
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at Community Hall, Boat of Garten

on 18th September 2015 at 11.00am

Members Present

Peter Argyle (Deputy Convener)	Bill Lobban
Rebecca Badger	Eleanor Mackintosh (Convener)
Angela Douglas	Willie McKenna
Paul Easto	Fiona Murdoch
Dave Fallows	Gordon Riddler
Katrina Farquhar	Gregor Rimell
Janet Hunter	Judith Webb
Gregor Hutcheon	Brian Wood
John Latham	

In Attendance:

Murray Ferguson, Director of Planning & Rural Development
Gavin Miles, Head of Planning
Matthew Taylor, Planning Officer, Development Management
Peter Ferguson, CNPA Legal Advisor, Harper MacLeod LLP
Alix Harkness, Clerk to the Board
Dee Straw, Planning Systems Officer

Apologies: Jeanette Gaul Kate Howie

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener on behalf of the Committee noted the big contribution Duncan Bryden had made to the Planning Committee during his 12 years on the Board during many of these years he had been Convener of the Planning Committee.
2. The Convener welcomed Janet Hunter to the Board and congratulated Gavin Miles in his new job as Head of Planning.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 17 July 2015, held at Community Hall, Boat of Garten were approved subject to the following amendments:
 - At Para: 10c. The words '*for example*' to be added in between the words '*usage*' and '*thinning*'. In the last sentence in this paragraph the word '*by*' to be changed to read '*to*'
 - At Para: 11. The sixth sentence to be changed to read '*The forest requires long term forest management*' and the seventh sentence the word '*restored*' to be changed to '*reinstated*'
 - At Para: 20e. The words '*and dedicated*' to be removed from the second sentence.
4. Murray Ferguson provided an update on the Scottish & Southern Energy (SSE) track restoration. Board members had been disappointed by the quality of reinstatement works seen by board members during a site visit in the summer. Duncan Bryden had written to SSE on behalf of the Board to express disappointment with the quality of works and this had prompted a meeting in late July between SSE and CNPA staff to identify solutions. Murray advised that although SSE considered they were making good progress overall, they acknowledged that their track reinstatement works could be improved. CNPA Officers are convinced that SSE is taking the matter seriously. SSE have committed to completing an environmental tracker spreadsheet and a reinstatement monitoring plan within the next two weeks that staff expect will address problems. These will lead to another programme of reinstatement work that SSE will monitor over the next five years. The Committee agreed that following the feedback received, Murray should write back to SSE's Project Director to support their positive attitude to address the CNPA's concerns.
5. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 16i: Complete.
 - Action Point at Para. 24i: Complete.
 - Action Point at Para. 30i: Complete.
 - Action Point at Para. 30ii: In Progress.
 - Action Point at Para. 38i: Complete.
 - Action Point at Para. 38ii: Complete.
6. **Action Points arising:**
 - i. **Murray Ferguson to write back to SSE's Project Director encouraging them positively to keep going in that direction.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

8. Bill Lobban declared an interest in:
 - Item Nos. – 9 & 10 Direct interest – Objector to these proposals

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9. Dave Fallows declared an interest in:
 - Item Nos. – 9 & 10 Direct interest – Took part in significant debate on these issues in HC.
10. Angela Douglas declared an interest in:
 - Item No. – 6, 7, 8 Indirect interest – A number of years ago involved with a person opposed to these applications however has had no contact subsequently and has not discussed this matter at all with them.

Agenda Item 5:

Report on Called-In Planning Application:

Erect 5 houses at Coylumbridge, Aviemore (2014/0390/DET) (Detailed Planning Permission)

11. The Convener reminded the Committee that there was a Confidential Appendix attached to this Paper and if there was any questions relating to it, then a closed session would be required to accommodate the discussion on it.
12. Matthew Taylor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concern that the affordable housing contribution was too small. Committee members noted that the proposed houses would be unlikely to be affordable to people working in the National Park. Matthew explained that the starting point for negotiating the contribution had been the provision of one affordable house on the site. The applicant had explained that to do so would make the development unviable so officers had negotiated a financial contribution towards affordable housing based on available information. This relied on information provided by the applicant on the costs of development and eventual sale prices of houses. It was acknowledged that there is a degree of trust when using the applicant's projected costs; however the Scottish Government is clear that developers are better placed to assess viability of development proposals than planning authorities.
 - b) It was noted that the proposal was at the threshold of where different parts of the planning policy on affordable housing were triggered, with a smaller development leading to much smaller contributions being sought, while the proposal triggered the same contributions as much bigger housing developments. A degree of flexibility and proportionality is built into the LDP policy. It was acknowledged that the applicant could have tried to reduce the affordable housing contribution by applying for fewer houses.

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- c) It was confirmed that affordable housing contributions from the Badenoch & Strathspey area are reinvested in affordable housing the Badenoch & Strathspey area by Highland Council.
 - d) A suggestion was made to link to the names of best practise guidelines to clearly explain what is deemed as an acceptable standard in connection with tree removal and proximity of trees to house owners (Conditions 1 and 6). Matthew agreed to take details of these following the meeting and add an Informative along those lines.
 - e) A suggestion was made to add an informative around construction hours. Matthew agreed that this would be added.
 - f) The proposal was praised for its good design.
 - g) The convenor noted the concerns of the committee in relation to the affordable housing contribution and suggested that staff might use the development as a case study for future review with the planning committee and identification of any learning points. Staff agreed to include it as part of the monitoring of the Local Development Plan.
14. The Committee agreed to approve the application subject the conditions stated in the report subject to the addition of two informatives around the following:
- Best Practise Guidelines in connection with tree removal and proximity of trees to house owners.
 - Construction Method Statement.
15. **Action Points arising:**
- i. **Informatives to be added.**

Agenda Item 6:

Report on Called-In Planning Application:

Creation and use of a temporary access road to the A9(T) from the Meadowside Quarry near Kincaig for a period of up to 2 years at Kingussie (Detailed Planning Permission) (2015/0152/DET) (Detailed Planning Permission)

16. The Committee agreed to the requests to address the Committee from:
- Applicant / Agent – Mr Tom Lewis, Gavin Mennie
 - Objector(s) – Mr Karim
17. Matthew Taylor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
18. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) A query whether the temporary access was proposed to accommodate all traffic movement going in and out of the quarry? Matthew advised that it was only to accommodate the additional traffic movement.
 - b) Was the proposal suggesting a right turn on the A9 be satisfactory? Matthew advised that the proposal was to link the quarry with the construction site for the

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- A9 so access to the A9 had not been raised with Transport Scotland. The Convener advised that this question would be put to the Applicant.
19. Mr Mennie was invited to address the Committee. The presentation covered all three applications and the following key points:
- Meadowside Quarry currently produces 50 tonnes each year and blasts twice a year, it is proposed to be raised to 150 tonnes with blasting taking place six times a year during the project then brought back to 50 tonnes and blasts twice a year.
 - Once the local works are completed the temporary access road will be removed.
 - There will be no access from the new A9 to the old A9.
20. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) What additional measures were planned to be taken to minimise the adverse impacts caused by the proposal and would these be documented? It was confirmed that the supporting information included dust suppression and air quality control measures.
 - b) Were they comfortable with constraint on operation times in relation to output? Yes they agreed that they were not applying to vary these hours.
 - c) Had consideration been given to the restoration of the access track from the outset for example the storage of the turf to be re-laid? Mr Lewis advised that the turf and soils would be stored under proper conditions to ensure that the temporary access track could be restored to its natural condition.
 - d) Had a Construction Environmental Management Proposal been submitted? Mr Lewis advised that it had as part of the Planning application.
21. Mr Karim was invited to address the Committee. The presentation covered the following points:
- Concern as a neighbour of the quarry if the applicant were looking to expand the quantity and length of permission indefinitely.
 - Concern that the conditions attached to the original planning application concerning the landscape, tree replanting and screening had not been adhered to.
 - Assurance that whatever conditions are imposed would be monitored by the CNPA.
22. The Convener thanked the speakers.
23. The Committee discussed the application and the following points were raised:
- a) Agreement that it would be good use of the quarry to construct that section of the A9.
 - b) Reassurance was sought on behalf of Mr Karim that conditions imposed as part of the original application with regards to screening could be looked into by the CNPA Enforcement Officer. Gavin Miles advised that Ed Swales, CNPA Enforcement Officer could be contacted to raise any concern.
24. The Committee agreed to approve the application subject to the conditions stated in the report.
25. **Action Points arising: None.**

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Agenda Item 7:

Report on Called-In Planning Application:

Installation and operation of a mobile asphalt plant for the production of bituminous materials at Meadowside Quarry, Kingussie (2015/0151/DET) (Detailed Planning Permission)

26. Matthew Taylor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
27. The Committee were invited to ask the Planning Officer points of clarification, no points were raised.
28. The Committee agreed to approve the application subject the conditions stated in the report.
29. **Action Points arising: None.**

Agenda Item 8:

Application under Section 42

Variation of Condition 2 (rate of extraction) (approved under ref: 05/015/CP) seeking an uplift in the rate of annual extraction from 50,000 T to 150,000T at Meadowside Quarry, Kingussie (2015/0154/DET)

30. Matthew Taylor presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
31. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Had SEPA been consulted with regards to any additional run off? Matthew advised that from within the reserve there would be acceleration from extraction but no additional run off.
 - b) Clarification as to the reason why SEPA had not been consulted or was it that SEPA had not responded? Matthew confirmed that they had not been consulted as the applicant was not seeking to extend the site area.
32. The Committee agreed to approve the application subject to the conditions stated in the report.
33. **Action Points arising: None.**
34. The meeting paused for lunch at this point.
35. Bill Lobban and Dave Fallows left the room for the duration of the discussions on the next two items.

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Agenda Item 9:

Report on Appeal Response to DPEA on MSC applications (2013/0073/MS and 2013/0074/MS) at Dalfaber, Aviemore

36. Murray Ferguson presented a report on the Appeal Response and recommended that the Committee agree to support this response prepared by Planning Officers.
37. The Committee discussed the report and made the following points:
 - a) A very good paper on a complex matter. Agreement that they liked how it was written and that it is presented in a very helpful manner.
38. Peter Ferguson confirmed that the Appeal Response had been written in way that is being asked for and the structure of it also complies.
39. The Committee agreed to support this response to DPEA.
40. **Action Points arising:**
 - i. **Appeal Response to DPEA to be submitted.**

Agenda Item 10:

Report on Appeal Response to DPEA on Section 42 Applications (14/03675/S42 and 14/0376/S42) at Dalfaber, Aviemore

41. Murray Ferguson presented a report on the Appeal Response and recommended that the Committee agree to support this response prepared by Planning Officers. He highlighted the mistake on the labelling on the site map on the report and advised that it should read 10 serviced housing plots and development of 83 houses.
42. Peter Ferguson highlighted the complexity of Section 42 consents. He advised that the language used talks about a variation which implies change however it is a separate planning application that runs alongside it.
43. The Committee discussed the appeal response and made the following comments:
 - a) Appreciation on the work Jane Shepherd, Gavin Miles and Murray Ferguson did on the response to make it as clear as possible.
44. The Convenor advised that Applicant were going to seek costs against the CNPA and proposed that the CNPA seek costs against the applicant. The Committee agreed to this proposal.
45. The Committee agreed to support this response to the DPEA.
46. **Action Points arising:**
 - i. **CNPA to seek costs against the Applicant for the additional work this Appeal has caused.**
 - ii. **Jane Shepherd to be praised by the Planning Committee on the work done on both these applications.**
48. Dave Fallows and Bill Lobban returned to meeting at this point.

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Agenda Item 11:

Annual Report on Planning Performance Framework

47. Gavin Miles presented the Annual report on the Planning Performance Framework and drew the Committee's attention to the Planning Newsletter that went out this week.
48. The Committee were invited to discuss the report, the following points were raised:
- a) Appreciation of Priority Number 4 (on page 14 of the Appendix) which relates to the putting in place a procedure for CNPA Member involvement in the pre-application discussions.
 - b) Had the Planning Service newsletter been referred to within the Appendix? Gavin advised that it had not as the report was for 2014/15 and the newsletters had been prepared in 2015/16 so would be referred to in the next year's PPF report.
 - c) A suggestion was made to collect feedback from others on how well the Planning Service newsletter had been received.
 - d) A query as to how there had been 22 breaches identified and 26 resolved, in reference to page 3 of the Appendix. Gavin advised that this was as a result of the period for reporting.
 - e) With reference to page 16, in relation to the objectives for next year had the need for both qualitative and quantitative indicators not been agreed? Gavin confirmed that that had been the purpose of the customer feedback survey that used to be on the website and that they were now looking into what they would do next to collect this information.
 - f) With reference to the housing completions over the last few years (page 3 of the Appendix), of the 293 it would be useful to see what percentage of these had been affordable. Gavin agreed that in the future it could be added in the accompanying text to the report. Gavin added that there is no opportunity to amend the table itself as it is created by the Scottish Government for reporting purposes.
 - g) With reference to the 135 ha of marketable employment land supply (page 3 of the Appendix) was it possible to disclose where this is located? Gavin advised that this figure was based on a couple of sites that are marketed. Gavin added that this was a national indicator that does not work well for the Cairngorms National Park as the types of sites people are looking for tend to be smaller scale and opportunistic.
49. The Committee noted the report.
50. **Action Points arising:** **None.**

Agenda Item 12:

Update Report on Design Awards

51. Gavin Miles presented an update report on the plans for the Design Awards in 2016.

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52. The Committee were invited to ask points of clarification, the following were raised:
- a) Could the Planning Committee have the opportunity to undergo some design training to increase their knowledge in the subject? Gavin advised that a training session on design for Planning Committee could be organised.
 - b) A suggestion was made that in the Planning Committee closed training session, they could look at the criteria the panel from the last Design Awards were scoring against to reach their decision. Gavin agreed that this was a good idea and would be incorporated.
 - c) Was a design statement currently submitted with every application? Gavin confirmed that design statements were a requirement for validation of most types of application.
 - d) There was support for the involvement of Inclusive Cairngorms in the 2016 Design Awards.

53. The Committee agreed to endorse the plans for the 2016 Design Awards.

54. Action Points arising:

- i. **A training session on design to be scheduled for the Planning Committee at a future date and to incorporate looking at the criteria the panel from the last Design Awards were scoring against to better understand how their decisions had been reached.**

Agenda Item 13:

Information Paper on Allt Duine Windfarm Decision

55. Murray Ferguson presented an information paper on the Allt Duine Windfarm Decision.

56. The Committee discussed the paper and made the following points:

- a) Agreement that this was a good result and of the importance of keeping up the argument of cumulative impact of windfarms encircling the Cairngorms National Park.
- b) Congratulations to all the staff involved in the work that has gone into it over a long period of time, with special mention to Francis Thin, Landscape Adviser.

57. The Committee noted the information paper.

58. Action Point arising:

- i. **The Planning Committee's appreciation and gratitude of the hard work put in by Frances Thin to be relayed to her.**

Agenda Item 14:

Any Other Business

59. The Convener gave an update on the Cairn Dhuie Wind farm. The Convener proposed that the Committee agree to make a further written submission using some of the words and phrases used for the Allt Duine Windfarm decision. The Committee agreed to this proposal.

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60. The Convener gave an update on the Planning Representatives Network where a lot of discussions had taken place and the overall message was to try and encourage council representatives to those meetings.
61. The Convener gave an update on the Developers Forum meeting, noting their appreciation of the Planning Service Newsletter. The Convener noted that some Developers Forum member's express dissatisfaction on the following themes:
 - a) The opinion that the Cairngorms National Park Authority make developers undertake too much survey work prior to applications being determined.
 - b) That the Cairngorms National Park Authority not being development focussed.
 - c) The inconsistency of planning staff they have dealt with.
 - d) The burden of fulfilling planning conditions.
62. Murray Ferguson advised that he and Gavin were going to use Gavin's new role as Head of Planning to visit the main developers and land owners to discuss concerns directly with them.
63. Gordon Riddler, Convener of the Audit Committee provided an update on the Planning Internal Audit that portrays a good bill of health and the hope for continued stability.
64. A Planning Committee Member advised that she had received a request from a member of Dartmoor National Park and advised other Planning Committee members to delete or ignore requests of this type.
65. Concern was raised that undue weight was being given to a local naturalist in respect of bees for an application for Dalfaber. Gavin advised that information provided by the public was taken into account by CNPA staff and that the weight that is attributed to it in committee reports is based on the professional judgement of CNPA staff.
66. The Convener informed the Committee that Peter Argyle, Planning Committee Deputy Convener was standing down as of 15th October 2015, given that he was now Convenor of the Board. The Convener asked that if Planning Committee members are interested in taking on the role of Planning Committee Deputy Convener to speak to her in the first instance. The Convener advised that there would be a Formal Board meeting to conduct the election prior to the Planning Committee meeting on 16th October 2015.
67. **Action Points arising:**
 - i. **Convener to liaise with Gavin on wording of the written submission in respect of the Cairn Dhuie wind farm. Planning Committee to be updated on this at the relevant time.**
 - ii. **Planning Committee members interested in the role of Planning Committee Deputy Convener to speak to Planning Committee Convener in the first instance.**

Agenda Item 15:

Date of Next Meeting

68. Friday 16 October 2015 at Victoria Hall, Ballater.

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69. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
70. The public business of the meeting concluded at 14.15