

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater

on 11 April 2014 at 11.00am

Members Present

Peter Argyle (Vice Convener)

Duncan Bryden

Dave Fallows

Katrina Farquhar

Jeanette Gaul

Gregor Hutcheon

Bill Lobban

Eleanor Mackintosh (Convener)

Willie McKenna

Fiona Murdoch

Gordon Riddler

Brian Wood

In Attendance:

Murray Ferguson, Director of Planning and Rural Development

Gavin Miles, Strategic Policy and Improvement Manager

Karen Major, Development Planning Manager

Fiona Murphy, Planning Officer, Development Management

Fiona Oldroyd, Development Planning Officer

Alix Harkness, Clerk to the Board

Dee Straw, Planning Support Team

Apologies:

Angela Douglas

Kate Howie

John Latham

Mary McCafferty

Martin Price

Gregor Rimell

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

APPROVED COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 7 March 2014, held at Blair Castle, Blair Atholl were considered. The Convenor clarified an issue in relation to para. 52 where there was some potential for misunderstanding as a result of what the applicant had said at the meeting. Network Rail had not formally withdrawn their objection at the time of the Committee meeting and that is why the planners had recommended inclusion of the appropriate planning conditions to address their concerns. Network Rail had been in touch following the meeting to clarify the situation and also to indicate they were content with the conditions that had been approved, and with the way in which they had been discharged. The Convenor asked the Members if they were content with the decision taken and Members confirmed that they were content.
4. The Minutes were approved subject to the following amendments:
 - Para. 57 and 63: Brian Wood's name to be added to both tables (the voting figures are correct).
5. There were no matters arising.
6. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 5: Section 42 applications - Discussions had taken place with Scottish Government and with the five local authorities about how best to process such applications and a note was being prepared with support from legal advisers.
 - Informal site visit to Insh Marshes National Nature Reserve to view the experimental renewable energy scheme is to take place after the next Planning Committee Meeting, on 9 May 2014. Alix Harkness to organise.
 - Action Point at Para. 21: discharged
 - Action Point at Para. 33: discharged

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Katrina Farquhar declared an interest in
 - Item Nos. 6, 7 (Papers 2, 3)Direct interest – is Director of Company.
8. Gregor Hutcheon declared an interest in:
 - Item Nos. 6, 7 (Papers 2, 3)Direct interest – is Director of Company.

APPROVED COMMITTEE MINUTES

17. The Committee agreed to approve the application subject to the conditions stated in the report.

18. Action Points arising: None

Agenda Item 7:

Report on Called-In Planning Application:

Formation of new footpath; linking sections of existing track with upgraded and new path sections, including finger posts, way-marking, fencing and gate

At Land at Bridge of Muick, Adjacent to B976, Ballater

(Paper 3) (2014/0027/DET)

19. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

20. The Committee were invited to ask the Planning Officer points of clarification:

- a) Does this application concern a Core Path? Fiona Murphy confirmed that it does.
- b) Who is the applicant and what is the difference with previous application? FM confirmed the applicant is as set out in the paper - the details must be taken from the application form. It was suggested that we advise COAT of the benefits of being listed as the applicant.

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

- a) This was a very good application and would make life easier and safer for people to walk that route - walking along the road is not ideal. This is an application which was been well thought through and is worthy of support.
- b) Noting the path materials are to be taken from Craighash Quarry at Aboyne, a Member queried is this the nearest working quarry to the site? FM replied she was advised this is the nearest quarry with suitable materials for the works. Another Committee Member confirmed that this is the case.
- c) Is the long-term maintenance sufficiently secure as it is not covered in the conditions? Fiona Murphy confirmed it is not in the conditions but that the Trust is responsible for paths and generally carries out such work. A Member added we would normally condition applications to maintain the path over the long term. Murray Ferguson stated this is a recurrent theme as part of our general support with COAT's work and generally they are taking a proactive approach and building in a maintenance fund into the new works they are doing and trying to incorporate that within their agreements. The Convenor asked should this be a condition. Members agreed that a further condition be added.

22. The Committee agreed to approve the application subject to the conditions stated in the report and with the addition of a further condition being added in regards the maintenance.

APPROVED COMMITTEE MINUTES

23. Action Points arising: Planning Officer to advise applicant regarding paragraph 20b above

Planning Officer to add a further condition regarding the maintenance

24. Katrina Farquhar and Gregor Hutcheon returned to the meeting.

Agenda Item 8:

Planning Service Improvement Priorities for 2014/15

(Paper 4)

25. Gavin Miles, Strategic Policy and Improvement Manager, introduced the paper.

26. The Committee discussed the paper and the following issues were raised:

- a) The Convenor asked about timescales and monitoring arrangements; was it expected to be completed within the year? Gavin Miles confirmed this to be the case. Gavin Miles is currently preparing quarterly performance monitoring reports for Planning Service, that are based on the returns we give Scottish Government. Those reports are going to Management Team at the end of each quarter and could be presented for Planning Committee. More regular reports can be given at the monthly Planning Convenor's Meetings.
- b) The Convenor stated she is very keen to improve our Planning Service and believes we are making progress, noting that personally she would like to have a closer overview of this. Murray Ferguson commented on progress being made, highlighting the restructuring and also the relocation of staff from the Ballater office. Inevitably this has had a degree of disruption but benefits would flow in longer term.
- c) How are members going to be involved in pre-application processes? How is that going to proceed and will there be training? The Convenor noted that new guidance was available from Scottish Government, the Standards Commission and COSLA but also her disappointment that this was targeted at the 32 councils with no mention of NPAs or the particular circumstances that arise in the Cairngorms National Park. The Convenor had raised this with the Minister at the recent Scottish Government Convenors Meeting and he had apologised and offered to write. Murray Ferguson reported on recent discussions with the 5 Local Authorities about how we are going to put this in practice and the challenges involved. It was suggested that in general terms Member involvement could be very helpful and align the process in the later stages. The Vice Convenor noted this is an important issue and should be taken up with the Minister.
- d) Can more work be done on the planning obligations during the pre application stage, perhaps getting to the point of having an Agreement with the developer? And why no mention of E-planning? Gavin Miles responded that we would like to get to the position where more of the negotiation is done during pre-app, and we will do this

APPROVED COMMITTEE MINUTES

- b) under Proposed Type 2 applications, the last bullet point, we propose to delete the words “where these are submitted by one of the 5 other Local Authorities or by CNPA” to keep it simple.
30. The Committee discussed the paper and the following issues were raised:
- a) What constitutes principal transport corridors within the National Park? There is potential to make a significant visual impact on a relatively minor road, heavily used by visitor traffic, and we should be calling applications in.
 - b) Is it reasonable justification to call in an application if it raised controversial issues locally and with a high level of public interest? Murray Ferguson agreed that this issue was one of the most difficult aspects of the judgement we have to make, reminding the committee that at the point of call in, the CNPA are not allowed to consider the merits of an application. It really is a technical assessment of “is this likely to be significant for the Park or not” and this whole paper is trying to set out what that means. Following further discussion, the Committee agreed to amend the words from “controversial” to significant so that the statement reads: “Raise significant issues locally and with a high level of public interest”. Murray also agreed to provide examples of major transport corridors for illustration
 - c) Whether or not to call in applications that are directly related to applications that the CNPA has previously dealt with and if so, whether to delegate decisions on such cases to officer to speed up determinations. The benefit for customers of calling in such applications is that they have continuity of planning authority and case officers. However, in their own right, such applications would probably not raise significance to the aims of the Park. There was discussion around the merits or not of calling in such applications, the duty of care the CNPA has for ensuring that developments continue to evolve successfully and the quality of service offered to customers. The majority view of the Committee favoured call in of such applications and delegation to officers. Murray Ferguson explained that we don’t currently have a procedure for delegation so staff would consider the matter further and come back to the Committee with clear proposals that the Committee can discuss approve or reject.
 - d) Whether we should call in applications that are duplicates of previous ones that have been successfully undertaken and concluded or by particular applicants, including those for temporary changes of use or structures. Murray Ferguson responded that it remains a choice about the significance of the proposal to the aims of the Park, not a judgement about the merits of the application.
 - e) A Committee Member queried why Listed Building or Conservation Area consent applications were in the “highly unlikely to be called in” category. Staff agreed this wasn’t expressed well and that applications affecting significant cultural heritage would be expected to be called in. Staff would clarify the statement to refer to Listed Building/Conservation Area consent applications that were not considered significant.

APPROVED COMMITTEE MINUTES

- f) Discussion around the use of the term “highly likely” and whether it implies a middle ground. Murray explained that staff wanted the terminology to be strong and to guide planners, developers and applicants.
 - g) There was a view that the category of development classed as 250m² gross floor area or 0.25ha, or employment space outside settlements seemed a small threshold to use. Murray confirmed that Simon Harrison did quite a lot of work on this paper and as he was absent, Murray would follow up and confirm the figure.
 - h) The Convenor asked Committee Members if they were content with the “5 or more residential units within a settlement” and “3 or more residential units outside a settlement” categories. There were some different views for higher or lower thresholds but overall members were content that the words provided sufficient flexibility.
 - i) Would the paper change any established call in procedures? Murray Ferguson confirmed this paper would not change the way the call in process works.
31. A Committee Member commented regarding the discussions that the CNPA would be having with Transport Scotland about the A9 upgrade works and whether the CNPA could advocate a policy of no billboard advertising be associated with it. Murray Ferguson stated this is already a policy in place for the A9 but he agreed to double check the policy.
32. **Action Points arising:** **To make changes to proposals to reflect discussion points above.**

Agenda Item 10:

Any Other Business

33. The Convenor informed the Committee Members about a national Planners Convenors meeting that she and the Vice Convenor attended where the focus was on Local Review Bodies. There was some discussion at the meeting about the importance of quality design in development and whether Department of Environmental Appeals Reporters would give the same weight to design issues as planning authorities.
34. The Convenor updated the Committee on the recent Developers Forum and Planning Representatives Network meetings.

35. **Action Points Arising** **None.**

Agenda Item 11

Date of Next Meeting

36. Friday, 9 May 2014 in Boat of Garten.
37. Committee Members are reminded as there will be no discussion in the afternoon, following the Planning meeting, a site visit will take place to Insh Marshes, for any members who wish to attend

APPROVED COMMITTEE MINUTES

38. Committee Members are requested to ensure that any Apologies for this meeting are submitted to Alix Harkness.
39. The public business of the meeting concluded at 1.00pm.