

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Albert Memorial Hall, Ballater  
on 12 October 2012 at 10.30am

**Members Present**

Peter Argyle	Eleanor Mackintosh
Angela Douglas	Fiona Murdoch
Dave Fallows	Martin Price
Katrina Farquhar	Gordon Riddler
Jeanette Gaul	Brian Wood
David Green	
Gregor Hutcheon	
John Latham	

**Apologies**

Duncan Bryden	Willie McKenna
Kate Howie	Mary McCafferty
Bill Lobban	Gregor Rimell

**In Attendance:**

Don McKee, Head Planner  
Mary Grier, Senior Planning Officer, Development Management  
Katherine Donnachie, Planning Officer, Development Management

**Agenda Items 1 & 2:**

**Welcome & Apologies**

1. As Duncan Bryden, Convenor of the Planning Committee, had tendered his apologies, Peter Argyle, Vice Convenor chaired the meeting and welcomed all present. Peter Argyle also formally welcomed three new Members – Jeanette Gaul, John Latham and Fiona Murdoch.

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2. Apologies were received from the above Members.
3. Peter Argyle noted that an item arising under AOB concerned a planning application made by Aberdeenshire Council. He advised that as an Aberdeenshire Councillor he would have to declare a direct interest and vacate the chair for the duration of that item.

### **Agenda Item 3:**

#### **Minutes & Matters Arising from the Previous Meeting**

4. The minutes of the previous meeting, 14<sup>th</sup> September 2012, held at Boat of Garten were approved.
5. There were no matters arising.
6. The Convener noted that there were no action points arising from the previous meeting.

### **Agenda Item 4:**

#### **Outcome of Electronic Call-In**

7. The content of the Outcome of the Electronic Call-in held on 28<sup>th</sup> September 2012 was noted.

### **Agenda Item 5:**

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

8. Dave Fallows declared an interest in:
  - Item No. 10 (Paper 5) - Direct interest – due to being a Highland Councillor and the applicant being Highland Council.
9. Fiona Murdoch declared an interest in:
  - Item No. 6 (Paper 1) - Direct interest – due to being a Moray Councillor and the applicant being Moray Council.
  - Item No. 8 (Paper 3) - Direct interest – due to being an anti-windfarm campaigner.
  - Item No. 9 (Paper 4) - Direct Interest – due to being an anti-windfarm campaigner.
10. Peter Argyle, Katrina Farquhar and John Latham all declared a direct interest in:
  - Item No. 12 (AOB) - Direct interest – due to the three Members being Aberdeenshire Councillors and the AOB item concerning an application in which Aberdeenshire Council is the applicant.

### **Agenda Item 6:**

#### **Report on Called-In Planning Application: Update on Planning Committee Request for Stone Dyke Boundary Enclosure At Land Adjacent to Drumin Farm Cottage, Glenlivet (Paper 1) (2012/0015/DET – Detailed Planning Permission)**

11. Fiona Murdoch declared an interest and left the room.
12. Don McKee, Head Planner, presented a paper updating the Committee on discussions that had taken place between CNPA planning officials and the applicant regarding the possibility of a stone dyke boundary enclosure. He explained that the applicants (Moray Council) cannot afford a stone dyke around the entire site, but have offered to provide a stone dyke on the front boundary with a post and wire fence and beech hedging on the remaining boundaries.
13. Don McKee recommended that the Committee approve the application subject the conditions stated in the report.
14. The Committee were invited to ask the Head Planner points of clarification, the following were raised:
  - a) If details of costs had been provided. Don McKee responded that costs had been provided for (a) a stone dyke along the front boundary (just over £77,000) and (b) a stone dyke around the entire boundary (just over £158,000);
  - b) Whether or not the installation of a timber fence had been considered as a short term measure, with a stone dyke to be built at a later stage. Don McKee responded that he was not aware that this had formed part of the discussion as planning officials had engaged in discussions with the applicants as per the resolution of Members at the meeting of August 17<sup>th</sup> 2012 i.e. to investigate the possibility of a stone dyke boundary enclosure around the site;
  - c) Whether or not a cost comparison had been provided between the provision of a stone dyke enclosure versus hedge maintenance. Don McKee responded that this information was not provided;
  - d) The possibility of amending condition no. 2 in order to ensure that it includes reference to access being for all abilities. Don McKee responded that the already recommended conditions reflected this, but the condition could be added to if Members required.
15. The Committee discussed the application and the following points were raised:
  - a) Financial circumstances not being a material consideration;
  - b) Not wishing the stone dyke requirement to jeopardise the development of the graveyard;
  - c) Wanting to achieve the best in the development given that it is within a National Park;

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- d) It being a material consideration if a condition imposes particular requirements which might jeopardise the development taking place;
- e) Precedent for the use of beech hedging around several cemeteries;
- f) Beech hedging not being a feature of cemeteries in the Glenlivet area;
- g) Disappointment at the unwillingness of the applicants to provide a stone dyke enclosure;
- h) The possibility of including an advice note to encourage the applicants to consider the provision of a stone dyke boundary in the future when their financial situation improves.

16. The Committee agreed to approve the application subject to the conditions stated in the report, and with Condition no. 2 to be amended to include reference to access provision for all abilities, and also the addition of an advice note to encourage the applicants to provide a stone dyke around the entire cemetery when finances become available.

**17. Action Points arising: none**

18. Fiona Murdoch returned.

### **Agenda Item 7:**

**Report on Called-In Planning Application for 10.5 metre high slim line lattice tower. 2No. Airwave 8 Element Yagi antennas on boom arms. 2No. 600mm transmission dishes. 1No. equipment cabin, 1No. meter cabinet, 9x6m compound enclosed by 1.2m high timber and mesh fence  
At Land 350m East of Capullach, Mossbank, Nethybridge**

**(Paper 2 ) (2012/0259/DET – Detailed Planning Permission)**

19. Katherine Donnachie, Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
20. The Planning Officer also highlighted a text omission to be rectified in Condition no. 3 in which the first sentence should state that “No work shall commence until a construction method statement has been submitted to and approved by *the Cairngorms National Park Authority acting as Planning Authority.*” She also provided details of the recently received response from the Environmental Health Officer, noting that there was no objection to the proposal.
21. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

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- a) Is the mast an appropriate design to facilitate sharing with other operators, particularly for 4G technology? Katherine Donnachie responded that the applicants had confirmed that they were agreeable to the principle of sharing, but discussion had not taken place specifically on 4G technology.
  - b) The need to ensure in any future planning applications for telecommunications masts that they are suitable for 4G technology, in order to avoid a proliferation of masts.
  - c) A request to include reference to 'local origin' juniper bushes at bullet point one in Condition no. 5. Katherine Donnachie agreed that this would be included.
  - d) Correction of a typing error in bullet point two of Condition no. 5 which should refer to 'bark mulch' and not 'bark much.'
  - e) The possibility of including an additional condition requiring that the apparatus would be removed in the event of it becoming redundant. Katherine Donnachie agreed that this would be appropriate.
22. The Committee agreed to approve the application subject to the conditions stated in the report and subject to the inclusion of an appropriately worded road access condition relating to junction visibility, the inclusion of an additional condition requiring that the apparatus would be removed in the event of it becoming redundant, the inclusion of reference to 'local origin' juniper bushes in Condition no. 5, and the correction of typing errors and text omissions in the conditions.

### **23. Action Points arising: none**

#### **Agenda Item 8 :**

#### **Consultation Report on Response to Perth and Kinross Council : Erection of 7 Wind Turbines at Tullymurdoch, Angus (Paper 3) (Perth and Kinross Council Reference 12/01423/FLL)**

24. Fiona Murdoch declared an interest and left the room.
25. Katherine Donnachie, Planning Officer, presented a paper recommending that the Committee agree a response of No Objection to be submitted.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) If the views from Lochnagar and Mount Keen had been considered. Katherine Donnachie confirmed that this had been considered by the CNPA's Heritage Manager and there is general satisfaction that the impact of the development would be low given the distance from such areas.
27. The Committee agreed the response of No Objection to be submitted to Perth and Kinross Council.

### 28. Action Points arising: None

#### **Agenda Item 9:**

#### **Consultation Report on Response to Scottish Government Energy Consents**

#### **Unit :**

#### **Erection of 17 Wind Turbines At Nathro Hill, Angus**

#### **(Paper 4) (Angus Council Reference 12/00797/S36)**

29. Having declared an interest, Fiona Murdoch remained out of the room.

30. Katherine Donnachie presented a paper recommending that the Committee submit a response of No Objection, subject to the inclusion of a comment that “there is potential to amend the layout of the development to further reduce any impacts upon the Park and immediate area” such as “re-evaluating the layout to avoid creating a continuous ridge line of development” and also “considering a reduction in the number of turbines.”

31. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Why are turbines always white? Katherine Donnachie responded that they could be different colours, but were generally lighter in colour in order to minimise their impact when viewed against the sky.
- b) The use of the word ‘generally’ in paragraph 23 suggests that the Heritage Manager does not entirely agree with the conclusion. Katherine Donnachie clarified that the Heritage Manager was in agreement with the conclusions regarding the overall impact on the National Park;
- c) Concerns regarding the cumulative impact of windfarms in the general area and how best to raise this in order to be effective. Katherine Donnachie suggested the inclusion of a second bullet point comment to accompany the response of No Objection, raising the CNPA’s concerns on the cumulative impact of further turbine groupings in the area. Don McKee, Head Planner, confirmed that a number of measures were being taken in order to highlight CNPA concerns on the cumulative impact of windfarms, including making this point at individual Inquiries, in commenting on Local Authority Windfarm Strategies and also an intention to raise it in a forthcoming meeting with the Scottish Government and Loch Lomond and the Trossachs National Park Authority on Scottish Planning Policy and the next National Planning Framework.
- d) Clarification sought on the content of paragraph 15 of the report – why and how is it apparent that the development would not impact on the National Park? Katherine Donnachie responded that para. 15 was a summary of the comments from the CNPA’s Heritage Manager. Don McKee explained that the notion of ‘setting’ was not to be perceived as a buffer zone. Considerations should be focused on

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Landscape Character and the transition from one Landscape Character to another. He explained that development is proposed on the edge of where the transition occurs from one Landscape Character type to another and as such it was not considered to warrant an objection.

- e) Queries on what work had been done within the CNPA on setting and Landscape Character. Don McKee responded that a lot of work has already been done on Landscape Character Assessment and also on Wildness, all of which have assisted in assessing proposals and establishing the likely impact on the setting of the National Park. Don McKee also advised of the lack of guidance and policy direction from Scottish Government on how to approach consideration of cumulative impacts and other impacts on the setting of the Park.
- f) Queries on the process in the event that the CNPA objected to the development. Don McKee advised that an Objection would be contrary to the officer recommendation. In such an instance, CNPA officers would not be involved in any potential future Inquiry. A Planning Committee Member may be required to give evidence on behalf of the CNPA at an Inquiry.
- g) The possibility of having some response on the suggestion to devise a revised layout prior to the CNPA formalising a position. Don McKee advised of the difficulty of the CNPA making a qualified objection and stated that if there were concerns on the basis of what is proposed there would be a need to object. He also advised that it could be highlighted in the event of an appropriate revised layout being negotiated to address the concerns, there is a likelihood that such an objection could be withdrawn.

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

- a) It being borderline in deciding whether to take a position of No Objection or Objection;
- b) The CNPA is not against renewables;
- c) The opportunity for the CNPA to influence national policy and highlight the need for guidance on the cumulative impact of windfarm developments;
- d) Concerns about the potential that if a precedent is set by the proposed development, it may be more difficult to object to further such proposals in the future;
- e) The proposed continuous ridgeline being unacceptable;
- f) The need to take a stronger position, detailing that the CNPA would object if the layout is not altered;
- g) The possibility of objecting at this stage, but potentially withdrawing such an objection in the future in the event of an appropriate revised layout being devised;

33. Peter Argyle commented that it is the Member who moves a Motion against an Officer recommendation that usually attends any future Inquiry.

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34. Peter Argyle proposed a Motion to submit a response Objecting to the development, with a further explanation to accompany this indicating that the CNPA would withdraw the objection in the event that the layout is appropriately amended. The Motion was seconded by Gordon Riddler.
35. The Committee agreed with the Motion to submit a response Objecting to the development proposal on the grounds of the unacceptable impact on the landscape character forming part of the setting of the National Park, particularly when account is taken of the potential cumulative impact with other windfarm proposals and also agreeing to accompany the objection with a further explanation indicating that the CNPA would withdraw the objection in the event that the layout was appropriately amended to address the CNPA concerns.
- 36. Action Points arising: Officers to prepare and submit a response in accordance with the agreed Motion.**

37. Fiona Murdoch returned.

### **Agenda Item 10:**

#### **Non Material Variation Report on Approved Planning Application :**

**Construction of new storage / office buildings and associated site access, drainage and landscaping works**

**At Highland Folk Museum, Aultlarie Croft, Kingussie Road, Newtonmore (Paper 5) (2011/0418/DET)**

38. Dave Fallows declared an interest and left the room.
39. Don McKee, Head Planner, presented a report on a request for a Non Material Variation. He explained the background to bringing the report before Committee, outlining that Non Material Variations are normally dealt with by Officers under delegated powers. In this case, given the profile of the development, including its importance to the National Park and also the visual prominence, it was considered appropriate to bring the request to the attention of the Planning Committee.
40. Don McKee recommended that the Committee agree to the request for a Non Material Variation, subject to an amendment to 12 (a) to require that the “aluminium cladding to the roof being given a coating to reduce reflectivity *unless otherwise agreed with the CNPA.*”
41. The Committee agreed the request for a Non Material Variation.
- 42. Action Points arising: None**



43. Dave Fallows returned.

### **Agenda Item 11:**

#### **Report on Planning Performance Framework Annual Report 2011/2012**

##### **(Paper 6)**

44. Don McKee, Head Planner, presented a paper introducing the first annual report to be submitted to the Scottish Government in line with the new Planning Performance Framework (PPF).

45. The Committee were invited to ask the Head Planner points of clarification, the following were raised:

- a) Is there a recognition of the impact of the unique 'call in' process on the speed of dealing with applications in the CNPA? Don McKee confirmed that it has been agreed with the Scottish Government that the quarterly returns regarding the determination of planning applications are calculated from the date of 'call in' and that an explanatory statement is attached referring to the unique aspects of the Development Management arrangements.
- b) The timing of the report to Committee and why it was submitted in draft form to the Scottish Government prior to being presented to Committee? Don McKee explained the timescales for the submission of the report to the Scottish Government (September 28<sup>th</sup>) and the Scottish Government's acceptance of the draft nature of the report pending final consideration by the CNPA Planning Committee.
- c) Should enforcement details be made more explicit in order to highlight that the work involves dealing with cases that are not related to planning applications determined by the CNPA? Don McKee acknowledged that some of the enforcement cases involved developments which were not the subject of planning applications determined by either the CNPA or the relevant Local Authority and said that there is a need to introduce more structure in this respect;
- d) The possibility of including some means of measuring the success of subsequent applications which have been the subject of pre-application advice;
- e) Clarification on whether the pre-application process is available to all applicants / agents regardless of the scale of the development and if so, does the CNPA have adequate resources to provide a comprehensive pre-application service? Don McKee confirmed that the pre-application process was available to all and also explained that increased focus was being placed on pre-application discussions and that it is intended to put more formal arrangements in place to assist this process. He also made reference to the regular Developers Forums which were now taking place and the opportunity being taken at those forums to encourage and highlight the benefits of participation in a pre-application process;

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- f) The impact of 6 long running planning applications (pg.5 of PPF report) on the overall statistics and the possibility of also including statistics to exclude those 6 applications;
- g) The need to include reference to the involvement of the CNPA at Inquiries, as well as the resources already detailed in the second full paragraph on pg. 5;
- h) The need to prioritise work on the CNPA website, in order to ensure that sufficient explanation is provided on planning matters. Don McKee assured Members that work on this is in progress, improvements have been made but there is more to do;
- i) The need for some editorial work prior to submitting the PPF report, including a suggestion that an alternative phrase to “keeping close to developers” be used on Pg.7 (c) and that the list of Service Improvements on pgs.10-11 is divided to reflect a more structured approach to various areas of work. Don McKee acknowledged the editorial suggestions and agreed to take on board what could be done within the prescribed format of the report;
- j) Further explanation being required on the first bullet point on pg. 12. Don McKee explained the background to the comment (“discuss with partners the benefits and costs of CNPA becoming full planning authority”), stating that it refers to simply refers to exploratory discussions but should not be read as a definitive statement of an aspiration to become a full planning authority. He explained that this was an action from the Service Improvement Plan (SIP) 2012/14, worded differently.

46. The Committee discussed the report and the following points were raised :

- (a) The Scottish Government’s emphasis on speed being a major driver in the Planning Performance Framework;
- (b) Achieving speed in the processing of applications could entail tougher decision making and a perception of a less friendly approach may be created;
- (c) The possibility that improvements in speed may result in a drop in the satisfaction of those engaging in the planning service. An assumption that people would generally prefer positive outcomes;
- (d) The need for the submission of comprehensive application submissions at the time of validation;
- (e) Concerns regarding the basic requirements at the validation stage being insufficient;
- (f) The need for increased co-operation between CNPA and the five constituent Local Authorities in agreeing the expectations at the validation stage;
- (g) The need to make the pre-application process clear and simple;
- (h) Could the CNPA devise an indicator that captures the work done by CNPA Planning and the level of satisfaction with outcomes achieved, rather than the focus solely being on statistics;
- (i) Small number of applications dealt with by the CNPA, but all of which are of a complex nature and the impact that a small number of long running applications may have on statistical returns;
- (j) Commending the work that the CNPA Planners do.

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47. The Committee agreed the report for publication and submission to the Scottish Government, subject to the Head Planner incorporating points made with regard to the structure of the report and editorial comment.
48. **Action Points arising: To submit the formalised report to the Scottish Government.**

### **Agenda Item 11:**

#### **Any Other Business**

49. Peter Argyle reminded Members that there was to be an informal discussion session on Designing Streets after lunch.
50. Alison Lax, Strategic Policy Officer, provided Members with an update on the Design Awards, advising that 54 entries had been received. All entries had now been considered by the judges, who had subsequently visited a number of the entries. The shortlist is due to be announced in the coming week. The winners will be announced at a public event at the Community Hall in Boat of Garten on November 29<sup>th</sup> 2012.
51. Peter Argyle noted that the remaining AOB item concerned a planning application in which Aberdeenshire Council was the applicant. Having declared a direct interest, Peter Argyle advised that another Member would be required to temporarily assume the role of Convenor in order to deal with the item and suggested David Green.
52. David Green suggested that Brian Wood assume the role of Convenor.
53. Peter Argyle, Katrina Farquhar and John Latham, as Aberdeenshire Councillors, left the room.
54. Brian Wood assumed the role of Convenor and introduced the item, advising that it concerned an amendment to the conditions which had been agreed in relation to a planning application by Aberdeenshire Council for an extension to the cemetery at Tullich, near Ballater (CNPA reference no. 2012/0086/DET refers).
55. Mary Grier, Senior Planning Officer, summarised the details of the item, advising that a decision notice had not been issued on the application following Members approval of the development at the meeting of June 22<sup>nd</sup> 2012, due to the applicants raising concerns about the ability to comply with Condition no. 7, which was required by SEPA. The applicants have in the intervening time engaged in discussions with SEPA, and a revised consultation response was subsequently received from SEPA in which an alternative condition is recommended, requiring that a borehole be installed and that details be

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provided of monitoring proposals. Mary Grier recommended that Members agree to the revised condition.

56. Members agreed to the revised condition.

57. Peter Argyll, Katrina Farquhar and John Latham returned.

**58. Action Points arising: none**

### **Agenda Item 12:**

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

59. Friday 9<sup>th</sup> November 2012 at the Community Hall, Boat of Garten.

60. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

61. The public business of the meeting concluded at 12.30pm.