CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat Of Garten
on 12 October 2018 at 11.00am

Members Present

Peter Argyle
Rebecca Badger
Carolyn Caddick
Dave Fallows
Pippa Hadley
Janet Hunter
Eleanor Mackintosh (Convener)
Xander McDade
Willie McKenna
Ian McLaren

In Attendance:

Gavin Miles, Head of Planning & Communities
Katherine Donnachie, Planning Officer, Development Management
Ed Swales, Monitoring & Enforcement Officer
Peter Ferguson, Legal Adviser, Harper MacLeod LLP
Matthew Hawkins, Landscapes & Ecology Manager
Dot Harris, Planning Administration & Systems Officer
Lindsay Coleman, Minute Taker

Apologies: Geva Blackett John Latham Judith Webb

Agenda Items 1 & 2:
Welcome & Apologies

1. The Convener welcomed all present and apologies were noted. She assured the public that although the number of people present was lower than usual, this was still quorate for the CNPA to do business.

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

2. The minutes of the previous meeting, 14th September 2018, held at The Community Hall, Boat of Garten, were approved, subject to the following amendments:
   - **At Para 18b:** The homes will be heated by quantum biomass.
   - **At Para 30:** Janet Hunter's name to be removed from the list of members retiring.

3. There were no matters arising.

4. The Convener provided an update on the Action Points from the previous meeting:
   - **Action Point at Para 5i) Completed -** *Operators had been asked to give a 5 hour window for blasting.* This will be in the conditions.
   - **Action Point at Para 15i) Completed -** *Condition 17 was to be amended to reflect the 3 month targeted sale period.*
   - **Action Point at Para 31) Completed –** *Convener was to write a letter of thanks to SSE.*

5. **Action Point Arising: None**

Agenda Item 4:
Declaration of Interest by Members on Items Appearing on the Agenda

6. Item 5 - Willie McKenna declared that his daughter is a part time employee of the company and so he had an indirect interest.

Agenda Item 5:
Application for Detailed Planning Permission (2018/0112/DET)
The installation of beginner and intermediate artificial ski slopes with associated services
At Cairngorm Mountain, Glenmore, Aviemore
Recommendation: Approve Subject to Conditions

7. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.

8. The Committee were invited to ask points of clarity. The following were raised:
   a) Para 67 – a member questioned the accuracy of this paragraph. Gavin Miles agreed that the minutes should note that the paragraph is a slightly inaccurate presentation of the aims of the Park.

b) A member asked about the areas for mitigation planting. Some areas shown already have regenerating woodland in, and she wondered if they would be adding to this woodland. Gavin confirmed that this was the case and these areas of woodland will be fenced to allow for faster regeneration.

c) A member felt that the imagery shown in the presentation had only shown the slopes and was missing other important imagery. Gavin assured members there was sufficient information to consider the application

d) Appendix 1A, page 2 – how much of the area will be taken up with the travellator? There will be 3 travellators on the lower slope and one larger one on the left side of the larger slope.

e) How long will the regrowth take? Matthew Hawkins estimated that parts of the carpet will need replacing after 4 -5 years, and due to the extreme location of the site, the mitigation planting will take 10 – 15 years to have a significant effect.

f) What happens to the damaged product as it wears away? This was deferred to the Applicant to answer.

9. Adam Gough (Applicant) Natural Retreats was invited to address the Committee. He was then invited to answer the Committee's questions. The following points were raised:

a) A member asked about the timing of this application prior to the outcome of the Uplift Review. Adam explained that this project, along with other suggestions, had been taken to the landlord in Feb 2017 and is not a new project. They will not progress with this project until they have fully considered the outcome of the forthcoming Uplift Review.

b) Will the Uplift Review include comment on this application? The Applicant confirmed it should do. He also added that should the Uplift Review deliver other ideas for the company to consider, these may be added to their long term strategy too.

c) How will the chemical free misting system work in freezing conditions? If there is already moisture on the slope, it will not need misting. Ice will be broken up by staff or machinery. He also confirmed that the materials will just soften and the user experience will diminish, there will not be a problem of material breaking away.

d) How many days will this operate? The Applicant hoped it would operate for 75% of the year.

e) Why was this location chosen? Were other locations considered? The Applicant explained that their Landscape Management team had recommended that the ski slope needed to be close to the ski runs, be as sheltered as possible, and connected to the Day Lodge and Base station. Two other sites were considered but this was considered the best site.

f) Why were no steps added from the car park up to the slope? They didn't want to intervene any further than necessary and felt it wasn't far for people to walk up to the one set of steps they have put on the plans.

g) One member asked if they believe large numbers of people will want to ski in the summer, and would it not be better to diversify with non-ski activities? The Applicant informed the member that this project will enable them to solidify their ski school revenue, preserving an element of their winter operation. It also gives visitors the chance to trial a sport in the summer months which they may then take up in the winter. The slope will also be used for tubing. Currently, 60% of their visitors come in the 3 winter months.

h) The colour of the matting was questioned. The Applicant confirmed that the colour on the imagery was the final colour; it is the material itself that is still to be agreed.

i) Has the Applicant looked at the other dry ski slopes in the area to determine if this one is viable? The Applicant confirmed that a lot of sensitivity analysis has been carried out about the economic viability of this project.

j) Will the dust from the car park cause any issues? The only issue is the misting system which could become clogged up. It is easy however to clean these out.

10. Alan Brattay, from Aviemore Business Association (Objectors) and then Tessa Jones, Badenoch & Strathspey Conservation Group were invited to address the Committee.

11. The Convener thanked the speakers.

12. The Convener invited Gavin Miles to come back with points of clarity, the following points were made:

a) There is much interest in this application from a far reaching public and many of the views being expressed for and against the application are not valid planning considerations. The decision must be reached by considering in planning terms and on planning issues and the critical issue is probably around the impacts on landscape from the development in the short, medium and long term.

b) Officers confirmed that SEPA are happy with the matter of the movement of peat.

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

a) It was felt that the site, design, location, materials to be used and the peat to be removed will create such an impact on the landscape that any mitigation will not be enough to soften this impact.

b) A member was pleased that Condition 5 states that the ski slope will have to be removed if it remains unused for one year.

c) There was wide concern that the time for regeneration is far too long.

d) One member expressed concern that the visual impact may affect other types of activities such as photography.
e) A member was concerned that this ski slope would take income away from other businesses already operating the same facility.
f) Further work should be done regarding the colour of the matting.
g) The mountain has a massive impact on the wider community and it is important to keep it viable in the long term.
h) It was suggested that this site was in the correct location, near to all the other facilities, and therefore not 'sacrificing' any new area on the mountain.

14. Dave Fallows indicated he intended to put forward a motion to refuse the application on the grounds of siting, location, colour of material, changes to landform leading to unacceptable landscape impacts in the short and medium term on the site and on views to the site, with the proposed mitigation not being achieved in an acceptable time frame. The unacceptable adverse effects on landscape character were not outweighed by the social or economic benefits of the proposal so the application does not comply with Policy 5, Landscape of the Cairngorms National Park Local Development Plan 2015. Carolyn Caddick indicated she would second the motion.

15. Peter Argyle put forward an alternative motion to approve the application on the basis of the recommendation from officers. There was no second for the motion.

16. A short recess was taken with Peter Ferguson, Legal Adviser, Harper Macleod to clarify the reasons put forward for refusal by Dave Fallows and Carolyn Caddick. On return to the meeting the Peter Ferguson read the reasons for the refusal to the Planning Committee. Dave Fallows and Carolyn Caddick confirmed that they were the reasons they had proposed and seconded the motion to refuse.

17. **The Committee agreed to refuse the application.**

Agenda Item 6:
Application for Detailed Planning Permission (2018/0151/DET)
Recommencement and extension of quarry
At Land At Carn Dhomhnuill Bhain
Recommendation: Approve Subject to Conditions

16. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

17. The Committee were invited to ask points of clarity. The following were raised:
a) A member asked for clarification about how much of the 15 hectares will be quarried and how much is to be used for mitigation. Ed confirmed that there

will be 15H of lost moorland for quarrying and the woodland replanting will take place in the 10 hectares outside the boundary.

b) Para 33: Is 100m enough distance from the blast site for ground nesting birds? Matthew Hawkins confirmed that the ecology team were happy with this approach.

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

a) Is the area outside the boundary, proposed for the mitigation, controlled by the Applicant? The Planning Development Manager from Leiths, acting as the applicant, confirmed that the area for mitigation would be controlled by them and could therefore be covered by covered by a Section 75 agreement or condition. Gavin Miles then confirmed that the application could therefore be agreed today on an 'either/or' basis, either by Conditions or by Section 75 depending on the precise nature of land ownership or control.

b) The Applicant was asked what the finished site would look like. He explained that there will be a water filled feature with graded slopes and vegetation surrounded by the tree plantation.

c) Is 35 years a normal time period for quarrying? Gavin Miles explained this is not unusual for larger quarries and that there are measures in place to enable planning authorities to review if necessary.

d) How often will blasting take place? The Applicant confirmed it would be once a month on average but this would depend on rate of production.

20. **The Committee agreed to approve the application subject to conditions and the addition of a Section 75 agreement for a bond that will secure the restoration on completion of, or on ceasing operation.**

21. **Action Point arising:**

i. Applicant to provide evidence of ownership or control of the land that will be used for mitigation.

Agenda Item 7: Withdrawn from Agenda

Agenda Item 8: Application for Detailed Planning Permission (2018/0242/DET)
Erection of 20 houses (amendment to 07/00153/FULBS plots 49-68)
At Land between Perth Road and, Station Road, Newtonmore, Highland
Recommendation: Approve Subject to Conditions

22. Katherine Donnachie, Planning Officer, presented the paper to the Committee and highlighted that a further condition was recommended to secure samples of roadside walling alongside an amendment to the landscape condition to secure implementation.

23. The Committee were invited to ask points of clarity. The following were raised:
    a) A member voiced concern that the 4 houses in the NE section of the plan may not be serviced by a road. Katherine confirmed there is permission for the road to be built and an additional condition could be imposed to cover this.
    b) A member asked how the houses will be heated. Para 11 confirmed they would use envelope and air source heat pumps.

24. **The Committee approved the application subject to conditions in the report with the addition of 2 further conditions and amendment to condition 5:**
    a) A sample for the feature walling to be submitted for approval.
    b) Timescale for landscaping to be given.
    c) To specify that the four houses in the NE section of the plan cannot be occupied until the supporting road is built.

25. **Action Point arising:**

    i. Addition of the further conditions.

Item 9: Application for Detailed Planning Permission (2018/0264/DET) Construct as part of the Speyside Way Extension a 1.5km long, 2m width section of new path from Tromie Bridge to RSPB hide at Insh Marshes at Land 220m NW of Torcroy, Kingussie
Recommendation: Approve subject to Conditions

26. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

27. The Committee were invited to ask points of clarity. The following was raised:
    a) What material will be used for the path? Gavin Miles confirmed it will be grey rolled dust surface.

28. **The Committee approved the application subject to the conditions in the report.**

29. **Action Point arising: None**

Agenda Item 10:
Any Other Business

30. Gavin Miles reported that CNPA officers have considered the draft orders and Environmental Statement for the A9 Dualling Crubenmore to Kincraig section and were happy that all the significant issues have been taken into account by Transport Scotland. A member asked whether there are any issues with flood plains. Gavin confirmed that SEPA were satisfied with the proposals.

31. **Action Point arising: None**

Agenda Item 11:
Date of Next Meeting

32. Friday 9th November 2018 at Albert Hall, Ballater.

33. The public business of the meeting concluded at 1.15pm.