

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat Of Garten

on 14 December 2018 at 11.00am

Members Present

Peter Argyle (Deputy Convener)

Rebecca Badger

Geva Blackett

Carolyn Caddick

Dave Fallows

Pippa Hadley

Janet Hunter

John Latham

Eleanor Mackintosh (Convener)

Xander McDade

Willie McKenna

Ian McLaren

Fiona McLean

Dr Gaener Rodger

Derek Ross

Judith Webb

In Attendance:

Gavin Miles, Head of Planning & Communities

Ed Swales, Monitoring & Enforcement Officer

Peter Ferguson, Legal Adviser, Harper MacLeod LLP

Dot Harris, Planning Administration & Systems Officer

Lindsay Coleman, Minute Taker

Apologies: Douglas McAdam

William Munro

Anne Rae Macdonald

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and apologies were noted.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 9th November 2018, held at The Albert Hall, Ballater, were approved subject to the following amendments:

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- **At Para 14d** – Enlarge on the detail of the particular codes regarding tree protection and planting, with current guidance and the relevant BSI. This was agreed.
 - **At Para 18** – replace the term ‘non-native’ with ‘native of local origin’. This was agreed.
 - **Clarification of point at Para 14a** – Gavin explained that the reason that no HRA was required was that the application was for discharge of matters specified in conditions, none of which would have an impact on European designated sites.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
- **Action Point at Para 19i) Completed** – *The addition of two informatives covering tree protection standards and the use of native species only in landscaping.*
 - **Action Point at Para 35i) Completed** – *The Addition of an Informative to remove the ‘No Access’ sign on the gate.*
 - **Action Point at Para 48i) Completed**– *The inclusion of a general objective to support the delivery of a community hall in Aviemore.*
5. **Action Point Arising:**
- i. **Amendments to be made to paragraphs 14d and 18 of the minutes of the last meeting.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Geva Blackett and Janet Hunter both declared an Indirect interest in Item 5 as they are both Directors of the Outdoor Access Trust for Scotland (OATS), the Agent. However, neither has worked on this project so would not abstain from this paper.

Agenda Item 5:

Application for Detailed Planning Permission (2018/0375/DET)

Construct New Link Path/ Cycle Route, Deeside Way Footpath

At A93 Ballater to Braemar Road, Braemar

Recommendation: Approve Subject to Conditions

7. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

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8. The Committee were invited to ask points of clarity. The following were raised:
 - a) The Convener asked for clarity as to whether this path joins up with another. Ed confirmed that yes it joins up with an older track which is part of the Braemar Circular Route.
 - b) A member asked for confirmation that the bridge the track passes over is actually the Old Bridge of Dee. Ed confirmed this was the case.
 - c) A member asked about the mention of the Council depot being used as a potential compound. Murray Swapp (Agent) explained that when the contract starts, machinery will be able to use this depot as a compound.
9. The Committee were invited to discuss the report, the following points were raised:
 - a) A member suggested that members of the public may park on the edge of the road, alongside parts where the track runs close to the road. Ed confirmed that there would be parking at the existing Keiloch car park on Invercauld Estate and that any issues on the main road would be dealt with by the police.
 - b) A member was concerned that no foreign material be used that could impact the soil. Murray Swapp (Agent) explained that the materials will be coming from Craighash Quarry on Deeside.
 - c) A member asked if there is actually an existing path as suggested by an objector. Murray Swapp explained that at one point between the A93 and Old Bridge of Dee a short section of existing informal footpath was within the flood zone and would be diverted to higher ground to avoid damage from flooding.
10. **The Committee agreed to approve the applications subject to the conditions in the report.**
11. **Action Point arising: None.**

Agenda Item 6:

Application for Detailed Planning Permission (2018/0400/DET)

Repair and improvements to existing hill road/ private way

At Balavil House, Kingussie

Recommendation: Approve Subject to Conditions

12. Gavin Miles informed the Planning Committee that the application description was inaccurate and appeared to have led to a number of parties not realising they would have wished to comment. Officers had spoken with the applicant, Balavil Estate, who had agreed to an amended description that would be re-advertised for representations. Gavin asked the Planning Committee to agree to defer the decision until January 2019 to allow a further period for representations.

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16. **The Committee agreed to defer the application to the next meeting on 25 January 2019 and thanked Balavil for their understanding.**
17. **Action Point arising:**
 - i. **Deferred to 25 January 2019 meeting.**

Agenda Item 7:

Planning Performance Update

18. Gavin Miles provided an update to the Committee. He highlighted the pressures the Cairngorms National Park Authority has faced this last year due to shortage of staff.
19. The Committee were invited to discuss the update, the following points were raised:
 - a) The Convener expressed concern regarding Ed Swales being unable to focus on his enforcement role this year, and felt it important that staff are allocated to do this important role. Other members also expressed concern at this matter too.
 - b) A member asked whether there are timescales in place for the improvements listed in section 10. Gavin explained that there are objectives for the financial year but they can roll over from one year to the next if necessary.
 - c) A member asked about the role of enforcement within the Park and with local authorities. Gavin confirmed the Park will generally undertake enforcement on applications it has dealt with or would call-in had an application been made.
20. **The Committee noted the update.**
21. **Action Points arising:** **None.**

Agenda Item 8:

Any Other Business

22. Gavin Miles updated on:
 - a) An Camas Mor - the CNPA is awaiting some minor changes from Highland Council and as long as ACM LLP is content with them, all parties should be in a position to sign.
 - b) There will updates on legal agreements for Dalwhinnie and Broomhill in January.
 - c) Application for Balavil Farm has been called in by Scottish Ministers and the DPEA will now examine the application.
23. Murray Ferguson reported on a positive meeting between Grampian Housing Association and Ballater Community Council. The two parties had constructive dialogue about the future of the Ballater Old School.

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24. **Action Point arising:** **None.**

Agenda Item 9:

Date of Next Meeting

- 25. Friday 25th January 2019 at Community Hall, Boat of Garten.
- 26. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
- 27. The public business of the meeting concluded at 11.45am.