

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at Community Hall, Boat of Garten

on 4<sup>th</sup> July 2014 at 11.00am

#### Members Present

Duncan Bryden

Angela Douglas

Paul Easto

Dave Fallows

Jeanette Gaul

Gregor Hutcheon

John Latham

Bill Lobban

Eleanor Mackintosh (Convenor)

Mary McCafferty

Willie McKenna

Fiona Murdoch

Gordon Riddler

Gregor Rimell

Brian Wood

#### In Attendance:

Murray Ferguson, Director of Planning & Rural Development

Jane Shepherd, Development Management Manager

Katherine Donnachie, Planning Officer, Development Management

Fiona Murphy, Planning Officer, Development Management

Tom O'Connor, Planning Officer, Development Management

Peter Ferguson, CNPA Legal Advisor from Harper MacLeod LLP

Alix Harkness, Clerk to the Board

#### Apologies:

Peter Argyle (Vice Convenor)

Kate Howie

Katrina Farquhar

Martin Price

#### Agenda Items 1 & 2:

##### Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

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### **Agenda Item 3:**

#### **Minutes & Matters Arising from the Previous Meeting**

3. The minutes of the previous meeting, 6<sup>th</sup> June 2014, held at Albert Hall, Ballater were approved subject to the following amendments:
  - a) Under Members Present: Remove Brian Wood as his name appears twice;
  - b) Under Members Present: Move Mary McCafferty from Members Present to Apologies;
  - c) At paragraph 53a: Amend the word 'could' in the second sentence to 'would'.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - a) Action Point at Para. 6: A letter had been sent and an acknowledgement received;
  - b) Action Point at Para. 66: discharged;
  - c) Action Point at Para 73: Simon Harrison will bring this paper to the Planning Committee meeting on 26 September 2014.
6. The Convenor advised the Committee that the numbering of Items on the Agenda required adjustment.

### **Agenda Item 4:**

#### **Declaration of Interest by Members on Items Appearing on the Agenda**

7. Fiona Murdoch declared an interest in:
  - a) Item No. 7 (Paper 3): Direct interest – Is an anti-wind farm campaign member.

### **Agenda Item 5:**

#### **Report on Called-In Planning Application:**

#### **Clay Pigeon Shooting (retrospective)**

#### **At Gaich, Dulnain Bridge**

#### **(Change of Use Application - Retrospective)**

#### **(Paper 1) (2014/0090/DET)**

8. The Convener informed Members that this application had been withdrawn from the Agenda to allow Planning Officers to review additional material that had come to light. As a result the Application was being deferred until the Planning Committee meeting on 1 August 2014 in Ballater.

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### **Agenda Item 6:**

#### **Report on Called-In Planning Application:**

#### **Erection of 12 Industrial Units**

#### **At Dalfaber, Aviemore**

#### **(Detailed Planning Application)**

#### **(Paper 2) (2014/0107/DET)**

9. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
10. The Convenor asked if a response had been received from The Highland Council Flood Prevention Unit. Katherine confirmed that it had been received and as a result a condition had been added.
11. The Committee welcomed this proposal and agreed it was a good addition to Aviemore and the sort of development CNPA wished to encourage in the Park to support small businesses.
12. The Committee agreed to approve the application subject to the conditions stated in the report.

13. **Action Points arising:           None.**

### **Agenda Item 7:**

#### **Report on Called-In Planning Application:**

#### **Erection of Wind Turbine**

#### **At Easter Rynaballoch, Cromdale**

#### **(Detailed Planning Application)**

#### **(Paper 3) (2013/0352/DET)**

14. Fiona Murdoch left the room for the duration of the discussion on this application.
15. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
16. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Is it correct that no written comments had been received by Cromdale Community Council? It was advised that the reason could be that Cromdale Community Council were currently in abeyance as a result of not having enough members;
  - b) Clarification as to which of the representations are considered material and which are not? Katherine explained that issues relating to wildlife and bats were material considerations measures to notify the public were set out by Scottish Government and, adverse effects to tourism and the efficiency of wind farms were not considered in detail in view of the national and local planning

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presumption in favour of wind energy on suitable sites.. Issues relating to legal rulings are not material considerations in this case.

17. The Committee agreed that it was acceptable to approve the application subject to the conditions stated in the report.

18. **Action Points arising:                   None.**

### **Agenda Item 8:**

#### **Report on Called-In Planning Application:**

#### **Application to Extend Timescale of Existing Consent**

#### **At Duthil Steading, Carrbridge**

#### **(Detailed Planning Application)**

#### **(Paper 4) (2013/0379/DET)**

19. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:

a) Applicant / Agent – Peter Holland

20. The Committee agreed to the request.

21. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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

a) Should the application be approved, how long would the time be extended for?  
Fiona Murphy confirmed that it would be extended for three years.

23. Peter Holland was invited to address the Committee. The presentation covered the following points:

- a) The economic climate during following the original permission in 2009 is the reason behind the development not having progressed;
- b) The main reason for applying for a time extension is that he is trying to sell it to a builder to develop;
- c) In the Planning Officer's report it suggests that the service road had not been adopted. It was adopted shortly after the original application was approved;
- d) As a result of the delay in the development, interested parties have approached him with an interest in developing the steadings as they stand. He added that he is in the process of getting costings for the buildings being brought back to use again, even although the buildings have been passed for demolition.

24. The Committee were invited to ask questions of the speaker and the following points were raised:

- a) In the previous planning permission there was a condition regarding the stading being recorded through photographic record for historical purposes. The same condition appears in this one. Is there a photographic record of the steadings when the permission was first granted? Peter Holland advised that the original

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application had been submitted in 2007 and later approved in 2009 and that the photos were taken in 2007.

- b) Do the inhabitants of the Old Manse have access rights? Peter Holland agreed that they do and showed the Committee the route of the access.
- c) Amongst the representations in Appendix I of the Paper there is an understanding that when the Applicant was granted planning approval, removal of any part of the steading was prohibited and yet there is an accusation that the slates were removed and sold while all the materials were supposed to be retained and re-used. Peter Holland advised that he had received an offer for the slates and the buyer had removed them. He added that if the steadings were going to be retained he would have replaced the missing tiles with suitable materials. Fiona Murphy advised that it was only the stone that was conditioned.

25. The Convener thanked the speaker.

26. The Committee agreed to approve the application subject to the conditions stated in the report.

27. **Action Points arising:           None.**

### **Agenda Item 9:**

#### **Report on Called-In Planning Application:**

#### **Installation of 12 Solar Panels**

#### **At Netherton, Dinnet**

#### **(Detailed Planning Application)**

#### **(Paper 5) (2014/0147/DET)**

28. Tom O'Connor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

29. The Committee agreed to approve the application subject to the conditions stated in the report.

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

### **Agenda Item 10:**

#### **Communications and the CNPA Planning Service**

#### **(Paper 6)**

31. Murray Ferguson, Director of Planning & Rural Development, presented the paper on the progress with communications activity about the Planning Service and forward plans.

32. The Committee discussed the Paper and the following points were raised:

- a) With reference to Page 4 of the paper: Suggestion to engage and consult with local Council members who are not CNPA Board members. Murray Ferguson agreed that this could be added.

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- b) In relation to the Communication themes detailed in Appendix 2 of the Paper, the phrase 'Open for Business' was queried and suggestion made to rename it. And in relation to 'High quality development on ground' suggestion was made to add the word 'sustainable' to it. Murray agreed to look into putting the word 'sustainable' in to it.
- c) Suggestion was made to create a simple guide to planning that addresses common questions. Murray informed the Committee that Gavin Miles is currently creating simple and attractive Planning Advice Notes and reviewing all the content on the website. Murray added that with regard to permitted development rights, he is conscious it can be complicated and that is one of the main reasons for encouraging contact with Planning Officers.
- d) A suggestion was made to spell out outcomes of the engagement work; to describe the meaning of success and to detail the type of reputation that is hoped to be achieved. Words suggested describing the desired reputation included: A Planning Authority which is clear, consistent, fair, efficient, listening and confident. Murray advised that they are trying not to write a separate plan for Planning Service but to emphasise how it fits with the overall Communications Strategy for the organisation. Murray agreed and noted the suggested words.
- e) With reference to point 2 in Appendix 1 of the paper, clarification was sought as to the role of the Association of Cairngorms Communities (AoCC). Murray advised that this was referring to the Planning Representative Network, which is formed from reps of Community Councils and meets on the same day as AoCC. Murray added that this has been a really positive network, which has helped to raise the awareness of planning and has a key role in the delivery of the strategy.
- f) Concern was raised over other organisations not fitting the Cairngorms National Park into the wider context of the North of Scotland. Murray agreed that officers are constantly working hard to encourage that and would welcome any suggestion from the Committee on how this could be achieved.
- g) A suggestion that the Planning Advice Notes will be clearly named Cairngorms Planning Advice Notes to differentiate from the national version. And to consider including some worked examples for different developments and to indicate to the reader who to talk to and the timescales involved.
- h) An opportunity to explain the wider public interest of Planning to the public. Murray advised that there is a resourcing issue on how we use our resources to educate people on Planning. On general topics we want to refer people on to other more general courses such as Planning Aid Scotland rather than duplicate material.
- i) A suggestion was made to ensure that the themes are subscribed to by all Cairngorms National Park Authority staff on a daily basis. Murray agreed and outlined how a proactive approach is being adopted.
- j) The need for the public to recognise that planners are there to help and willing to advise on potential developments. In particular, the requirement for this to

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be the general understanding across all Planning Officers in the five Local Authorities in the Park to deliver a consistent message to its customers. Murray advised that Jane Shepherd and Gavin Miles are currently looking into how to make the pre-application process more structured. He advised that the preferred direction is to channel the communication through the Local Authorities.

- k) Do we do enough to get our planning decisions out to the public? That if applications are well planned, well thought through it is approved, can more be done to generate that type of message? The Convenor advised that is the general theme of press releases. Murray added we were already using social media and this would be enhanced as described in the paper.

33. The Committee agreed that they were content to note the progress to date and agreed to endorse the key themes.

34. The Committee provided Murray with the following suggested amendments to the Communications Plan:

- a) In reference to Appendix 2 of the Paper which relates to the key themes:
- i. The removal of the 'Open for Business' theme to read 'Enterprising and Innovative' and;
  - ii. The addition of the words 'sustainable' and 'affordable' in the overall message recognising that not all development is affordable;
- b) Local Council elected members who are not CNPA Board members to be added to the Key Audience Table.

**35. Action Points arising:**                      **Murray Ferguson to revise the key themes to include the suggestions made by Committee and re-circulate to Planning Committee Convenor and Deputy Convenor.**

**Murray Ferguson to circulate the overall message paragraph once tweaked to all Planning Committee Members.**

### **Agenda Item 11:**

#### **Scheme of Delegation for the CNPA Planning Service (Paper 7)**

36. Murray Ferguson presented a paper which considers the scope of delegation to officers in order to clarify roles and responsibilities and improve the efficiency of the Planning Service.

37. The Committee noted the progress and agreed that they are content to leave the Scheme of Delegation to be worked up for consideration at Planning Committee at a later date.

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**38. Action Points arising:           None.**

### **Agenda Item 12:**

#### **Any Other Business**

- 39. The Convenor reminded the Committee that the Scottish Planning Policy and National Planning Framework briefing had been circulated.
- 40. The Convenor advised that the Master Planning session that was scheduled to take place following the Planning Committee meeting would take place at the next meeting on 1 August 2014 in Ballater, led by Simon Harrison.
- 41. A Committee Member wished to complement the Planning Service for organising a fixed diary for those who suffer full diaries elsewhere.

**42. Action Points arising:           None.**

### **Agenda Item 13:**

#### **Date of Next Meeting**

- 43. Friday 1 August 2014 at Albert Hall, Ballater.
- 44. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Clerk to the Board.
- 45. The public business of the meeting concluded at 12.30.