

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

**held via Video Conference  
on 24 September 2021 at 10am**

**Members Present:**

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

**In Attendance:**

Gavin Miles, Head of Strategic Planning  
Murray Ferguson, Director of Planning & Place  
Grant Moir, CEO  
Emma Bryce, Planning Manager, Development Management  
Dan Harris, Planning Manager, Development Planning  
Alan Atkins, Planning Officer, Development Management  
Ed Swales, Monitoring & Enforcement Officer  
Nina Caudrey, Planning Officer, Development Planning  
Katie Crerar, Planning Officer, Development Planning  
Peter Ferguson, Harper McLeod LLP

**Apologies: Judith Webb**

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

- I. The Convener welcomed all present and apologies were noted.

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### **Agenda Item 3:**

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

2. Janet Hunter declared a (non-financial) Interest in Item 6.  
Reason: As Board member of the Outdoor Access Trust for Scotland (OATS), the Applicant so will not take part in the discussion and will leave the meeting for this item.
3. Doug McAdam declared a (Non-Financial) Interest in Item 8.  
Reason: Independent Chair of South Grampian Deer Management Group which the applicant is a member and will leave the meeting for this item.

### **Agenda Item 4:**

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

4. The minutes of the previous meeting, 27 August 2021, held via video conferencing were approved subject to the following amendment:
  - a) At Item 4 – It states that Doug McAdam is a member of South Grampian Deer Management Group to be replaced with Independent Chair of it.
5. **Action Points arising: None.**

### **Agenda Item 5:**

#### **Planning Permission In Principle 2021/0115/PPP (21/01141/PIP)**

#### **Erection of four houses**

#### **At Land 35M South Of The Snipe, 3 Deshar Court, Boat Of Garten**

#### **Recommendation: Approve Subject to Conditions**

6. The Convener advised that Robert Humphries (the applicant) was present and available to answer questions.
7. Emma Bryce, Planning Manager, Development Management, presented the paper to the Committee.
8. The Committee were invited to ask points of clarity, the following points were raised:
  - a) Interested in the self-build plots would they be sold on the open market or could it be ensured that they are marketed locally? Planning Manager advised that the intention for them to be sold on the open market. Mr Humphries confirmed that they would be sold on the open market, he explained that the plots are donated by the landowner to the community for a nominal fee, land owner will not be keeping any value of the sale instead the landowner will make

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some profit from the two self-build plots. Gavin Miles, Head of Strategic Planning added that they were satisfied this was a legitimate way for the land owner to earn a return with the minimum number of open market housing to open it up.

- b) Suggestion made that it was reasonable given the current housing crisis that those 2 self-build plots should be advertised locally, this should not affect the market pricing and has been done before. Head of Strategic Planning agreed that he would ensure there was a requirement for the 2 self-build plots to be marketed locally.
  - c) Could it be confirmed if it was within the applicant's power to divert the path elsewhere but not on pavements, given that the path looked like it was well used by the community? Planning Manager agreed that it was a well-used path however there were a number of different entrances to access the woodland from the village, therefore the loss of this one would not be cause major concern. Mr Humphries pointed to the gap in the fence which currently allows the public to gain access to the woodland, he explained that it was the intention to keep it and improve the path if budget allowed.
  - d) Was it known how much the self-build plots would be marketed for? Head of Strategic Planning advised that would be unlikely to be known at this stage.
  - e) A query was made about compensatory planting proposals, The Planning Manager confirmed that the application had submitted proposals of where they could put that compensatory planting.
10. The Committee were invited to discuss the report, the following points were raised:
- a) Comment made that while a member was fully supportive with the provision of affordable housing, noted that the Highland Council forestry officer had objected due to the loss of woodland and the member would prefer the application was not in woodland.
  - b) Comment made that it was an interesting application where a balance needed to be struck. The member explained they had initially been concerned about the loss of woodland, but that the photographs in the presentation had reassured them of its open character. The balance was between losing a relatively small number of trees versus providing two homes that were wheel chair accessible and identified as a need by the community. Their view of the application was that the value of that housing to the community outweighed the loss of woodland when combined with the compensatory planting proposed.
  - c) Comment made that they were reassured by the photos of the site that it was the woodland edge and the trees were sparse. Praise for the application being brought forward through both community and estate.
  - d) Would a condition be added to ensure the self-build plots were open to local people? Head of Strategic Planning confirmed that he would add in a condition

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which asks them to provide information on how they will ensure that the plots are marketed locally.

11. **The Committee agreed this application as per the conditions stated in the report with the addition of the following condition:**
  - a) **The Applicant to supply information on how the self-build plots will be marketed locally.**
12. **Action Point arising:**
  - i. **Condition to be added to decision notice as per paragraph 11a.**
13. Janet Hunter left the meeting.

### **Agenda Item 6:**

#### **Detailed Planning Permission 2021/0207/DET (21/00967/FLL)**

#### **Formation of parking area**

#### **At Land 150 Metres West Of Loch Moraig, Blair Atholl**

#### **Recommendation: Approve Subject to Conditions**

14. Alan Atkins, Planning Officer, Development Management presented the paper to the Committee.
15. The Committee were invited to ask points of clarity, the following points were raised:
  - a) With regards to the Pay and Display who would own it and where would the money from it go? Planning Officer advised that it would be owned, managed and maintained by Applicant (OATS) and the funding would be used in their operations of maintaining and upgrading paths around Scotland.
  - b) Parking provision for 61 cars was this commercially driven? Planning Officer advised that there was probably a commercial element however the number was as a result of the research of the overspill carpark combined with the size of the site.
  - c) What was intended as an appropriate surface treatment of the car park: tarred or gravelled or plastic? It was confirmed that it would be a hard bound aggregate material that created a permeable surface to minimise surface water run-off.
  - d) Comment made that this would be a fantastic place for campervans would there be facilities for them? Planning Officer advised that there were no facilities proposed for campervans.
  - e) Would anyone be policing this and ensuring that it would not be used by campervans? Planning Officer advised that it would be managed by the applicant and estate. Could height barriers be installed? Head of Strategic Planning advised

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that the car park is primarily used for people accessing hills. He explained it was accessed by a narrow steep and twisting road so not ideal for larger vehicles, but that if it's use changed and created problems the land owner the council could discuss what measures should be put in place.

- f) Comment made that some people may grudge paying for parking and may begin to park outside the site. Planning Officer advised that it would be the responsibility of the Applicant to monitor its use once operational and therefore it would be difficult to mitigate at this stage. Head of Strategic Planning added that the Estate could block off verges and call the police to move vehicles if they obstruct the road if necessary.
16. The Committee were invited to discuss the report, the following points were raised:
- a) Comment made that it was imperative that it is communicated that the money raised for the car parking would be used to maintain and upgrade paths.
  - b) Important not to overcharge for car parking so people are not put off and in time it will be normal.
17. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
18. **Action Point arising:           None.**

### **Agenda Item 7: Removed from Agenda**

19. Doug McAdam left the meeting. Janet returned to the meeting.

### **Agenda Item 8:**

#### **Detailed Planning Permission 2021/0262/DET (21/00324/FULL)**

#### **Formation, Maintenance and Upgrading of a Vehicular Access Track (Part Retrospective)**

#### **At Track To The South of B955, Glen Clova, Kirriemuir, DD8 4QR**

20. The Convener advised the Committee that Emelda Maclean, the Agent and Alistair Todd, the Applicant were available to answer questions.
21. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
22. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
23. **Action Point arising:           None.**

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### **Agenda Item 9:**

#### **Planning Enforcement Charter Review**

24. Gavin Miles, Head of Strategic Planning presented the paper to the Committee. He apologised for the confusion over the date for this review and confirmed it would be updated and taken to the Committee annually from now on to avoid any future mix-up.
25. The Committee were invited to discuss the report. The following was raised:
  - a) Were there any aspects of the charter that were variant with other Local Authorities? Head of Strategic Planning confirmed that there were no significant differences as the basic principles are the same for all planning authorities.
25. **The Committee approved the Planning Enforcement Charter for the Cairngorms National Park Authority to be sent to Scottish Government Ministers.**
26. **Action Point arising:           None.**

### **Agenda Item 10:**

#### **Local Development Plan 2015 Monitoring Report**

27. Nina Caudrey, Planning Officer (Development Planning) presented the paper to the Committee.
28. The Committee were invited to ask points of clarity. The following were raised:
  - a) Intrigued around figures 2 and 4, the peak in 2017-18 appears to be mainly Highland Council refusals. Planning Officer advised that the figures reflect quantitative data and not qualitative data, so it could be that Highland Council had received particularly poor quality applications or more that were contrary to the development plan in that period, resulting in a higher number of refusals.
  - b) Suggestion made to separate out planning appeals into refused and deemed refusals. Planning Officer commented that was an interesting suggestion and she would look into it for the next time.
  - c) Of the affordable housing approved during the monitoring period, how much had been delivered? Planning Officer advised that this was not included as it was reported elsewhere. Head of Strategic Management added that this information formed part of the evidence for the National Park Partnership Plan and the Local Development Plan.

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- d) Of the developer obligations collected, had it all be spent as intended? Head of Strategic Planning advised that this information would be provided to the Committee in the future under a different reporting mechanism.
29. **The Committee noted the Local Development Plan 2015 Final Monitoring Report.**
30. **Action Point arising:**           None
31. Doug McAdam returned to the meeting.

### **Agenda Item 11:**

#### **Local Development Plan – Action Programme**

32. Katie Crerar, Planning Officer (Development Planning) presented the paper to the Committee.
33. The Committee were invited to discuss the report. The following was raised:
- a) Clarity sought around commuting sums, if you've got 45% affordable housing and someone is building a 2 bed house, is that a different commuted sum from someone building a really large house? Planning Officer advised that they are still working on commuted sums however the size of the house would be irrelevant, the size of the sum would be the same. Dan Harris, Planning Manager (Development Planning) added that the commuted sums work is due to go out to Consultation soon. He explained the 45% affordable housing rate applies to housing development of 4 houses or more and that the communitive sum is calculated based on land/ plot value, criteria including the type of dwelling. He added that he was happy to make the Committee aware of any updates when it becomes available.
  - b) Could it be explained why a flood risk assessment for the Muse in Braemar was required? Planning Officer advised that where there was even a small area at risk of flood by SEPA, they had a duty to ensure there was no risk elsewhere.
34. **The Committee noted the Local Development Plan 2021 Action Programme.**
35. **Action Point arising:**           **None.**

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## **Agenda Item 12: Development Plan Scheme 2020-2021**

36. Dan Harris, Planning Manager (Development Planning) presented the paper to the Committee.
37. The Committee were invited to discuss the report. The following was raised:
- a) Comment made that it was their understanding that the new planning framework makes provision local place plans - was this correct and where would this fit in with this documentation in due course? Planning Manager confirmed that local place plans could be prepared by communities and could sit beside the development plan, but that the government had not yet published the full details of how this would work in practice.
  - b) As the Planning Authority do we have resource to help facilitate communities to do that or would we get VABS or another third sector organisation to do it. Head of Strategic Planning advised that officers would like to see the community action plan process take on some of the spatial planning considerations of a local place plan and that the CNPA could help resource that.
  - c) Peter Ferguson, Legal Advisor, Harper McLeod LLP added that it was worth emphasising that the 2019 Planning Act still had a number of matters awaiting clarification to identify what it the detail would entail and that hypothetically, a community could create a number of different place plans.
38. **The Committee noted the Development Plan Scheme (2021).**
39. **Action Point arising:           None.**

## **Agenda Item 13: AOB**

40. Head of Strategic Planning provided the following updates:
- a) Aviemore Hospital due to open in next couple of weeks. There remains a sub-standard footpath link under the inverness rail line to the site that was not included in the planning application. Highland Council are leading discussions with Network Rail over taking responsibility for this link and improving it to a more appropriate standard, using a contribution that NHS provided to improve pedestrian access to the site generally. Will arrange a planning committee site visit to hospital in future.
  - b) Scottish Government legislative provisions around compliance of public bodies for access to public meetings during COVID19 comes to an end on 30 September 2021 with no indication that it will be extended. Provisions during



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COVID business continuity planning have suspended normal legislative requirements for public access to meetings, with all individual public body responses such as our own to live stream meetings more than satisfying legal requirements in place up to 30 September. With the end of these Regulations, the Authority is now required to provide for public access to meetings according to our normal legislative arrangements. There are differing legal views as to exactly what measures are required to fulfil those legislative arrangements in terms of public access as public bodies seek to continue to live stream meetings and we continue to work with Scottish Government to resolve the legal opinions.

- c) In the meantime, and in order to mitigate the risk of legal challenge to Planning decisions on the basis of public access, the Authority will advertise a specific physical location where members of the public may go to access the meeting. This point of access is likely to be a venue showing the live stream of the meeting in the first instance (October and possibly November Planning Committee meetings). Approaches to public meetings will continue to be reviewed as both COVID guidance evolves and legal opinions are clarified.

41. Members were invited to discuss the updates, the following were raised:

- a) Praise for Aviemore ice rink a hugely successful community project, ice rink going where old one was, got really good community spirit driving it forward. Head of Strategic Planning advised that the CNPA had provided funding to it through the Green Recovery fund.
- b) Praise for the improvements made to Aviemore underpass.
- c) Clarity sought around funding being set aside, would that go to the Highland Council to upgrade the underpass. Head of Strategic Planning confirmed it had been transferred to Highland Council.

42. **Action Points arising:**

- i. **Site visit to Aviemore Community Hospital to be arranged.**

**Agenda Item 14:**

**Date of Next Meeting**

43. Friday 12<sup>th</sup> November 2021 at 10am via video/telephone conference.

44. The public business of the meeting concluded at 11.50 hours.