

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at Albert Hall, Ballater
on 17 April 2015 at 11.00am

Members Present

Peter Argyle (Deputy Convenor)	Gregor Hutcheon
Rebecca Badger	John Latham
Duncan Bryden	Bill Lobban
Angela Douglas	Eleanor Mackintosh (Convenor)
Dave Fallows	Willie McKenna
Katrina Farquhar	Fiona Murdoch
Jeanette Gaul	Gordon Riddler
Kate Howie	Brian Wood

In Attendance:

Murray Ferguson, Director of Planning & Rural Development
Jane Shepherd, Planning Manager (Development Management)
Gavin Miles, Planning Manager (Forward Planning & Service Improvement)
Katherine Donnachie, Planning Officer (Development Management)
Matthew Taylor, Planning Officer (Development Management)
Katie Crerar, Planning Officer (Development Planning)
Doug Stewart, Outdoor Access Officer
Sally Mackenzie, Ecology Adviser
Francis Thin, Landscape Adviser
Alix Harkness, Clerk to the Board
Stephanie Lawrence, Planning Support Officer

Apologies: Paul Easto
Judith Webb
Gregor Rimell

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 13 March 2015, held at the Community Hall, Boat of Garten were approved.
4. There were no matters arising.
5. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 7: The Tomintoul Wigwams application is on today's Agenda.
 - Action Point at Para. 50: Grant Moir will be meeting with the Directorate for Planning and Environmental Appeals (DPEA) on 8th May 2015.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Fiona Murdoch declared an interest in:
 - Item No.s – 8 & 9 Direct interest – Member is an anti-windfarm campaigner

Agenda Item 5:

Supplementary Guidance for Local Development Plan

7. Clarification was sought as to why the Supplementary Guidance was being considered at the Planning Committee and not the CNPA Board. Murray Ferguson, Director of Planning and Rural Development explained that the matter had been considered, legal advice had been taken and in order to move matters forward it was appropriate for members to consider the Guidance at Planning Committee.
8. Gavin Miles, Planning Manager Forward Planning and Service Improvement presented a report that asks the Planning Committee to consider and approve the modifications to the Supplementary Guidance for the Local Development Plan, and its submission to Scottish Ministers. He highlighted that there had been an error in the numbering of topics and this would be rectified.
9. The Committee were invited to comment on each of the topics in turn. The following points were raised:
 - a) In reference to page 3, where does the Core Paths Plan sit? Gavin advised that the Core Paths Plan has been formally adopted and it was appropriate to provide cross references. There is more text describing the role of the Core Path Plan in the Sustainable Design Supplementary Guidance.
 - b) Who decides what the policy requirements were within the tables? Gavin explained that each of the sections of Guidance relates to policies in the Local Development Plan which has already been adopted.
 - c) In reference to Policy 1, paragraph 1.18 on page 4, how did the benchmark for affordable housing contributions compare with other Planning Authorities? Gavin

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explained that they will be higher than some Local Authorities and lower than others.

- d) In reference to Policy 1, paragraph 1.17 on page 4 the second sentence should be amended to read ‘... £25,000 per unit for development of four houses or more.’ Gavin advised that he was content for Planning Committee to make him aware of any further typos to be corrected following the meeting.
- e) In reference to Policy 1, would local need guidance need to be drawn up to identify local need for housing? Gavin advised that it would be the responsibility of each Local Authority to do that within their area as part of their role as Housing authority.
- f) In reference to Policy 1, the section refers frequently to other bits of guidance; could it go into more detail? Gavin advised that it could. However, in doing so it could complicate matters further and move way from what Supplementary Guidance is intended to do.
- g) Could the context be further explained at the beginning of the document? Gavin agreed that it could and that he would add an introductory paragraph to this effect.
- h) In reference to Policy 2 in general terms, are business expected to produce an economic assessment or business plan in delivering the guidance? Gavin advised that the policy does not ask for proof of economic benefit. He explained that the Local Development Plan is used to look at the development and its proposed use and to decide whether it is appropriate and that most of the time it is not part of the policy choice. Was there a danger that the Planning Committee approves planning applications that were not economically viable? Gavin advised that this may happen and the planning team will continue to review whether any further guidance is required during the life of the Local Development Plan.
- i) In reference to Policy 3, the reference made to public transport. Gavin clarified that the policy (and Supplementary Guidance) were flexible and would be applied in different ways in urban and very rural situations.
- j) With reference to Policy 4, would a considerable amount of information be required by applicants going forward? Gavin advised that it was a fair observation however not all surveys and assessments would be relevant to all types of development. Would the applicant be advised of what was required at the pre-application stage? Gavin agreed that it would.
- k) With reference to Policy 4, paragraph 4.8 on page 21, the words quality and type to be added so that the sentence reads ‘Compensation measures must reflect the quality, amount and type of the habitat being compensated for...’ Gavin agreed to add these words in.
- l) Was Hydrology a consideration in Policy 4? Gavin advised that hydrology should be in the Resources guidance.
- m) With reference to Policy 5 and the work carried out to map the important special qualities of Cairngorms National Park, is this enough to confidently assess wild land? Gavin advised that the wildness map is complicated and difficult to read whereas the

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Wild Land map is simpler. He added that the Landscape toolkit helps. He went on to explain that the map explains to the applicant which areas are important. Gavin agreed that in the finished document reference to the Scottish Natural Heritage map and guidance would be made.

- n) In reference to Policy 5, would it be worth mentioning that the National Scenic Area is absorbed into the special qualities of Park? Gavin agreed and that it would still apply to other types of development. A comment was made that the landscape does not stop at the boundary line of the Cairngorms National Park and that it impacts and extends beyond the boundaries. Gavin advised that it would be meaningless as the LDP is not a consideration outside the National Park.
 - o) In reference to Policy 5, why was there no reference made to special landscape area? Gavin advised that there is none in the Cairngorms National Park and had not been recognised as such in the adopted Local Development Plan.
 - p) In reference to Policy 7 could solar be included in the list of energies? Gavin advised that he would need to do a bit of checking on it and look into it.
 - q) With reference to Policy 7 paragraph 7.12 on page 49, could more be said to describe what is meant by cumulative impact? Gavin advised that he would check.
 - r) With reference to Policy 7 were transmission lines and grid connections associated with renewable energy developments sufficiently covered in this guidance? Gavin advised that if a development is built within the Cairngorms National Park then all the Cairngorms National Park Policies and supplementary guidance would apply and in this case Policies 5 and 6 would be robust enough to apply to these types of situation.
 - s) With reference to Policy 7 could a paragraph be added around the noise impact of hydro development? Gavin agreed to do this.
 - t) With reference to Policy 7 could reference to peats and soils be added to the wind turbine section? Gavin agreed to do this.
 - u) In reference to Policy 7, paragraph 9.32 on page 60 could these types of houses be better explained? Gavin explained that there was always a decision about whether 'enabling' development was appropriate, and whether the scale or nature of development complies with other policies.
10. The Planning Committee discussed the Development Briefs. Gavin noted that recent discussions with Scottish Government suggested that some spatial guidance such as design briefs and masterplans may not be best adopted as supplementary guidance as it can make them inflexible and unable to adapt to changing circumstances during the life of the Plan. If adopted as non-statutory Planning Guidance, then the planning authority is better able to change or adapt them during the lifetime of the Plan. The Planning Committee discussed this and agreed that the Development Brief be taken out of the Supplementary Guidance now before they are asked to.
11. The Committee agreed to approve the modifications to the Supplementary Guidance for the Local Development Plan and its submission to Scottish Ministers subject to the

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amendments detailed in paragraph 10 that are to be run past the Planning Committee Convenor and Deputy Convenor prior to submission to the Scottish Government.

12. Action Points arising: Make amendments to the wording and make additions as detailed in paragraph 10.

The revised Supplementary Guidance to be circulated to the Planning Committee Convenor and Deputy Convenor prior to submission to the Scottish Government.

Agenda Item 6:

Report on Called-In Planning Application:

Erect 24 wigwam holiday camping pods and associated works including access track drainage and water supply

At Land To South Of Main Street, South East Of Crown Estate Office, Tomintoul, Moray

(2014/0311/DET) (Detailed Planning Permission)

13. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
- Objector – Mr Edward Stuart
14. The Convenor informed Members that the Applicant, Charles Gulland, representative from the landowner (Crown Estate), Vicky Hilton and the Crown Estate's Forest Manager for Scotland, Mike Libera were available to answer questions.
15. The Committee agreed to the requests.
16. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
17. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Was the bin store intended for recycling as well? Katherine agreed that it was.
 - b) With reference to paragraph 12 of the report, the area of land proposed for mitigation is currently designated as an area for Tourism in the Local Development Plan. If the application was subsequently approved it would have to be recognised that this particular area of land would be retained as mitigation planting in the future.
 - c) The maps produced during the Tomintoul and Glenlivet Regeneration master-planning, were they classed as non-statutory? Katherine advised that this was correct and that the Policies that apply are that of the Local Development Plan.
18. Mr Stuart was invited to address the Committee. The presentation covered the following points:
- Argued that the proposed mitigation area was a well developed woodland area.
 - Mitigation area is almost entirely covered with trees, very dense small trees.

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- Looked into wigwams, tried to find ones in woodland area setting and showed pictures of those that he had found.
 - No other information other than a few trees would be lost was forthcoming from the Planning Officer.
 - The increased risk of fire from disposable barbecue's as a result of not a large enough area round each wigwam.
 - Having carried out own survey of the number of trees in the development area to assess the density of the trees, came to the conclusion that there were at least 2 trees in every square metre.
 - Concern at the percentage of trees that would be lost taking into consideration that a 100 m² area was required around every wigwam. Concern that 90% of trees would be lost as a result of the development.
 - In order to create a wildlife paradise, an area of 3 times the size of the proposed mitigation area would be required for compensatory planting.
19. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Katherine Donnachie advised that it was estimated that 0.3 Ha of woodland would be lost by this development – however, the mitigation site is 0.6 hectares and was seen as an important piece of ground for retention and has the potential for planting trees.
20. The Committee were invited to ask questions of Charles Gulland, Vicky Hilton and Mike Libera and the following points were raised:
- a) Is the land currently in the long term forest plan and, if so, how it is currently categorised? Mike Libera advised that it was not currently categorised in the long-term forest plan which it is silent in that area, at the moment. It shows all the planned felling areas and that one is excluded. He went on to advise that it is included within the compartment boundary of the forested area.
 - b) What status is the land given in the current Crown Estate woodland plan? Mike Libera advised that it is shown as open ground with some scrubland.
 - c) With reference to one of the photos of the area, was the term open ground with scrubland appropriate? Mike Libera advised that the photograph was not a true representation of the area and proceeded to refer the Planning Committee to a different slide as included in the Planning Officer presentation.
 - d) How old is the aerial photograph? Mike Libera advised that it is taken from the Forestry Commission map viewer and is estimated to be 2-3 years old.
21. The Convenor thanked the speakers.
22. The Committee discussed the application and the following points were raised:
- a) Clarification as to what is meant by compensatory planting? Was it the number of trees or the area of land or about increasing the density of tree planting within the site area? Sally Mackenzie, Ecology Adviser explained that it would be best to look at it as an area not at the number of trees. She went on to advise that the applicant was proposing to use 0.3 ha for the wigwams and the track. She added that using the

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mitigation site of 0.64 ha to create a mixed age structured, managed wood would be good to encourage a diversity of species. Sally Mackenzie added that the land for the development would result in a better managed woodland area.

- b) Were there any material considerations to be concerned about, with this application? Sally Mackenzie advised that it could create a positive ecological outcome. Sally Mackenzie added that regards to the question of providing shelter for the top of village, adjusting the structure would enhance the shelter and that the wind decreases in speed and strength because of it hitting that edge.
 - c) A comment was made that the mitigation plans would be providing genuine additionality. And once listed in the long term forest plan, Forestry Commission classes it for long term retention which results in it being maintained for longer.
 - d) Is Sally Mackenzie comfortable with only one quarter of the area is being used for mitigation purposes? Sally advised that she was.
 - e) Concern was raised regarding the footprint around the wigwams and how disruptive it would it be for services going in? Katherine advised services would follow access tracks and that building control would cover fire safety issues
23. The Committee agreed to approve the application subject to the conditions stated in the report.

24. **Action Points arising:** **None.**

Agenda Item 7:

Report on Called-In Planning Application:

Proposed Core Path Section Re-Route

At Pitmain Estate, Kingussie, Highland

(2014/0282/DET) (Detailed Planning Permission)

25. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
- Agent – Caroline Webster, Smiths Gore
26. The Committee agreed to the request.
27. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
28. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) What was intended for the old path and will people still be able to use it? Doug Stewart advised that it would remain accessible until the new path was created and then the currently fenced area would be planted with tree cover.
 - b) In reference to paragraph 26 on page 10 of the Report, had the question been asked around why they were going to go over this path? Katherine advised that it was to do with the management of the Estate and it had happened in advance of planning application having come in.

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- c) Clarification was sought as to the fact that borrow pits would not be used, it would all be 'cut and fill' - has that the same meaning as "as dug", the description used in the appraisal? Doug advised that the terms covered broadly the same thing.
29. Caroline Webster was invited to address the Committee. The presentation covered the following points:
- Thanked CNPA Planning Staff for being helpful throughout.
 - Re-route path 300m long.
 - Proposed woodland creation plan.
 - Fencing is to minimise the visual impact due to ground contours.
 - Woodland fenced position was explained.
 - Agency and community involvement.
 - Proposed re-route section.
30. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Does the fence follow the proposed route of the path? Caroline Webster advised that it did not and that the proposed route was lower than where the fence is currently.
 - b) Does the lowering of the fence line make a requirement for anti bird strike measures on the bank? Caroline advised that the linear length is only slightly more than had originally been planned and agreed to look into it.
 - c) Would the old township that used to be accessible from the old core path be accessible from the new core path? Caroline Webster agreed that it would as that section of core path was not intended to be removed.
 - d) Frances Thin advised that her advice was given as part of the woodland proposals and that those comments were not specific to that woodland but also to the other woodlands.
 - e) Caution that there has been significant reference made to working with Kingussie Community Development Company and that they may not necessarily be a true representation of the community view of the proposal.
31. The Convenor thanked the speaker.
32. The Committee agreed to approve the application subject to the conditions stated in the report.
33. **Action Points arising: None.**
34. The Planning Committee paused for lunch at this point.

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Agenda Item 8:

Report on Consultation Response to Scottish Government: Proposed Dorenell Wind Farm Extension and Variation At Dorenell Hill, Dufftown (2015/0014/PAC) (Consultation)

35. Fiona Murdoch left the room for the duration of the discussion on the next two items.
36. Katherine Donnachie presented a report on the consultation and recommended that the Committee object to the Dorenell Wind Farm Extension and Variation.
37. The Committee were invited to ask the Planning Officer points of clarification or make comments, the following were raised:
- a) The Scottish Natural Heritage objection to the consultation on the basis of golden eagles is a significant reason for objecting to this consultation.
 - b) The impact on Scalan, a heritage feature of international renown, is quite significant.
 - c) A Member found original application unacceptable and the current application is far worse.
 - d) With reference to paragraph 54 of the report, aversion to the statement that the development would affect only a limited part of the Cairngorms National Park.
 - e) A comment that mitigation measures to combat the environmental impact is not achievable against 63 tall turbines unless financial contribution to the community is meant.
 - f) A comment was made that it appears that far greater weight has been given to the Scottish Government target on meeting renewable resources than to Scottish Planning Policy and to comments from consultees such as the Cairngorms National Park Authority.
 - g) Given that the application extends the area of land and height substantially, it would have substantially more impact than what was proposed before.
 - h) Generating capacities could usefully be expressed in output per year, number of houses supplied etc. In order to be able to visualise how many houses this wind farm could generate electricity for, were any statistics available? Katherine advised that the applicant generally had to provide this but that she did not have the information to hand at the meeting.
38. The Committee agreed that the response of **Strong Objection** be submitted and the following to be highlighted:
- i. The proposed development will have substantially more impacts upon the National Park than the previous consented scheme.
 - ii. The Planning Committee do not agree with the applicants' conclusion that the impacts are not significant, limited to a small part of the National Park, and wished to highlight that the Cairngorms National Park is an entire designation.
39. **Action Points arising:** **Strong Objection to be submitted with concerns to be highlighted to the Scottish Government.**

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40. Duncan Bryden left the meeting at this point.

Agenda Item 9:

Report on Consultation Response to Angus Council:

Erection of a Windfarm comprising 14 Wind Turbines with blade tips up to 115M, Foundations, Crane Hardstandings, around 14KM of Access Track, Two Borrow Pits, A Permanent Anemometry Mast and Ancillary Works On Land at Black Hill / Saddlehill, Glen Isla, Angus (2015/0015/PAC) (Consultation)

41. Katherine Donnachie presented a report on the consultation and recommended that the Committee do not object to the proposal.

42. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Was the Macritch windfarm proposal considered with this case? Frances advised that due to the timing of such, the Saddlehill application came in before Macritch was lodged as an application.
- b) Whilst it was right not object to the windfarm, CNPA should highlight the concern around the cumulative encirclement of windfarms in the Cairngorms National Park.

43. The Committee agreed that the response of **No Objection** be submitted and the Planning Committee's concern regarding the encircling of the Cairngorms National Park by wind farm development is highlighted in a written response.

44. **Action Points arising:** **A written response to highlight the Planning Committee's concern regarding the encircling of the Cairngorms National Park is submitted.**

45. Fiona Murdoch returned to the meeting at this point.

Agenda Item 10:

Approval of Development Plan Scheme

46. Gavin Miles presented a report that asks the Planning Committee to consider and approve Development Plan Scheme for 2015/16. He noted that there may be merit in broadening the scope of the proposed newsletter to cover the work of the Planning Service. He added that there had been a small error in the dates in the table on pages 4 and 5 of Appendix 1 which would be corrected.

47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) A suggestion was made to include the first 5 bullet points of Agenda Item 11, appendix 1 in the newsletter.
- b) A suggestion was made to put the picture of the Local Development Plan above the first paragraph of the newsletter.

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- c) A suggestion was made to ensure that the numbering of the Supplementary Guidance detailed in the newsletter were correct.
 - d) A suggestion was made that under 'How to get involved'; bullet point I "other community groups" to be added.
 - e) Clarification as to how the newsletter would be targeted? Gavin advised that it would be distributed to key stakeholders and planning services.
48. The Committee approved the Development Plan Scheme for 2015/16 and the proposals for the newsletter.
49. **Action Points arising:** **Gavin Miles to make amendments as described above and to circulate the Planning Service Newsletter.**

Agenda Item 11:

Planning Service Improvement Priorities

50. Gavin Miles presented a report that asks the Planning Committee to agree the Planning Service improvement priorities for 2015/ 16, and the Planning Service Charter.
51. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of the Enforcement Officer role from July 2015. Murray Ferguson, Director of Planning and Rural Development advised that Bruce Luffman, Monitoring and Enforcement Officer is expected to retire in July 2015 and that work was under way to recruit replacement staff.
 - b) With reference to Item 3 on page 3, what was meant by establishing a partner coordination group to deliver LDP Action Programme? Was it intended that this group have an oversight of the LDP implementation? Murray advised that the commitment to establish this group arose from the agreed service improvement priorities. The group included significant stakeholders in the Cairngorms National Park that were relevant to planning matters and included local authorities and public agencies (e.g. Transport Scotland, SEPA, SNH, etc). Murray agreed to circulate the membership and terms of reference of this group to the Planning Committee.
 - c) Indication requested as to when the Best Value Review of the Planning Service was likely to be complete. Murray referred to paragraph 6 of the Paper and advised that the Report was complete and an Implementation Plan had been approved by Management Team. A number of the considerations had already been addressed and the remainder were identified in work plans. Murray reminded the Committee that a formal audit of planning arrangements was programmed in the next few months and members would be kept informed of the recommendations in due course.
 - d) With reference to Item 10 on page 7, on a proposed town centre project, was that term flexible enough to mean village centre? Gavin Miles advised that the funding had been provided by the Scottish Government to test a toolkit that they have designed for towns. He added that Grantown-on-Spey was to be used as pilot and

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the intention was to produce guidance for Grantown which could then be rolled out elsewhere. Members questioned how the decision to use Grantown-on-Spey had been taken. Murray advised that this had been a staff decision, given the relatively small amount of money involved. Murray noted that in future he would ensure that local Board members were consulted on such matters. Gavin advised that the Town Centre Toolkit does include parking but the significance of that would vary from place to place.

- e) With reference to Table 3, Gavin confirmed that the 10 priorities were not listed in priority order?
52. The Committee agreed the Cairngorms National Park Authority planning service improvements for 2015/ 16, and the Cairngorms National Park Authority Service Charter.
53. **Action Points arising:** **Murray Ferguson to circulate the membership and terms of reference of the Strategic Planning Group to the Planning Committee.**

Agenda Item 12:

Any Other Business

54. The Convenor welcomed and introduced Matthew Taylor, the new Planning Officer within the Planning Team.
55. A Member made a plea for staff to take into consideration that the Strathspey area lacks a lorry park.
56. A Planning Committee visit to Scalan was suggested by a Planning Committee Member.
57. In relation to an issue that had been discussed under Item 5, the Convenor reminded Members that the Planning Committee had dealt with the Local Development Plan during the initial stages and then the Board had formally adopted it. She advised that, once feedback had been received from Scottish Government, the Guidance would be presented to the Board for formal adoption.
58. **Action Points arising:** **None.**

Agenda Item 11:

Date of Next Meeting

59. Friday 15 May 2015 at the Community Hall, Boat of Garten.
60. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
61. The public business of the meeting concluded at 14.35.