



Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

9 August 2024 at 11.00 am

Present

Chris Beattie (Planning Convener)
Eleanor Mackintosh (Deputy Planning Convener)
Paul Gibb
John Kirk
Lauren MacCallum
Derek Ross

Sandy Bremner
Peter Cosgrove
Russell Jones
Bill Lobban
Duncan Miller

Virtual

Geva Blackett
Dr Hannah Girst
Dr Fiona McLean
Ann Ross

Kenny Deans
Xander McDade
Steve Micklewright

Apologies **None**

In Attendance

Gavin Miles, Director of Planning and Place
Peter Ferguson, Harper MacLeod LLP
Sandy Fowler, Harper MacLeod LLP
Emma Bryce, Planning Manager (Development Manager)
Katherine Donnachie, Planning Officer (Development Management)
Emma Greenlees, Planning Support Officer
Alix Harkness, 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 11 as he is a Director of the Cairngorm Mountain Scotland Ltd and would leave the room for the consideration of this item.
3. Peter Cosgrove declared an interest in Item 7 as he carried out an ecological survey on the application site and would leave room for the consideration of this item.
4. Steve Micklewright declared an interest in Items 5 and 6 as Trees for Life work on Balavil Estate and would leave room for the consideration of these items.

Agenda Item 4

Minutes of Previous Meeting and Matters Arising

5. The minutes of the previous meeting on 14 June 2024 held at Cairngorms National Park Authority, Grantown on Spey, were approved with no amendments.
6. Chris Beattie, the Planning Committee Convener suggested taking the draft confidential minutes of 14 June 2024 in confidential session at the end of the meeting. All agreed.

Steve Micklewright left room at 11.07 am

Agenda Item 5

7. **Application for Detailed Planning Permission 2022/0290/DET (22/03737/FUL)**
Formation of borrow pit (retrospective) at Land 370M NW of Balavil House,
Kingussie, Highland
Recommendation: Approve subject to conditions



8. Gavin Miles, Director of Planning and Place presented the paper to the committee.
9. The Committee were invited to ask for clarity, and the following points were raised:
 - a) Could it be explained why the recommendation was to allow as long as two years for reinstatement given that the project that it was used for is now complete? Suggestion made to reduce this to six months. Director of Planning and Place advised that the two years was to allow other developments across the estate which were suitable for approval to continue however he agreed with the suggestion to reduce the time to six months.
 - b) Comment made that while not against the creation of a borrow pit, it is the retrospective nature of the application that was very disappointing.
 - c) Agreement to reduce to the duration of the consent to six months.
 - d) Suggestion made to amend condition two to state that natural regeneration should take place rather than replanting on this ancient woodland site.
 - e) Director of Planning and Place confirmed that the reinstatement of woodland would have a separate timetable out with the six months which would not commence until after the borrow pit was closed.
10. Eleanor Mackintosh put forward an Amendment to limit the duration of operations to six months and to amend condition two to request that natural woodland regeneration take place. This was seconded by Derek Ross.

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

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie		√	
Geva Blackett		√	
Sandy Bremner		√	
Jackie Brierton		√	
Peter Cosgrove		√	
Kenny Deans		√	
Paul Gibb		√	
Hannah Grist		√	



Russell Jones		√	
John Kirk			√
Bill Lobban		√	
Lauren MacCallum		√	
Eleanor Mackintosh		√	
Xander McDade		√	
Fiona McLean		√	
Duncan Miller		√	
Ann Ross		√	
Derek Ross		√	
TOTAL	0	17	1

12. The Committee approved the application as per the officer's recommendation with amendments to conditions as follows:

- a) to limit the duration of operations to six months
- b) and to amend condition two to request that natural woodland regeneration take place

13. Members also expressed anger and disappointment that the estate had undertaken such a serious breach of planning, destroying an area of ancient woodland that could not be compensated for or mitigated. A number of members expressed their desire to sanction the applicant. The Director of Planning and Place acknowledged that it was shocking but reminded members that the purpose of the planning system and its planning enforcement powers was to resolve breaches of planning as far as possible and could not be used to sanction or punish people.

14. Action Point arising: None.

Agenda Item 6

15. Application for Detailed Planning Permission 2023/0455/DET (23/05597/FUL)
Repair and upgrade of existing estate track at Balavil House, Kingussie, PH21 1LU



16. Gavin Miles, Director of Planning and Place presented the paper to the committee.

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

- a) At paragraph 13 with reference to the ecological impact assessment legislation and practise where it describes the effect being slight. In an ecological impact assessment, there is either an effect or there is not, there cannot be any in between, clarity sought on that. Director of Planning and Place clarified that the impact was deemed negligible
- b) A member queried the fact that the track did not yet have a section of heather up the central section of the track. Director of Planning and Place confirmed that it had not yet been installed.
- c) Reassurance sought on the drainage conditions of the path, concern that it was currently insufficient as the path would wash away with heavy rain fall. Director of Planning and Place explained that there was drainage to the track at the side which could not be seen from the photographs.
- d) A member asked if the track as planned comes to a natural end. Director of Planning and Place explained that it goes to a deer fence and gate and that it was possible that the estate would apply to create a track elsewhere in the future.

18. The Committee approved the application as per the officer's recommendation with an additional condition around the installation of a heather section in the central section of the track.

19. Action Point arising: None.

Pete Cosgrove left room at 11.38 am

Steve Micklewright returned to the room at 11.40 am

Agenda Item 7

20. Application for Detailed Planning Permission 2024/0005/DET (23/05974/FUL)

Erection of 6 no. housing units (3 blocks of semi-detached housing) at Land 65M South of 22 Kerrow Drive, Kingussie

21. Emma Bryce, Planning Manager presented the paper to the committee.



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

- a) Comment made on the design of the buildings, and could the Committee influence their design to make them look less like boxes? Planning Manager advised that the Committee could not change the design of the houses in the application. Member suggested the Board look at design of houses as part of the discussions on the new Local Development Plan.
- b) Comment made that there appeared to be nothing in the paperwork that states the houses would be marketed to local working people and suggested that they should be doing a marketing campaign to ensure that it happens. Director of Planning and Place advised that in this case the applicant has said that they would.
- c) Comment made that there was nothing in writing stating the homes would be for local use and therefore the Committee would be trusting that they would follow through on it and not sell them as second homes. Director of Planning and Place agreed to add an informative stating that.
- d) Would the existing footpath on Cameron Crescent be maintained? Planning Manager provided reassurance that it would be.

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

- a) Comment made that dwellings in this town were desperately needed and commended the housing development.

24. The Committee approved the application subject to conditions with the addition of an informative.

25. Action Point arising: None.

Pete Cosgrove returned at 11.59 am

Agenda Item 8

26. Application for Detailed Planning Permission 2024/0036/DET (23/05666/FUL)

Construction of sediment trap for flood alleviation works (in retrospect) at Allt Mhor / Gynack

27. Katherine Donnachie, Planning Officer, Development Management presented the paper to the committee.



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

- a) Clarity sought on who was responsible for cleaning out the sediment, the council or the estate? And where does that material go and when is it cleaned out? Planning Officer advised that a sediment management plan dictates how and when the sediment is removed or added by the estate under the supervision of technical experts.
- b) Comment made that it was a good development that helps safeguard Kingussie from flooding.

29. The agent Caroline Webster addressed the committee.

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

- a) A member commented that the impact will be on habitat and the people who live in Kingussie, the scheme will alleviate flooding for people in Kingussie and should be supported.

31. The Committee approved the application as per the officer's recommendation.

32. Action Point arising: None.

Break for lunch 12.15 and return at 12.45

Agenda Item 9

33. Application for Detailed Planning Permission 2024/0082/DET (23/05923/FUL)

Widening and works to access track, formation of hardstanding and borrow pit (retrospective) at Track 500M Southwest of Milton of Nuide, Newtonmore

34. Gavin Miles, Director of Planning and Place presented the paper to the committee.

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

- a) Comment made that this application demonstrated how ridiculous it was dealing with applications that are retrospective in nature. Suggestion made to write to the Scottish Government informing them of this.
- b) Planning Committee Deputy Convener moved to limit the temporary period of consent for borrow pits associated with the track from 2 years to 6 months.



- c) Comment made that this application sets an uncomfortable precedence that this is acceptable when it is not.
- d) A member asked when the central vegetation strip on the track would need to be installed? Director of Planning and Place advised that a condition covered both the methods and timetable for implementation and required to be approved by the Park Authority.
- e) Clarification sought on whether the photos shown in the presentation been taken this summer? Director of Planning and Place confirmed that the photo's showing the current state had been taken during summer 2024 and in the week before the planning committee meeting.
- f) Suggestion made that the Planning Committee Convener write to Scottish Land and Estates Chair to ask that they write to their estates.

36. Eleanor Mackintosh put forward an Amendment to add a condition which limits the temporary period of consent for borrow pits associated with the track from 2 years to 6 months. This was seconded by Lauren MacCallum.

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

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie		√	
Geva Blackett		√	
Sandy Bremner		√	
Jackie Brierton		√	
Peter Cosgrove		√	
Kenny Deans		√	
Paul Gibb		√	
Hannah Grist		√	
Russell Jones		√	
John Kirk		√	
Bill Lobban		√	
Steve Micklewright		√	
Lauren MacCallum		√	



Eleanor Mackintosh		√	
Xander McDade		√	
Fiona McLean		√	
Duncan Miller		√	
Ann Ross		√	
Derek Ross		√	
TOTAL		19	

38. The Committee approved the application as per the officer's recommendation. Subject to the additional condition.

39. Members discussed the fact that a number of applications from estates were retrospective and appeared to display a shocking disregard or contempt for the planning system from large and wealthy landowners who should be demonstrating best practice. It was suggested that the Planning Committee Convener should write to each estate setting out the Committee's frustration and anger and also write to the chair of Scottish Land and Estates as a representative members group for landowners asking that they write out to their members reminding them of the rules they must comply with.

40. Action Point arising:

- a) Planning Committee Convener to write to individual estates where retrospective applications had been made and to chair of Scottish Land and Estates.

Agenda Item 10

41. Application for Detailed Planning Permission 2024/0149/DET (24/02140/FUL)

Erection of houses (amended house types and driveway locations on Plots 20 and 21) at Land Between Perth Road and Station Road, Newtonmore.

42. Katherine Donnachie, Planning Officer, Development Management presented the paper to the committee.

43. The Committee approved the application as per the officer's recommendation.



44. Action Point arising: None.

Bill Lobban left the meeting at 1.18 pm

Agenda Item 11

45. Application for Detailed Planning Permission 2024/0155/DET (24/02078/FUL)

Erection and installation of adventure play equipment and associated landscape and ancillary works at Cairngorm Mountain, Glenmore, Aviemore, Highland, PH22 1RB

46. Gavin Miles, Director of Planning and Place presented the paper to the committee.

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

- a) What would the food carts sell? Concern raised that on a windy day there would be a good chance rubbish would blow around. Director of Planning and Place advised that a condition could be added around litter management.
- b) What altitude was the car park at? Director of Planning and Place advised it was within tree line.
- c) Clarity sought on the comment during the presentation that this development if approved would increase the viability of the business, was the intention to charge for these activities to ensure viability? Director of Planning and Place confirmed that some activities would be charged for and with people staying longer they would be likely to eat there too.
- d) At paragraph 7 of the officer's report suggestion made to amend the wording to no significant effects to make it clear.

48. The agent Robert Evans addressed the committee. Lee Bevins was present to answer questions.

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

- a) Could they quantify the economic impact this development if approved could bring? For example, visitor numbers against spend. Mr Evans advised that they did not have anything on that with them.
- b) Would the Cairngorm letters and bird be visible like Hollywood signs? Mr Evans advised that they would be visible, with the backdrop of the hill but not in the skyline as the Hollywood letters are.



- c) Concern raised about the play equipment weathering quickly would that make the site tacky quickly. Mr Evans disagreed and said natural weathering would help the play equipment blends in.
- d) A member asked if the fact the play equipment was to be wooden, would the risk of splinters be a health and safety risk? Mr Evans advised that the play equipment would be taken away in the winter and the materials the play equipment was made from was used in many European resorts.
- e) Comment made that it would have been useful if the applicant had provided visualisations of the proposed development in the landscape. The agent noted this.

50. The objector Tessa Jones presented to the committee.

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

- a) A member noted their concern related to health and safety from May to September as it is quite a hostile environment for under 10s and could have snow in June. Concerns over aesthetics of it, do not think that the funicular not working is the Authority's problem. Statement made that this development was something that could cause reputational damage to the area with weathered structures.
- b) Another member noted support for the application; annual snow fall has reduced significantly in recent years and this development would help to keep Cairngorm Mountain viable as a business all year round. Suggest made to add a condition around litter control and ensure play equipment is as environmentally friendly as possible.
- c) Comment made that it was a well established trend that if you keep people longer they spend more and support for a range of activities for children of different ages.
- d) With reference to the strip of vegetation between the carparks, was there any way could insist the path is re-routed through the car park itself?
- e) Comment made that the proposed development does nothing for the integrity of the mountain, which should be more natural play. They argued that there was no economic justification of this.
- f) Concern raised in respect of the access path proposed and effects on the rich grassland habitat that had been created on the slope between the two car parks, suggesting that the mitigation hierarchy should be applied to avoid, minimise, restore or offset impacts. Director of Planning and Place advised that a suitable assessment of impacts and application of the mitigation hierarchy could be secured through a planning condition.



- g) Concern raised on the visual impact on the landscape the proposed development would have and concern raised that this was not the right development for this place.
52. The Convener adjourned the meeting for 15 minutes to allow the preparation of amendments to the Officer's recommendation.
53. The meeting recommenced at 2.40 pm.
54. Eleanor Mackintosh put forward an amendment to refuse the application on the following grounds:
- a) That it was contrary to Policy 5 of the Local Development Plan (LDP) in that it would neither conserve nor enhance the landscape character and the special qualities of the National Park and proposals would be intrusive and significantly detract from the natural character of the Cairngorms Massif.
 - b) That it was contrary to policy 2.3 of the LDP in that it would not make a positive contribution to visitor experience but would have an adverse impact on the visual amenity.
 - c) That it was contrary to policy 14 of National Planning Framework Four (NPF4) in that it would not align with the six qualities stated of successful places as it would not be a pleasant place.
 - d) That because the proposal failed to comply with parts of the development plan, it could not comply with the development plan as a whole and should be refused.
55. This was seconded by Geva Blackett.
56. Peter Cosgrove put forward an amendment to approve the application as per the officer's recommendation with the addition of a condition which stated that prevented development that affected rich grassland habitats until the applicant had demonstrated to the Park Authority's satisfaction that any impacts were avoided, minimised, restored or offset appropriately in accordance with the mitigation hierarchy outlined in NPF4. This was seconded by John Kirk.



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

	REFUSE	CONDITION	ABSTAIN
Chris Beattie	√		
Geva Blackett	√		
Sandy Bremner	√		
Jackie Brierton		√	
Peter Cosgrove		√	
Kenny Deans		√	
Paul Gibb		√	
Hannah Grist		√	
Russell Jones		√	
John Kirk		√	
Steve Micklewright	√		
Lauren MacCallum		√	
Eleanor Mackintosh	√		
Xander McDade	√		
Fiona McLean	√		
Duncan Miller		√	
Ann Ross		√	
Derek Ross	√		
TOTAL	8	10	

58. The Committee then proceeded into a second vote. The motion being approving the application as per the officer's recommendation against the amendment which was to approve with the additional condition as proposed by Pete Cosgrove and seconded by John Kirk.

59. The results of the vote was as follows:



	MOTION	AMENDMENT	ABSTAIN
Chris Beattie		√	
Geva Blackett		√	
Sandy Bremner		√	
Jackie Brierton		√	
Peter Cosgrove		√	
Kenny Deans		√	
Paul Gibb	√		
Hannah Grist		√	
Russell Jones	√		
John Kirk		√	
Steve Micklewright		√	
Lauren MacCallum	√		
Eleanor Mackintosh			√
Xander McDade		√	
Fiona McLean		√	
Duncan Miller		√	
Ann Ross	√		
Derek Ross			√
TOTAL	4	12	2

60. The Committee approved the application as per the officer's recommendation with the additional condition.

61. Action Point arising: None.

Bill Lobban returned at 2.52 pm



AOCB

62. Director of Planning and Place gave an update on the appeal of Committees decision to refuse planning permission for huts campsite and managers house at Boat of Balliefirth was refused by a DPEA reporter who upheld the Committee's decision. A copy of the reporter's decision and report would be sent to members for information.

63. Director of Planning and Place noted that officers had attended a site visit in relation the appeal against the Park Authority's enforcement notice relating to a structure in woods at Tolquhonnie near Carrbridge.

64. The Committee Convener raised a motion to move to a confidential session.

65. The public business of the meeting concluded at 2.54 pm

66. Date of Next Meeting: 27 September 2024