

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater  
on 18<sup>th</sup> December 2015 at 11.00am

#### Members Present

Peter Argyle

Rebecca Badger

Angela Douglas

Katrina Farquhar

Jeanette Gaul

Janet Hunter

Gregor Hutcheon

John Latham

Bill Lobban

Eleanor Mackintosh (Convener)

Willie McKenna

Fiona Murdoch

Gordon Riddler (Deputy Convener)

Gregor Rimell

Judith Webb

Brian Wood

#### In Attendance:

Gavin Miles, Head of Planning

Jane Shepherd, Planning Manager, Development Management

Katherine Donnachie, Planning Officer, Development Management

Matthew Taylor, Planning Officer, Development Management

Ed Swales, Monitoring & Enforcement Officer

Sandra Middleton, Head of Rural Development

Matthew Hawkins, Landscapes & Ecology Manager

Peter Ferguson, Legal Adviser Harper & MacLeod LLP

Pip Mackie, Acting Clerk to the Board

#### Apologies:

Paul Easto

Dave Fallows

Kate Howie

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## **Agenda Items 1 & 2: Welcome & Apologies**

1. The Convener welcomed all present.

## **Agenda Item 3: Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 13 November 2015, held at Community Hall, Boat of Garten were approved with amendments to the following:
  - a) Para. 13: Removal of extra word 'the', amendment of 'one' to 'on'.
  - b) Para. 14: Inclusion of 'The Committee agreed to approve the application'.
  - c) Para. 28: Inclusion of 'The Committee agreed to approve the application'.
  - d) Para. 35f: Inclusion of reference to touring caravans and camping facilities.
  - e) Para. 40: Inclusion of reference to touring caravans and camping facilities.
3. There were no matters arising.
4. The Convener provided an update on the Action Points from the previous meeting:
  - a) Action point at Para 6i: This was an ongoing issue and the Committee would be briefed when an update was available.
  - b) Action point at Para 6ii: The response had been submitted and would be circulated to members.
  - c) Action point at Para 40i: This discussion would be programmed into the Board calendar and take place in due course.
  - d) Action point at Para 50i: The response had been submitted.
  - e) Action point at Para 54i: Transport Scotland had confirmed there was to be no cost to the CNPA regarding moving the entry marker.

## **Agenda Item 4: Declaration of Interest by Members on Items Appearing on the Agenda**

5. Fiona Murdoch declared an interest in:
  - a) Item No. 8 - Direct interest – Due to being an Anti-Wind Farm campaigner.
6. Gordon Riddler declared an interest in:
  - a) Item No. 9 -Indirect interest – His nephew being the lead Archaeologist on the project. He confirmed he had had no contact with him regarding the application.

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### **Agenda Item 5:**

#### **Report on Called-In Planning Application:**

**Refurbishment of Existing Station Building; Formation of New Road Access with Parking for 40 Cars and 2 Coaches, Provision of Separate Toilet Block; Conversion of Railway Carriages to Form Café; and Highland Games Demonstration Area in Adjacent Field with Outbuilding to Provide Covered Viewing  
At Land 235m East of Riverholme, Grantown on Spey  
(2015/0214/DET)**

**Recommendation: Approve Subject to Conditions**

7. The Convener informed Members that Matt Hamlett, Agent, was available to answer any questions.
8. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. She also highlighted that a representation had been circulated directly to members raising concerns regarding the lack of species protection plans with this application and querying the legality of a planning decision on this basis. Katherine Donnachie explained that Species Protection Plans had been submitted and fully assessed by both CNPA Heritage Team and SNH as set out in the committee report. The plans had not been made public as they contained sensitive information hence the writer was not aware of the plans. The Planning Service would now look at how best to make the public aware that such plans had been submitted without disclosing sensitive environmental information. Katherine also highlighted and apologised for a mistake in the summary of the Economic Development Manager's consultation response within the Committee report that incorrectly advised there were no café stops on the A95 between Aberlour and Aviemore.
9. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) The operational hours. Katherine Donnachie responded that the operational hours only referred to the development proposed in the application, not any community use of the demonstration area.
  - b) The proposals for the management of land within the blue boundary on the site plan and if enforcement action could be taken over development in this area. KD responded that as the land was under the control of the Applicant, it was appropriate for this area to be included in the land management/landscape plan and that enforcement action could be taken.
  - c) Transport Scotland's assessment of the application. KD responded that Transport Scotland had been provided with all necessary information and that Condition 5 was worded to their requirements regarding access.

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- d) Clarification if the species plan had taken account of disturbance by the predicted large visitor numbers. KD advised that it had as all consultees were aware of the proposed development and had taken this into account
- e) Clarification if the pedestrian access to the site would link to the Speyside Way. KD advised that it would and that Condition 12 required specific details to be submitted.
- f) Clarification if horses were to be located on site. KD responded interpretive material on horses was to be included in the Station Building but to her knowledge no animals were to be located on site. However, the site access was designed for use by coaches so should be suitable for other vehicles too
- g) If the water was to be mains supply. KD advised that Scottish Water had not responded , but she was believed that mains supply was in the locality.

10. The Committee were invited to ask questions of Matt Hamlett, Agent, and the following points were raised:

- a) The level of noise associated with the loud speakers for the demonstration area. Matt Hamlett advised that a headset was to be used with speakers located in the covered viewing area. Although the volume could be controlled manually, it would be set at normal speech level. He confirmed no music was to be played.
- b) The envisaged after hours use of the demonstration area. MH advised that at the present time, there were no determined uses identified, but perhaps children playing football.
- c) Clarification of the water supply. MH advised it was to be mains supply and this would be fully considered at the building warrant stage.
- d) Clarification if horses were to be located on site. MH advised that there was no current intention of having horses on the site.
- e) Whether he considered the many conditions and informatives attached to the permission could be fulfilled. MH confirmed that they could be.
- f) Clarification if the level of parking provision was enough to deal with the predicted high visitor numbers. MH advised that the visitor numbers had been based on previous Revack Estate business operating figures, and that more spaces had been provided than were associated with the previous business.
- g) The proposed land management plan for the site and surrounding area. MH advised that it depended upon the contents of the landscape specialist report to be provided, but at present the area was unmanaged scrubland.
- h) The quantity of lighting for the development. MH advised that it was to be minimal and would cover the parking area for safety reasons and advertising signage. Any lighting plan required further approval by the CNPA.

11. The Convener thanked the speaker.

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12. The Committee discussed the application and the following points were raised:
- a) The application being a good use of an existing brownfield site.
  - b) The economic downturn and the boost this development would give to the area.
  - c) The minimal environmental impact the development would have.
13. The Committee agreed to approve the application subject to the conditions stated in the report.
14. **Action Points arising: None.**

**Agenda Item 6:  
Paper Withdrawn from Agenda**

**Agenda Item 7:  
Paper Withdrawn from Agenda**

**Agenda Item 8:  
Report on Consultation from Perth and Kinross Council  
Erection of 11 Wind Turbines, Control Building and Ancillary Works  
At Green Burn Wind Farm, Land 1200m West of Drumderg Wind Farm,  
Bridge Of Cally  
(2015/0327/PAC)  
**RECOMMENDATION: Objection****

15. Fiona Murdoch declared an interest and left the room.
16. The Committee paused for 5 minutes to view the photomontages and viewpoint plans for the development.
17. Matthew Taylor presented a report on the consultation and recommended that the Committee agree a response of objection.
18. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification why CNPA were taking a different view to SNH's one of no objection. Matthew Hawkins advised that SNH had assessed the impact on the CNP and the wider area outside the Park. However, the CNPA had carried out additional work and also considered the Special Landscape Qualities of the area. The CNPA view was that no mitigation measures would be sufficient as the

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turbines would still have a visible impact on the area and that the Environmental Statement stated that mitigation for the potential landscape and visual impacts from the proposed development has been fully implemented through the design to minimise significant effects, so it was not clear what further capacity for change was possible.

- b) The photomontage (VP21) contained distracting features in the foreground and had not been taken against a clear sky. Matthew Taylor advised that SNH consider that the ES is well presented and follows best practice well in terms of visualisations produced. However, the observations would be passed onto the LPA and SNH.
- c) It would be useful if information was included in reports for the amount of useable power the Wind farm would generate as figures often cite maximum generating capacity which is not always delivered under real conditions.
- d) The importance of recognising that the Wind Farm proposal and the connection to the grid are interlinked developments.
- e) The significance and impact of the view from the promoted National Scenic Route (A93) and the cumulative impact of Wind Farm developments encircling the National Park.

19. The Committee agreed that the response of objection be submitted.

20. **Action Points arising:**

- i. **The photomontage (VP21) contained distracting features including fencing and sign board in the foreground. This is to be relayed to the LPA and SNH.**
- ii. **The response to be submitted to Perth & Kinross Council.**

21. Fiona Murdoch returned.

**Agenda Item 9:**

**Report on Informal Consultation from Transport Scotland on A9 Project 8 Dalwhinnie to Crubenmore**

**RECOMMENDATION: Note the proposed options and approve the CNPA response**

22. Sandra Middleton presented a report on the informal consultation and recommended that the Committee agree the submission of the response.

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23. The Committee were invited to discuss the response, the following were raised:
- a) The potential for negative economic impact on the Dalwhinnie hotel should the junction be in the wrong location. Sandra Middleton advised this would be included in the response.
  - b) The community consultation process having been very well organised.
  - c) The planting being necessary for practical reasons, such as snow drift.
  - d) The draft access strategy and the importance of access provision for hillwalkers.
  - e) The Committee maps including Core Paths and NCRs. SM advised this would be done in future.
  - f) The movement of deer. SM advised that mammal permeability had been considered and there was the potential to reopen an existing underpass to address this issue.
  - g) The possibility of the developers being invited to address the Committee and answer questions regarding the project.
  - h) The possibility of hillwalkers parking in Dalwhinnie or using the deer underpass to access the opposite side of the A9.
  - i) The distances between junctions allowing travellers to safely turnaround. SM advised that this information would be brought back to a future Committee.

24. The Committee agreed that the response be submitted.

25. **Action Points arising:**

- i. **The inclusion of ‘The potential for negative economic impact on the Dalwhinnie hotel should the junction be in the wrong location.’ In the response.**
- ii. **Future Committee maps including Core Paths and NCRs.**
- iii. **Information regarding distances between junctions to be brought back to a future Committee.**
- iv. **The response to be submitted.**

**Agenda Item 10:**

**New Procedures for Member Involvement in Pre-Application**

26. Gavin Miles presented the paper and recommended that the Committee approve the proposal for member involvement in pre-application advice on ‘major’ applications.

27. The Committee were invited to discuss the report, the following points were raised:
- a) One view that the proposals were another level of bureaucracy and a waste of time.
  - b) The benefits of raising issues at a pre-application stage rather than when determining an application.

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- c) Clarification of the protocol between the CNPA and Local Authorities regarding member pre-application involvement.
- d) Government guidance advising that a sub-committee be formed. Gavin Miles responded that this was not being proposed.
- e) Whether member pre-application involvement precluded members from raising issues at a determination stage. GM advised that it didn't but fundamental issues should be picked up long before the determination stage.
- f) The process being intended to avoid surprises and the introduction of late complications.
- g) The process having been trialled successfully in other Scottish Local Authorities.

28. The Committee approved the proposal for member involvement in pre-application advice on 'major' applications.

29. **Action Points arising: None.**

### **Agenda Item 11:**

#### **Enforcement Charter Review**

30. Jane Shepherd presented the paper and recommended that the Committee note the report for information and agree the proposed draft Enforcement Charter for the National Park.

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

- a) Clarification that the CNPA already had an Enforcement Charter. Jane Shepherd advised that it did, but it was required to be reviewed every 2 years.
- b) The possibility of amending the existing Charter instead of it being completely reworked. JS advised that there was a balance to be struck between the Scottish Government legal requirements of the document and making it reader friendly - potentially by the inclusion of flow charts. There was also to be reference to the Aims of the Park and amendments to the service standards to include the Local Authorities.
- c) The importance of letting members of the public know the outcome of enforcement action.
- d) The need for the draft Enforcement Charter to be brought back to Committee for approval.

32. The Committee noted the report for information and agreed the direction of travel for the proposed draft Enforcement Charter for the National Park. The draft Enforcement Charter to be brought back to Committee for approval.

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### 33. **Action Points arising:**

- i. **The draft Enforcement Charter to be brought back to Committee for approval.**

### **Agenda Item 12:**

#### **Review of Call-in Procedures**

34. Gavin Miles presented the paper and recommended that the Committee note the review recommendations and approve the proposed amendments to the Call-in criteria.
35. The Committee were invited to discuss the report. No points were raised.
36. The Committee noted the review recommendations and approved the proposed amendments to the Call-in criteria.
37. **Action Points arising:               None.**

### **Agenda Item 13:**

#### **Any Other Business**

38. Eleanor Mackintosh advised that the Carn Duhie Wind Farm response had been submitted. The response to be circulated to members next week.
39. Gavin Miles noted that the Committee had previously agreed to seek costs from the Reporter regarding the Dalfaber appeal. After discussion with Peter Ferguson, Legal Adviser Harper & MacLeod LLP, it had been decided not to pursue this course of action. Due to the speed that the decision had to be made, it had not been possible to discuss this matter with the Committee.
40. Gavin Miles advised that he and Murray Ferguson had recently met with Invercauld Estate to discuss their developing a Masterplan for their land in Braemar and surrounding area. GM advised that an exercise of this type had previously been carried out in conjunction with Marr Estate but it had not proved popular due to their lack of community involvement. Provided the new masterplan received community backing, there was potential for it to be brought to Planning Committee and adopted as non-statutory planning guidance. GM advised that there was still the possibility of Marr Estate being involved in this current process. He advised that the CNPA would also be involved.

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41. Willie McKenna advised that discussions had been taking place between the Highland Council and the CNPA regarding bus shelters at Glenmore. He enquired if there was money available for a better designed structure than the usual plastic shelter.
42. Bill Lobban advised that discussions had been ongoing for the past 6 months and that there didn't appear to be any additional funds available.
43. Eleanor Mackintosh enquired if bus shelters were to display the CNP brand.
44. Angela Douglas enquired if this could be a 'shovel ready' project. Eleanor Mackintosh responded that the guidelines for this type of project required a more specific development.
45. Willie McKenna queried Members use of time after Committee meetings regarding organising discussions.
46. Eleanor Mackintosh advised that these were to be arranged but had not yet been programmed in. Members time between now and March was also to be taken up with discussions regarding the National Park Partnership Plan.
47. Judith Webb queried unauthorised hill tracks in the CNP.
48. Eleanor Mackintosh advised that an update paper could be provided covering what the CNPA were doing regarding this issue.
49. **Action Points arising:**
  - i. **An update paper to be provided on CNPA action regarding unauthorised hill tracks.**

### **Agenda Item 14:**

#### **Date of Next Meeting**

50. Friday 22<sup>nd</sup> January 2016 at The Community Hall, Boat of Garten.
51. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
52. The public business of the meeting concluded at 13.10 hrs.