

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten
on 13th May 2016 at 11.00am

Members Present

Peter Argyle	Bill Lobban
Rebecca Badger	Eleanor Mackintosh (Convener)
Angela Douglas	Willie McKenna
Dave Fallows	Fiona Murdoch
Katrina Farquhar	Gordon Riddler (Deputy Convener)
Jeanette Gaul	Gregor Rimell
Gregor Hutcheon	Judith Webb
Janet Hunter	Brian Wood
John Latham	

In Attendance:

Murray Ferguson, Director of Planning and Rural Development
Gavin Miles, Head of Planning
David Berry, Planning Manager, Forward Planning & Service Improvement
David Watson, Economic Development Manager
Steve McFarland, Scottish Environment Protection Agency
Donnie Morrison, Highlands & Islands Enterprise
Stuart Robertson, Highlands & Islands Enterprise
Alix Harkness, Clerk to the Board
Margaret Smith, PA to CNPA Board Convener, CEO & Director of Corporate Services

Apologies: Paul Easto Kate Howie

Agenda Items 1 & 2:

Welcome

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

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 15 April 2016, held at The Albert Hall, Ballater were approved with the following amendment:
 - a) At Para. 6: Bill Lobban's declaration of interest to be amended to read '*would stay and take part, interest had ceased but would leave room if felt needed to.*'
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
 - a) **Action point at Para 5i:** Discharged. Convener's letter to Speyside Trust attached to 18 February 2016 Planning Committee minute on website.
 - b) **Action point at Para 27i:** In progress. Gavin will discuss customer feedback with other Heads of Planning through Heads of Planning Service group at an upcoming meeting in June 2016.
5. **Action points arising:**
 - i. **Draft confidential minute of meeting on 15 April 2016 to be circulated to the Planning Committee at their next meeting on 10 June 2016.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Rebecca Badger declared an interest in:
 - a) Item No. 5 – Indirect interest – works for SEPA but does not have a direct interest in Flood Management Plans.

Agenda Item 5:

Local Flood Management Plans 2016 - 2022

7. David Berry presented the paper to the Committee.
8. Steve McFarland, SEPA Flood Risk Planning Manager gave a background presentation on the legislative context and process of producing the Local Flood Risk Management Plans.
9. The Committee were invited to discuss the report, the following points were raised:
 - a) Concern was raised that neither the Cairngorms National Park Partnership Plan nor the Cairngorms Local Development Plan appear to be clearly mentioned in any of the five Local Flood Risk Management Plans.

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- b) Concern was raised that using the Cairngorms National Park in the long term as a natural water storage area to help reduce the amount of water travelling downstream causing flooding had not been mentioned as part of the solution. Steve MacFarland indicated that Natural Flood Management (NFM) had been considered but, as the science and evidence concerning NFM is still developing, it is not easy to clearly evidence how this would directly address flood risk from large flood events in specific areas. Murray Ferguson advised that during and following the National Park Partnership Plan Consultation there would be opportunities to discuss how NFM could be used to help address flooding.
 - c) Clarification was sought as to what the consequences of the Planning Committee not agreeing the Flood Risk Management Plans would be.
 - d) Concern was expressed and an example was given of a local instance where water floods backwards into the Spey and has implications for Aviemore and Loch Insh. A plea for the acceleration of the current process to be looked into to allow for recurring instances to be dealt with more quickly. Steve confirmed that he did not know the details of this instance and sympathised with the comments made, but noted that maintenance, clearance and repair works will continue to be undertaken throughout the Local Plan areas.
 - e) The recent flooding of Ballater was noted along with a query about whether other actions would be supported in addition to the priority actions identified in the plans. Steve confirmed that Local Authorities would have the flexibility to carry out additional flooding reduction works so long as the work on the actions identified in the Local Flood Risk Management Plans was not compromised.
 - f) A question relating to whether Local Authorities had the knowledge and expertise in-house to take forward the Flood Management Plans. Steve advised that many Local Authorities had outsourced expertise from specialists to carry out the flood studies. He went on to advise that the way in which Local Authorities take their plans forward would be up to them. Steve added that there were project groups and Local Advisory Groups of which CNPA and SNH have a seat on, where they can contribute to the studies and the work that is being carried out.
10. The Convener thanked Steve McFarland for his presentation.
11. The Committee noted and agreed the draft Flood Risk Management Plans for 2016-2022 that cover the Cairngorms National Park.
12. **Action Points arising:**
- i. **Steve MacFarland agreed to feedback to Local Authorities, the Planning Committee's points relating to clearer references to the Cairngorms National Park Partnership Plan and Cairngorms Local Development Plan**

Agenda Item 6:

Mobile Telecommunications Developments

13. Gavin Miles and David Watson presented the paper to the Committee and reminded the Committee that some of what they would be told about would be relevant to future planning applications they might decide.
14. Stuart Robertson, Director of Digital Highlands and Islands introduced some of the digital improvement work that HIE are involved in across the Highlands and Islands area.
15. The Convener invited the Planning Committee to ask Stuart Robertson points of clarification. The following were raised:
 - a) Could a statutory planning condition be imposed on new-build commercial buildings and dwellings to ensure provision is made for Broadband? Gavin advised that they could try however if the developer decided that they did not want it then they could challenge the condition which would likely be upheld. Gavin advised that the best place for Broadband provision on new builds would be through building regulations. Gavin suggested that he would discuss the suggestion with Heads of Planning and report back to Committee.
 - b) A question about whether coverage was assessed by postcode areas or individual connections. The
16. Donnie Morrison, Broadband, Mobile and Wireless Networks, Highlands and Islands Enterprise gave a presentation on the 4G network upgrades.
17. The Committee were invited to discuss the report, the following points were raised:
 - a) What was the proposed timescale for the works? Donnie advised that the planning applications were likely to come forward in the next few months as it was hoped works would be completed by the end of 2017.
 - b) Confirmation that the additional 15 EE masts would be shared with other network providers.
18. The Convener thanked Stuart Robertson and Donnie Morrison for their presentations.
19. The Committee noted the planned expansion of 4G mobile signal networks and potential implications for planning service and the Planning Committee.
20. **Action Points arising:** **None.**

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Agenda Item 7:

Planning Performance Framework Feedback and Statistics

- 21. Gavin Miles presented the paper to the Committee.
- 22. The Convener commented that the figures were positive; noting that they are based on very few planning cases so can be distorted by one or two cases taking longer to determine.
- 23. The Committee noted the monitoring report.
- 24. **Action Points arising: None.**

Agenda Item 8:

Update Paper on conclusion of Section 75 Legal Agreements on Applications 2015/0154/DET at Meadowside Quarry Kincaig and 2014/0390/DET, Erection of 5 Houses at Coylumbridge, Aviemore

- 25. Gavin Miles presented the paper to the Committee.
- 26. The Committee noted the delay in issue of decision notices due to legal agreements to be signed and delay in reporting to Planning Committee.
- 27. **Action Point arising:**
 - i. **Gavin to prepare papers for the next Planning Committee meeting asking the Committee to consider how they would like to proceed. However should the legal agreements be signed before the next meeting, the papers would be withdrawn from the Agenda.**

Agenda Item 9:

Any Other Business

- 28. The Convener reminded the Planning Committee that a visit to Tomintoul and Glenlivet were planned on 27 May 2016.
- 29. **Action Points arising: None.**

Agenda Item 10:

Date of Next Meeting

- 30. Friday 10 June 2016 at The Albert Memorial Hall, Ballater.

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31. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
32. The public business of the meeting concluded at 12.50hrs.