CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat Of Garten
on 25 January 2019 at 11.00am

Members Present

Rebecca Badger
Geva Blackett
Carolyn Caddick
Dave Fallows
Pippa Hadley
Janet Hunter
Eleanor Mackintosh (Convener)
Douglas McAdam
Xander McDade
Willie McKenna
Ian McLaren
Fiona McLean
Anne Rae Macdonald
William Munro
Derek Ross
Judith Webb

In Attendance:

Gavin Miles, Head of Planning & Communities
Murray Ferguson, Director of Planning & Rural Development
Katherine Donnachie, Planning Officer
Emma Wilson, Planning Officer
Ed Swales, Monitoring & Enforcement Officer
David Berry, Planning Manager
Luke Vogan, Graduate Planner
Peter Ferguson, Legal Adviser, Harper MacLeod LLP
Alix Harkness, Clerk to the Board
Dot Harris, Planning Administration & Systems Officer

Apologies: Peter Argyle (Deputy Convener) John Latham
Gaener Rodger

Agenda Items 1 & 2:
Welcome & Apologies

1. The Convener welcomed all present and apologies were noted.

Agenda Item 3:
Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 14th December 2018, held in the Community Hall Boat of Garten, were approved with no amendments.

3. There were no matters arising.

4. The Convener provided an update on the Action Points from the previous meeting:
   - **Action Point at Para 5i) Completed–** Amendments to paragraphs 14d and 18 of the minutes of the last meeting made.
   - **Action Point at Para 17i) Completed –** 2018/0400/DET deferred to today's meeting and on today's agenda.

5. **Action Point Arising: None.**

Agenda Item 4:
Declaration of Interest by Members on Items Appearing on the Agenda

6. Xander McDade declared an Direct interest in:
   Item No's 8 &10 Reason: His mother is Head of Policy with the John Muir Trust who have objected to Items 8 & 10 on agenda.

7. William Munro declared an Indirect interest in:
   Item No. 9 Reason: Son and Daughter-in-law have viewed a plot in the development site however have not progressed it further.
   Item No. 10 Reason: His employers Aberdeenshire Council have objected to the application but he has had no involvement in that objection.

8. Douglas McAdam declared an Indirect interest in:
   Item No. 7 Reason: Is a Member of National Trust for Scotland

9. Janet Hunter declared an Indirect interest in:
   Item No. 6 Reason: Is a Director of Mount Blair Developmental Trust.

10. Geva Blackett declared an Indirect interest in:
    Item No. 10 Reason: Is an Aberdeenshire Councillor but has not been directly involved in the Council's objection.

Agenda Item 5:
Application for Detailed Planning Permission (2018/0286/DET)
Extension to Speyside Way Footpath between the Insh Marshes Hide At Torcroy to Ruthven Barracks at Land 220M NW of Torcroy, Kingussie
Recommendation: Approve Subject to Conditions

11. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

12. The Committee were invited to discuss the report, the following points were raised:
    a) Comment made that it was a good application.
    b) The Convener agreed and noted that this further section of the Speyside Way would bring the path closer to Newtonmore.

13. **The Committee agreed to approve the applications subject to the conditions in the report.**

14. **Action Point arising:** None.

Agenda Item 6:
Application for Detailed Planning Permission (2018/0299/PPP)
Erection of reception/ restaurant/ bar building and 18 holiday accommodation units, formation of car parking, landscaping and associated works (in principle)
At Former Spittal of Glenshee Hotel, Spittal of Glenshee, Glenshee, Blairgowrie, PH10 7QF
Recommendation: Approve Subject to Conditions

15. Emma Wilson, Planning Officer presented the paper to the Committee.

16. The Convener reminded the Committee that this application was for Planning Permission in Principle and that any detailed future applications would come back to this Committee for decision.

17. The Committee were invited to ask points of clarity. The following were raised:
    a) The Convener asked for more information surrounding the proposed serving of an amenity notice. Emma advised that concern has been raised around the state of the site and that to address this the Committee were also being asked to approve the serving of an amenity notice which would expect that the site be tidied within a certain timescale.
    b) What did tidying up of the site mean? Gavin Miles advised that it meant to tidy up and clear the rubbish from the site but would not achieve removal of the derelict structures.

c) With regards to the Amenity Notice has there been previous dialogue with the applicant to tidy up? Gavin Miles confirmed that the applicant had been asked on several occasions and it had not yet been done satisfactorily.

18. The Committee were invited to discuss the report, the following points were raised:
    a) Agreement that the proposed development would be a considerable improvement to what was currently on site.
    b) Plea made to the applicant to take a sensitive approach to fencing and landscaping for any future detailed applications.
    c) Support for the use of an Amenity Notice.

19. **The Committee agreed to approve the applications subject to the conditions in the report and serving amenity notice.**

20. **Action Point arising:**

    i. Amenity Notice to be served.

Agenda Item 7:
Application for Detailed Planning Permission (2018/0394/DET)
Erection of Replacement Bridge and Formation of Access Track At Land To South West of, Allanaquoich, Braemar, Aberdeenshire
Recommendation: Approve Subject to Conditions

21. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

22. The Committee were invited to ask points of clarity. The following were raised:
    a) How would the removal of the bridge be undertaken? Ed advised that this was not available at this stage only the timing of the removal. Gavin Miles added that the details of removal of bridge would be controlled by SEPA.
    b) Recognition that the river there was dynamic had work been done to check that the proposed work would be worthwhile? Ed advised that a hydraulic survey had been carried out on the identified site and that SEPA were content with the survey findings.
    c) How was the flood level under the bridge measured? Gavin advised that it was based on SEPA calculations.

23. The Committee were invited to discuss the report, the following point was raised:
    a) Comment made that it was a very good application which was welcomed for the area.

24. **The Committee agreed to approve the applications subject to the conditions in the report.**

25. **Action Point arising: None.**

Agenda Item 8:
Application for Detailed Planning Permission (2018/0400/DET)
Upgrade to existing hill access for vehicles, including sections of new track construction, and repair and improvements to existing track, between Allt Ruighe na Riog and River DulnainAt Balavil House, Kingussie, Highland, PH21 ILU
Recommendation: Approve Subject to Conditions

26. Xander McDade left the room.

27. Gavin Miles, Head of Planning presented the paper to the Committee.

28. The Committee were invited to ask points of clarity. The following were raised:
    a) What type of track was being proposed, according to the conditions in the report it would be 2.5m width at most with the central strip being vegetated. Gavin agreed that was correct and advised that the vegetation strip would help reduce the visual impact of the track.
    b) How would the zig zag part of the track down Dulnain Glen be visually minimised? Gavin advised that more information on that section was required. But that officers were satisfied that if best practice was followed, the impact of the track would be minimised.
    c) Clarity that the whole length of the track, even the section out with the National Park boundary was on the table as part of this planning application? Gavin Miles confirmed that it was.
    d) Was there any reason that the track was not being realigned on different ground? Gavin advised that it had been considered however the Estate felt it would cause more disturbance than using the existing line.
    e) Is there potential for a future application extending the track, near to the river that the track that this application leads to? Gavin confirmed that there could be however the application would not be brought before the CNPA Planning Committee as it would be wholly out with the National Park Boundary.

29. The Convener invited George Allan, North East Mountain Trust, Tessa Jones, Badenoch & Strathspey Conservation Group and Dave Morris on behalf of Nick Kempe (Objectors) to address the Committee.

30. The Committee were invited to discuss the report, the following points were raised:
    a) The Convener noted that according to the National Park Partnership Plan strong mitigation would be required where new tracks were being introduced.
    b) A member stated that there were two issues: the first being a planning application for a track where minimum visibility was required and the second being was this proposed track appropriate? Gavin advised that the estate was undertaking management operations across its ground and did not have a constructed track to access remoter parts. Whether or not the planning application was approved, officers considered it likely that the estate would continue to use the existing track line or others within its control. He noted that the Planning Committee could not force the Estate to use other tracks on other estates' land.
    c) Concern raised that the altitude on some higher sections of the track could limit the potential regrowth and central vegetation. Gavin advised that this was the reason for the condition requesting a detailed construction method statement so that it could be considered beforehand. He added that the applicant were keen to accommodate this and wanted to make the work as good as possible.
    d) Query raised with regards to borrow pits that takes time to reinstate. Gavin advised that borrow pits had been identified but exact locations had not yet been decided. He advised that the lower track had been approved through the Prior Notification system and did not hold the same conditions as planning applications. He added that the Construction Method statement would set out the details for borrow pit use and reinstatement.
    e) Praise for the fly-over video as part of the presentation to highlight areas of erosion damage. Concern that this also highlighted that the proposed track would be more visible than what was already there. How long would it take for the impacts to be reduced? Gavin noted that the track proposed would have a small footprint and more vegetation cover than the lower constructed track but that the impacts should have balanced out in around ten years' time bearing in mind the construction phase, then time for the vegetation to grow and blend in.
    f) Was there any local examples of that? Gavin reminded the Committee of the track on Cluny Estate where following the serving of an enforcement notice the track was repaired and in the first season following the repair it looked significantly better.
    g) How was the regeneration of Juniper going to be achieved? Gavin advised that details of that would be requested in the form of condition.
    h) When was the existing lower track installed and could some of the mitigation features lacking in the existing lower track be included in the mitigation features of this application? Gavin advised that it the existing lower track was improved as part of the Prior Notification system through the Highland Council and had been considered an acceptable development. Given that the mitigation being

provided through this planning application was considered acceptable, it could be unreasonable to seek other works that were not connected.

i) Comment made that it was positive that the Estate had come forward for pre-application advice. Had the SNH Best Practise Guidance for tracks been reflected in the application and officer's report? Gavin confirmed that it had but that more detail on how this was going to be achieved had been requested.

j) Could the safety of the Estate staff be reason enough for this application being approved? Gavin advised that while this was a reasonable part of the estate's justification, it did not override the landscape and environmental issues associated with the track.

k) Concern that vegetation regrowth at altitude could not be guaranteed? Gavin advised that it if it could be achieved at much higher altitudes on top of Cairngorm then it could be achieved here.

l) Comment made that the agreed National Park Partnership Plan and the Local Development Plan currently out for consultation was against the development of new hill tracks however this application was more about upgrading an existing route and reducing some of its impacts. Recognition that the applicant were willing to work to mitigate, minimise, control and monitor the future visible impact of the track.

m) Recognition that should the application was not be granted today, it could go to appeal and be granted without the conditions that officers considered necessary to minimise the track's impacts.

n) Recognition of the need for further Board discussion on this subject going forward and suggestion made to accept this application and the controls placed within it from the conditions.

o) Recognition that the Estate could easily have continued to use the tracks without coming forward for formal planning approval.

p) Concern raised that the relevance of the National Park Partnership Plan which makes a clear statements on the construction of new tracks which has been reinforced in the draft Local Development Plan that has gone out for consultation published today. Gavin advised that he did not feel that this raised an issue of precedence and reminded the Committee that they have to appraise the application on its merits. He added that there was no alternative access route for the Estate.

31. There was a short pause while legal advice was sought.

32. Dave Fallows put forward a motion to refuse the application on the following grounds: Proposal to refuse due to concern of unacceptable landscape impact in the context of a defined wild land area contrary to national policy under Scottish Planning Policy guidelines. For the section within the National Park boundary this is contrary to the existing policy in relation to landscape and policy 1.3(e) of the National Park

Partnership Plan. For the section within the Highland Council area, contrary to policy 1 of the local development plan. Derek Ross seconded the motion.

33. Carolyn Caddick put forward an amendment to approve the application subject to the conditions as per the Officer's Report. This was seconded by Geva Blackett.

34. There Committee proceeded into a vote. The results were as follows:

Name	Motion	Amendment	Abstain
Rebecca Badger	**X**		
Geva Blackett		**X**	
Carolyn Caddick		**X**	
Dave Fallows	**X**		
Pippa Hadley	**X**		
Janet Hunter		**X**	
Eleanor Mackintosh		**X**	
Douglas McAdam		**X**	
Willie McKenna	**X**		
Ian McLaren		**X**	
Fiona McLean	**X**		
William Munro		**X**	
Anne Rae Macdonald		**X**	
Derek Ross	**X**		
Judith Webb		**X**	
Total	**6**	**9**	**0**

35. **The Committee agreed to approve the applications subject to the conditions in the report. The Convener urged the estate to work with planning staff to deliver a good track.**

36. **Action Point arising: None.**

Agenda Item 9:
Application for Detailed Planning Permission (2018/0402/DET)
Replacement of SUDS pond with a soakaway and raise ground levels on plots 7–10
At Land 150 M NW of Beachen Court, Grantown-on-Spey
Recommendation: Approve Subject to Conditions

37. Xander McDade returned to the meeting.

38. Katherine Donnachie, Planning Officer presented the paper to the Committee.

39. **The Committee agreed to approve the applications subject to the conditions in the report.**

40. **Action Point arising: None.**

Agenda Item 10:
Glendye Windfarm Consultation (2018/0378/PAC)
Recommendation: No Objection

41. Xander McDade left room.

42. Katherine Donnachie, Planning Officer presented the paper. She highlighted a correction in the report at paragraph 10 where it states the proposed development is 12km from National Park – it should be 10km.

43. The Committee raised the following points:
    a) Comment made that the visualization from Mount Keen wasn't clear. In addition concern raised regarding an increased ring of steel around the National Park. Katherine advised that she understood the points being made however she advised that our Landscape Advisers test is stringent based upon National Park Partnership Plan policy which states where the development is outside the National Park it must not significantly adversely affect the landscape character or special landscape qualities of the National Park. In this case the development is considered to comply with that.
    b) Concern raised that the proposed windfarm could also be visible from Lochnagar. Katherine confirmed that the wind farm could be seen from Lochanagar.
    c) If the proposed windfarm could be visible from Lochnagar at what point does the windfarm become a significant impact on the National Park and is there guidance on significance. Katherine advised that there is national guidance on landscape assessment on what is considered to be significant, moderate etc. Katherine added that SNH have objected to this proposed development but not on the grounds that it significantly adversely affects the National Park.
    d) Concern that the proposed windfarm creeps closely to the Eastern end of the National Park which has its own special qualities. Disagreement with the professional advice findings and conclusions.
    e) Recognition that it would be wise to pick the fights and persuaded by the fact that the recommendation follows SNH advice. Gavin agreed and reminded the Committee that the decision-maker will look to SNH for advice on this issue as they are the national adviser. He added that in the past if the Planning

Committee were to object and SNH did not, the CNPA's objection was rarely given significant weight in the decision.

44. There was a short pause while legal advice was sought.

45. Derek Ross put forward to motion to Object on the following grounds: The development would cause significant impact on the landscape setting of the National Park and therefor contrary to paragraph 212 of Scottish Planning Policy and Policy 3.3 landscape setting. This was seconded by Dave Fallows.

46. Eleanor Mackintosh put forward an amendment to accept the Officer's recommendation of No Objection. This was seconded by Judith Webb.

47. The Committee proceeded into a vote, the results were as follows:

Name	**Motion**	**Amendment**	**Abstain**
Rebecca Badger		**X**	
Geva Blackett		**X**	
Carolyn Caddick		**X**	
Dave Fallows	**X**		
Pippa Hadley		**X**	
Janet Hunter		**X**	
Eleanor Mackintosh		**X**	
Douglas McAdam		**X**	
Willie McKenna		**X**	
Ian McLaren		**X**	
Fiona McLean		**X**	
William Munro	**X**		
Anne Rae Macdonald		**X**	
Derek Ross	**X**		
Judith Webb		**X**	
Total	**3**	**12**	**0**

48. The Committee agreed the officer's recommendation of **no objection**.

49. **Action Point arising: None.**

Agenda Item 11:
Local Flood Risk Management Plans 2016-2022: Interim Delivery

50. Xander McDade returned to the meeting.

51. The Convener welcomed David Berry to first meeting of year and his last for the Cairngorms National Park Authority. She advised the Committee that he would be moving on to Aberdeen City Council. She thanked David, noting he would be a sorely missed member of the team, but that he had brought the proposed Local Development Plan to consultation today and had built up a strong team to continue the work.

52. Luke Vogan, Graduate Planner provided an update to the Committee.

53. The Committee were invited to discuss the update, the following points were raised:
    a) Was there anything this Committee could reinforce to you to help with your work? David Berry added that the Authority do not have a role in delivering the Local Flood Risk Management Plans however we are able to provide feedback such as where things haven't been progressed we could say we would like to see progress in the next management plan.
    b) Why had Nethybridge been zoned as PVA? David Berry explained that it was an anomaly that had been omitted from the previous management plan.
    c) Comment made that it was encouraging to see so many green boxes in Table 1 on page 3 of the report. Suggestion made to start a dialogue with SEPA with regards to the Amber rating in the self-help column. David Berry explained that there had not been any specific requests from the communities and that is why it was rated as amber.
    d) A Member queried the accuracy of this as with reference to Newtonmore which had also been rated as amber, he was aware of many discussions between the Highland Council, Scottish Water and the Community Action Flood Group in Newtonmore. He suggested that the Association of Cairngorms Communities be approached about this. David Berry agreed that spreading awareness of these management plans through planning representatives and Association of Cairngorms Communities (AoCC) may help to build a more accurate picture.

54. **The Committee noted the update.**

55. **Action Point arising:**

    i. **Association of Cairngorms Communities be informed of the Flood Risk Management Plans to spread awareness in communities and through their planning representatives.**

Agenda Item 12:
Scottish Government Planning Performance Framework Feedback

56. Gavin Miles, Head of Planning & Communities provided an update to the Committee.

57. The Convener praised the planning team for such a positive report.

58. **The Committee noted the update.**

59. **Action Point arising: None.**

Agenda Item 13:
Any Other Business

60. Gavin Miles provided an update on the following Post Committee application legal updates:
    a) An Camas Mor – The Highland Council would soon be ready to sign the legal agreement and a clearer update was expected at the next meeting.
    b) Broomhill Quarry – bond for restoration soon to be concluded.
    c) Dalwhinnie Quarry – It appeared that a legal agreement would be necessary to secure restoration and mitigation planting.

62. A9 Dalraddy - Slochd section. Murray Ferguson provided an update on the meeting with Transport Scotland on 21 January 2019 exploring potential for an off road pedestrian route, that might if guaranteed remove the CNPA's objection to this section.

63. Ballater Old School – Planning Committee had refused housing application, but it was granted on appeal. Grampian Housing Association have now submitted an application for a slightly smaller development with different road access, intended to address community and Planning Committee concerns. This will be coming to Planning Committee to determine in due course.

Agenda Item 14:
Date of Next Meeting

66. Friday 22nd February 2019 at The Cairngorm Hotel, Aviemore.

67. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

68. The public business of the meeting concluded at 13.50.