

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

**held via Video Conference  
on 13<sup>th</sup> November 2020 at 11am**

**Members Present:**

Eleanor Mackintosh (Convener)	Douglas McAdam
Peter Argyle (Deputy Convener)	Xander McDade
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Deirdre Falconer	Dr Fiona McLean
Pippa Hadley	William Munro
Janet Hunter	Dr Gaener Rodger
John Kirk	Derek Ross
John Latham	Judith Webb
Anne Rae Macdonald	

**In Attendance:**

Gavin Miles, Head of Planning and Communities  
Murray Ferguson, Director of Planning & Rural Development  
Grant Moir, CEO  
Ed Swales, Monitoring & Enforcement Officer  
Stephanie Wade, Planning Officer, Development Management  
Dan Harris, Planning Manager, Development Planning  
Nina Caudrey, Planning Officer, Development Planning  
Peter Ferguson, Harper McLeod LLP

**Apologies:** None.

**Agenda Items 1 & 2:  
Welcome & Apologies**

1. The Convener welcomed all present and there were no apologies.

**Agenda Item 3:  
Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 25 September 2020, held video conferencing were approved with no amendments/ the following amendments:
  - At Para 11: The reason to be amended to reflect that he had carried out Consultancy work for SSE but not for that particular application.

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3. The Convener provided an update on the actions arising from the minutes of 28 August 2020:
  - a) **At Para 3 i): Closed** – Emerging New Local Development Plan for submission to Scottish Government Ministers was discussed at the Formal Board meeting that morning and was now ready for submission.
4. **Action Points arising: None.**
5. There were no matters arising.

### **Agenda Item 4:**

#### **Declaration of Interest by Members on Items Appearing on the Agenda**

6. Geva Blackett declared an Indirect Interest in Item 5.  
Reason: had made motion to refuse to the original application for whole site but satisfied that this was a completely different application.
7. Fiona McLean declared an Indirect Interest in Item 5.  
Reason: Is a Board member of Historic Environment Scotland.

### **Agenda Item 5:**

#### **Detailed Planning Permission 2020/0206/DET (APP/2020/1666)**

**Repair and removal to walls, chimney stacks, pavilion facade and slates, further to planning approval 2019/0003/DET**

**And**

#### **Application for Listed Building Consent 2020/0207/LBC (APP/2020/1667)**

**Repair and removal to walls, chimney stacks, pavilion facade and slates, further to planning approval 2019/0006/LBC**

**Both at Ballater Old School, Abergeldie Road, Ballater, Aberdeenshire, AB35 5RR**

**Recommendation: Approve Subject to Conditions**

8. Stephanie Wade, Planning Officer presented the paper to the Committee.
9. The Committee were invited to ask points of clarity, the following points were raised:
  - a) The Convener sought reassurance that her understanding was correct that the Heritage Conservation officer at Aberdeenshire Council was initially concerned about the removal of the chimneys on the listed building however they were now content? Planning Officer agreed and explained that when the application was first submitted there had been no clear justification for their removal, but the applicant subsequently provided the justification that satisfied the officer.
  - b) Concern raised on the removal of the chimney and suggestion made to build a false one to make it look like it is still there without the problems the current one brings. Planning Officer advised that this had not been put forward by the applicant.
  - c) Comment made that the decision on this application hangs around the chimney, the impact on the look of building and conservation area, reasons given, arguments put forward that are robust and sensible, this is affordable housing in Ballater and there would be costs associated with erecting a fake chimney.

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- d) Could it be clarified who would bear the costs of ongoing maintenance of that chimney to ensure it was operating safely. Head of Planning & Communities advised that the cost would be part of the maintenance costs that residents would have to pay.
- e) Could it be explained why harling of the walls was being proposed? Planning Officer advised that the cement render had damaged them and that they would need harling to protect them.
- f) Comment made that there were other alternatives rather than harl, in other older buildings was not the best option though, was it because of the costs involved? Head of Planning & Communities advised that lime harl or renders were a traditional external treatment in North East Scotland. He added that the Aberdeenshire council Heritage officer had looked at the application in detail, and are content it fits and is appropriate in this location.
- g) Comment made that while cement harling is bad for walls, lime harling is commonly used in Aberdeenshire and allows walls to breath.

11. **The Committee agreed these applications as per the conditions stated in the report.**

12. **Action Point arising:** None.

### **Agenda Item 6:**

**Application for Detailed Planning Permission 2020/0213/DET (20/03246/FUL)  
Section 42 application for non-compliance of Condition 1 of Planning Permission  
19/04135/S42 (replacement of cessation date 19.11.20 with 19.11.21  
At Cairngorm Mountain, Glenmore, Aviemore, Highland, PH22 IRB  
Recommendation: Approve Subject to Conditions**

- 13. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
- 14. The Committee were invited to ask points of clarity, the following points were raised:
  - a) The Convener asked how many temporary applications would be approved before this development would become permanent? Monitoring and Enforcement Officer advised that this permission was for a further 12months and could be considered again next year. Head of Planning & Communities added that HIE and Cairngorm Mountain knew it was not a permanent solution however the ability to make artificial snow was seen as vital element of the snowsports business either on its current site or a new site.
  - b) Suggestion made to request for further information around the environmental impacts the development brings including customer usage at the next temporary permission application. Head of Planning & Communities advised that it would be better to simply ask for that information with any further application. Peter Ferguson, Legal Advisor added that it might be technically acceptable to make it a condition but that simply requesting the information would be more appropriate.
  - c) Comment made that if people cannot get abroad for skiing, ski resorts in Scotland could be inundated with visitors.

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- d) Comment made that they did not think it needed to be a condition and that they trust Cairngorm Mountain not to run the snow making machine when not necessary.
- e) Comment made that the proposal was inherently unsustainable given the use of fuel and energy to create snow. This was noted.
- f) The Committee agreed that at any future application stage, further information on usage would be requested.

18. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**

19. **Action Point arising:**

- i. **Any future temporary or otherwise application for this permission to be requested to provide information on use.**

### **Agenda Item 7:**

#### **Update on Applications Approved by Committee subject to conclusion of Developer Contributions**

- 20. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
- 21. The Convener invited the Committee to discuss the report, the following points were raised:
  - a) Comment made that both applications had legitimate reasons for the delays.
  - b) Peter Ferguson, Legal Advisor provided a brief explanation around legal agreements involving the NPA and local authorities. He explained it is a three-way agreement with the Local Authority also wearing different hats e.g. education and planning authority. He went on to advise that they are exploring streamlining the process with Highland Council which would see putting a protocol in place. He added that this had worked well with LLTNP but was more complicated the greater the range of contributions that could be collected.

22. **The Committee noted the recommendations.**

23. **Action Point arising:           None.**

### **Agenda Item 9:**

#### **LDP Monitoring Report 2020**

- 24. Nina Caudrey, Planning Officer presented the paper to the Committee.
- 25. The Deputy Convener invited the Committee to discuss the report, the following points were raised:
  - a) Comment made the total number of overturned appeals was quite high and could this be a learning point for the Committee.
  - b) How many of the appeals were against non-determination as opposed to refusal? Planning Officer advised that she thought only 1 was non-determination but would have to check and confirm.

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- c) Clarity sought to the reasoning why Local Authorities were less likely to refer to Policies 4 and 5 of the LDP as the CNPA were. Planning Officer explained that this reflects that the applications that are likely to be called-in by the Authority are more likely to trigger those policies while the ones the local authorities routinely deal with are unlikely to. Head of Planning & Communities reminded the Committee that Local Authorities deal with many householder developments such as extensions.
- d) Point of understanding sought was there a set number of applications called-in annually or is it dependent on the nature of the applications that come in? Head of Planning & Communities confirmed that the number called-in depended on what comes through the system. He advised that there are criteria to aid the Call-in process which aids which ones are likely to be called-in. He added that the CNPA try and call-in big or sensitive applications.
- e) Was there scope to add another measurement how much of 1800 applications have been delivered on the ground? Want to see delivery, rest of it is process and would like to see what has been delivered? Head of Planning & Communities advised that they are trying to get better information however they rely on completions notices come through building control process coming to Local Authorities which particularly takes a long time.
- f) The Convener reported that she had received feedback from the Developer's Forum that the average number of conditions on an approval by the NPA is 43 which is disappointing to hear, was this a true figure? Head of Planning & Communities advised that 43 conditions was extreme and that few applications ever had anything close to that number. He noted that if the Committee consider there are any unnecessary conditions attached to an application, they should raise it at the meeting where they determine the application.
- g) The Convener added that it would be good to have some figures on the true number of conditions and other helpful facts and figures provided to the Committee so they are prepared with answers for such feedback. Head of Planning & Communities confirmed that officers would prepare such a briefing.
- h) Comment made that some of surveys can come cost a significant amount and impact negatively on small businesses applying for permissions. Suggestion made that it would be good to have review to ensure what we are asking is absolutely necessary, easy to become matter of routine, mindful going forward additional cost putting on businesses or individuals. Head of Planning & Communities agreed that this was a good point. However he reminded the Committee that the National Park has some of the most important biodiversity in Scotland, and more of the rare and protected habitats and species than any other planning authority area, so it was inevitable that these would have an impact on the planning system. A Member commented that this was one of the challenges of developing in the NP.

26. **The Committee noted the paper.**

27. **Action Point arising:**

- i. **Planning Committee to be given a briefing on planning service and statistics to help provide feedback to any questions or comments and to correct inaccurate claims.**

## **Agenda Item 10: AOB**

28. Gavin Miles, Head of Planning and Communities provided the Committee with information on the Scottish Government Consultation Reviewing and Extending Permitted Development Rights (PDR) in Scotland.
  
29. The Committee made the following comments:
  - a) With regards to the telecoms mast concern raised that it could restrict better broadband availability. Head of Planning & Communities advised that this was about mobile telecoms rather than fibre undergrounding. He explained that the increase in permitted development was substantial and could allow development of masts that were significantly larger than those currently seen in the National Park without the current scrutiny and control.
  - b) Comment made on size of agricultural buildings, would we be disadvantaging our farmers as opposed to other areas. Head of Planning & Communities agreed that it would be a very significant change that few farms in the National Park were of a scale to require sheds as large as the proposed changes would allow so it was unlikely to have an impact on many farms.
  - c) Comment made that it doesn't allow any increase in footprint, no change in outside look of building
  - d) Comment made that they understood the concern that the structures could potentially be sold as holiday homes, but would that not then ease housing pressures elsewhere in NP? Head of Planning and Communities advised that the numbers of people looking for second or holiday homes and their buying power greatly exceeded that of residents so would be unlikely to ease pressure on local need and demand.
  - e) Caution that it was important not to restrict to agri-tourism. Head of Planning & Communities advised that CNPA planning policies are supportive of agri-tourism and diversification.
  - f) Concern raised that pockets of residential development coming forward in this way that are a long way from bus routes, goes in wrong direction in our aspiration to net zero. Head of Planning & Communities provided some reassurance that if that or waste facilities was insufficient the Planning Authority could recommend refusal of the application on those grounds.
  - g) What was the system for the removal of masts? Head of Planning & Communities advised that it was possible to have conditions for removal of masts and that most telecom company's sign up to a European code of good practice.
  - h) Comment made that the conversion of agri-buildings raises concerns.
  - i) Comment made that the member had seen masts disguised as trees elsewhere.
  - j) Comment made that if the NPA wants to encourage young people into agriculture, the ability to easily convert disused farm buildings was vital. Head of Planning & Communities agreed but advised that there was nothing to stop people coming with proposal under this system to create holiday accommodation but without making the contributions to affordable housing that would be required under current planning policy.

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- k) Comment made around the Forestry element and pleased that there was a specific comment about it. Head of Planning & Communities agreed to add reference to Scottish Forestry Policy in response.
30. **The Planning Committee agreed the Consultation response with additional of reference to Scottish Forestry policy.**
31. **Action Points arising: Addition of reference to Scottish Forestry policy in response.**

### **Agenda Item 11: Date of Next Meeting**

32. Friday 11<sup>th</sup> December 2020 at 10am via video/telephone conference.

The public business of the meeting concluded at 12.45 hours.