



Draft Minutes of Planning Committee Meeting

Held online

Held 08 November 2024 at 11.00am

Present

Chris Beattie (Convener)
Sandy Bremner
Dr Peter Cosgrove
Paul Gibb
Russell Jones
Bill Lobban
Steve Micklewright
Ann Ross
Michael Williamson

Eleanor Mackintosh (Deputy Convener)
Geva Blackett
Kenny Deans
Dr Hannah Grist
John Kirk
Dr Fiona McLean
Duncan Miller
Derek Ross

Apologies

Jackie Brierton

Lauren MacCallum

In Attendance

Gavin Miles, Director of Planning and Place
David Berry, Head of Planning and Chief Planning Officer
Emma Bryce, Planning Manager, Development Manager
Katherine Donnachie, Planning Officer, Development Management
Edward Swales, Monitoring and Enforcement Officer
Peter Ferguson, Harper MacLeod LLP
Emma Greenlees, Planning Support Officer
Karen Johnstone, Clerk to the Board

Agenda Item 1 and 2

Welcome and Apologies

1. The Planning Convener welcomed all present.
2. Apologies were noted.



Agenda Item 3

Declarations of Interest

3. Peter Cosgrove declared an interest in item 4 as he has worked with the client on the site doing ecology surveys therefore would not take part in discussions.

Agenda Item 4

Minutes of previous meeting and matters arising

4. The minutes of the previous meeting on 27 September 2024 held at Cairngorms National Park Authority, Grantown on Spey and Hybrid were approved with no amendments.
5. Matters Arising:
 - a) There were no matters arising

Peter Cosgrove left the meeting at 11.08am

Agenda Item 5

6. **For Information PRE/2024/0026**
Proposal of application notice for 35no. residential units at land adjacent to Lettoch Road, 160M south of Lynstock Park, Nethy Bridge
7. Katherine Donnachie, Planning Officer, Development Management presented the paper to the committee.
8. The Committee were invited to ask for clarity, and the following points were raised:
 - a) A board member raised points to be considered by the applicant:
 - i. Layout of Sustainable Urban Drainage Systems (SUDS) considering the risk of flood and providing a lifebelt beside the SUDS pond.
 - ii. Incorporating a one-way valve in SUDS outflow.
 - iii. Clustering Scots Pine in groups of 5 to 7 to allow a better chance for survival.
 - iv. Integrate affordable housing throughout the site.
9. The Committee were invited to discuss the report. The following points were raised:
 - a) No further comments were made.



10. The Committee agreed the Officer's recommendation to:

- a) Note the Proposal of Application Notification;
- b) Note the CNPA Officer's pre-application advice on the issues to address; and
- c) Advise of any additional relevant issues to be addressed in any future application (these being the points noted at paragraph 8a) above)

11. Action Points arising: None

Peter Cosgrove returned at 11.18am

Agenda Item 6

12. **For Information**

**DPEA reporter's decision on enforcement notice appeal ENA-001-2005
Tolquhonie Woods, Carr-bridge, Highland, PH23 3NA**

13. David Berry, Head of Planning and Chief Planning Officer presented the paper to the committee.

John Kirk joined the meeting at 11.23am

14. The Committee were invited to ask for clarity, and the following points were raised:

- a) A board member sought clarity if the landowner was responsible for the cost of the removal. Peter Ferguson, Harper MacLeod LLP confirmed that the obligation was on the landowner to remove within a three-month period. If not complied with, further action can be taken.
- b) A board member questioned the possibility of changing a law allowing landowners to apply for a certificate of exemption under caravan licensing legislation continuously over a long period of time. Peter Ferguson, Harper MacLeod LLP agreed that it would be worth exploring the wider issue with government, however noted it was a complicated issue. Director of Planning and Place highlighted that discussions have already begun and this may lead to a formal letter being written to Scottish Government.
- c) Clarification was sought regarding responsibility of Scottish Government and UK Government. Peter Ferguson noted that the Caravan Act legislation is UK wide, but that planning legislation is devolved to Scottish Government. Exemptions from caravan licensing is therefore a UK wide issue, but Scottish Government have the



potential to change the legislation on permitted development rights for planning purposes which potentially flow from caravan license exemptions.

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

- a) No further comments were made.

16. Action Points arising: None

Agenda Item 7

AOCB

17. Scottish Ministers' decision received for Nethy Bridge, Station Yard development (2022/0305/DET)

- a) Planning permission approved subject to conditions
- b) Decision notice will be circulated to committee members after the meeting.

18. Tomintoul Wigwam site - An enforcement notice has been served to secure surfacing of first 15 metres of access track to development with a period of time to resolve that.

- a) A board member questioned the time scale given, Head of Planning and Chief Planning Officer explained there will be a 6-month time scale which will be monitored.

19. Convener of Planning Committee thanked Eleanor Mackintosh the Deputy Planning Convener on her final meeting for her outstanding contribution, knowledge, support and assistance.

20. Motion to take next items in confidential session.

21. The public part of the meeting closed at 11.38am

22. Date of the next meeting is 13 December 2024