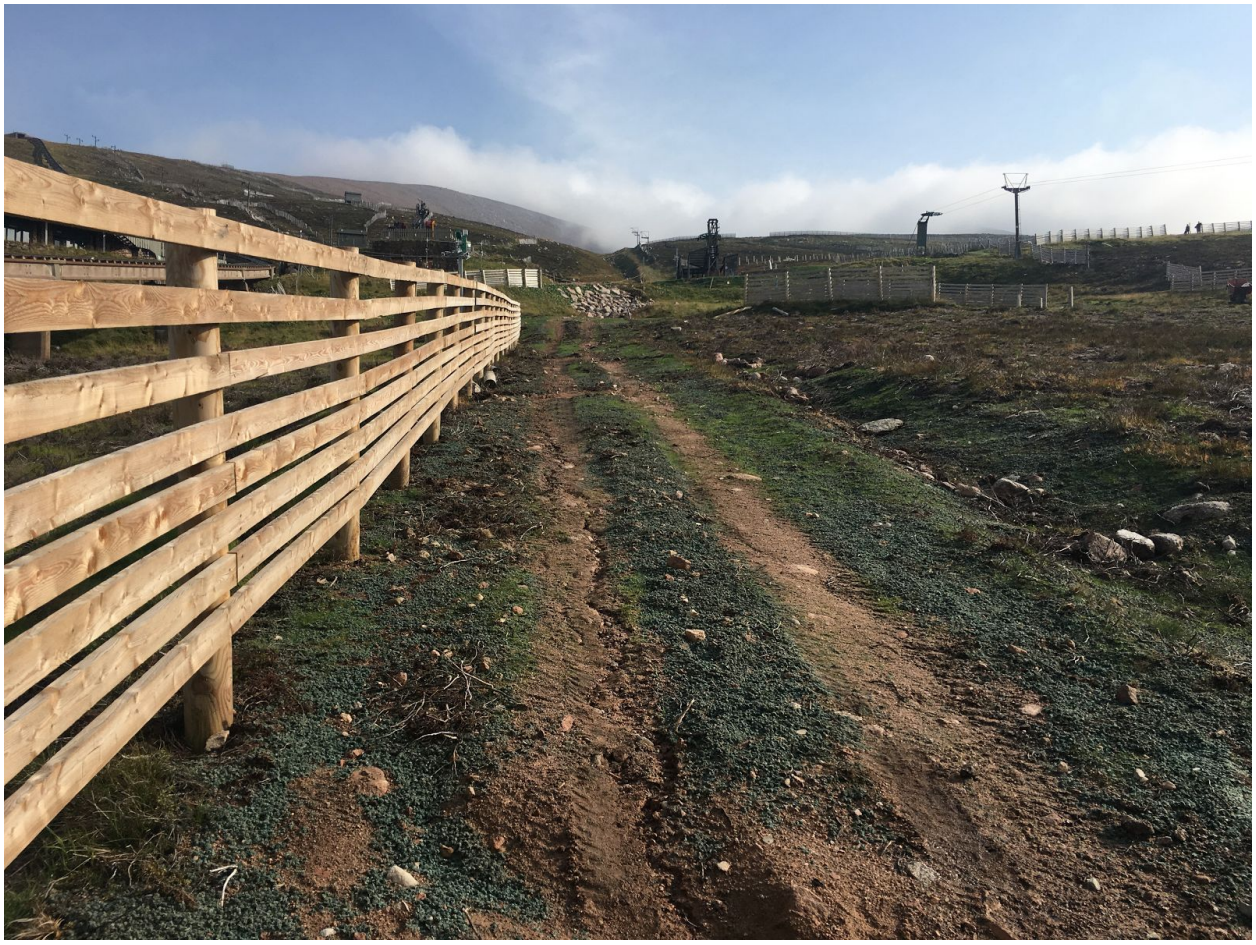


*Image 4: Top half of the Sheiling Track averages a gradient of 12º exceeding that recommended as the limit in the SNH good practice guide "*Constructed tracks in the Scottish Uplands" by 50%.

The track is already undergoing renewed runoff erosion despite having been worked on over the summer months and seedaide mulch applied to attempt stabilization. Washout from the previous winter/spring was already repaired earlier in the summer.



Images 5 & 6 (on page 7): Runoff runnels indicating new water erosion of the recently worked on track. Photos were taken in dry conditions on Wednesday 14th September. Despite a dry day track was noticeably soft and boggy in places.

Clearly due to the fall-line nature of the track and gradient, runoff erosion will be a constant problem and even if steel cross drains were installed, washout would continue in between and repairs to the track and clearing of the cross drains would be constantly needed.

In order to connect to the pre-existing hill track the new track drops firstly downhill, then turns very sharply back uphill. This corner has such a tight turning radius that even small all terrain vehicles are likely to constantly be churning up the track/ground at this location.

As this corner occurs at the bottom end of a steep straight down slope section, it is likely that water will funnel down here and wash out churned material onto the vegetated ground below.

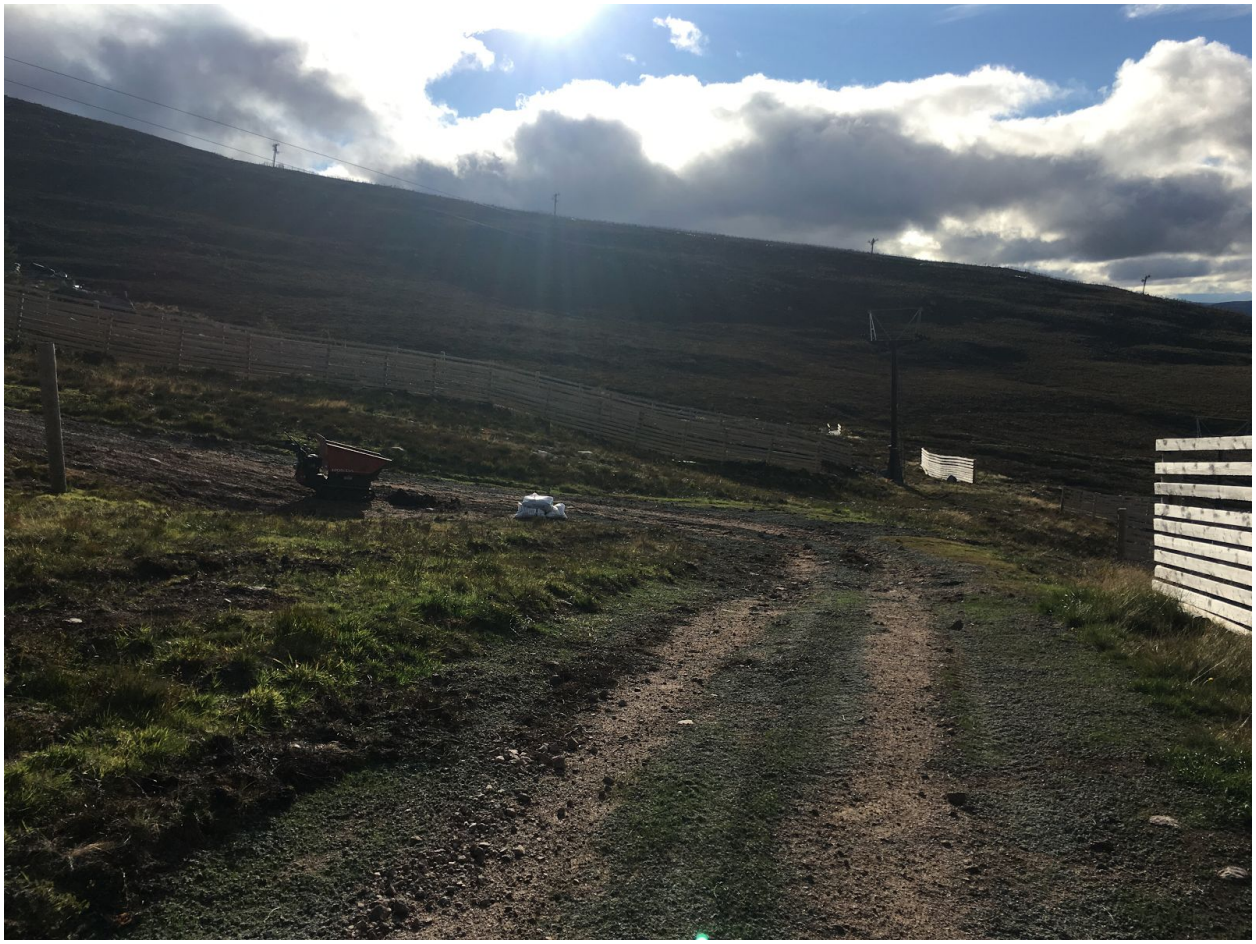


Image 7: Very small radius turn back up slope approaching top of the new Sheiling Track.

CNPA Ecological Response

The CNPA Ecological Response ‘Impacts’ section - bullet point 4 notes the following:

“Re-grading has taken place at the bottom end of the track which has reduced the steepness of the slope, reducing erosion in this area. This slope is re- vegetating well. (Image 4). “

Contrary to this claim (originating with the applicant?) as can be seen from the following photo, there was no erosion taking place on this bank prior to construction of the new tow and associated track. The bank had a healthy and full vegetation cover.

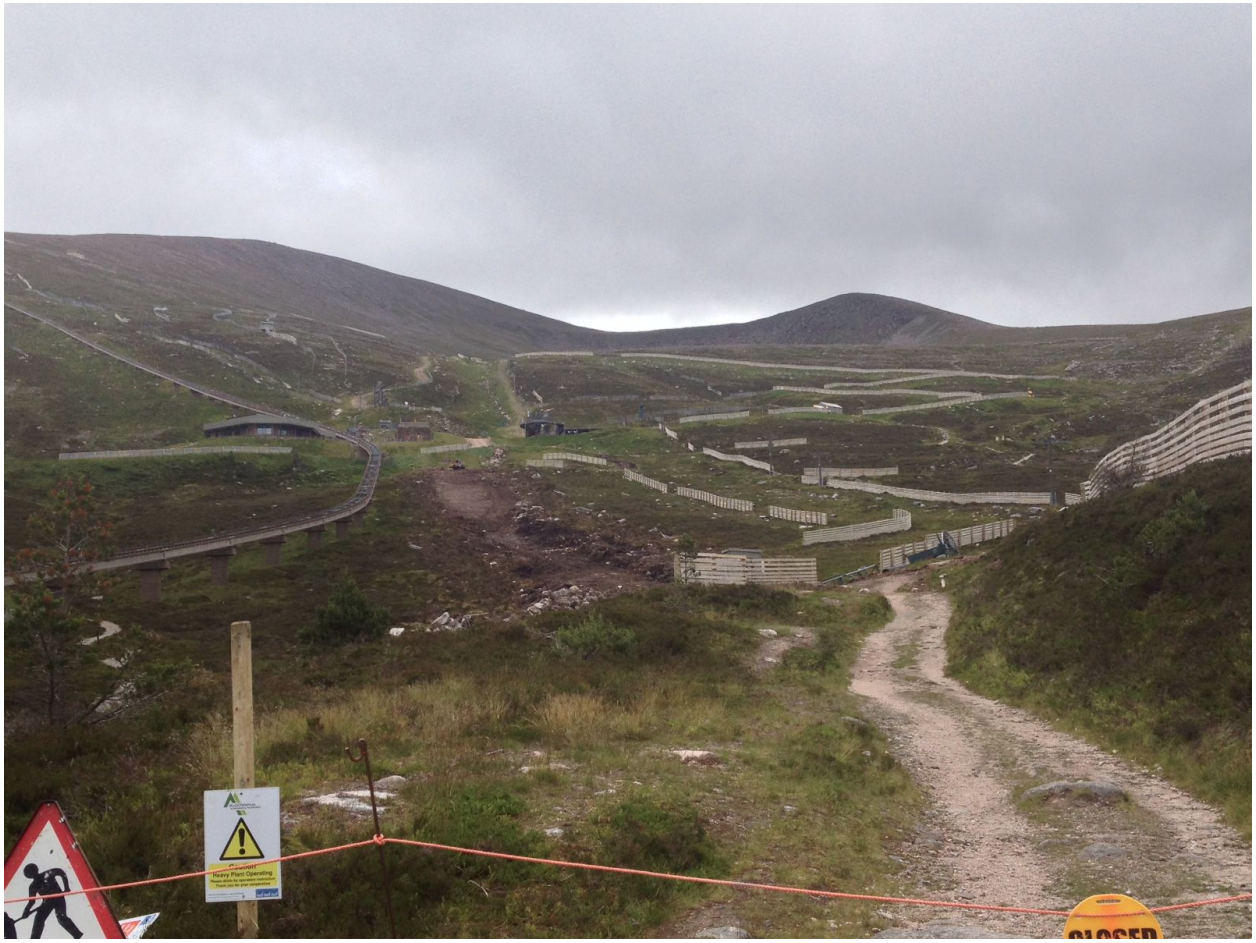


Image 8: Looking up to the Sheiling Tow works on 9th August 2015. At this stage the bank and snow fencing above the Cas Loop Trail footpath remained intact.

Weather Conditions during construction

The following comment has been made as part of a response in support of the application:

"*Last summers weather was horrendous and condition extremely difficult to landscape in. I think that the objectors should be mindful of this issue as many do not understand the difficulties of landscaping in such conditions."*

The following should be noted in response to such comments:

- Method Statement for the project precluded working at times of very wet weather or unsuitably wet ground conditions.

- Met Office north of Scotland climate area data shows August having just under average rainfall (98% – but drier towards North and East of Scotland). By mid August only ground works along the line of the old tow track had been carried out (see image 8).

- Met Office north of Scotland climate area data shows September and October as being unusually dry months.

    - September having only 37% of the long term average rainfall.
    - October only 47% of the long term average rainfall.

Conclusion

The track as currently existing ought to be refused planning permission, but as noted at the start of these comments full restoration of the track site to it's previous condition is not possible.

Thus irrespective of the decision to reject or approve, I am of the view that either resulting enforcement action or conditions attached to approval must ensure the site is restored as far as practically possible and to the highest standards, ensuring the site can recover and not lead to further damage through run off erosion etc.

- Destruction of soil profile and hydrology has left area much wetter and more boggy than pre construction of new tow & track. A number of montaine scrub trees have died either by root disturbance or water logging. Several other trees were destroyed by bulldozing.
    - **CNPA Ecological Response notes:**

      "It should also include management proposals for the sedimentation ponds, which may require cleaning after a storm event. To further enhance and ensure success of the vegetation restoration in this area there is a good opportunity to plant Dwarf Willow, Birch and Scots Pine on the re-graded bank. A planting proposal and aftercare plan should be provided for this, detailing the number of each species to be planted. "
    - The above should be extended to adequate drainage (including silt trapping) to reduce the artificial bogginess of the ground between the new track and funicular railway, followed by additional native tree planting of above noted species.
- Given the track follows the fall-line for the entire length of the tow and exceeds the maximum recommended gradient in the SNH handbook, measures are required to prevent water channeling and run off damage to the track and subsequent damage to surrounding ground.
    - The use of ground reinforcement grids (similar to those used at the funicular mid-station platform and winter entrance/exit from the Top Station), filled with suitable soil and seeded on top of the exposed grit would provide both a robust driving surface that would blend in almost entirely while stabilizing the ground thus preventing water run off erosion.

The track design and construction is of a poor standard and is far from meeting considered best practice. CNPA must ensure restoration / mitigation works are carried out to the highest standards to repair this area as far as possible while avoiding any further damage to surrounding areas.