

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE
held via Video Conference
on 25th September 2020 at 10am

Members Present:

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

In Attendance:

Gavin Miles, Head of Planning and Communities
Murray Ferguson, Director of Planning & Rural Development
Grant Moir, CEO
Emma Bryce, Planning Manager, Development Management
Dan Harris, Planning Manager, Development Planning
Katie Crerar, Planning Officer, Development Planning
Nina Caudrey, Planning Officer, Development Planning
Peter Ferguson, Harper McLeod LLP

Apologies:

Agenda Items 1 & 2:
Welcome & Apologies

1. The Convener welcomed all present and there were no apologies.

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

2. The minutes of the previous meeting, 28 August 2020, held video conferencing were approved with no amendments.
3. The Convener provided an update on the actions arising from the minutes of 28 August 2020:

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- a) **At Para 21i): Closed** – Condition added surrounding the provision of external drying facilities to decision notice of 22 Apartments at Kingussie.
- b) **At Para 39i): Closed** – Rewrite priorities 1 and 2 (of Planning service priorities) to remove reference to high school children and replace with work with the Youth Forum.

4. **Action Points arising: None.**

5. There were no matters arising.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Carolyn Caddick declared an Indirect Interest in Item 5.
Reason: Is a Highland Councillor but has had no input in the development of this application.
7. Pippa Hadley declared an Indirect Interest in Item 5.
Reason: Is a Highland Councillor but has had no input in the development of this application.
8. Eleanor Mackintosh declared an Indirect Interest in Item 6.
Reason: Husband and Son rent adjacent land and personally not involved with the partnership. Also a Board member on Tomintoul & Glenlivet Landscape Partnership.
9. All Members declared an Indirect Interest in Item 7.
Reason: CNPA is a partner in funding bid but no connection with this planning application.
10. Xander McDade declared a Direct Interest in Item 8.
Reason: Trustee of John Muir Trust who have objected to the application.
11. Doug McAdam declared a Direct Interest in Item 8.
Reason: Has carried out Consultancy work for SSE for this application.

Agenda Item 5:

Detailed Planning Permission 2020/0067/DET (20/00954/FUL) Erection of 23 affordable houses

At Land 115M NE of Craig An Darach, High Street, Kingussie

Recommendation: Approve Subject to Conditions

12. Emma Bryce, Planning Manager presented the paper to the Committee.
13. The Committee were invited to ask points of clarity, the following points were raised:
 - a) Could it be confirmed that the application was for 100% affordable housing? The Planning Manager confirmed this was the case. Head of Planning & Communities reported that the land is now owned by the Highland Council and that Davall Developments were the agent acting on behalf of the Council. He explained that

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the application was for 18 social rented houses and five Housing Association houses.

- b) Clarification sought that if this phase of 100% affordable housing were to be approved in phase 1, would that mean that the developer would not need to provide affordable housing and developer contributions for future application on future phases on the site? Head of Planning & Communities confirmed that the developer could make an argument that they have provided affordable housing in this application and another recent one.
- c) With reference to the landscape plan, comment made that the oak trees planned (*Quercus robur*) were not native to Scotland and that *Quercus petraea* would be more in keeping. Head of Planning & Communities agreed that a further condition asking for revision of the landscape plan to reflect this could be added.
- d) Resounding agreement that the Committee were very supportive of this application in providing affordable housing in that part of the National Park.

11. **The Committee agreed this application as per the conditions stated in the report with the addition of a condition requesting a revised landscape plan with a change to the species of oak trees.**

12. **Action Point arising:** None.

Agenda Item 6:

**Application for Detailed Planning Permission 2020/0119/DET (20/00521/APP)
Proposed new Tasting Lodge with associated boundary fence and access track
At Land 440M West of Grant Cottage, Glenlivet, Ballindalloch, Moray
Recommendation: Approve Subject to Conditions**

13. Emma Bryce, Planning Manager presented the paper to the Committee.

14. The Committee were invited to ask points of clarity, the following points were raised:
- a) At paragraph 33, mention of a breeding birds species protection plan and that it further information was awaited, could this be explained? Head of Planning & Communities advised that the Authority's Conservation Officer had now had further engagement with the applicant to ensure appropriate mitigation measures would be taken and that it needed to be formalised in writing and submitted.
 - b) With the Dark Skies Status in mind, would vehicles headlights coming and going impact negatively on the Dark Skies? Planning Manager advised that it had been accepted that vehicles would come and go from the site.
 - c) Would the proposed track use a section of the Speyside Way spur? Planning Manager confirmed that it would.
 - d) Concern raised that the star gazing facility would be used at night and would be accessed by large 4by4 vehicles with bright headlights. Planning Manager agreed confirmed that in the winter months when the daylight is shorter there could be some vehicle lights in vicinity but pointed out that because the tasting bothy would not be used overnight, there would very little traffic associated with it during the darkest hours before dawn and after dusk.

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- e) Convener clarified the use of the structures: the dark skies viewing structure being for general use by the public, and the tasting bothy for use by the distillery clients.
15. Statements were read out which had been received from Sam Robinson (Cairngorms Astronomy) and Mr Dave Peacock (Objectors)
16. Head of Planning & Communities was invited to come back on a point raised:
- a) Reassurance requested on the suspensive condition and could an additional suspensive condition be added in respect of the private water supply concerns raised in the statements? Head of Planning and Communities advised that he was content that the condition was left as proposed as it provides the protection that the neighbours are looking for on the private water supply.
17. The Planning Manager advised that the Agent had joined the meeting and would be available to answer any questions the Committee had.
18. The Committee were invited to discuss the report, the following points were raised:
- a) The Convener referred to the visualisations in the presentation which showed differing finishes of the proposed track, could it be confirmed which type was being proposed? Planning Manager confirmed that it was to a continuation of the current service and well established to ensure regular use does not erode it. Agreement to check the type of track that was being proposed was appropriate (similar to the existing track, with central grass) and put a suitable condition in to ensure that it happens.
 - b) Concern raised on the impact on the Speyside Way that the increase in vehicles would have. Head of Planning & Communities reported that he did not consider it would have a significant impact, the track was wide and was already used by estate and farm vehicles.
 - c) A member questioned the need for such a development in a quiet isolated area, when distilleries in the locality already have whisky tasting facilities and perceived the impact on the Dark Skies Status. Derek Ross indicated he would put forward an amendment to refuse the application.
 - d) Comment made that they were content to support the application, content with the suggested conditions, the proposed structure was pleasing to the eye and in light of the pandemic this development could add value to the National Park.
 - e) Was the age of the plantation immediately behind it known? Understood that it would be acting as a screen for the proposed development, any idea of when it would be felled/ replanted? Head of Planning & Communities confirmed that he was not aware of when it would be next felled. He added that at the top end it was currently a mixture of young trees but he did expect it to be replanted if felled in the future.
 - f) Comment made that they did initially have concerns however during discussion these have been addressed, support for the application.
 - g) Comment made that there was nothing in planning terms that could support refusal of this application.
 - h) No members expressed support for the proposed amendment to refuse the application.

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18. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report with the addition of a condition around the surface of the track.**
19. **Action Point arising:** None.

Agenda Item 7:

**Application for Detailed Planning Permission 2020/0177/DET (20/02554/FUL)
Construction of enclosures, siting of storage container, erection of fencing
At Highland Wildlife Park, Kincaig, Highland, PH21 1NL
Recommendation: Approve Subject to Conditions**

20. Katie Crerar, Planning Officer presented the paper to the Committee.
21. The Committee discussed the report. The following were raised:
 - a) Given the temporary nature of the project, would the enclosures be removed after the end of the project? Planning Officer advised that the wild cat reintroduction project was a long term project and that the permission being sought was full planning permission and not temporary permission.
 - b) Comment made that this was a very straightforward application for a good project for which they were fully in support of.
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.
24. Xander McDade and Douglas McAdam left the meeting for the duration of the discussion on the next item.

Agenda Item 8:

**Cloiche Wind Farm 2020/0121/PAC
RECOMMENDATION: Objection**

25. Nina Caudrey, Planning Officer presented the paper.
26. The Committee raised the following point:
 - a) Happy with the officer's recommendation, should this application be approved it would change the landscape character into to a landscape dominated by wind farms.
27. The Committee agreed the officer's recommendation and grounds of **objection**.
28. **Action Point arising:** **None.**
29. Xander McDade and Douglas McAdam returned to the meeting.

Agenda Item 9: Update on Local Development Plan Examination

30. Dan Harris, Planning Manager presented the paper to the Committee which provides an update on the outcome of the LDP examination and sets out the steps required to adopting the Plan.
31. The Convener invited the Committee to discuss the report, the following points were raised:
 - a) Well done to the forward planning team for having gone through the process and having come to such a positive outcome. Praise for the analysis and acceptance that the recommendations needed to be accepted.
 - b) Members were pleased that the reporters agreed with the increased affordable housing percentage to 45% in particular locations which is in excess to the normal national percentage which stands at 25%.
 - c) Comment made that the removal of some sites in Braemar and Aviemore was disappointing for their communities.
 - d) The Board Convener explained that when out and about consulting on the proposed Local Development Plan there was a lot of scepticism on whether the 45% affordable housing level would be approved, so well done to the team for pulling the credible evidence together for that to be accepted.
 - e) Comment made that it was a huge testament to the team of how much work had gone into the preparation of the proposed LDP, real credit deserved to the team for the LDP coming through so unscathed.
 - f) Could anything be done by the community in Braemar where the loss of the site was a huge concern to that community? Head of Planning & Communities regretted that nothing could be done at this point.
30. **The Committee noted the update and noted it would be brought formally to the full Board in November 2020.**

31. Action Point arising:

- i. **To be brought before the Board formally in November.**

Agenda Item 10:

AOB

32. Gavin Miles, Head of Planning and Communities provided the Committee with the following updates:
 - a) Carrbridge HI site – the S75 legal agreement securing developer contributions for education and creation of a footpath has been registered so we expect the reporters to issue a consent soon.
 - b) Scottish Government consultation on Short Term Let Control Areas started last week and ends 16 October 2020. Government not looking for comments on whether people think it's a good idea, just how to how it would work. Will provide officer comments to consultation if required and report back to bring Committee.

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33. **Action Points arising: None.**

Agenda Item 11:

Date of Next Meeting

34. Friday 13th November 2020 at 10am via video/telephone conference.

The public business of the meeting concluded at 11.50 hours.