



Draft Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

In person

28 April 2023 at 10.00am

Present

Gaener Rodger (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Janet Hunter

John Kirk

Lauren MacCallum

Xander McDade (Board Convener)

Derek Ross

Chris Beattie

Paul Gibb

Russell Jones

Bill Lobban

Douglas McAdam

Fiona McLean

In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Murray Ferguson, Director of Planning & Rural Development

Ed Swales, Planning Officer (Development Manager)

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

Stephanie Wade, Planning Officer (Development Management)

Emma Bryce, Planning Manager (Development Management)

Emma Greenlees, Planning Support Officer

Deirdre Straw, Planning Administrator and Systems Officer

Karen Archer, Press & Corporate Communications Officer

Catriona Strang, Clerk to the Board

George Allan, Northeast Mountain Trust

Tessa Jones, Badenoch, and Strathspey Conservation Group

Gus Jones, Badenoch, and Strathspey Conservation Group

Jim Cornfoot, Cairngorm Mountain

Dave Morris



Apologies

Ann Ross

Geva Blackett

Agenda Item 1 & 2

Welcome and introduction

1. The Convener welcomed all present including members of the public to the meeting and apologies were noted.
2. Should a member wish to have a motion they will be joined by Peter Ferguson in a separate room.

Agenda Item 3

Declarations of interest

3. Bill Lobban declared an interest in Item 5
Reason: Director of Cairngorm Mountain Limited.
4. Derek Ross declared an interest in Item 9
Reason: Previous public comments on Government Policy on windfarms.
5. Russell Jones declared an interest in Item 6
Reason: Business relationship with applicant.
6. Gaener Rodger declared an Interest in Item 5
Reason: Transparency a family membership of Cairngorm Ski Club.

Agenda Item 4

Minutes of Previous Meeting and matters arising

7. The minutes of the previous meeting, 10 March 2023, held at MacDonald Aviemore report were approved with no amendments.
8. The Planning Convener motioned to move to a confidential session on conclusion of the public meeting.

Bill Lobban left the room.



Agenda Item 5

Detailed Planning Permission 2022/0307/DET (22/03662/FUL)

Relocation of snow factory and implementation of related infrastructure at Land 350M SE of Ranger Base Office, Cairngorm Mountain, Glenmore, Aviemore

Recommendation: Approve subject to conditions

9. Stephanie Wade, Planning Officer (Development Management) presented the paper to the committee. The Planning Officer highlighted the change in wording to condition 5.
10. The Committee were invited to ask points of clarity, the following point was raised:
- a) A member asked about the impact on the environment if the structure is removed from the current site. Planning Officer confirmed the current site is on concrete within the car park and there are no proposed changes to the site.
 - b) A member asked if wood cladding of the snow factory had been considered as a way of screening the structure. Planning Officer explained that it had not been proposed as part of the application and the recommendation was made on the basis of the structures proposed. Gavin Miles, Head of Strategic added that to condition such a change at this stage would be unlikely to meet the tests of a planning condition because of the implications for the potential technical difficulty such cladding would add to the project.
 - c) A member asked if the wording on Condition 5 could be enforced if the operator become insolvent. Gavin Miles, Head of Strategic Planning confirmed that the condition would be for the landowners and would pass to any new landowner.
 - d) A member asked for clarification on the removal of the structure if it were not to be used for a 12-month period. Head of Strategic Planning confirmed that the condition would be that the unit is unable to be used or not being maintained during a 12-month period.
 - e) Peter Ferguson, Harper MacLeod LLP confirmed that enforcement of this condition could be taken against either the site owner or operator. If the owner of the site become insolvent, then enforcement may become challenging.
 - f) A member asked for clarification that if any new owners become insolvent would the Crown be liable for the removal under the condition.
 - g) Peter Ferguson, Harper MacLeod LLP confirmed that insolvency is a risk and the cost of enforcement of the condition would be on the planning authority.
 - h) A member asked if a financial bond could be part of the condition to ensure enforcement of the condition. Peter Ferguson, Harper MacLeod LLP confirmed this



is possible if there is an enhanced risk to ensure security, and that this could be triggered at the point of transfer of ownership.

11. Robert Evans, Ryden Planning was invited by the convener to address the committee.
12. The Committee were invited to ask points of clarity to the speaker.
 - a) There were no points raised.
13. The Committee were invited to discuss the report, the following points were raised:
 - b) A member had concerns about removal of the structure should there be any change in land ownership due to climate change and would like to see a condition added that outside government ownership would require a bond.
 - c) Gavin Miles, Head of Strategic Planning suggested that if members wished for such a condition, that officers would work with Peter Ferguson to ensure an appropriately worded condition was included in a decision to approve the application.
14. The Committee approved the application as per the recommendation in the Officer's report and subject to the change to condition 5 triggering restoration and the addition of a condition requiring a security or bond to implement restoration if ownership of the development changed in future.
15. Action Point arising
 - a) Convener, Head of Strategic Planning and Peter Ferguson, Harper MacLeod LLP to meet to add addition to Condition 5 for a bond to be secured if change of ownership in the future.

Bill Lobban re-entered the room.

Russel Jones left the room.

Agenda Item 6

Detailed Planning Permission 2022/0421/DET (22/05101/FUL)

Construction of 4.83km forestry track, formation of passing places, renewal of bridge at Land 760M NW of Riseley Cottage, Glen Road, Newtonmore

Recommendation: Refuse



16. Gavin Miles, Head of Strategic Planning presented the paper to the committee.
17. The Committee were invited to ask points of clarity, the following point was raised:
 - a) There were no points raised.
18. Euan Harris, agent for Pitman and Glenbanchor Estate, Frazer Gillespie, Caledonia Building Surveyors were Invited by the convener to address the committee.
19. The Committee were invited to ask points of clarity to the speaker, the following points were raised:
 - a) A member asked about the area of woodland to be removed. The applicant confirmed as 80 hectares with 15000 tons of timber.
 - b) A member asked which areas of the forestry were part of the conservation project.
 - c) A map was shown, showing non-native in light green hatching which will be replaced by native species. Dark green is existing plantation with areas of deep peatland, SSSI Areas and restoration of river Calder.
 - d) Gavin Miles, Head of Strategic Planning clarified for the committee that these sites were outside of the planning application.
 - e) A member asked for clarified about the route selection site and the process that was undertaken to select this specific route. Head of Strategic Planning confirmed that Park Authority had only received full details on this route.
 - f) The applicant confirm that they did look at other routes before completing the ecologic survey on the option presented. Work would start simultaneous both ends and meet midpoint.
 - g) Gavin Miles, Head of Strategic Planning confirmed that neither Highland Council nor CNPA had received information on alternative routes.
20. George Allan, Northeast Mountain Trust, Tessa Jones, Badenoch and Strathspey conservation group and Dave Morris were Invited by the Convener to address the committee.
21. The Committee were invited to ask points of clarity to the speaker, the following points were raised:
 - a) There were no points raised.
22. The Committee were invited to discuss the report, the following points were raised:



- a) A member noted that they were not happy with the comments made by the applicant on the integrity of Park Authority staff and wanted this in the minute.
- b) A member confirmed that a lot of discussion took place during the development of the hill track policy of the Local Development Plan and did not see the policy being complied with in the application.

23. The Committee refused the application as per the recommendation in the Officer's report.

24. Action Point arising: - none.

*Tessa Jones, Gus Jones, and Robert Events Left the Room
Russell Jones Return to the room.*

Agenda Item 7

Detailed Planning Permission 2023/0019/DET (22/05913/FUL)

Erection of 3 flats, omission of 3 houses, relocation of footpath and associated works (amendment to 05/00209/REMBS) at Horse field to North of Scandinavian Village, The Aviemore Centre, Grampian Road, Aviemore, Highland

Recommendation: Approve subject to conditions

25. Stephanie Wade, Planning Officer (Development Management) presented the paper to the Committee.
26. The Committee were invited to ask points of clarity, the following point was raised:
- a) A member asked if a visualisation of the amended building height were available to see where it would sit in the landscape.
 - b) Stephanie Wade, Planning Officer confirmed that no visualisation had been proved by the applicant.
 - c) A member confirmed that either a site visit or visualisation would be beneficial prior to deciding.
 - d) A member asked about impact on privacy of neighbours and how this was assessed.
 - e) Gavin Miles, Head of Strategic Planning confirmed there were guidelines around distance and angles of sight between neighbouring properties that could be used



when they were in close proximity but that the distance to other properties was much greater than those standards could be effectively applied.

27. Decision deferred until future meeting in order to see more detailed visualisations of the proposed development.

Agenda Item 8

28. Withdrawn by applicant/agent.

Derek Ross left the room.

Agenda Item 9

Application under Electricity Act Section 36 and Schedule 8: Application for the proposed Clashindarroch Wind Farm Extension in the Planning Authority of Moray Council at Clashindarroch Wind Farm West Of Existing Clashindarroch Wind Farm Approximately 11kkm Southeast Of Dufftown Moray

Recommendation: No Objection

29. Emma Bryce, Planning Manager (Development Management) presented the paper to the Committee.

30. The Committee were invited to ask points of clarity, the following point was raised:

a) There were no points raised.

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

a) There were no points raised.

32. The Committee approved the application as per the recommendation in the Officer's report.

Action Point arising: - none.



Agenda Item 10

AOC

Agenda Item 11

The date of the next meeting is Friday 9 June 2023

The public business of the meeting concluded at 12.03.

Motion accepted to move to confidential business.