
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Cairngorm Hotel, Aviemore
on 4th February 2011 at 10.00am

PRESENT

Peter Argyle (Arrived Late)
Geva Blackett
Duncan Bryden
Angela Douglas
Jaci Douglas
David Green (Arrived Late)
Kate Howie
Marcus Humphrey (Arrived Late)
Gregor Hutcheon

Bob Kinnaird
Eleanor Mackintosh
Ian Mackintosh (Arrived Late)
Mary McCafferty
Willie McKenna
Andrew Rafferty
Gordon Riddler
Brian Wood
Allan Wright

IN ATTENDANCE:

Don McKee
Mary Grier
Andrew Tait

Robert Grant
Pip Mackie
Alison Lax

Murray Ferguson
Matthew Hawkins

APOLOGIES:

Gregor Rimell

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

1. The Convenor welcomed all present and advised that some Members may arrive late due to the adverse weather conditions.
2. Apologies were received from the above Members.

AGENDA ITEM 3: MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 7th January 2011, held at The Community Hall, Boat of Garten were approved subject to the following amendments:
 - Paragraph 28e – amended to: ‘The current national population of Capercaillie and how this figure translated to the 1% of birds inhabiting the woodland location. Matthew Hawkins responded that the information available on Capercaillie was several years old and at that time it was set at a national population of 2200, which equated to 1 – 6 male birds on the site.’
 - Paragraph 29, last bullet point - amended to: ‘The need for balance to be maintained...’
4. Murray Ferguson, Sustainable Rural Development Director, provided an update on the Boat of Garten application. He advised that CNPA Officers had met with SNH Officers to agree a set of criteria, which had been forwarded to the applicant in order to help them frame an improved set of mitigation measures. He informed Members that a meeting was scheduled to take place on Monday 7th February, between CNPA Officers, SNH Officers and the Applicant to discuss these criteria. He stated that it was not the job of the Park Authority or SNH to write the mitigation measures, this had to be done by the Applicant in order that the CNPA and SNH may properly assess the proposals against the criteria.
5. Murray Ferguson provided an update on the Boat of Garten Working Group. He advised that discussions had been had with Stuart Black, Highland Councillor, and other Members of the Working Group and a further meeting would be held in March (date to be advised). In the meantime, CNPA Officers would investigate potential alternative sites for housing in Boat of Garten and these would be presented to the Working Group for discussion.
6. Murray Ferguson advised that it was hoped that the Boat of Garten application would come before the Committee for determination in June 2011, however, this was dependent on the Applicant having carried out all the necessary work required.
7. Duncan Bryden advised Members to bear in mind that Item 12, regarding the new Call-in arrangements was part of the Service Improvement Plan (SIPS) which was agreed in November 2010 and the extended trial period was due to be signed off in March 2011.
8. Duncan Bryden informed Members that a brief visit had taken place to the An Camas Mor site that morning, attended by some of the newly appointed Board Members – Angela Douglas, Gregor Hutcheon, Kate Howie, Gordon Riddler and Brian Wood - in order that they might familiarise themselves with the site.
9. **Action Points arising:** Minutes revised as agreed.

**AGENDA ITEM 4:
OUTCOME OF ELECTRONIC CALL-IN**

10. The content of the Outcome of the Electronic Call-in held on 21st January 2011 was noted.
11. Duncan Bryden reminded Members to advise the CNPA Officers in advance if they were unable to respond to the Electronic Call-in, in order that a quorum could be achieved.
12. David Green arrived at the meeting.

**AGENDA ITEM 5:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING
ON THE AGENDA**

13. Mary McCafferty queried who the Applicants, Upland Developments, were for Item 8 (Paper 3). Duncan Bryden informed Members that Item 8 had been withdrawn from the Agenda and would be discussed at the Planning Committee on 4 March 2011. Don McKee advised that it was not relevant who the individual Applicants were, but they were named as Upland Developments with the Agents being Keppie Design.
14. Willie McKenna queried the Protocol arrangements regarding Members arriving late to a meeting during an Agenda Item being discussed and then subsequently taking part in discussions, vote and determination.
15. Don McKee advised that there was no specific reference to this matter in the Standing Orders and that it was up to the individual Member to decide. Members had to make decisions based on the understanding that they felt fully informed, and therefore if they did not feel fully informed of the facts, due to missing part of the discussion they could choose to not participate in any vote.
16. There were no declarations of interest.

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR APPLICATION
UNDER SECTION 42 TO REMOVE OR AMEND CONDITION 2 OF
PLANNING PERMISSION 08/90/FULBS (CNPA APPROVAL: 08/130/CP)
AT LAND TO WEST OF INSH HOUSE, INSH, KINGUSSIE
(PAPER 1) (10/412/CP)**

17. Duncan Bryden informed Members that the Applicants, Mr & Mrs Thompson, were available to answer questions.
18. Andrew Tait informed Members that a letter of representation had been received outwith the given timescales and because of this it had not been circulated for Members attention, however the points raised in the letter had been covered in the Planning Report.
19. Andrew Tait presented a paper recommending that the Committee approve the application subject to the condition stated in the report.
20. Andrew Tait advised that the Applicants had requested that the Decision Notice be backdated to the date that the original Decision Notice was issued, in order for them to reclaim the VAT on the development. He emphasised that any decision should be based on planning grounds and not personal financial situations. He stated that there was provision under the Planning Act for backdating Decision Notices. However, this was only in situations where works had been carried out without planning permission or where a condition had already been breached – which was not the case in this situation. He also advised Members that it was not logical to backdate the Decision Notice as the change in Policy circumstance which would enable the CNPA to vary the condition only occurred on 29 October 2010, when the CNP Local Plan was adopted.
21. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of the reclamation of VAT on different types of development. Andrew Tait responded that the Applicants were able to reclaim VAT on self build projects, however, where the new build was tied to an existing property or business it was apparently not possible for the VAT to be reclaimed.
 - b) Clarification if VAT was then unable to be reclaimed on new builds tied by a Section 75 Legal Agreement to an existing property or business. Andrew Tait stated that this could be the case.
 - c) The effect that not backdating the Decision Notice would have on the reclamation of VAT. Andrew Tait stated that the Applicants say they had been advised by HMRC that they would not be able to reclaim VAT should the Decision Notice not be backdated to the date requested.
22. Duncan Bryden reminded Members that personal financial implications were not within the remit for consideration by the Planning Committee.
23. Mrs Thompson, Applicant, addressed the Committee. The presentation covered the following points:
 - The condition on the original Decision Notice tying the new build to the existing holiday cottages.
 - The requirements, as stated by HMRC, in order to reclaim VAT and an example of a Case (M J Watson) where the Decision Notice was required to be backdated.
 - The application falling between the Highland Council Local Plan and the adoption of the CNP Local Plan.

- The lack of professional knowledge regarding reclamation of VAT on developments of this type.
- The cost implications of potentially challenging the HMRC on this issue.
- An error at Paragraph 27 – Condition 1: to read ‘vacational’ instead of ‘vocational’.

24. Duncan Bryden thanked the speaker.

25. The CNPA Officers were invited to make any points of clarification regarding the speakers presentation - the following points were clarified:

- a) Don McKee advised that the CNPA had only just become aware of the situation regarding the reclamation of VAT on developments of this type and the potential implications for applications covered by a Section 75 Legal Agreement. He advised that this issue would be looked at during the wider discussions regarding the Section 75 Legal Agreements and this information would come back before the Committee.
- b) Don McKee reminded Members that any decisions should be made on Planning Policy and any material considerations. At the time when the original permission was granted in 2008, the only reason permission was given was due to the tying of the new build to the existing holiday cottages – as a new house in its own right would not have complied with the prevailing policy and would not have been recommended for approval. The application did now comply with the CNP Local Plan, but in order to backdate the Decision Notice there would have to be sound planning grounds, not just that it would alleviate the Applicants financial burden.
- c) Don McKee informed Members that advice received from the CNPA Solicitors was that if the Decision Notice were to be backdated the furthest it could be backdated to was 29 October 2010 (the date the CNP Local Plan was adopted).

26. The Committee discussed the application and the following points were raised:

- a) The increasing materiality of the CNP Local Plan and the weighting given to it in the determination of applications prior to the Plans adoption. Don McKee advised that this may have been the case, but there would also have had to be sound planning considerations not just financial considerations.
- b) Clarification that at the time the original application was granted the CNP Local Plan carried material weight and therefore the Decision Notice could be backdated to this point.

27. Peter Argyle, Marcus Humphrey and Ian Mackintosh arrived at the meeting.

28. The Committee discussed the application and the following points were raised:

- a) An emerging Local Plan having material weight in its latter stages, and assurance that this would have been brought to Members attention at the original determination date. Don McKee advised that the original application was determined in 2008, one year after the CNP Local Plan being on deposit, but before the Local Plan Inquiry. So although the Local Plan would have been material it would not have been significantly material.
- b) Clarification if the clause from HMRC was new, regarding the reclamation of VAT on developments of this type, as it was a matter that had not been raised previously. Don McKee advised that the CNPA Officers were not tax experts and now that the matter had been raised, the implications would be looked into for developments of this type and applications with a Section 75 Legal Agreement.

- c) Clarification of the specific date the Applicants were seeking the Decision Notice to be backdated to. Andrew Tait responded that it was either the original Decision Notice date in 2008 or the commencement of works date in December 2009, either of these options would enable the Applicants to reclaim VAT.
- d) The remit of the Planning Committee, regarding the backdating of the Decision Notice. Confirmation that the legal advice received stated that the furthest back this date could be was to 29 October 2010, the date of the adoption of the CNP Local Plan.
- e) Concern that backdating the Decision Notice to any date prior to 29 October 2010, could be tantamount to fraud.
- f) Clarification if the Applicant could appeal the decision to the Reporters Unit. Don McKee confirmed that they could.

29. The Committee agreed to approve the application subject to the condition stated in the report and the Decision Notice to be backdated to 29 October 2010.

30. **Action Points arising:** None.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR RESIDENTIAL
DEVELOPMENT; 2 NO. 4 PERSON COTTAGES (SEMI-DETACHED) AND 1
NO. 6 PERSON HOUSE (DETACHED)
AT LAND TO REAR OF 129 GRAMPIAN ROAD, AVIEMORE
(PAPER 2) (10/360/CP)**

31. Duncan Bryden informed Members that the Applicant had requested that the application be deferred, as she was unable to attend the meeting. He advised that the Committee could, if wished, proceed and determine the application as it was a site with a long history of applications and had been before the Committee several times.
32. The Committee discussed the request to defer the application, the following were raised:
- a) Agreement to the deferral, so that further discussion with the Applicant could take place. Mary Grier responded that the Applicant had not indicated that she wished further discussion to take place, only that she had requested the Highland Council Conservation Architects consultation response and this was followed with an email requesting the deferral until the next available Committee date.
 - b) Don McKee stated that the site had a long history and was known to many Members, the issues had been thoroughly set out in the report. A meeting had taken place after the last application on the site, between the CNPA Officer and the Applicant and suggestions had been made as to the developments that may be suitable for the site. Don McKee advised that this latest application did not reflect those suggestions.
 - c) A request for a site visit, given the long history of applications.
 - d) A previous request by Willie McKenna for a site visit back in October 2010. This request for a site visit had not been minuted as an action point from that meeting and therefore had not been carried out.
 - e) Clarification of what a site visit would add to the Members knowledge of the site. It was felt that a site visit would give further information regarding backland developments in the immediate area surrounding the site.
 - f) Mary Grier stated a site visit was a matter to be decided upon by Members. However, the site was a limited area, and therefore had a limited capacity for development. Discussion had taken place with the Applicant regarding the minimum parameters that needed to be met and there was the issue of subjectivity of the appropriateness of design. She stated that the main issue which set this application apart from the rest of the backland developments was that it was located within the grounds of a Listed Building and the impact any development would have on its setting.

33. Peter Argyle proposed a **MOTION** that the application be determined, as per the Planners recommendation. This was seconded by Marcus Humphrey.
34. Willie McKenna proposed an **AMENDMENT** that the application be deferred for a Site Visit to assess how the development would be seen within the context of the Listed Building. This was seconded by Jaci Douglas.
35. The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	X		
Geva Blackett		X	
Duncan Bryden	X		
Angela Douglas	X		
Jaci Douglas		X	
David Green		X	
Kate Howie		X	
Marcus Humphrey	X		
Gregor Hutcheon		X	
Bob Kinnaird		X	
Eleanor Mackintosh		X	
Ian Mackintosh	X		
Mary McCafferty		X	
Willie McKenna		X	
Andrew Rafferty		X	
Gordon Riddler	X		
Brian Wood		X	
Allan Wright	X		
TOTAL	7	11	0

36. The Committee agreed to defer the application for a Site Visit. Duncan Bryden requested that the Site Visit be arranged as soon as possible.
37. **Action Points arising:** CNPA Planning Officers to arrange a Site Visit.

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
NEW 53 BEDROOM "TRAVELODGE" TYPE HOTEL WITH ASSOCIATED
SITE WORKS AND LANDSCAPING
AT CAIRNGORM SERVICE STATION, GRAMPIAN ROAD, AVIEMORE
(PAPER 3) (10/204/CP)**

38. Duncan Bryden informed Members that the application had been withdrawn from the Agenda due to the Community Council wishing to comment on the revised design proposals and would therefore be brought to the Planning Committee in March 2011.

39. **Action Points arising:** CNPA Planning Officers to bring the application for determination to the Planning Committee in March 2011.

**AGENDA ITEM 9:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF
DWELLINGHOUSE
AT LAND 170M NORTH WEST OF MOLE COTTAGE, BLAIR ATHOLL
(PAPER 4) (10/398/CP)**

40. Duncan Bryden informed Members that no requests had been made to address the Committee.

41. Robert Grant presented a paper recommending that the Committee refuse the application for the reasons stated in the report. Robert Grant advised Members that the CNP Local Plan did not cover the area of Perth & Kinross that was within the Park, therefore the application had been assessed against the existing policies within the Perth & Kinross Local Plan.

a) The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

42. The Committee agreed to refuse the application for the reasons stated in the report.

43. **Action Points arising:** None

**AGENDA ITEM 10:
REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION
OF NEW WASTEWATER TREATMENT WORKS AND ANCILLARY
DEVELOPMENT
AT LAND 50M SOUTH EAST OF TOMBOYACH HOUSE, NETHY BRIDGE
ROAD, BOAT OF GARTEN
(PAPER 5) (10/045/CP)**

44. Duncan Bryden informed Members that Tim Muir, Agent from Scottish Water Solutions, was available to answer questions.
45. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
46. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Which details were subject to change as stated in Paragraph 3 of the Report. Robert Grant confirmed that it was the materials to be used in the construction of the control building, which would hopefully be improved to a higher quality finish.
 - b) The large number of trees to be felled. Robert Grant stated that many of the trees were storm damaged and the number of trees to be felled was due to the area of flood compensation required for the development. However, these should be replaced like for like under the landscaping plan.
 - c) The Odour Management plan and whether this could also cover the monthly sludge removal from the site. Robert Grant confirmed that this could be included.
 - d) The proposed surface materials for the access road. Robert Grant stated that the access road was to be tarred. He advised that discussions had taken place regarding the extent of the turning circle and it had been stated by Scottish Water that this was necessary for articulated vehicular movement.
 - e) How Condition 13 was to be monitored. Robert Grant stated that the CNPA would be reliant on Scottish Waters working practices and the CNPA's Monitoring & Enforcement Officer actively visiting the site.
 - f) Expansion on Condition 2 regarding the Compensatory Flood Storage Scheme. Robert Grant responded that it was a mechanism to allow development to take place on an existing flood plain. The flood compensation area would be dug out and during a flood event, this area would flood instead of the ground which had been developed. He advised that the area of flood compensation had to be of the same volume or larger than the existing flood volume area.
 - g) Whether tree planting would take place in the flood compensation area. Robert Grant stated that it would.
 - h) Clarification why a turning circle was opted for instead of a hammerhead turning area. Robert Grant stated that this issue had been raised with the Applicants and a turning circle was required by Scottish Water working procedures.
 - i) Concern regarding water run-off from the development into the River Spey.
 - j) The species of the existing trees on the site.
 - k) The proposed lighting at the development and the need for it to be conditioned in order to protect natural and visual amenity. Robert Grant confirmed this could be done.
47. Tim Muir, Agent, addressed the Committee. The Committee were invited to ask questions of the speaker and the following points were raised:

- The compensatory flood storage area. It was confirmed that the amount of compensatory flood storage had been calculated on the amount of developed ground area that was on the existing flood plain.
- The species of the existing trees on the site. It was confirmed that the trees were Birch and were not of the best quality and that any felled trees would be replaced as per the landscaping plan.
- The proposed boundary fencing. It was confirmed that it would be post and wire fencing as per the existing on the site.
- The possibility of using grass-crete or another less visually intrusive material instead of tar on the access road. It was stated that there was some difficulty with using grass-crete or similar, as the lack of regular vehicle movements to and from the site made it difficult to maintain the covering.
- The need for a turning circle on the access road. It was stated that a Hammerhead had been investigated, but that Scottish Water required a turning circle due to the articulated vehicles being manned by a single operative and the need to drive round the site in a singular movement without the need for reversing.
- The potential for water run-off from the development into the River Spey. It was confirmed that a SUDS scheme was being prepared which would address this issue.
- The proposed lighting at the development. It was confirmed that the only operational lighting would be located at the control building.

48. Duncan Bryden thanked the speaker.

49. The Committee discussed the application and the following points were raised:

- a) Grass-crete being an older product and the possibility of newer alternative materials being available.
- b) The possibility of an alternative colour of tarmac, instead of black, to be less visually intrusive.

50. The Committee agreed to approve the application subject to the conditions stated in the report with the inclusion of a condition regarding the lighting located at the development and further investigation regarding alternative surfacing materials for the access road.

51. **Action Points arising:** CNPA Planning Officers and Scottish Water Solutions to agree a suitable surfacing for the access road to the site.

52. Duncan Bryden sought Members agreement to amend the running order of the Agenda and discuss Item No. 13 (Paper 8) next. Members agreed the change.

**AGENDA ITEM 13:
PLANNING COMMITTEE STANDING ORDERS – THIRD REVISION
(PAPER 8)**

53. Don McKee provided an update report on the Standing Orders and the changes that were being recommended, regarding time limits for submitting representations and requests to address Committee along with some grammatical amendments.

54. Don McKee advised of a correction to Appendix 1, Paragraph 7 – the Quorum figure should be 10 not 7 as stated.

55. The Committee discussed the application and the following points were raised:
- a) Paragraph 3 – last bullet point - Para 31: Concern of the depth of planning knowledge that would be required for Members to do this. Don McKee responded that it was not the intention for Members to give precise approval conditions or refusal reasons, but it was necessary for Members to articulate the planning grounds for any planning decision they may wish to make contrary to the recommendation. The Planning Officers would then translate the reasons into the appropriate ‘planning speak’.
 - b) Concern that the Planning Officers had not always assisted Members thoroughly when framing a contrary planning decision. Don McKee responded that he was not aware of Planning Officers ever refusing to assist Members with this matter.
 - c) The potential for an appendix outlining the relevant policies on an application to assist Members with the determination of proposals.
 - d) Clarification how the CNPA treats Community Councils, whether they are classed as a statutory consultee or not and how the CNPA communicates with them. Don McKee advised that the CNPA treats Community Councils as a statutory consultee. He advised that where the Local Authority had already consulted a Community Council (prior to an application being called-in) the CNPA write and inform them that the application has been called-in and any further correspondence should be sent to the CNPA. Where an application has been called-in and the Community Council has not been consulted, the CNPA would carry out a consultation and request that any comments should be submitted to the CNPA. Don McKee advised that the CNPA were currently assessing how Community Councils were engaged with and how they could be included further in the planning process.
 - e) The need for Community Councils to also look at their working procedures and where possible make improvements.
 - f) The need for Community Councils and the public to be made aware of the proposed changes to the time limits for representations and requests to address Committee. Don McKee confirmed that this would be done.
 - g) The proposed changes being a fairer way to proceed regarding putting time limits on representations and requests to address Committee.
 - h) An amendment to be made to Appendix I Paragraph 24: Removal of ‘...and the Committee agree.’ which had been requested for removal at the meeting 15 October 2010.
 - i) The attendance of Representatives at Committee Site Visits and the potential for it to curtail Members questions.
 - j) Whether or not to include a statement in Standing Orders regarding late arrival of Members to meetings during an Item and their ability to take part in the subsequent discussion. Members agreed that it would not be included in Standing Orders and would be up to the individual Member to decide, with the Convenor having an overriding decision.
56. The Committee agreed the revised Standing Orders at Appendix I, with an amendment to Paragraph 24: Removal of ‘...and the Committee agree.’
57. **Action Points arising:** The revised Standing Orders to be put on the CNPA website, letters to be sent to Community Councils and other publicity to be carried out.

**AGENDA ITEM 11:
REPORT ON ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE –
AFFORDABLE HOUSING
(PAPER 6)**

58. Alison Lax, Strategic Policy Officer and Don McKee, Head Planner, presented a report on the adoption of Supplementary Planning Guidance covering Affordable Housing.
59. Alison Lax advised that the CNPA were currently dealing with an official complaint from an individual regarding the Supplementary Planning Guidance (SPG). The complaint was regarding the consultation process that the CNPA had undertaken and referred to some of the SPG's cross referencing other SPG's which had not been completed, specifically referring to the Affordable Housing SPG and developer contributions. The complaint was currently being investigated by CNPA Officials, in line with the formal process and the outcome of the investigation was awaited. Alison Lax asked Members, if due to this complaint, they wished the SPG to be re-consulted on. Members agreed not to re-consult on the SPG.
60. Alison Lax informed Members that the figures for paragraph 6.3 would be to a benchmark of £25,000 per house, but it may vary across locations in the Park dependent on individual circumstances.
61. The Committee were invited to ask the CNPA Officers points of clarification, the following were raised:
- a) Paragraph 4.6 – if this included developer contributions. Don McKee responded that it did include developer contributions and that if Members required, CNPA Officers could provide a demonstration of the model.
 - b) Paragraph 4.6 – to include: 'Developer costs include *developer contributions* and a reasonable return...'
 - c) Policy 19 1.1 – Who is responsible for holding the payment for developer contributions. Don McKee confirmed that the appropriate Local Authority as Housing Authority would hold the funds and would spend them in accordance with its housing investment programme.
 - d) Page 5 Box PAN2/2010: The need for the housing to remain affordable and not be subject to extensions which then take them out of the affordable market. Don McKee responded that a briefing paper would shortly be issued regarding retaining affordable housing in perpetuity and these issues could be discussed at that point.
 - e) Paragraph 5.1 – Concern over the statement '...that sites solely for affordable housing will be looked on favourably...' – should the CNPA not be encouraging mixed developments of open market and affordable housing. Don McKee responded that these sites were unlikely to be large scale sites, and were seen as being small scale cluster sites within settlement boundaries.
 - f) Paragraphs 6.1, 6.2, 6.3: – Clarification of what happens to the affordable housing contributions for the smaller developments. Alison Lax confirmed that the funds would be ring fenced and used within terms of the Local Housing Market areas (as defined by the Housing Authorities), which didn't necessarily fit to the boundary of the Park. However, the CNPA would seek to meet the needs of those Communities through the Local Housing Strategy network.
 - g) Paragraph 6.3 - Confirmation if the developer contribution of £25,000 was in relation to open market housing being constructed for sale and/or individual self builds (which were to be lived in by the individual). Hamish Trench stated that it was the intention for the policy to be applied to houses constructed for sale on the open

market, however, there was a need for absolute clarity on this issue and the wording of the paragraph should be looked at again.

- h) Paragraph 6.3 - The high amount of developer contribution being requested, even for open market housing and the potential for this to make the housing completely unaffordable for anyone.
- i) An example of an amount of developer contribution recently paid in Aberdeenshire, which was £1,600.

62. Duncan Bryden suggested that the SPG required some further work and proposed that any decision be deferred until the next meeting in March 2011, when the SPG would be brought back for discussion.

63. **Action Points arising:** CNPA Officers to carry out further investigation on the amount of affordable contributions, particularly for single houses and how these were to be applied.

AGENDA ITEM 12: REPORT ON APPROVAL OF SUPPLEMENTARY PLANNING GUIDANCE FOR PUBLIC CONSULTATION (PAPER 7)

64. Duncan Bryden advised Members that the SPG on the Aviemore Design Framework had not been issued on time and therefore would not be discussed.

65. Alison Lax, Strategic Policy Officer, advised that Members were being requested to approve the Supplementary Planning Guidance on Wildness and Carbon Emissions for Public Consultation and a discussion would be held on Developer Contributions.

66. Alison Lax requested that Members approve a change in the consultation period to 21 March – 29 April 2011, as this would allow for all 4 SPG's to be consulted on at the same time.

67. Matthew Hawkins, Senior Heritage Officer, presented a report on the SPG for Wildness. The SPG included an updated section on historical artefacts, as requested by Members.

68. The Committee were invited to ask the CNPA Officer points of clarification, the following were raised:

- a) The need for clarity in the section on historical artefacts – who decides what is historical or not.
- b) The banding of the areas of wildness and concern for the detrimental impact and cost implications the SPG guidelines could have (as currently drafted) on the fourth aim, particularly for working Estates and land managers.
- c) Page 3 Wilderness – re-word 'An area in a completely natural state...' - as no area in Scotland is unaffected by human influence, it should refer to a semi natural state. Matthew Hawkins responded that for clarity the definition used by the IUCN would be used.
- d) The issue of Wildness being subjective, depending on the individual.
- e) Page 5 map – The legend on the map having 'CNPA Extension' and the need for this to be amended as Perth & Kinross was now part of the Park. Matthew Hawkins

responded that it would be reworded. However, the SPG would only be covering the area of the CNP Local Plan.

- f) Permitted development rights regarding existing hill tracks. Don McKee responded that if it is a like for like repair then it would be permitted development. However, much of the time further works are required and these may require planning permission.
- g) The potential for public relation opportunities regarding SPG's and linking in to the future Park and Local Development Plans.
- h) Page 5 Wildness Typology – Remove the word 'even' from the final sentence.
- i) The need to be as inclusive as possible when consulting on SPG's, and for people to understand why these consultations are relevant to them and that they are able to contribute to the process.

69. The Committee agreed that the SPG on Wildness would be publicly consulted on.

70. Action Points arising:

- Page 3 Wilderness – re-word with the definition of Wilderness as specified by IUCN.
- Map Legend – amend 'CNP Extension' to reflect the inclusion of Perth & Kinross.
- Page 5 Wildness Typology – Remove the word 'even' from the final sentence.

71. Alison Lax, Strategic Policy Officer, presented a report on the SPG for Carbon Emissions and thanked Robert Grant, Planning Officer, for his input into the SPG.

72. The Committee were invited to ask the CNPA Officer points of clarification, the following were raised:

- a) Paragraph 5.0 – 1st Bullet Point: Is no net increase in carbon emissions possible? Alison Lax stated that she thought it was.
- b) Concern about the financial implications for land managers and other rural businesses.
- c) The SPG focussing particularly on soils, vegetation and the natural landscape, without reference to infrastructure, upgrading of existing buildings etc. Alison Lax responded that discussions so far had focussed on emissions from new builds (which was contained in the Sustainable Design Guide).
- d) Concern that the SPG may become too restrictive and therefore adversely affect land management, particularly with regards to food production.
- e) Concern that Carbon off setting and any associated payments may make developments unviable, and a need for a balance to be struck.
- f) Page 3 Box on Climate Change – Insert '...80% reduction (*based on 1990 levels*) in emissions by 2050...'

73. The Committee agreed for the SPG on Carbon Emissions to be publicly consulted on.

74. Action Points arising:

- The need to include reference to infrastructure – roads, transport etc.
- Page 3 Box on Climate Change – Insert ‘...80% reduction (based on 1990 levels) in emissions by 2050...’

75. Duncan Bryden introduced the discussion on Developer Contributions.

76. The Committee were invited to make comments on the report, the following were raised:

- a) The inclusion of provision for growing spaces.
- b) The inclusion in the General Overview of community benefit.
- c) The need for inclusion of principles of transparency, fairness, clarity regarding developer contributions.
- d) Developer Contributions regarding larger developments (e.g. retail) and how these would be calculated. Don McKee advised that he would liaise with the Planning Gain Officers at Aberdeenshire Council (who were contracted by the CNPA) for appropriate wording on this issue.
- e) Clarification of who holds the Developer Contribution and who decides where it is spent.
- f) Clarification of how Communities could become involved in the process and identify local community needs. Don McKee responded that it was hoped that the Community Councils would get involved in the SPG consultation process and respond on the issues.
- g) Appendix I Worked Example: How the information was calculated to be input into the model. Don McKee advised that the figures were obtained from Aberdeenshire Council Planning Gain Officers, who also worked for Moray Council and Aberdeen City Council.
- h) Concern that increased developer contributions could hinder development taking place by placing too high a financial burden on the developer.
- i) The need for community needs to be identified well in advance of applications and that communities should not see developer contributions as a ‘shopping list’ for the area.

77. It was agreed that the points made would be incorporated into the SPG and it would be brought back before Members in March 2011 for further discussion. Members were requested to submit any further comments via email to Alison Lax.

78. Action Points arising:

- The inclusion of provision for growing spaces.
- Aberdeenshire Council Planning Gain Officers to be contacted regarding appropriate wording on development contributions for larger developments (e.g. retail) and how these would be calculated.
- Community Councils to be actively involved in the consultation process.

AGENDA ITEM 14:

ANY OTHER BUSINESS

79. There was no other business.

AGENDA ITEM 15:

DATE OF NEXT MEETING

80. Friday 4th March 2011 at The Community Hall, Nethy Bridge.

81. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

82. The meeting concluded at 1.15pm.