



## **Planning Committee Meeting Minutes**

**Held at Cairngorms National Park Authority HQ, Grantown on Spey**

**Hybrid**

**13 December 2024 at 11.11am**

### **Present**

Chris Beattie (Convener)  
Sandy Bremner  
Kenny Deans  
Bill Lobban  
Eleanor Mackintosh  
Duncan Miller  
Michael Williamson

Paul Gibb (Deputy Convener)  
Dr Peter Cosgrove  
John Kirk  
Lauren MacCallum  
Steve Micklewright  
Derek Ross

### **Virtual**

Geva Blackett  
Dr Hannah Grist  
Ann Ross

Jackie Brierton  
Dr Fiona McLean

### **Apologies**

Russell Jones

### **In Attendance**

Gavin Miles, Director of Planning and Place  
David Berry, Head of Planning and Chief Planning Officer  
Peter Ferguson, Harper MacLeod LLP  
Ed Swales, Monitoring and Enforcement Officer  
Colin Bryans, Senior Planning Officer  
Emma Greenlees, Planning Support Officer  
Alix Harkness, Clerk to the Board

### **Agenda Item 1 and 2**

**Welcome and Apologies**



1. Chris Beattie, Planning Convener welcomed all present and apologies were noted. He welcomed Paul Gibb to the meeting in his capacity as Planning Committee Deputy Convener.
2. The Convener advised that items 11 and 12 on the agenda would be swapped around and item 12 taken first, followed by item 11. This was accepted by the Committee.

### **Agenda Item 3**

#### **Declarations of Interest**

3. Duncan Miller declared an interest in Item 11 as he had declared an interest the last time this application had come before the Committee and would therefore leave the room for this item.

### **Agenda Item 4**

#### **Minutes of previous meeting and matters arising**

4. The minutes of the previous meeting on 8 November 2024 held at Cairngorms National Park Authority, Grantow-on-Spey and Hybrid were approved with no amendments.
5. There were no matters arising.

### **Agenda Item 5**

6. **Application for Detailed Planning Permission 2023/0455/DET (23/05597/FUL)**  
Repair and upgrade of existing estate track  
At Balavil House, Kingussie, PH21 1LU
7. Colin Bryans, Senior Planning Officer and Development Manager presented the paper to the committee.
8. The Committee were invited to discuss the report, and the following points were raised:
  - a) A member queried why there was no condition to ensure the track is reprofiled as proposed, the remaining unauthorised section reinstated, and the central grass strip implemented throughout? Director of Planning and Place explained that the grass strip was part of the applicant's design so there was no need to condition that, and that if the unauthorised section was not reinstated enforcement action could be taken.



- b) It was queried whether there was a timeline associated with the reinstatement of the relevant section of track? Director of Planning and Place confirmed that officers would add a condition that secured the removal within a specified time period.
  - c) A member queried whether the inclusion of a grass strip would stop the track functioning as a wildfire break. Director of Planning and Place advised that in the context of this application, the estate have not said that they would be using the track as a fire management break. He added that the estate could make case for a change to that requirement in future if they considered there was a need to.
  - d) Member asked if there would be consideration made to wildfire management in Officer's reports on estate tracks going forward? Director of Planning and Place said there was no planning policy on that topic specifically, so officers would be reliant on applicants advising why a green strip was or was not needed in the context of the overall purpose of the track.
  - e) Member asked for clarity on whether the Committee would be defining a restoration scheme for the unauthorised section. Director of Planning and Place confirmed that a condition could be worded to require submission and approval of a restoration scheme within a specified time period, and its implementation within a specified time period thereafter.
  - f) A member asked if there had been a dialogue with the Estate regarding the retrospective nature of the application? Director of Planning and Place confirmed that the Planning Committee Convener had written to the Applicant on behalf of the Committee, in August of this year.
  - g) Peter Ferguson, Harper McLeod LLP confirmed that the area to be restored was out with the red line of the application, however it was still in control of the applicant so a condition to require restoration of this area is appropriate.
9. The Committee approved the application as per the officer's report with the additional condition requiring approval of a restoration scheme for the unauthorised section, and its subsequent implementation, within defined time periods.
10. Action Points arising: None.

## **Agenda Item 6**

### **11.Planning Enforcement Charter Review**

- 12.Ed Swales, Monitoring and Enforcement Officer presented the paper to the committee.



13. The Committee were invited to discuss the report. No points were raised.

14. The Committee approved the Planning Enforcement Charter.

15. Action Points arising: None.

## **Agenda Item 7**

### **16. Electricity Infrastructure consenting in Scotland – Proposals for reforming the consenting process in Scotland under the Electricity Act 1989**

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

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

- a) A member expressed support for the proposal to move away from using public inquiries as they are difficult for communities to engage in and are costly. Head of Planning and Chief Planning Officer advised that the draft response was broadly supportive of that proposal but noted that there may be other views.
- b) Another Member felt that removing public inquiries would diminish the democratic process. Members discussed the barriers for communities, one of them being the adversarial nature of the public inquiry system, and a suggestion was made to see the creation of a middle ground format that would be less formal than a public inquiry but still retain democratic accountability.
- c) There was agreement that the onshore / offshore, three months / six weeks judicial review periods, if brought to match each other, should be brought to three months rather than six weeks as proposed. One of the reasons for this was that community councils do not meet monthly.
- d) It was agreed that Head of Planning and Chief Planning Officer would draft wording to be agreed by the Planning Committee Convener and Deputy Convener following the meeting, which reflects the consensus of the Committee on the points above, to be included in the consultation response prior to submission.

19. The Committee approved the Park Authority's proposed response to the consultation (as set out in Appendix 1 of the report) subject to the above additions.

20. Action Points arising:

- i. Head of Planning and Chief Planning Officer to draft wording to be agreed by the Planning Committee Convener and Deputy Convener following the meeting to



reflect the consensus of the Committee on public inquiries and the timescales for legal challenges, to be included in the consultation response prior to submission.

## **Agenda Item 8**

**21. 2022/0305/DET: Erection of 21 Dwellings at Nethy Bridge Station Yard, Station Road, Nethy Bridge – Scottish Ministers' Decision**

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

23. The Committee noted the decision.

24. Action Points arising: None.

## **Agenda Item 9**

### **AOCB**

25. David Berry, Head of Planning and Chief Planning Officer provided the following updates:

- a) The Scottish Government Chief Planner visit on 25 November 2024 had been successful and discussions had taken place on a range of matters including affordable housing needs and delivery challenges, and pressures on communities in the Cairngorms National Park. It also provided an opportunity to raise the shared rural network programme and some of the challenges this has presented for the Park Authority in terms of dealing with planning applications.
- b) A discussion paper would be brought to the Committee in the New Year which presents proposals for the review of the Call-In Criteria and Planning Committee Standing Orders.
- c) Transport Scotland – Publication of Made Orders for Dalraddy to Slochd section of A9 had been published on 6 December 2024.

26. Chris Beattie, the Convener raised a motion to move to a confidential session.

## **Date of next meeting**

27. The public business of the meeting concluded at 11.10am

28. Date of the next meeting is 24 January 2025.