

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on Friday 7th February 2014 at 11.00am

Members Present

Peter Argyle (Vice Convener)
Duncan Bryden
Angela Douglas
Dave Fallows
Jeanette Gaul
Kate Howie
Gregor Hutcheon
John Latham

Bill Lobban
Eleanor Mackintosh (Convener)
Willie McKenna
Martin Price
Gordon Riddler
Gregor Rimell
Brian Wood

In Attendance:

Murray Ferguson, Director of Planning & Rural Development
Simon Harrison, Head of Planning
Katherine Donnachie, Planning Officer, Development Management
Fiona Murphy, Planning Officer, Development Management
Peter Ferguson, CNPA Legal Advisor from Harper MacLeod LLP
Matthew Hawkins, Landscape & Ecology Manager
Frances Thin, Landscape Advisor
Alix Harkness, Clerk to the Board

Apologies:

Katrina Farquhar
Mary McCafferty
Fiona Murdoch

Agenda Items 1 & 2:

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Welcome & Apologies

1. The Convenor welcomed all present.
2. The Convenor extended her welcome to Kjell Overvaag from Norway and informed the Committee of his specific interest in Natural Heritage and how the CNPA Board handle such matters in the context of planning.
3. Apologies were received from the above Members.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

4. The minutes of the previous meeting, 17th January 2014, held at The Community Hall, Boat of Garten were approved.
5. There were no matters arising.
6. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 21: Work is ongoing on compiling the Section 42 Briefing Note, it is hoped that an update will be provided at the Planning Committee on 7 March 2014. At this point the Convenor advised the Committee that the time constraint had been omitted as an informative on Paper 1 but would be added should the Committee agree to grant the permission.
 - Action Point at Para. 30: Planning Officers are considering how best to compile a Best Practice Guide for micro hydro schemes in the Cairngorms National Park.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Dave Fallows declared an interest in:
 - Item No. 10 (Paper 6) - Direct interest – He advised that as a Member of Highland Council Planning Committee he would be responding to this Consultation and therefore advised that he would leave the room for the duration of the discussion on this Paper.
8. Bill Lobban declared an interest in:
 - Item No. 10 (Paper 6) - Direct interest – He advised that as a Member of Highland Council Planning Committee he would be responding to this Consultation and therefore advised that he would leave the room for the duration of the discussion on this Paper.
9. Peter Argyll declared an interest in:

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- Item No. 5 (Paper I) - Indirect interest – He advised that he is a Member of the National Trust for Scotland.

Agenda Item 5:

Report on Called-In Planning Application:

Erection of Biomass Heating Boiler Room, Fuel Hoppers & Storage Area

At Land East of Mar Lodge, Braemar

(Paper I) (2013/0283/DET)

10. The Convener informed Members that no request to address the Committee had been received.
11. The Committee noted this.
12. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
13. Fiona Murphy reminded the Committee that the time constraint informative had been omitted from this Paper but could be added depending upon the Committee's decision today.
14. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concern regarding the size and scale of the proposed building and clarification as to whether a number of smaller buildings instead of 1 large building had been considered by the Applicant. Fiona Murphy explained that it was a simple agricultural building which is typical for a rural area and that the reasoning was largely of economies of scale. Fiona Murphy went on to explain that the requirements in particular were that the fuel is kept dry and that it is provided directly into the boiler. Fiona Murphy added that the provision of a series of buildings could complicate the management of that process.
 - b) Reassurances were requested regarding how effectively the building could be disguised and concealed and therefore not interfere with the landscape surrounding the area. Fiona Murphy responded by informing the Committee that the photomontage was done at a time when there was limited planting just immediately in the vicinity of the proposed building but following discussions with the Applicant, a lot more planting was planned which will further aid with concealing the development in the landscape.
 - c) Clarification that the photomontage shown is the perceived picture of how the landscape will look if the development is built. Fiona Murphy confirmed that the

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photomontage illustrates the view of the building in the landscape 10 years following construction.

- d) A request to see a photo which shows how it could look during the first 10 years was made. Fiona Murphy navigated to the appropriate slide on the presentation for the benefit of the Committee.
 - e) Clarification with referral to paragraph 3 of the Paper which lists some of the designations the site has including the reference to the Ancient Woodland Inventory. The Committee Member went on to explain that it reminded them of the Scottish Planning Policy with particular reference to paragraph 146 which states that '*ancient and semi woodland are important and an irreplaceable national resource that should be protected and enhanced...*' The Committee Member drew the Committee's attention to paragraph 8 of the Paper which states that the proposal involves the removal of 58 trees of that 50 are described as being young Scots pine and about 4m in height. The Committee Member went on to query paragraph 41 which reads '*Whilst a number of trees are being lost to facilitate this development they have generally been identified as poorer quality trees with a limited life span.*' With the above in mind, the Committee Member questioned the accuracy of these statements bearing in mind that 50 of the 54 trees were classed as young whilst remembering that Scots pine can live up to 200 years old. Fiona Murphy advised the Committee that she was of the understanding that the whole site area is a designated area for ancient woodlands however as she is not an expert in this subject area, she requested that the question be deferred to Matthew Hawkins, CNPA Landscape & Ecology Manager.
 - f) Furthermore a Committee Member went to on question whether the reasoning in paragraph 41 had been wrongly worded considering the proposed trees for removal did not seem to be of a poor quality and nor did they have a limited lifespan. Fiona Murphy accepted these points made.
15. Mathew Hawkins, CNPA Landscape & Ecology Manager was invited by the Convenor to address the Committee to clarify Planning Committee Members' query regarding the appropriateness of removing ancient woodland to accommodate this development in the context of complying with paragraph 146 of Scottish Planning Policy.
16. Matthew Hawkins confirmed to the Committee that Dr David Hetherington, CNPA Ecology Advisor had looked into this in great detail and his conclusion was that most of the ancient woodland on the site was not of the best quality and therefore he felt that it was possible to take down the trees within the area.
17. A Committee Member requested clarity on whether the trees on the site could be classed as natural regeneration. Matthew Hawkins informed the Committee that he could not answer the question.
18. As an official employee of the National Trust for Scotland was present at the meeting, he was asked by the Convenor to answer the question. The National Trust for Scotland

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employee confirmed that the trees were not classed as natural regeneration because they had been planted.

19. A Committee member queried whether any discussions had taken place with the Applicant of considering 2 separate buildings. Fiona Murphy responded by explaining that the practical considerations prevailed, the fact that they wanted to store all the materials in the same location and to feed it directly into the hopper to keep it dry and prevent double handling. Fiona confirmed that that amount storage is required for the heating system and the reasoning is so that all is stored in one place.
20. The Convenor informed the Committee that Frances Thin, CNPA Landscape Advisor had advised that her assessment of the application had only been assessed in respect of the proposal being of one building.
21. A Committee member asked if the orientation of the building was considered given the building needed to be of a particular size. They went on to ask if the orientation of the building was changed would this be less intrusive of the landscape and help to mitigate the visual impacts. Fiona Murphy clarified that the proposed building had been designed to align with the other estate buildings and also to use the part of the site which would minimise the damage to the trees so to change the orientation of the building would result in removing the ancient woodland of better quality.
22. Mr David Frew was invited to address the Committee. The presentation covered the following points:
 - The Primary purpose for having one building is to ensure the constant supply for the estate of chips in the winter months in particular. They would like to chip wood in the autumn and know that there is enough to last the winter without having to chip again in less than favourable conditions.
 - Multiple smaller buildings were considered and subsequently ruled out as an option. He explained that they were trying to balance the impact on natural and cultural heritage and to site other buildings elsewhere their fear was that it would have a greater impact on the designed landscape and the listed buildings that are in the vicinity.
 - While having it positioned as per the application would involve the removal of a significant amount of young trees, positioning it anywhere else, for example by changing the orientation of the building would result in the removal of a significant amount of more mature trees.
23. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) Clarity around the size of the handling area surrounding the proposed building was the intention to use contractors to chip or was the intention to have access to their own chipping equipment. In addition, a request regarding the Carbon footprint of the site, would the footprint of the site be relative to the footprint of the building. Mr Frew advised that the site is currently a working yard and that they are not

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proposing to expand the existing site around the proposal. Mr Frew estimated the proposal would have the ability to store 400 tonnes of round timber. This would be chipped themselves when the time came. He went on to explain that the scheme requires 1000 tonnes of round wood per year. Their intention is to harvest it and let it dry naturally for a year stacked in the plantations, so would not be stored long term in yard at all. He explained that 1 week before chipping; it would be brought in 400 tonnes at a time and chipped directly in the new shed.

- b) Pipe work to run underground from the proposed building through the landscape to the Lodge. Mr Frew agreed this statement was accurate.
- c) What percentage of the building would be used for the storage of chips. Mr Frew confirmed that approximately 75% of the building would be used for the storage of chips.
- d) Request that a feasibility taken place with regard to having a separate location to store the chips with an automated screw feeder installed. Mr Frew confirmed that this had been explored and that the handling of the chips proved to be the most costly element and therefore it was felt that having all the equipment and storage in the same location would be more efficient in the long term.
- e) Query regarding the location where the chips would be dried following the chipping. Mr Frew explained that the chips would be air dried out in the woods for a year before they are brought in, so that should bring them down from 60% moisture content to 40% moisture content. The boiler that is specified would chip at 40% moisture content if necessary but the preference is to reduce it to a lower percentage.
- f) Acceptance regarding the size of the building and its length however a suggestion was made about redesigning the roof of the building by staggering it to help minimise the visual impact.
- g) A suggestion made that the tree planting be extended in front of the building to help break up the visual impact. Mr Frew informed the Committee that he and Fiona Murphy had agreed to extend the planting in the far east corner to further soften the visual impact of the building.

24. The Convener thanked the speaker.

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

- a) Contentment was felt with the application specifically as the issue with ancient woodland had been addressed by field verification it was not an accurate recording in the provisional inventory because it had been planted.
- b) The landscape issues combined with the planting in the course of time will soften the building,
- c) The size of the proposed building combined with the details of its purpose did seem to be justified. And contentment that the building did seem to have been aligned with all the other buildings in the landscape.

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26. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to Condition 2, in the Reason is amended to remove the word '*compensate*'. And the addition of the 3 year time constraint in the informatives which had been omitted from the Paper.
27. **Action Points arising:** Officers to amend Condition as stated in paragraph 26.

Agenda Item 6:

Report on Called-In Planning Application:

Permanent Retention of Temporary Access Track from Dalwhinnie to Drumochter, built for construction of Beauly-Denny Overhead Power Line At Drumochter Lodge, Dalwhinnie, PHI9 IAF (Paper 2) (2013/0330/DET)

28. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
- Applicant – Mr Ally Findlay and Mr Jamie Findlay
 - Objector(s) – Mr George Allan
29. The Committee agreed to the requests.
30. Fiona Murphy presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
31. The Committee were invited to ask the Planning Officer points of clarification and no questions were raised.
32. Mr Findlay and Mr Findlay were invited to address the Committee. The presentation covered the following points:
- Referring to the map of the track they advised that the part of the track which lies on a SAC, which runs south of Drumochter Lodge which is approximately 1000m, could be left out of the application. On the proviso that the bridge behind Drumochter Lodge is retained because SSE had positioned the pylon where the track used to be and therefore can no longer be used.
 - The revised track is completely screened from the A9 and there is a tree plantation which stops the snow falling onto the road.
 - The intention is to reduce the track in width so that it resembles a land rover track.
 - Argued that the track was needed for the safety of their employees due to the significant amount of traffic travelling along the A9. They advised it is an often occurrence to have 10 to 14 land rovers carrying people waiting in the middle of the A9 to turn right onto the other side.

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- There is a huge pylon line next to the track which houses 60m high pylons which are very visible in the landscape in comparison to the track which would be less visible.
 - The Estate needs these tracks for the safety of its employees, clients and the general public.
 - Originally when the A9 was built, they were given 6 access points which are dangerous to access.
33. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Clarification as to the number of full time equivalent staff the Estate employs. Mr Findlay confirmed there are 8 employees and that Drumochter Lodge is leased to the Wildlife & Game Conservancy and houses about 4.
 - b) Regarding the possible dualling of the A9, what had they been offered for access and what negotiations had taken place. Mr Findlay notified the Committee that they had not yet been approached by Transport Scotland with this regard.
34. The Convener thanked the speakers.
35. Mr Allan was invited to address the Committee. The presentation covered the following points:
- Present to represent John Thomas of Laggan who put in an objection but couldn't come today and is also supported by the North East Mountain Trust.
 - Principle point is that the tracks were a temporary permission to aid in the construction of the Beaully to Denny power line and if the issue was set aside it could be deemed as a breach of trust.
 - The track is visually intrusive even if the proportion within the SAC designation is excluded. The Drumochter Pass gives those entering a sense of wildness and an unspoilt area.
 - The only valid point is that of the access to the A9 however this alone is not a reason put aside the principle and the visual intrusion.
36. The Committee were invited to ask questions of the speaker but no questions were raised.
37. The Convener thanked the speaker.
38. The Committee discussed the application and the following points were raised:
- a) Clarity on if the Committee were to approve this application would SSE then be in breach of planning permission rules regarding the construction of the Beaully-Denny Power line bearing in mind that was issued by the Scottish Government and not themselves? Peter Ferguson, CNPA Legal Advisor advised that the two existing planning permission would stand. The existing Section 37 consents may need their

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terms to be amended. Granting this permission does not automatically change the terms in the Section 37.

- b) Could the applicant withdraw the application and re-submit it after they have amended the application by reducing the proposed path by 1000m to exclude the area of the path which falls within the SAC. Fiona Murphy advised that variations such as this are acceptable without having to withdraw and re-submit. The vice-convenor advised that any substantial change in the description of a proposal would need to be withdrawn and re-submitted.
- c) Agreement that the application should be refused on principle and advise the applicant to re-submit the application when they have a more robust application.
- d) Consensus that they advise the Applicant to attend an A9 Dualling Consultation meeting and approach Transport Scotland to negotiate access prior to re-submitting this application, if they so choose to do so.

39. The Committee agreed to refuse the application subject to the reasons stated in the report.

40. **Action Points arising: None.**

Agenda Item 7:

Report on Called-In Planning Application:

Permanent Retention of Section of Temporary Access Track Constructed As Part of Beauly – Denny Powerline

At Ben Alder Lodge, Dalwhinnie PH19 IAE

(Paper 3) (2013/0335/DET)

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

- Applicant / Agent – Patrick Thomson

42. The Committee agreed to the request.

43. Fiona Murphy presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

44. The Committee were invited to ask the Planning Officer points of clarification, no issues were raised.

45. Mr Patrick Thomson was invited to address the Committee. The presentation covered the following points:

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- Prior to power line there was poor access for forestry and estate management purposes.
- When the Minister approved this application as new route was taken there were no prior power lines in existence.
- He drew the Committees attention to page 2, paragraph 3 of the Paper which details the seclusion of the site.
- Mr Thomson reiterated the fact that the site is enclosed within land form and the track would have a relatively small extent of visibility. The area is accessible to the public but is currently little visited.
- Mr Thomson argued that the visual impact of the retained track would lead to a low level of visual impact rather than a moderate one as stated on page 8 paragraph 29 of the Report.
- The track is important for vermin management, could aid deer management, improve guests and staff safety, it could improve access for wildfire and in time for forestry purposes. Improved access could be beneficial for tourism.
- The sense of wilderness has already been compromised by the Pylon.
- The Dalwhinnie community have suffered a lot as a result of the Pylon line, many of the village shops have closed. Mr Thomson referred to the mention of thriving communities and businesses in the National Park Partnership Plan.
- Mr Thomson advised that there would be no loss of habitat as the site of the track would be impossible to restore. The track is not visible from any Munro, the community have been left disadvantaged by the Beaulieu to Denny power line works and encouraged the Committee to approve this application in order to leave a positive legacy.

46. The Committee were invited to ask questions of the speaker and the no points were raised.

47. The Convener thanked the speaker.

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

- a) The Committee agreed that they could not see the economic benefits of retaining the track.

49. The Committee agreed to refuse the application subject to the reasons stated in the report.

50. **Action Points arising: None.**

Agenda Item 8:

Errection of 2 Houses (Revised Proposal)

Land to Rear of 129 Grampian Road, Aviemore

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(Paper 4)(2011/0245/DET)

51. The Convenor informed the Committee that this application had been withdrawn as confirmation that the planning contributions had now been received by Planning Gain.

Agenda Item 9:

Report on Consultation Response to Scottish Government

On Section 36 Application for Proposed Wind Farm

At Hill of Towie, by Drummuir, Moray

(Paper 5)

52. Katherine Donnachie presented a report on the consultation and recommended that the Committee agree a response of No objection.

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

- a) The report consistently states the word west to describe the site, this should be east. Katherine agreed that this was an error on her part and apologised.

54. The Committee agreed that the response Members agreed to raise **No Objection** to this proposal but wished to highlight the Committee's serious concern regarding the cumulative encirclement of the Cairngorms National Park by wind farm developments.

55. **Action Points arising:** Murray Ferguson agreed to set up a meeting with John McNair the Head Planner of Scotland to discuss the serious concerns the Committee have of the apparent cumulative encirclement of the Cairngorms National Park.

Agreed there is the opportunity to bring this up at the forthcoming Annual Planning Convenors meeting that the Planning Committee Convenor and Vice-Convenor would be attending.

Agenda Item 10:

Report on Consultation Response to Scottish Government

On Section 36 Application for Proposed Wind Farm

At Cairn Duhie Wind Farm, South East of Ferness, Between Nairn & Grantown-on-Spey

(Paper 6)

56. Bill Lobban and Dave Fallows left the room for the duration of the discussion on this Paper.

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57. Katherine Donnachie reminded the Committee that three separate letters with regard to this Application had been received and circulated around the Committee. Katherine confirmed that she had advised the authors of these letters to submit their comments and representations direct to Scottish Government in their capacity as decision maker for this application.
58. Katherine presented a report on the consultation and recommended that the Committee agree a response of No objection.
59. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The boundaries of the Cairngorms National Park are permeable. The Dava Way is a route which is being used more and more and if this development goes ahead it will spoil the view as the ring of wind turbines will be visible. Therefore a suggestion was made to look at this from a different angle whereby if this development were to go ahead it would impact negatively on the people who visit Scotland within or out with the Cairngorms National Park. Murray Ferguson confirmed that the Policy referred to here (1.3 of CNPPP) was the policy that was used to prepare the recommendation of no objection.
 - b) Paragraph 4, suggest that the site is 'east' of A939 and not 'west' as the Paper suggests.
 - c) Noted the amount of public concern regarding the Dava Moor whilst remembering that the area falls out with the Cairngorms National Park and therefore the CNP Policies are irrelevant. However the Committee were asked to consider at what point Policy 1.3 of the Cairngorms National Park Partnership Plan would come into force, because as it suggests in the Paper there is a significant impact just as one leaves the Cairngorms National Park, it could be argued that this has a negative impact on visitors to the area.
 - d) The view from Cairngorm and the high ground looking up north through the road to Nairn from Duthil, there is point where the road rises up to the watershed where the Cairngorms National Park boundary lies and there is a very distinctive hill on the right hand side with a sharp edge to it. Requested clarification from Landscape Officers if they feel that would act as a frame to the turbines behind it and therefore draw the eye direct to that point on the sky line more than any of the other approved wind farm sites in the Cairngorms National Park. Frances Thin, Landscape Advisor responded by informing the Committee that from that stretch of road, there would be no visibility of the wind farm. However there would be some visibility on the side of the road in the north of the Cairngorms National Park.
 - e) Suggestion that the cultural aspect of the Cairngorms National Parks first aim has not been adequately covered within the Paper. Katherine advised the Committee that this aspect would be looked into fully by the Scottish Government and the Highland Council as a consultee to this application. Katherine also took on board the comments which relate the Dava Moor to the Cairngorms National Park.

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- f) Query regarding grid connections; it is understood that the 400kilo volt line that runs along the coast parallel with Moray Firth Coast, is running at full or near to capacity therefore how this proposal would connect to the grid. Matthew Hawkins informed the Committee that it was too soon to predict where a grid connection would take place, did this application go ahead. He explained that National Planning Framework 3 has indicated that there is a desire for an upgrade between Inverness and Keith but at the moment there are no details. Katherine confirmed that there would be a separate application under Section 37 for the grid connection.
- g) Resounding feeling from the Committee with regards to the Dava Way being heavily promoted at an access route by the Cairngorms National Park Authority and therefore could an argument be constructed which says that the visitor experience of those visiting the Cairngorms National Park could be diminished if this proposal were to go ahead.

60. Peter Ferguson, CNPA Legal Advisor was invited by the Convenor to give a legal point of view of the implications of the Committee's actions should they agree to object to this wind farm proposal. Peter Ferguson made Committee aware that it is a simple process which would involve identifying other policies that haven't yet been discussed therefore policies over and above the 3 detailed in the Paper or reach different conclusions on the policy text to the Landscape Advisor.

61. The Committee unanimously agreed that an Objection to this Application be submitted with the wording to be agreed by the Planning Committee Convenor, Vice Convenor and Peter Ferguson following this meeting. This detail would then be circulated around Committee Members prior to sending Scottish Government.

Action Points arising: Wording to accompany objection be agreed by the Planning Committee Convenor, Vice Convenor and Peter Ferguson following this meeting.

This detail to be circulated around Committee Members prior to sending to the Scottish Government.

62. Bill Lobban and Dave Fallows returned to the meeting at this point.

Agenda Item 11:

Any Other Business

63. Simon Harrison reminded the Committee that they were invited to stay and attend the informal discussion which followed lunch to discuss two topics the Call-In Procedures

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Review and to get a steer from the Committee with regard to standing orders and issues which relate to them.

64. The Convenor reminded the Committee of the application that was approved in respect of turning wetland biomass to bioenergy at Insh Marshes, Murray Ferguson informed the Committee that he had received an invitation for the Committee to attend the AMW-IBERS Wetland Biomass to Bioenergy Demonstration Event on Wednesday 19th March or Thursday 20th March 2014. Murray added that the invite had been extended to accommodate another date should these dates not be amenable to the Committee.

65. Murray Ferguson provided the Committee with an update of the progress of the Local Development Plan, he made the following points:

- a) At Enquiry Stage, an update from the Reporters Unit was received yesterday.
- b) Confirmation has not been received that the Reporters unit and the Reporters have concluded that the initial part of their work which is to check our participation statement and to make sure we have completed and consulted on the plan in the correct way.
- c) As small amount of work has been done to address a number of questions and this stage of the process is now complete.
- d) The formal examination will now begin which means the Reporters will prepare 10 templates that will be available to view on the Reporters Unit website
- e) The Reporters themselves will go through the templates to come up with their decisions.
- f) It is only when the Reporters ask for points of clarity that the need for any oral hearings arises. Therefore at the moment it is not clear whether or not any formal meetings will be required.
- g) News has come through that a third reporter has also been appointed which totals 3 who are: Scott Ferrie, Sinead Lynch and Richard Bowden.

66. Murray Ferguson warmly invited Committee to attend the Developers Forum meeting on Tuesday 12th February where the topics on the agenda include Broadband and Planning.

67. Action Points arising: **Committee Members to consider whether they would like to attend the AMW-IBERS Wetland Biomass to Bioenergy Demonstration Event as a Committee or as individuals.**

Agenda Item 12:

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Date of Next Meeting

68. Friday 7 March 2014 at Blair Atholl.

69. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board.

70. The public business of the meeting concluded at 1.40pm.