
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at Community Hall, Boat of Garten
on 13 November 2015 at 11.00am

Members Present

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

In Attendance:

Gavin Miles, Head of Planning
Katherine Donnachie, Planning Officer, Development Management
Matthew Taylor, Planning Officer, Development Management
Sandra Middleton, Head of Rural Development
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Alix Harkness, Clerk to the Board

Apologies: Paul Easto Gregor Rimell
Angela Douglas

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener thanked Peter Argyle for his contribution as Planning Committee Deputy Convener over the years. The Convener welcomed all present with special welcome to David Allan a new member of Planning staff.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 18 September 2015, held at Community Hall, Boat of Garten were approved with no amendments:
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para 6i: Completed.
 - Action at Para 15i: In hand – awaiting signing-off of Section 75.
 - Action at Para 40i: Completed - Appeal responses submitted to DPEA.
 - Action at Para 46i: In hand – Gavin advised that it has been submitted however on further reflection they had decided not to ask for costs as it could change the perception of arguments. The Convener queried that since the decision to request costs had been taken as Planning Committee would the Planning Committee be kept updated on the matter. Gavin confirmed that it would.
 - Action at Para 46ii: Complete.
 - Action at Para 54i: In hand.
 - Action at Para 58i: Complete.
 - Action at Para 67: In hand – timescales recently confirmed (early December 2015) this will be progressed by the Convener and Gavin Miles.
5. The Convener advised that as a result of the Planning Committee meeting on 16 October 2015 having been cancelled, the views of the Planning Committee on two consultation responses were collated. The Convener apologised that the collective comments had not yet been circulated and advised that they would be forthcoming shortly.
6. **Actions:**
 - i. **The Planning Committee to be kept up to date on the Appeal Response to the DPEA on the Section 42 Applications at Dalfaber, Aviemore.**
 - ii. **The collective comments and responses on the two consultation responses to be circulated to the Planning Committee.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Rebecca Badger declared an interest in:

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- Item No. 8 - Direct interest – Member's husband has connections with the Application.
8. Kate Howie declared an interest in:
- Items No. 11 & 12 - Indirect interest – Member is Local Authority Councillor for the areas in question however is not a Member of the Local Authority Planning Committee.
9. Fiona Murdoch declared an interest in:
- Item No. 11 - Direct interest – Member is an anti-windfarm campaigner.

Agenda Item 5:

Report on Called-In Planning Application:

Alter the shape of the previously consented grassed camping area and revised the access paths around this. Alter the route and location of the previously consented mountain bike trail

**At Badaguish Outdoor Centre, Glenmore, Aviemore
(2015/0132/DET)**

Recommendation: Approve Subject to Conditions

10. The Convener informed Members that the Applicant (Mr Andrew MacKenzie) was present to answer questions.
11. Katherine Donnachie gave a presentation and highlighted the following points:
- Was a retrospective application, change from the original consent;
 - In the report changes to the camping area have been described as 'minor' changes however this was in reference to the configuration of the increased footprint;
 - The plan accompanying the Visitor Management Plan was based on an out of date plan, this was being rectified by the applicant to match the submitted landscape scheme which had been considered; and
 - That Members take the Habitats Regulation Assessment attached as Appendix I into account.
12. The following points of clarification were raised:
- a) General support for the application to further support the economic development of the area with a plea that it is reinforced to the Applicant that they should not break regulations again in the future;
 - b) A suggestion was made to ensure that the capacity of the development is included into any future visitor management plan; and
 - c) Was there a masterplan for the site? Katherine advised that at this time she was not aware of further proposals for expansion or of any master plan for the site.

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13. The Convener requested that the some reassurance be given that no further retrospective application would be coming forward. Mr Mackenzie confirmed that there is no other unauthorised works going on and would not be in the future. He added that a better relationship with the Planning Officer had been formed leading to better communications and thanked Katherine for all her help.
14. The Convener thanked the speaker and agreed to approve the application subject to the conditions stated in the report.
15. **Action Points arising: None.**

Agenda Item 6:

Report on Called-In Planning Application:

Alter the location of 12 timber wigwam camping units of 35 originally consented units and move them closer to the existing on site facilities. The overall number of units will remain the same and the remaining 23 units under the original consent will be erected in the originally consented location

At Badaguish Outdoor Centre, Glenmore, Aviemore

(2015/0133/DET)

Recommendation: Approve Subject to Conditions

16. Katherine Donnachie gave a presentation and highlighted the following points:
 - Was a retrospective application, change from the original consent;
 - In the report changes to the camping area have been described as 'minor' changes however this was in reference to the configuration of the increased footprint;
 - The plan accompanying the Visitor Management Plan was based on an out of date plan, this was being rectified by the applicant to match the submitted landscape scheme which had been considered; and
 - That Members take the Habitats Regulation Assessment attached as Appendix I into account.
17. The following points of clarification were raised:
 - a) Did the designs of the wigwams comply with current building legislation? Katherine advised that that may be a question suited to the Local Authority's Building control department however the Cairngorms National Park Authority were content with it; and
 - b) Disappointment by the retrospective nature of the application with a warning that any development from now on the site would be closely monitored to ensure any future development on site was what consent had been granted for.
18. The Committee agreed to approve the application subject to the conditions stated in the report.

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19. **Action Point arising: None.**

Agenda Item 7:

Report on Called-In Planning Application:

Alterations and extensions

At Glenfeshie Bothy (ruigh Aiteachain), Glenfeshie Estate, Drumguish Road, Kingussie

(2015/0192/DET)

Recommendation: Approve Subject to Conditions

20. Matthew Taylor gave a presentation.
21. The following points of clarification were raised:
- a) Whether the roof would be constructed with profile sheeting or congregated iron as congregated iron would be more in keeping with the original building. Matthew advised that these details are conditioned and would be assured following consent; and
 - b) The inclusion of the provision of a wood store was commended and welcomed and hoped the approach would be encouraged in other places.
22. The Committee agreed to approve the application subject to the conditions stated in the report.
23. **Action Points arising: None.**

Agenda Item 8:

Report on Called-In Planning Application:

Restoration of bog woodland habitat by construction of dams

At Land 575M SE Of Mullingarroch House, Street of Kincardine, Boat of Garten (2015/0291/DET)

Recommendation: Approve Subject to Conditions

24. Becky Badger left the room for the duration of the discussion of Agenda Item 8.
25. The Convener informed Members that the Applicant (Mr Ross Watson) was present to answer questions.
26. Matthew Taylor gave a presentation.
27. The Committee were invited to ask questions of Mr Watson and the following points were raised:

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- a) In reference to paragraph 41 of the report where it states that there would be no felling of trees, would the site not become waterlogged as result of the proposal and therefore the trees would be lost as they would be unable to survive that environment? Mr Watson advised that a small amount of tree felling would be required to pave the way for bringing material to the site. He added that the intention would be to naturalise the site through the use of dead wood and so if trees were to die during that process then that would reflect positively on the environment of the site and the project;
 - b) Clarification was sought as to whether the entire site of the application sat in the Boat of Garten Community Council area? Mr Watson confirmed that it did. A comment was made that the Boat of Garten Community Council had not submitted a comment on the proposal;
 - c) Had the ditches that had been put in originally been man-made? Mr Watson advised that the drains had originally been put in post war and non-native trees had been planted. He added that this project was the next phase of naturalising this part of the woodland to help reinstate is as a natural and environmentally fruitful woodland; and
 - d) Praise for the project with special recognition to the benefits of holding water back on the site would reduce the risk of flood elsewhere.
28. The Convener thanked the speaker and agreed to approve the application subject to the conditions stated in the report.
29. **Action Point arising: None.**

Agenda Item 9:

Report on Called-In Planning Application:

Application under Section 42 to vary condition 1 of planning ref: BS/1976/96 for siting of nine static holiday caravans on area of site currently used for touring caravans and tents

**At Boat Of Garten Caravan Site, Deshar Road, Boat of Garten
(2015/0245/DET)**

Recommendation: Approve Subject to Conditions

30. Katherine Donnachie gave a presentation and highlighted that an additional informative would be attached that gives the applicant three years from the approval date to implement the consent.
31. The Committee raised the following concerns:
- a) The proposed loss of camping pitches for people walking the Speyside Way and also for the provision of spaces for touring caravans;

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- b) That the figures used to base a case for static caravans was out of date. Katherine advised that the internal Economic Development team had been consulted and that the available data had supported the applicant's case that there was a need for more static caravans;
 - c) Would the separate laundry and toilet facilities no longer be required as a result of increasing the number of static caravans on the site? Katherine confirmed that the facilities would be retained and the plans had been revised accordingly;
 - d) Would the retained touring spaces become even less attractive to touring caravans?
 - e) Would there be an increase in wild camping because of the loss of facilities?
 - f) Agreement that the tourist facilities should be taken into account within subsequent Board discussions on the National Park Partnership Plan and Local Development Plan;
 - g) A query as to whether the proposed static caravans would be sold off as second holiday homes or rented out weekly? Katherine advised that the static caravans were for mixed rental market and that a condition of the original approval was that a log of people occupying the site be kept to ensure there was no permanent residential occupation of caravans. Katherine advised that the CNPA's previous Enforcement Officer had seen the log;
 - h) A suggestion was made to change condition 2 to make sure that the static caravans are used for rental purposes and not second holiday homes. Peter Ferguson advised that the ownership and rental of the caravans was not a planning consideration and therefore could not be enforced; and
 - i) Acknowledgement that there were no other camping facilities between Boat of Garten and Aviemore for those walking the Speyside Way.
36. Fiona Murdoch proposed a Motion to Refuse application 2015/0245/DET on the grounds that the evidence to suggest that there was a need for static caravans as opposed to touring spaces was not up to date and that in approving this application, touring spaces for those wishing to walk the Speyside Way and spaces for National and International visitors would be lost. The reasons for refusal were confirmed as being because the application was contrary to Local Development Plan policy 2.2 Tourism and Leisure Development in that (a) it has adverse environmental impact on the surrounding area and (b) it does not make a positive contribution to the experience of visitors. This was seconded by Willie McKenna.
37. Peter Argyle proposed an Amendment to Approve application 2015/0245/DET as per the recommendation. This was seconded by Eleanor Mackintosh.

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38. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Rebecca Badger	√		
Dave Fallows	√		
Katrina Farquhar		√	
Jeanette Gaul		√	
Kate Howie		√	
Janet Hunter		√	
Gregor Hutcheon	√		
John Latham		√	
Bill Lobban	√		
Eleanor Mackintosh		√	
Willie McKenna	√		
Fiona Murdoch	√		
Gordon Riddler		√	
Judith Webb		√	
Brian Wood		√	
TOTAL	6	10	0

39. The Committee agreed to approve the application 2015/0245/DET subject to the conditions stated in the report.

40. **Action Point arising:**

- i. **In preparation for the next National Park Partnership Plan and Local Development Plan, Board discussions to take place around tourist facilities to be able to provide clarity in future to applicants.**

Agenda Item 10:

Report on Called-In Planning Application:

Retrospective application for a pot ale lagoon

At Mains Of Auchriachan Farm, Tomintoul

(2015/0269/DET)

Recommendation: Approve Subject to Conditions

41. The Convener informed Members that the Applicant (Mr Duffus) was available to answer questions.

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42. Katherine Donnachie gave a presentation.
43. The Committee were invited to ask Katherine Donnachie and Mr Duffus points of clarification, the following were raised:
- a) Query as to whether it would be a permanent feature of the land or would it have to be removed and moved later? It was advised that the site would be controlled by SEPA and in time the structure could be moved the structure but it was likely that it would be required for some considerable time;
 - b) Concern that the structure would contain copper which could pollute the water system. Katherine advised that it would be properly lined to avoid that from happening and regulated by SEPA;
 - c) Concern of possible seepages and leakages as a result of the spreading. It was confirmed that SEPA regulate spreading and use of pot ale and do not allow spreading near water courses or in wet weather; and
 - d) Why had the proposal not been classified as Permitted Development? Gavin advised that the proposal was essentially a storage facility for industrial product not permitted development.
44. The Convener thanked the speaker and the Committee agreed to approve the application subject to the conditions stated in the report.
45. **Action Points arising: None.**

Agenda Item 11:

Report on Consultation from Perth and Kinross Council

Modification of permission 12/01423/FLL (formation of wind farm with associated access track and ancillary works) change of turbines

At Tullymurdoch Wind Farm, Alyth

(2015/0318/PAC)

Recommendation: No Objection

46. Fiona Murdoch left the room for the duration of the discussion of this item.
47. Matthew Taylor gave a presentation.
48. The Committee raised the following points:
- a) The potential benefit for the visual relationship with Drumberg windfarm was questioned. Matthew explained that SNH consider the dimensions and relationships of neighbouring windfarms and in this case the similarity in the shape and size of these neighbouring turbines complement each other;
 - b) Had other impacts such as wildlife disturbance been considered? Matthew advised that the site was outwith the Cairngorms National Park boundary and any wider

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- impacts such as this would have been taken into account as part of the environmental impacts assessment submitted to Perth & Kinross Council; and
- c) How did the rotor speed of this development compare to that of the development close-by? Matthew advised that SNH would have considered this as part of their assessment and in this case had no objection to the amendments being proposed.
49. The Committee agreed that whilst it was right not to object to the revisions, they wished the concern around the cumulative encirclement of windfarms in the Cairngorms National Park to be highlighted.
50. **Action Points arising:**
- i. **A written response to highlight the Planning Committee's concern regarding the encircling of the Cairngorms National Park to be submitted.**

Agenda Item 12:

Report on A9 Killiecrankie to Pitagowan Consultation Response

Recommendation: No Objection

51. Sandra Middleton presented a report on the consultation and recommended that the Committee approve the proposed CNPA response to the informal consultation. Sandra highlighted the following typos in the report:
- In paragraph 18, in the second sentence where it states 'the northern side' it should read 'the southern side' (which is in effect the northern carriageway); and
 - With reference to Para 30, the crossing point at Blair Atholl for the Core Path does not have an existing under- pass with further checking it is a stile over the crash barrier.
52. The Committee were invited to ask points of clarification, the following were raised:
- a) Satisfaction was displayed with the recommended junction option as it has the potential to reduce traffic, in particular HGVs, on the existing B8079 through Blair Atholl and Killiecrankie;
 - a) Blair Atholl residents are concerned that they may lose their current path crossing point over the A9. It was reported that the community had raised a petition with currently 785 signatures to get an underpass put in;
 - b) Growing concern in the Killiecrankie community around the number of quarry vehicles currently driving through the village and the associated impacts that it brings;
 - c) Confirmation was sought as to the status of the A9 Access Strategy. Sandra advised that a draft has been received and it was hoped that it would be in place by the next Planning Committee meeting; and

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d) Would the moving of the CNPA entry point marker be a cost to the CNPA?

Sandra advised that it is likely that the cost would be covered by the project, however, would seek clarification from Transport Scotland.

53. The Committee accepted the consultation response.

54. **Action Points arising:**

- i. **Sandra to seek clarification from Transport Scotland with regard cost of moving existing entry point marker.**

Agenda Item 13:

Update Report on Planning Performance Framework Feedback and Statistics for Q1 and Q2

55. Gavin Miles presented an update report on Scottish Government feedback to the CNPA's Planning Performance Framework report for 2014/15 and statistical performance of the CNPA Planning Service and highlighted changes or improvements in its delivery.

56. The Committee were invited to ask points of clarification, the following were raised:

- a) With reference to the Local Householder Developments on page 1 of the Appendix, could it be explained how the colour had been scored as Amber when the figures proved that there had been deterioration in performance? Gavin advised that the colour scoring was provided by Scottish Government and that the scoring might have been as a result of the legacy cases;
- b) Agreement that it was a really good and positive report that proves that it need not take years to secure planning permission from the Authority;
- c) Congratulations to the Planning team for clearing the legacy cases from the books; and
- d) A note of caution that if one planning application were to take longer than normal then the figures could be significantly skewed because of the small number of applications that the Authority handles.

57. The Committee noted the update.

58. **Action Points arising:** **None.**

Agenda Item 10:

Any Other Business

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59. Gavin Miles provided the Committee with the following updates in relation to Enforcement:
- a) Disappointment that retrospective applications had been needed to regulate development at Badaguish;
 - b) Work at the Boat of Garten Housing application site to secure new planting and prevent further disturbance of ground; and
 - c) The Tulchan Hydro Scheme development corridor that had gone outside the approved four meter corridor. Experience from this would help the team be more robust in the future when approving applications such as this.
60. Gavin advised that he had recently attended a successful Planning Protocol meeting that is attended by the Planning Managers from each of the five Local Authorities.
61. **Action Points arising: None.**

Agenda Item 11:

Date of Next Meeting

62. Friday 18th December 2015 at Albert Hall, Ballater.
63. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
64. The public business of the meeting concluded at 13.00