



Draft Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

26 January 2024 at 9.30am

Present

Chris Beattie (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Russell Jones

Sandy Bremner (Board Convener)

John Kirk

Peter Cosgrove

Derek Ross

Paul Gibb

Bill Lobban

Lauren MacCallum

Russell Jones

Duncan Miller

Virtual

Fiona McLean

Hannah Grist

Steve Micklewright

Xander McDade

Ann Ross

Geva Blackett

Apologies

None

In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Emma Bryce, Planning Manager (Development Manager)

Edward Swales, Monitoring & Enforcement Officer (Development Manager)

Katherine Donachie, Planning Officer (Development Management)

Dan Harris, Planning Manager (Forward Planning and Service Improvement)

Deirdre Straw, Planning System Officer

Emma Greenlees, Planning Support Officer

James Ade, Clerk to the Board



Agenda Item 1 & 2

Welcome and Apologies

1. The Planning Convener welcomed all present including members of the public.

Agenda Item 3

Declarations of Interest

2. Bill Lobban declared an interest in Item 9.
3. Russell Jones declared an interest in Item 9.
4. Duncan Miller declared an interest in Item 9.
5. Lauren MacCallum declared an interest in Item 9.

Agenda Item 4

Minutes of Previous Meeting and Matters Arising

6. The minutes of the previous meeting on 13 December 2023 held at Cairngorms National Park Authority, Grantown on Spey, were approved with no amendments.

Agenda Item 5

Application for Detailed Planning Permission 2023/0004/DET (22/05826/FUL)

Change of use of land for siting of 25 lodges, access road and landscaping at Site of Dry Ski Slope, Grampian Road, Aviemore, Highland

Recommendation: Approve subject to conditions

7. Gavin Miles, Head of Strategic Planning presented the paper to the Committee, highlighting that the landscape plan was incorrect as it did not reflect all the trees that will be lost, identified in the tree survey. Therefore, a revised landscape plan is sought through the imposition of a condition to exactly specify tree planting and mitigation measures.



8. The Committee were invited to ask for clarity, and the following points were raised:
 - a) A Member sought clarity on whether concerns raised by the Highland Council Tree Officer had been addressed. The Head of Strategic Planning responded that conditions were proposed to address the concerns raised.
 - b) A Member asked for clarification of condition 10. The Head of Strategic Planning responded that the condition was modified to reflect to the correct time for the osprey breeding season.
 - c) Clarity was given on changes to the Aviemore orbital path within the site.
 - d) Members asked for clarity on where the new play park would be located and how it would be delivered. The Head of Strategic Plan responded that it was set out in the relevant condition.
 - e) A Member questioned what the provision for public car parking in the new development is. The Head of Strategic Planning responded that the car parking is was not required to be public.
9. The objector Tessa Jones on behalf of the Badenoch and Strathspey Conservation Group addressed the Committee.
10. The Committee were invited to ask for clarity. The following point was raised:
 - a) A Member asked what evidence there was that the site was used for informal recreation and evidence of the mining bee species. Tessa Jones responded that the well-established orbital route ran through the site. She added that while there had not been a bee survey carried out at the site, it is very similar habitat to one found a mile north where there was a thriving population. The Head of Strategic confirmed that a condition requiring an appropriate seed mix for grassland areas was intended to support that habitat for mining bees.
11. The Committee were invited to discuss the report. The following points were raised:
 - a) Discussion was had around the number of conditions the application had and making informed decisions. The Head of Strategic Planning explained the use of conditions.
 - b) Discussion was had on the location of the development and the idea of the play park being open for public use.
 - c) Members raised concerns around the scale of the development due to the loss of greenspace, the effect on biodiversity and how it did not adhere to policy such as the National Planning Framework 4 and the Cairngorms Nature Plan. Other Members raised that this is already a highly disturbed space through recreation.



12. The Convener adjourned the meeting to allow the preparation of an amendment to the Officer's recommendation.

The committee adjourned at 12.10pm

The meeting recommenced at 12.35pm

13. Fiona Maclean proposed an amendment to refuse the application. This was seconded by Steve Micklewright. In their opinion, the application:

- a) Does not provide enough information to demonstrate that the development will preserve, restore, and add to biodiversity in accordance with Policy 3b) of National Planning Framework 4.
- b) Is contrary to Policy 3.3k) of the Cairngorms National Park Local Development Plan 2021 which requires development to create opportunities for further biodiversity and promote ecological interest due to the lack of information provided.

14. Bill Lobban proposed the Motion to approve as per the Officer's recommendation and this was seconded by Eleanor Mackintosh.

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

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie		X	
Geva Blackett			X
Sandy Bremner	X		
Peter Cosgrove		X	
Kenny Deans		X	
Paul Gibb	X		
Hannah Grist		X	
Russell Jones	X		
John Kirk	X		



Bill Lobban	X		
Steve Micklewright		X	
Lauren MacCallum	X		
Eleanor Mackintosh	X		
Xander McDade		X	
Fiona McLean		X	
Duncan Miller	X		
Ann Ross	X		
Derek Ross		X	
TOTAL	9	8	1

16. The Committee approved the application for planning permission in principle as per the recommendation in the Officer's report.

Action Point arising:

- i. Head of Strategic Planning to update condition 10 relating to the osprey breeding season.

Agenda Item 6

Application for Detailed Planning Permission 2023/0295/DET (APP/2023/1235)

Erection of farm shop / café / staff accommodation and shed and installation of free-standing solar panels and associated works at Balbregon Farm Adjacent to Carrue Cottage, Logie Coldstone, Aboyne, Aberdeenshire

Recommendation: Refuse

17. Katherine Donachie, Planning Officer (Development Management) presented the paper to the Committee.

18. The Committee were invited to ask for clarity and the following points were raised:

- a) Members sought clarity on how rural communities will survive without using private cars. Officers responded that some rural location in the National Park were connected by good path networks and public transport and that each application is considered on its own merits. This recommendation is based on National



Planning Framework 4 policy however, it was up to Members to decide on the weight they give to this policy.

- b) A Member asked for clarity on whether there was another location available to the applicant for the proposed development. The Planning Officer confirmed that there was not.
- c) A Member questioned whether the proposed development was accessible by bicycle. The Planning Officer confirmed that the development was accessible by bicycle and the applicant has made cycling provisions at the entrance of the proposed development.

19. The applicant, Fiona Hassoun, and the agent, Peter Henry, addressed the Committee.

20. The Committee were invited to ask for clarity. The following points were raised:

- a) A Member questioned the applicant and agent on the transport and the limitations posed by car access only. They responded that there needs to be an understanding of rural areas and that National Planning Framework 4 Policy 13 could be used to prohibit development in any area.
- b) A Member questioned who owns the burn. The applicant's understanding was that they had legal right to use the water from the field but was unsure who owns the burn.

Geva Blackett left the meeting at 1.20pm

21. The Committee were invited to discuss the report. The following points were raised:

- a) Members discussed the issue of sustainable transport in the National Park raised by officers, echoing each other's support for the application.

22. The Planning Officer presented the conditions that are proposed if the application was to be approved. Members agreed with the conditions presented.

23. The Committee unanimously approved the details for planning permission subject to the conditions presented to the planning committee by the planning officer at the meeting, see appendix 1.

24. Action Point arising: None.

The Committee broke for lunch at 1.55pm



The Committee reconvened at 2.20pm

Agenda Item 7

Application for Planning Permission in Principle 2023/0300/PPP (23/03244/PPP)

Development of three affordable houses at Land 80M SW of Inshcraig, Insh, Kingussie, PH21 1NU

Recommendation: Approve subject to conditions

25. Emma Bryce, Planning Manager (Development Management) presented the paper to the Committee.
26. The Committee were invited to ask for clarity and the following point was raised:
 - a) Members asked whether there would be a condition that would keep affordable houses affordable in perpetuity. Officers responded that a condition was proposed for the applicant to demonstrate the mechanism for securing the affordability of that would be considered through a further planning application.
27. The applicant's agent, John Downie, addressed the Committee.
28. The Committee were invited to ask for clarity. The following point was raised
 - a) A Member asked for clarity on who owns the track and who would be responsible for maintenance. The agent responded that the applicant owns the track but was waiting on title deeds to prove this. Gavin Miles, the Head of Strategic Planning, added that it was most likely that the owners would take on responsibility for the track.
29. Keith Taylor, on behalf of the objectors, addressed the Committee.
30. The Committee were invited to ask for clarity. The following point was raised:
 - a) Members asked for clarity on how far the proposed development was from the closest primary school. Keith Taylor responded that it was around 3.1 miles away via road.
31. The Committee were invited to discuss the report. The following points were raised:
 - a) Members discussed the issue that the underground and overground powerlines posed. The Head of Strategic Planning inputted that SSE would have to agree that



the site was safe if the planning permission in principle was approved otherwise the development would not go ahead.

- b) Members agreed that there was a need for more affordable rural housing.

32. The Committee approved the details for planning permission in principle as per the recommendation in the Officer's report.

Action Point arising: None.

Agenda Item 8

Application for Detailed Planning Permission 2023/0302/DET (APP/2023/1146)

Permitted retention of car park and associated toilet and refuse facilities (previous planning permission reference APP/2021/0891) (Application Called-In 02/10/2023) at Land at Clarack Farmhouse, Dinnet, Aboyne, AB34 5LP

Recommendation: Approve subject to conditions

33. Katherine Donnachie, Planning Officer (Development Management) presented the paper to the Committee.

34. The Committee were invited to ask for clarity and the following points were raised:

- a) Members questioned health and safety aspects of the development suggesting a gale breaker to discourage access by members of the public. Officers responded that they would speak to the estate regarding their responsibility to maintain safety and risk assessments.
- b) A Member asked for clarification on the standard of the toilet facilities. The Officers responded that the proposed toilet facilities were better than small Portaloo systems and required less infrastructure to create.

35. The Committee were invited to discuss the report. The following point was raised:

- a) Members supported the application sighting the positive impacts of estates providing parking and facilities.

36. The Committee approved the detailed for planning permission as per the recommendation in the Officer's report.

Action Point arising:



- i. Officers to speak with the estate around their responsibility to maintain safety and risk assessments.

Bill Lobban, Russell Jones, Duncan Miller and Lauren MacCallum left the room at 3.18pm

Steve Micklewright left the meeting at 3.19pm

Agenda Item 9

For decision

Highland Council, Badenoch & Strathspey Short-term Let Control Area

Dan Harris, Planning Manager, Forward Planning and service Improvement

37. Dan Harris, Enforcement and Monitoring Officer, (Development Management) presented the paper to the Committee.

38. The Committee were invited to ask for clarity and the following points were raised:

- a) A Member questioned the cumulative impact of decisions when determining licencing applications. Peter Ferguson, Harper MacLeod LLP, responded that due to the designation order, the implications only arise from the individual application in question ruling out any cumulative assessment.

39. The Committee were invited to discuss the report. The following point was raised:

- a) A Member questioned whether the policy would apply to retrospective applications were in process.
- b) The Planning Officer responded that there would be applications that do require planning permission such as flats which already required planning permission.

40. The Committee confirmed their agreement with Highland Council's non-statutory planning policy on short-term letting.

Bill Lobban, Russell Jones, Duncan Miller and Lauren MacCallum re-entered the room at 3.29pm

Agenda Item 10

For information

Reporters Decision - ENA-001-2004 – The erection of a hut in breach of planning control involving carrying out development without the required planning permission under



section 123(1) of The Town and Country Planning Act 1997, at Cardine Wood, Part of Baddengorm Woods, Carr Bridge, Highland, PH23 3BX

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

42. The Committee were invited to ask for clarity and the following point was raised:

- a) A Member sought clarity on the timescale for the hut to be removed. The Head of Strategic Planning responded that a reasonable timescale had been given for the hut to be removed.

43. The Committee were invited to discuss the report. The following points were raised:

- a) No points were raised.

44. The Committee noted the paper, and the Convener thanked the planning team again for their work.

AOCB

None

Date of next meeting: 8 March 2023

45. The Committee Convener raised a motion to move to a confidential session to consider the confidential minutes for on 22 August 2023 planning Committee.

46. The public business of the meeting concluded at 3.31am.



Appendix 1

Draft conditions

Application 2023/0295/DET

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.
 - a) **Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
2. **No development shall commence on site until a site-specific Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Scottish Water and Nature Scot. The CEMP shall include the following information:**
 - a) **Site Waste Management Plan including details of the management/storage of soil and construction materials, approach to site preparation, restoration and reinstatement and programme of works.**
 - b) **Details of water management to prevent run-off from the site during construction work.**
 - c) **Construction Method Statement which shall include all measures to minimise construction related noise, dust, and artificial lighting. If any works are to be undertaken during the bird breeding season, (April to September) species protection plans for any birds that would be disturbed to be included. This should ensure that any trees to be felled are checked for nesting birds prior to felling (ideally within a 24-hour period before)**
 - d) **Method statement outlining how any new culverts will be installed and ditches cleaned in relation to any impacts upon the drinking water catchment area.**
 - e) **Details of appointed Environmental Clerk of Works (ECOW) their remit, scope of their work, and reporting and monitoring schedule; and**
 - f) **Pollution Prevention Plan including site specific pollution prevention measures to protect the water environment and the Logie Burn from the**



release of sediments or other pollutants. This plan to adhere to good practise guidance measures.

All work shall thereafter proceed in accordance with the approved details with monitoring reports from the ECOW provided to the Cairngorms National Park Authority in accordance with the agreed monitoring schedule.

- g) **Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests, or any pollution of watercourses in accordance with Policy 4 :Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework and Policy 4: Natural Heritage, Policy 3 : Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan.
3. **No development shall commence until pre-construction surveys for protected species have been undertaken by a suitably qualified ecologist and the results, together with any associated Species Protection Plans, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. All mitigation measures shall thereafter be implemented in accordance with any approved Species Protection Plans and overseen by the appointed Environmental Clerk of Works.**
- a) **Reason:** To determine the effects of the development on the ecology of the site and to inform mitigation measures for protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan.
4. **No development shall commence on site until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall reflect the principles of the approved site plan and Ecology Survey and Ecological Impact Assessment (section 6) and shall include full details of:**
- a) **Details and specification of all proposed trees and plants including plant sizes, numbers, species, and locations prepared to BS11091**



- b) **Details of all hard surfacing of paths, parking areas, boundaries and access including edging of parking spaces and parking area which shall reflect the requirement for natural finishes appropriate to the rural setting**
 - c) **Retention and protection of existing riparian planting along the riverside including details of any regeneration proposals**
 - d) **Details of planting of the proposed water garden in the north west corner of the site**
 - e) **Details of future management and maintenance**
- f) **The approved landscape scheme shall be implemented in accordance with the approved details in the first planting season following completion of the development and maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.**
- g) **Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, protection of trees and to ensure the development complements and enhances the landscape accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees of the National Planning Framework and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.
5. **No development shall commence on site until details of the proposed lighting for the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This scheme to include details of the strength, design, and direction of all lighting, reflecting the need for lighting to avoid lighting the habitats along the Logie Burn and the woodland edge, and should avoid unnecessary light spill into the surrounding environment. The scheme shall thereafter be implemented in accordance with the approved plans throughout the lifetime of the development hereby approved.**
- a) **Reason:** To minimise any impacts upon wildlife from light pollution from the development in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.
6. **No development shall commence on site until trees have been protected in accordance with the approved Tree Protection Plan and these measures shall be retained throughout the construction stage of development.**



- a) **Reason:** To protect the retained trees along the boundary of the site and in accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees of the National Planning Framework and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.
7. **No development shall commence on the construction of any buildings, until samples of the proposed finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the requirement for the use of timber finishes on the main building and/or natural stone with the full details of the type, design, profile, size, and configuration of the stonework to be provided. The development shall thereafter be constructed in accordance with the approved details.**
- a) **Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.
8. **No development shall commence on site until an updated Drainage Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Flood Risk Management Team. These details shall include the following information:**
- a) **Details of the sizing and design of the existing and proposed culverts.**
 - b) **Detailed design of the surface water drainage proposals for the site, to include further information regarding the parking area to ensure that this can be adequately drained and that there is no flow of water onto the public road, building or adjoining land; Pre and post development overland flow paths; and future surface water drainage maintenance regime.**
 - c) **Calculations to show that the discharge rate of 0.5l/s has been assessed as the greenfield runoff rate for the site.**
 - d) **The development shall not be brought into use until the surface water disposal arrangements have been implemented in accordance with the approved details**



and thereafter the scheme shall be maintained in accordance with the approved details throughout the lifetime of the development hereby approved.

- e) **Reason:** To ensure that a sustainable surface water drainage scheme avoiding unacceptable impacts on the environment is implemented in accordance with Policy 22: Flood Risk and water management of the National Planning Framework and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

- 9. **No development shall commence on site until details of the design of the proposed cycle and bin storage has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Aberdeenshire Council Roads Development Team. The provision shall thereafter be formed in accordance with the approved details before the development is brought into use and retained thereafter throughout the lifetime of the development hereby approved.**
 - a) **Reason:** To support sustainable travel and ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

- 10. **No development shall commence on site until details of siting and design of the biodiversity enhancements (bat and bird boxes) referenced within the approved Ecology Survey and Ecological Impact Assessment have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development hereby approved shall not be occupied until the provision has been implemented in accordance with the approved details.**
 - a) **Reason:** To ensure that biodiversity is enhanced in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan.

- 11. The development hereby approved shall not be occupied until an emergency access road has been formed in accordance with the approved site plan. This access shall be closed off by way of a gate and only used in emergency



situations, and this access shall be retained thereafter throughout of the lifetime of the development hereby approved.

- a) **Reason:** To ensure that the development is satisfactorily serviced during flood events in accordance with Policy 13: Sustainable Transport and Policy 22 Flood Risk and Water Management of the National Planning Framework, and Policy 3: Design and Placemaking and Policy 10 Resources of the Cairngorms Local Development Plan 2021.

12. The development hereby approved shall not be occupied until all parking, access, turning areas, paths and electric charging points have been completed in accordance with the approved plans. This infrastructure to be retained thereafter throughout of the lifetime of the development hereby approved.

- a) **Reason:** To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

13. There shall be no ground raising or development in areas identified as being at risk of flooding during a 1:200 year plus climate change flood event as shown on the approved site plan.

- a) **Reason:** To ensure no loss of flood plain capacity or conveyance in accordance with Policy 22: Flood Risk and water management of the National Planning Framework and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

14. The development hereby approved shall be constructed in accordance with the approved site sections and plans.

- a) **Reason:** To ensure that the risk of flooding is minimised in accordance with Policy 22 Flood Risk and Water Management of the National Planning Framework, and Policy 3: Design and Placemaking and Policy 10 Resources of the Cairngorms Local Development Plan 2021.



15. The development hereby approved shall not be occupied until the site access is formed in accordance with the approved plans and the following requirements:

- a) Maximum gradient of the first 5 metres of the new access road shall not exceed 1 in 20.
- b) The first 5 metres of the access (as measured from the edge of the road or back of the footway) shall be fully paved.
- c) Visibility splays measuring 2.4 metres by 160 metres to be formed on either side of the junction of the vehicular access onto the public road with these splays to be kept free of all permanent obstructions above adjacent carriageway level throughout the lifetime of the development hereby approved.
- d) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 10.0m, the minimum width at the throat of the bell mouth so formed to be 7.3m. The area within the bell mouth and for a minimum distance of 5.0m from the public road carriageway, to be constructed in accordance with Aberdeenshire Council's Specification appropriate to the type of traffic which will use the access and surfaced with dense bitumen macadam or asphalt.
- e) **Reason:** To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

16. The development hereby approved shall not be brought into use until it is connected to a public water supply.

- a) **Reason:** As the development has been assessed on the basis of connection to a public water supply with no private supply assessed and in accordance with Policy 22 Flood Risk and Water Management of the National Planning Framework, and Policy 3: Design and Placemaking and Policy 10 Resources of the Cairngorms Local Development Plan 2021.

17. The staff accommodation hereby approved shall be retained as staff accommodation related to the operation of the development hereby approved.

- a) **Reason:** As the application has not been assessed in relation to residential use and any impacts of such a use, and in accordance with Policy 17: Rural Homes of National Planning Framework and Policy 1: New Housing Development of the Cairngorms Local Development Plan.