

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at the Albert Hall, Ballater

on 12 June 2015 at 11.00am

#### Members Present

Peter Argyle (Deputy Convenor)	Bill Lobban
Rebecca Badger	Eleanor Mackintosh (Convenor)
Duncan Bryden	Fiona Murdoch
Angela Douglas	Gordon Riddler
Dave Fallows	Gregor Rimell
Katrina Farquhar	Judith Webb
Kate Howie	Brian Wood
John Latham	

#### In Attendance:

Murray Ferguson, Director of Planning & Rural Development  
Gavin Miles, Planning Manager (Forward Planning & Service Improvement)  
Katherine Donnachie, Planning Officer, Development Management  
Matthew Taylor, Planning Officer, Development Management  
Alix Harkness, Clerk to the Board  
Stephanie Lawrence, Planning Support  
Richard Fyfe, Scottish Environmental Protection Agency

<b>Apologies:</b>	Paul Easto	Gregor Hutcheon
	Willie McKenna	Jeanette Gaul

#### 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 15 May 2015, were approved with no amendments.
4. There were no matters arising.
5. The Convenor provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 17i: Cambus O'May application - the additional condition surrounding the Construction Method Statement was added and consent was issued.
  - Action Point at Para. 17ii: Cambus O'May application - a letter was sent to the Applicant and copied to Aberdeenshire Council Roads Service. Aberdeenshire Roads Service had been investigating signage further.
  - Action Point at Para. 22: Macritch Wind Farm Objection – following discussion with the Planning Committee Convenor the wording was not altered. Additional text in response to Scottish Government was added to express disappointment. Response was issued.
  - Action Point at Para. 27: Update on Private Ways and Tracks is on the programme for Committee in November.

## **Agenda Item 4:**

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

6. Bill Lobban declared an interest in:
  - Item No. 6 - Direct interest – As a member of Highland Council Planning Committee.
7. Dave Fallows declared an interest in:
  - Item No. 6 - Direct interest – As a member of Highland Council Planning Committee.
8. Angela Douglas left the meeting at this point.

## **Agenda Item 5:**

### **Report on Adoption of Local Development Plan Action Programme**

9. Gavin Miles, Planning Manager presented a Paper which asks the Planning Committee to adopt the Local Development Plan Action Programme.
10. The Committee raised the following issues: (Amendments noted as AI etc)
  - a) A suggestion was made around putting in the dates of consents to provide an idea of timescale under Table 7a on page 15. Gavin confirmed that this would be done as part of the detailed review of sites to be undertaken this year.(AI).

## APPROVED COMMITTEE MINUTES

- b) With reference to Table 7a on page 18, a Member queried whether some of the houses listed in Grantown and Aviemore had already been built? Gavin advised that it would change as it was updated.
- c) In reference to Table 5 on page 10, a comment was made that the allocation and consents of sites were the most important issue in whole plan.
- d) In reference to the need 'to build a case for more investment in Affordable Housing' listed on page 11, the special circumstances of rural housing pressures and Natura site constraints were highlighted as a vital element to achieving it.
- e) In reference to the adoption of 'Development Briefs as non-statutory planning guidance' on Table 2 on page 5 a Member queried why the communities involved were not listed as partners. Gavin agreed to add these (A2).
- f) A query regarding the timetable of the Town Centre Toolkit also in Table 2 on page 5. Gavin advised that the timetable is set by the Scottish Government.
- g) A Member commented that the 'Review of Badenoch & Strathspey Healthcare Facilities' detailed in Table 4 on page 7 would have to go well beyond only feasibility studies.
- h) A suggestion was made that infrastructure such as roads, waste and water are added to An Camas Mòr in Table 4 on page 8 (A3).
- i) In reference to Table 5 on page 12, a suggestion was made to add Scottish Water to the list of 'Other Partners' against the freshwater pearl mussels' threshold bullet point (A4).
- j) In reference to Table 5 on page 12, a comment was made regarding the need to improve mast coverage.
- k) In reference to Table 5 on page 13, a comment was made regarding the cultural heritage of the area, that it was much more than just about land but also about how communities see themselves.
- l) In reference to Local Authorities in the 'Summary of partner roles' Table on page 3, the word 'Education' appeared twice in the same bullet point. Gavin agreed to correct this (A5).
- m) A suggestion was made to add in the document the value of pre-application discussions with developers (A6).
- n) A Member queried the strength of the statement 'undertake a search for and review of potential sites for 100% affordable housing...' in Table 5 on page 11? Gavin advised that the intention was to identify sites that housing authorities could work with developers to buy low cost land and then build affordable housing.
- o) A suggestion was made to clarify the word 'toolkit' as it appeared twice in the document.
- p) A Member queried the agreements in place with partners that would tie them into carrying out each action listed against them in the Action Programme. Gavin advised that much of the actions list was a statutory part of their remit. He added that there was a strong drive for them to be involved and take part to meet their own targets as well as Scottish Government targets.

## APPROVED COMMITTEE MINUTES

- q) Clarification was requested into the level of staff involved in the listed partner organisations. Gavin advised that the National Park Partnership Plan Strategic Delivery Group and Planning sub-group were involved. Discussions began at senior director level and there was involvement from the Badenoch & Strathspey Development Forum. The information is shared at the meetings of all those groups.
  - r) A plea to simplify the updates of the progress of this Local Development Plan Action Programme, the National Park Partnership Plan and the Corporate Plan whose targets and actions overlap somewhat. Murray Ferguson advised that a simpler system was being looked into to avoid numerous updates.
  - s) Would partners be expected to contribute to the review of the Action Programme on an annual basis? Gavin agreed that they would – however, he added that the Action Programme does not have the same timeline as the Local Development Plan therefore if some actions had not progressed from one year to the next; this would not be of concern.
  - t) A Member advised that SEPA stood for Scottish Environment Protection Agency and asked that it be amended on page 3 of the document. Gavin apologised for this error and agreed to correct it (A7).
  - u) With reference to 'Site EPI: Land by Crannich Park, Rowan Park and Carr Road' in Table 7a on page 20, a Member queried why the allocation of 117 houses was still there? Gavin advised that this was because the permission was still live and until it had expired it would have to remain listed.
11. The Committee agreed to adopt the Local Development Plan Action Programme subject to the amendments detailed above. The Committee added that they were looking forward to getting the Local Development Plan Action Programme Review in June next year.

### 12. Action Point arising:

- i. Amendments (A1-7) to be made to the Action Programme as detailed above before submitting to the Scottish Government.**

13. Dave Fallows and Bill Lobban left the meeting at this point.

### **Agenda Item 6:**

#### **Report on Consultation Response to Highland Council:**

#### **On Proposed River Pattack Hydro Scheme**

#### **At Land at Ardverikie Estate, Kinloch Laggan, Newtonmore**

14. The Convenor introduced Bill MacGregor who was in attendance on behalf of the Agent and Richard Fyfe, Water Resources Specialist from Scottish Environmental Protection Agency (SEPA). The Convenor advised that both would be available to answer any questions that the Committee had.

## APPROVED COMMITTEE MINUTES

15. Katherine Donnachie, Planning Officer presented a report on the consultation and recommended that the Committee agree a response of No Objection.
16. The Committee raised the following issues:
- a) A Member questioned the proposed design of the powerhouse and asked why it was so complex? Mr MacGregor advised that is reflected an approach based on “honesty in architecture” and had been carefully considered.
  - b) A Member asked if it was intended to use the access link at the Bailley Bridge that was previously used for the Beauly to Denny works and if the application were approved, would it then mean that the retention of the track would have to be supported by the Planning Committee at a later date? Katherine advised that this was not the case. The application for retention of the track would be considered on its own merits at a future CNPA Planning Committee meeting.
  - c) Could some re-assurance be provided that ensures that there would be no impact on the biodiversity of the river and that SEPA have a mechanism in place, with sufficient staff time and resources, to review and monitor the impact of the development in the coming years? Mr Fyfe advised that SEPA would enforce the conditions, including monitoring of the scheme and carry out audits to ensure mitigation was being delivered appropriately.
  - d) A suggestion was made to improve the car parking and safety in the area to help enhance local people’s enjoyment and usage of the paths in that area.
17. The Committee agreed that the response of **No Objection** be submitted.
18. **Action Point arising:                   None.**
19. Dave Fallows and Bill Lobban returned to the meeting.

### **Agenda Item 7:**

#### **Any Other Business**

20. The Convenor advised the Committee on her reflections following site visit with Scottish & Southern Energy (SSE) to the Beauly - Denny overhead transmission line that she and other members had attended, along with SNH staff. She advised that it seemed that SSE Officers were not sufficiently clear as to what the restoration of the tracks involved. SSE Officers were also rather vague as to who was ultimately responsible for carrying out the restoration and reinstatement and what standard would be deemed acceptable. Following a full discussion the Committee agreed that Convenor of the Board should write to SSE expressing significant concerns.
21. Murray Ferguson updated the Committee on the ongoing Dalfaber Appeal. He reminded the Committee that originally four applications had been made; two were determined by the Cairngorms National Park Authority and two were validated by Highland Council but not “called in” due to legal concerns and remained undetermined by Highland Council. He advised that staff had met the deadline for appeal submissions. The Highland Council had requested an extension to the deadline so that issues could be

## APPROVED COMMITTEE MINUTES

considered at the relevant Committee. Murray advised that the DPEA Reporter had scheduled to visit the site in July and a CNPA Planning Officer would attend.

22. The Convenor advised the Committee that she had attended the “Next Steps” National Planning Conference within the last week. Issues relating to developer contributions and local democracy had been discussed.
23. Murray Ferguson provided an update on the Ballater Visitor Information Centre following the recent fire. He advised that the Ballater CNPA staff had moved quickly to host the facility and that Helen Jenkins, Corporate Governance and Performance Manager is the key contact within the Authority. He went on to advise that the longer term is being looked through discussions with senior officers at VisitScotland, Historic Scotland and Aberdeenshire Council. The Planning Committee notes that staff should be congratulated on how quickly they had moved to put the current measures in place following the tragic incident.
24. A Member highlighted that an application for connecting electricity to the grid had been received by the Highland Council for a windfarm application outside Laggan. He expressed his concern that this disjointed application could disrupt an area of the Cairngorms National Park. Advice was provided that the CNPA would ask to be consulted
25. Murray Ferguson advised that the Scottish Government had asked for the CNPA’s view on proposed new road signs associated with the A9 dualling project. He noted concern about the size and the locations and how long they would be there for and would submit advice to Transport Scotland.
26. Murray Ferguson gave an update on staffing issues. He advised that a new Enforcement Officer, Ed Swales, had been appointed. The wider Planning Team structure would be discussed at Management Team at their next meeting. A Planning Service, team-building day was scheduled to take place the following week.
27. **Action Point arising:**
  - i. **Board Convenor to write to SSE highlighting the Committee’s significant concerns about progress and plans for track restoration on Beaully - Denny project.**

### **Agenda Item 8:**

#### **Date of Next Meeting**

28. Friday 17 July 2015 at Community Hall, Boat of Garten.
29. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
30. The public business of the meeting concluded at 12.45