

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at Albert Hall, Ballater
on 15th November 2019 at 11am

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:

Grant Moir, Chief Executive
Murray Ferguson, Director of Rural Development & Planning
Gavin Miles, Head of Planning & Communities
Katherine Donnachie, Planning Officer, Development Management
Ed Swales, Monitoring & Enforcement Officer
Robbie Calvert, Graduate Planner
Alix Harkness, Clerk to the Board

Apologies: Peter Ferguson, Harper & MacLeod LLP

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present.

APPROVED COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 11th October 2019, held at the Community Hall, Boat of Garten were approved with no amendments.
3. The Convener reported on the progress from the Actions Points arising from minutes:
 - At Para 7i) – **In Hand** – Amendment to Planning Committee Standing Orders to be made and updated Standing orders to be published on Corporate website. Amendment to be ratified by the Board at their meeting in December 2019 first.
4. **Action Point arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Item 6 – William Munro Direct Interest: son and daughter in law have planning permission to build a house on the Dulicht Court part of the site.
6. Item 6 – Pippa Hadley Indirect Interest: As a Highland Council Councillor but has had no involvement with the application.
7. Item 6 – Carolyn Caddick Indirect Interest: As a Highland Council Councillor but has had no involvement with the application.

Agenda Item 5: FOR INFORMATION

A9 Section Dalraddy to Slochd Update

8. Gavin Miles, Head of Planning & Communities provided an oral update on A9 Dualling: Dalraddy to Slochd section. He made the following points:
 - a) CNPA are continuing to object to the proposals and preparing for the examination. Gavin Miles and Peter Ferguson will attend the pre-examination hearing on 3rd December 2019 which will set out the process.
 - b) The CNPA remain of the opinion that the NMU provision associated with this section of the A9 will be inadequate and should be addressed as part of that project.
 - c) Officers are pleased that Transport Scotland are leading separate work that the CNPA are supporting to investigate an alternative Non-Motorised Route (NMU) between Aviemore and Carrbridge. Transport Scotland are unable to commit

APPROVED COMMITTEE MINUTES

that the delivery of such a route so there is currently not certainty about such a route's delivery.

9. The Committee noted the update.

10. **Action:**

- i. **Head of Planning & Communities to provide updates from the inquiry as and when they happen.**

Agenda Item 6:

Application for Detailed Planning Permission (2019/0275/DET)

Erection of 13 residential units (8 cottage flats, 4 semi-detached houses, 1 bungalow (affordable homes),

At Land 150M NW Of Beachen Court, Grantown on Spey

Recommendation: Approve Subject to Conditions

11. William Munro left the room.

12. The Convener informed Members that the Nicola Drummond, Colin Armstrong, Highland Housing Alliance (Agent) and Gus Jones on behalf of Dr Gordon Bulloch (Objector) were present to give a presentation to the Committee.

13. Katherine Donnachie, Planning Officer presented the paper to the Committee.

14. Nicola Drummond and Colin Armstrong (Agent and Architect) were invited to address the Committee. Ms Drummond gave a presentation.

15. The Committee were invited to ask points of clarity. The following was raised:

- a) Could it be confirmed that the increase from 1 ³/₄ storey to 2 storey would provide a more positive experience for the future occupants of the homes? Colin Armstrong agreed that it would as they would not have restricted standing space.
- b) With regards to the hours of operation of construction could this be limited and agreed with the developer as part of the tender process? Colin Armstrong agreed that potentially it could in order to give the Planning Committee comfort.

16. Dr Gus Jones on behalf of Dr Gordon Bulloch (Objector) was invited to address the Committee. He gave a presentation.

APPROVED COMMITTEE MINUTES

17. The Planning Officer was invited to come back on points raised during the presentations. She made the following points:
 - a) The planning conditions imposed on past planning permissions on the site have been complied with.
 - b) The change to 2 storey designs is considered appropriate to the layout of the site.
18. The Convener thanked the speakers.
19. **The Committee agreed to approve the application subject to the conditions detailed in the report.**
20. **Action Point arising: None.**

Agenda Item 7:

Application for Detailed Planning Permission (2019/0289/DET)

Upgrade of existing private way for forestry and agriculture use in retrospect (Track B - 2 of 2)

At Upper Craggan, Glenbeg Road, Grantown on Spey, Highland, PH26 3NT

Recommendation: Approve Subject to Conditions

21. William Munro returned to the meeting.
22. The Convener informed Members that the Gus Jones (Objector) were present to address the Committee.
23. Edward Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
24. The Committee were invited to ask the Officer points of clarity. The following was raised:
 - a) The Convener asked if the issue of this being a retrospective application was that it had not been submitted through the prior notification process? The Monitoring & Enforcement Officer confirmed that the work had been undertaken without prior notification.
 - b) Could it be clarified if the track runs through a designated ancient woodland? The Head of Planning & Communities advised that it ran across an area identified as ancient woodland inventory but that this was not a designation.
 - c) Suggestion made that appropriate seeding of the tracks should be required. Officers agreed to ensure this.
 - d) A member suggested that the track was long established and may been in place for at least the past 60 years? The Head of Planning and Communities confirmed

APPROVED COMMITTEE MINUTES

that there was not a constructed track until recently so while the route may have been driven by vehicles, there was no evidence of track construction.

25. Tessa Jones (Objector) was invited to address the Committee. She gave a presentation. The Committee were invited to ask any points of clarification to the speaker. The following point was raised:
 - a) Was there a particular aspect that was missing? Ms Jones advised that looking at the plans the proposed 3m width of the track was by scale however this was not clear throughout the officer's report. She went on to explain that in the other track reports the width of the track was specified and also the central vegetation strip for the drainage.
26. The Committee were invited to discuss the report, the following points were raised:
 - a) The Convener asked how enforceable would it be? The Head of Planning & Communities advised that they were satisfied that plans were clear and therefore confident that the details approved could be enforced.
 - b) A Member commented that the widths of the track including the vegetation strip were detailed in the proposed plans and acknowledged the work by Officers getting it to that stage.
27. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
28. **Action Point arising: None.**

Agenda Item 8:

Application for Detailed Planning Permission (2019/0293/DET)

Upgrade of private way - track A (retrospective)

At Land 350M SE Of Lower Gaich, Dulnain Bridge

Recommendation: Approve Subject to Conditions

29. The Convener informed Members that the Gus Jones (Objector) were present to address the Committee.
30. Edward Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
31. The Committee were invited to ask the Officer points of clarity. The following was raised:
 - a) Could it be explained how a driven line versus a track was defined? Monitoring & Enforcement Officer explained that the Item 7's track had been an upgrade to a long established line linking different farmland areas via a woodland strip

APPROVED COMMITTEE MINUTES

whereas this application was for the upgrade of a less obvious a line over rougher ground.

32. Tessa Jones (Objector) was invited to address the Committee. She gave a presentation.
33. The Convener thanked the speaker.
34. The Officer was invited to come back on points raised during the presentations. He made the following points:
 - a) Throughout the development, stone facing on the burn crossing points put in to ensure no sediment would seep into the river and to ensure this a further plan was being requested by the CNPA Conservation team.
 - b) A member asked if SNH had been further consulted in light of these mitigation measures. The Head of Planning & Communities advised that SNH did not object to the proposal so were not consulted further.
35. The Committee were invited to discuss the report, the following points were raised:
 - a) With reference to paragraph 7 of the report, it appeared that two negatives equalled a positive? Head of Planning & Communities advised that this was a typing error.
 - b) With regards to the use of the track and the associated impact of the vehicles going through the forest, how frequent would they need to be used to create significant damage. Monitoring & enforcement officer advised that the track does was a dead end so would only be used by estate vehicles for routine work. No significant damage was expected.
 - c) Could reassurance be provided to confirm that the conditions would safeguard the SAC? Head of Planning & Communities confirmed that the stone facing at fords would minimise damage to banks at those locations and prevent damage to the SAC.
36. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
37. **Action Point arising: None.**

Agenda Item 9:

Application for Detailed Planning Permission (2019/0286/DET)

Works to Corrie Cuiach track (retrospective)

At Phoinés Lodge, Newtonmore

Recommendation: Approve Subject to Conditions

APPROVED COMMITTEE MINUTES

38. Edward Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
39. The following points of clarification were raised:
- a) The Convener admitted her confusion over what is allowable work on tracks and what was not? Monitoring & Enforcement Officer advised that once it complies with SNH guidelines it would be less of an impact.
 - b) Could it be explained why the track needed to be made bigger and what was its purpose? Monitoring & Enforcement Officer explained that it leads on to an argo track further along, and that the applicants justification for widening was that more frequent use by heavy vehicles required it.
 - c) A Member pointed out that in the statement wild fire fighting fire engine access was mentioned. Was the track in an area that had seen wildfires previously? Head of Planning & Communities advised that CNPA officers were only aware of estate-managed muirburn in that area.
 - d) Could the Committee be reminded what tools were at the Authority's disposal if the conditions were not met? Monitoring & Enforcement Officer confirmed that CNPA could take further enforcement action on breach of conditions if planning permission was granted. He advised that the estate had cooperated with CNPA staff once the initial breach had been identified.
40. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
41. **Action Point arising: None.**

Agenda Item 10:

Any Other Business

42. The Convener explained that normally for applications of a retrospective nature, applicants would receive a letter from the Convener on behalf of the Committee advising of their disappointment of the retrospective nature of the application(s). The Committee discussed this and the following comments and observations were made:
- a) Comment made that it was not appropriate on this occasion.
 - b) Suggestion made to write an article or letter into the estates magazine stating that if they were in doubt to approach the CNPA to ask for assistance. The Convener advised that this had been done before and there was some ambiguity as to what would be classed as maintenance.
 - c) Was there an opportunity when sharing the results of the aerial and digital mapping with Estates that the conversation on this could be factored into this?
 - d) Was there a systematic way of knowing what was going on? Monitoring & Enforcement Officer advised that the Phoinies Lodge track had been spotted by

APPROVED COMMITTEE MINUTES

the aerial and digital mapping done by the intern. The 2018 image showed a wider track. Head of Planning & Communities advised that although tracks had been mapped across the National Park, the CNPA will continue to rely on the public to report new tracks.

- e) Comment made that the supporting statement needs clarity as it was apparent that there was confusion with what was deemed as permitted development rights with the Highland Council.
- f) A Member who sits on the Cairngorms Upland Action Group advised that at a recent meeting when discussing the internship and mapping work completed they had supported the view to disseminate the findings more widely and that it would be useful to share with the emergency services.

43. Peter Argyle left the room briefly for 5 mins.

44. The Head of Planning & Communities provided the following updates

- a) The enforcement notice that had been served on the Glen Clova track had been appealed and the CNPA were now providing evidence on it to the Directorate for Planning and Environmental Appeals.
- b) There were no further details surrounding costs and start date associated with the LDP examination but officers hoped to have some news before the next Committee meeting.

45. **Action Points arising: None.**

Agenda Item 11:

Date of Next Meeting

46. Friday 13th December 2019 in Community Hall, Boat of Garten.

47. The public business of the meeting concluded at 12.30.