



Minutes of the Planning Committee Meeting

Held at Macdonald Aviemore Highland Resort, Aviemore

In person

10 March 2023 at 10.30am

Present

Gaener Rodger (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener) Deirdre Falconer

Chris Beattie

Russell Jones

John Kirk

Bill Lobban

Anne Rae Macdonald

Douglas McAdam

Xander McDade (Board Convener)

Fiona McLean

William McKenna

William Munro

Derek Ross

In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Alan Atkins, 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)

Deirdre Straw, Planning Administrator and Systems Officer

Karen Archer, Press & Corporate Communications Officer

Catriona Strang, Clerk to the Board

James Ade, Clerk to the Board

Apologies

Janet Hunter

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 the apologies were noted.
2. The convener welcome Sarah Fletcher new planning office in attendance of the meeting.
3. Should a member wish to have a motion be joined by Peter Ferguson in a separate room.

Agenda Item 3

Declarations of interest

4. John Kirk declared a financial Interest in Item 7 and a non-financial Interest in Item 8.
Reason: Item 7 the member has similar commercial unit in Aviemore, member will withdraw for this Item. Item 8 the member has letting units in Aviemore but has no conflict of interest.
5. Anne Rae Macdonald declared a non-financial Interest in Item 7.
Reason: a member of GoRural promoting agri-tourism, does not preclude for being Involved In. for openness and transparency
6. Derek Ross declared a non-financial Interest in Item 10.
Reason: the member has made previous critical comments planning process on large scale wind farms. Member will withdraw for this item.
7. Bill Lobban and Russell Jones declared a non-financial interest in Item 11.
Reason: Decision of Highland Council. Members will withdraw for this item.

Agenda Item 4

Minutes of Previous Meeting 27 January 2023 and matters arising

8. The minutes of the previous meeting, 27 January 2023, held video conferencing were approved with no amendments.
 - a) Para 8.1 - Response made to Highland Council - closed



Agenda Item 5

Update on the National Planning Framework 4

9. Gavin Miles, Head of Strategic Planning presented the paper to the committee, confirming its status as part of the Development Plan for the Cairngorms National Park.
 - a) Head of Strategic Planning highlighted to the committee the relationship between wind farm energy and wildland areas. If members would like a printed copy please let us know and we can print a copy.
10. The Committee were invited to ask points of clarity, the following point was raised:
 - a) A member noted that head of Strategic highlighted the wind farm energy and wildland, do you see this advice increasing lands being used for wind farms. Gavin Miles, Head of Strategic Planning confirmed that this is likely due to intention of increase use of wind energy. The policy within the national pack has not change but may reduce the cases of NatureScot objecting to wind farms outside the national park.
11. That Members note the adoption of NPF4 and its status as part of the Development Plan covering the Cairngorms National Park.
12. Action Point arising: - none

Agenda Item 6

Detailed Planning Permission 2022/0358/DET (22/04654/FUL)

Formation of road, suds basin (07/230/CP and 2018/0242/DET) at Land between Perth Road and Station Road, Newtonmore.

Recommendation: Approve with conditions

13. Alan Atkins, Planning Officer (Development Manager) presented the paper to the committee.
14. The Committee were invited to ask points of clarity, the following point was raised:



- a) A member asked If the area would be fenced off or If advice would be given to residents about water safety. Planning Officer (Development Manager) confirmed that the area would not be fenced off and would be up to the developer to provide adequate signage of any dangers and would not be a planning condition. Gavin Miles, Head of Strategic Planning confirmed that it would be developer and housing associations responsibility to complete their own safety assessment of the area and the engineers designed would be in the thresholds of safety and access.
- b) A member commented that could the exiting tree be retained. Planning Officer (Development Manager) confirmed that the trees would be removed and replanted with native shrubs and trees.

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

16. Action Point arising: - none

John Kirk Left the meeting at 10.55am

Agenda Item 7

Detailed Planning Permission 2023/0007/DET (22/05824/FUL)

Erection of 22 self-catering apartments, shops, hotel and underground parking at Land 80M SW of Mountain Café, 111 Grampian Road, Aviemore

Recommendation: Approve with conditions

17. Gavin Miles, Head of Strategic Planning presented the paper to the Committee and noted that the applicant had reduced the height of the buildings since previous application, and they are willing to make a contribution to road safety, access and active travel within Aviemore. There are constraints with access from Grampian Road but this can be done safely. Objections have been received from SEPA and Highland Council in relation to the flood risk and flood modelling of the area, where a



small encroachment could happen on the access road and underground car park. The site is not ideal for housing due to the location.

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

- a) A member asked for reassurance of the developer's contribution to active travel. Also wanted confirmation if the whole application would be revived by Scottish Government due to the Scottish Environmental Protection Agency objection or just the aspect Scottish Environmental Protection Agency are objecting to, even with the application being called in to Scottish Government with the objection from Scottish Environmental Protection Agency. Head of Strategic Planning asked Peter Ferguson for Harper McLeod to answer the questions. After the initial call in notification from the statutory consultee (Scottish Environmental Protection Agency) the minister will then either review the material or call for public enquiry. The reporter at a public enquiry include all relevant planning considerations. Head of Strategic Planning noted that plans are being worked up on potential active travel and travel movement solutions on Grampian Road to look at costs versus funding available. It is potential that money may be returned to the developer depending on timescale of active travel project.
- b) A member asked for Head of Strategic Planning to review the key points on flooding. Head of Strategic Planning pointed out the areas affected by potential flooding would be the access to underground car park and main access from Grampian Road. None of the property would be overtopped by water.
- c) A member asked if any flooding had taken place in this area in the last number of years. Head of Strategic Planning confirmed that no flooding event either from overflow of culvert upstream or from the River Spey backing up had taken place in recent years. A member noted that they had never seen the site flood and had been in Aviemore since 1960's.
- d) A member wanted confirmation that the elevation on hotel had been reduced in height. Head of Strategic Planning confirmed the hotel had been reduced by 1.7 metres in height.

19. Robert Evans (planning Consultant) was invited by the Convener to address the committee.

20. The Committee were invited to ask points of clarity to the speaker, the following points were raised:



- e) A member noted the reduction in ridge height and want assurances that the developer would not be seeking amendments and that set out in the plans would be delivered. Robert Evans was able to give assurances that the ridge height would not be amended.
- f) A member ask Is during construction and environmental audit would take place and how often. Robert Evans confirmed that the planning authority can impose an environmental audit and the duration. Head of Strategic Planning that SEPA would set out in their licence monitoring controls and the Park Authority would also complete our own monitoring of the site.

21. Tessa Jones, Badenoch and strathspey conservation Group was Invited by the Convener to address the committee.

22. The Committee were invited to ask points of clarity to the speaker, the following points were raised:

- g) A member clarified that they were not objecting about the specific site, the concerns about cumulative developments in the area effecting the burn. Tessa Jones noted they were concerned about the specific site being on the flood plain and no alternative land for water to go to.

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

- h) Members commended the developer for reducing the height of the building and encouraged this type of development within the town.
- i) A member wanted assurances from the developer that they minimise the impact on the burn and look forward to the regeneration of the buffer zone. A member noted that the site is brown field and looks forward for the development, with a better buffer area and hold more biodiversity than it currently does. The convener noted the assurances around the burn but Important aspect and on refusal the developer have come back on comments and had positive outcomes at previous sites, support the recommendation. Head of Strategic Planning noted the committee member points that conditions imposed on the development to ensure the burn ecology is maintained.

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

25. Action Point arising: - none



John Kirk re-entered the room at 12.05pm

Agenda Item 8

Detailed Planning Permission (2022/0057/DET) (22/00277/FUL)

Erection of 20 No. Commercial Letting Units and access roads, Land 85M SE of Batching Plant, Knockgranish, Aviemore

Recommendation: Approve with conditions

26. Stephanie Wade, Planning Officer (Development Management) presented the paper to the Committee.
27. The Committee were invited to ask points of clarity, the following point was raised:
- a) A Member raised surprised that it is still a normal T junction and not a stacking lane due to visibility issues. The Planning Officer clarified that it was considered satisfactory with traffic levels.
 - b) A Member questioned whether there was an agreement between users and upkeep of the road. The Planning Officer clarified that the road is going to be improved to a better standard in the application, widening and resurfacing.
28. The Committee were invited to discuss the report, the following points were raised:
- c) Multiple Members raised that there is a need for more units like the ones proposed in Aviemore.
 - d) A Member raised that the speed limit should be moved on to the access road, reducing it to 40mph or 30mph. Gavin Miles, Head of Strategic Planning responded that was out with the application should be raised with the Highland Council.
 - e) The Convener raised that the application supports the 20minute neighbourhood model.
29. The Committee approved the application as per the recommendation in the Officer's report.

Action Point Arising: - none



Agenda Item 9

Detailed Planning Permission 2023/0081/DET

Application under S75A of the Town and Country Planning (Scotland) Act 1997 to request discharge of the legal agreement to remove the occupancy restriction associated with planning permission 06/336/CP

Recommendation: Approve

30. Emma Bryce, Planning Manager (Development Management) presented the paper to the Committee
31. The Committee were invited to ask points of clarity, the following point was raised:
- a) A Member asked for clarification on whether removing section 75 would allow the ability to sell off parts of the property. The Planning Manager clarified this was correct. Gavin Miles, Head of Strategic Planning added that the application was just to discharge section 75 was so that the owner can make a decision.
32. The Committee were invited to discuss the report, the following points were raised:
- b) Members noted that while section 75 did play a role in what the Planning Committee trying to achieve at the time, they had made mistakes.
33. The Committee approved the application as per the recommendation in the Officer's report.

Action Point arising: - none

Derek ross left room at 12.30pm



Agenda Item 10

For Decision

Ourack Wind Farm (2022/0382/PAC) (ECU00001999)

Recommendation: No Objection

34. Stephanie Wade, Planning Officer (Development Management), presented the paper to the committee
35. The Committee were invited to ask points of clarity, the following point was raised:
- a) The Convener questioned why the access route to the site was from the South rather than using roads to the North which are used to service the already existing windfarms to the North. The Planning Officer responded that an abnormal load route assessment has been taken and other routes were looked. However, due to the size of the turbines the vouches carried them need to be 80 meters in length this route was deemed to have the least impact.
 - b) A Member asked for clarification on whether the Committee was being asked to deliberate part A and Part B of the planning application separately. Gavin Miles, Head of Strategic Planning confirmed this.
36. The Committee were invited to discuss the report, the following points were raised:
- c) A Member questioned whether members should be looking at Viewpoint One in the same context as the other viewpoints which are in wilderness settings. Head of Strategic Planning responded that Viewpoint One is just outside the park to give an indication of what the view from the park boundary would be like, which the other viewpoints do not show. The other viewpoints have been chosen due to their sensitive locations. Additionally, the siting of the turbines in the original plans were significantly worse and the developer has made an effort to move the turbines further away to positions where they are less visible.
 - d) A Member questioned whether there would be any community benefits for communities in the park close to the windfarm and access routes. Head of Strategic Planning responded that the windfarm would be making contributions to communities in the national park and there will not be a significant impact to the Dava Way.
37. The Committee approved both Part A and Part B of the application as per the recommendation in the Officer's report.



Action Point arising: - none

Derek Ross entered the room at 12.50pm

Bill Lobban and Russell Jones left the room at 12.50pm

Agenda Item 11

For Decision

Response to Highland Council Consultation on Grantown Conservation Management Plan

38. Dan Harris, Planning Manager (Forward Planning and Service Improvement), presented the paper to inform the Planning Committee of Highland Council's consultation on a Draft Grantown on Spey Conservation Area Management Plan and to agree the Cairngorm National Park Authority's response to the consultation.
39. That the Planning Committee agree to officers submitting the response to the consultation outlined in this report.

Action Point Arising: - none

Bill and Russel entered the room at 12.57pm

Agenda Item 12

AOC

40. The Convener noted that it would be Alans Atkins' last Planning Committee and him on behalf of the Committee.
41. The Convener noted that it was Willie McKenna's last Planning Committee. Willie has been on the Committee from the beginning and the Convener thanked him on behalf of all current and past members. Additionally, the Convener noted it was Willie Munro's and Anne Rae MacDonald's last Planning Committee, thanking them, on behalf of the Committee, for the contributions and sensitivity of questioning.



Agenda Item 13

The date of the next meeting is Friday 28th April in Grantown on Spey.

The public business of the meeting concluded at 01.00pm.