

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Hall, Ballater
on 23 February 2018 at 11.00am

Members Present

Peter Argyle	John Latham
Rebecca Badger	Ian McLaren
Geva Blackett	Eleanor Mackintosh (Convener)
Carolyn Caddick	Willie McKenna
Angela Douglas	Gordon Riddler (Deputy Convener)
Paul Easto	Walter Wilson
Dave Fallows	Brian Wood
Gregor Hutcheon	

In Attendance:

Murray Ferguson, Director of Planning and Rural Development
David Berry, Planning Manager, Forward Planning & Service Improvement
Lynn Cassells, Tomintoul and Glenlivet Partnership, Land Management Officer
Kirsty Mackenzie, Planning Support Officer

Apologies: Judith Webb Xander McDade
 Pippa Hadley Janet Hunter

Agenda Items 1 & 2:

Welcome

1. The Convener welcomed all present and apologies were noted.
2. A short update was given by the Convener explaining that Ballater Old School housing application did not appear on today's agenda due to ongoing discussions between the applicant and Aberdeenshire Council's Roads Department.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 26 January 2018, held at The Community Hall, Boat of Garten, were approved with amendments to the following:
 - a) **Para 12d:** Minor typo corrected to “the necessary”.

4. The Convener provided an update on the Action Points from the previous meeting:
 - a) **Action point at Para 5a: DONE** – Officers wrote to Transport Scotland with detailed comments on any further mitigation that could be applied to the section.
 - b) **Action point at Para 5b: DONE** – The Planning Committee Convener wrote to SSE regarding the ongoing Beauldy Denny reinstatement process.
 - c) **Action point at Para 23i: IN HAND** - Should a conclusion of objection be reached, final consultation response was circulated electronically to Planning Committee members to agree prior to submission to Transport Scotland.
 - d) **Action point at Para 30i: DONE** – officers have been invited to provide verbal evidence at a session on 14th March.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Eleanor Mackintosh declared an indirect interest in:
 - a) Item No. 6 - Is a Board Member of the Tomintoul and Glenlivet Partnership and also a member of the Community Council.

Agenda Item 5:

Application for Detailed Planning Permission (2016/0434/DET)

Development of 6 affordable homes with associated access, car parking and landscaping

At Land South Of Dellmhor, Rothiemurchus, Aviemore

Recommendation: Approve Subject To Conditions

6. The Convener explained that the reason for this item appearing back at Committee following the decision made in September 2017 was due to issues over the viability of requiring education contributions through a Section 75 legal agreement.

7. David Berry presented a paper recommending that the Committee approve the application subject to the conditions agreed in September 2017 but without the requirement to pay a contribution towards education through a Section 75 legal agreement.

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8. The Committee discussed the application and the following points were raised:
- a) What was the reason for the increased development cost? David Berry explained that this was due to The Highland Council recently issuing new guidance which highlighted a different approach towards education contributions.
 - b) Are education contributions from developers normally ring-fenced for local schools? David Berry confirmed that where education contributions are sought they are ring fenced in this way.
 - c) What is the position for future affordable housing developments and was this situation likely to reoccur in future? David Berry explained each case will be considered on merits. However, part of the issue in this case was that the current education contribution rates were not known at the start of the planning process – future developments should be able to take them into account from the outset.
 - d) A Member provided background from a Highland Council point of view and explained that only when a school is reaching, or at capacity, will they seek education contributions and that the need for contributions has been underestimated in the past.
 - e) Why is the education contribution not being reduced to the lower amount that used to apply before Highland Council’s review instead of removing it entirely? David Berry explained that the development costs outweigh the expected funding available to deliver the affordable housing. This would remain this case if a lower contribution is sought, and will still be the case with no education contribution. In this instance it is considered appropriate to waive the education contribution to help increase the likelihood of this affordable housing scheme being delivered.
9. The Committee agreed the recommendation to grant full planning permission for the development subject to the conditions agreed on 15 September 2017 but without a planning obligation for education infrastructure.

10. **Action Points arising: None.**

Agenda Item 6:

Tomintoul & Glenlivet Landscape Partnership: Application for Dark Sky Park Status

11. David Berry presented a paper recommending that the Committee agree to send a letter of support for Tomintoul and Glenlivet Landscape Partnership’s (TGLP) application for Dark Sky Park status. Lynn Cassells gave an illustrated presentation outlining the background to the project and the application process to the International Dark Sky Association.
12. The Committee discussed the report and the following points were raised:

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- a) There was a strong support in principle for the proposal to establish a Dark Sky Park in the area.
 - b) Some concern was raised about the very specific nature of the External Lighting Master Plan (ELMP) and a question was asked about whether it would be possible to consider what elements to use as material considerations? David Berry explained that the ELMP had already been published and had not been prepared by, or in consultation with, CNPA. Although it is capable of being a material consideration, it is important to note that it is not part of the statutory development plan and CNPA will not be bound by its content. If the Committee agree to send a letter of support it would be carefully worded to be clear about this.
 - c) Questions were asked about how thorough the community consultation had been. Lynn Cassells explained that there was already a strong level of community support but noted that the discussions and efforts to build community support would continue into early stages of implementation of the project.
 - d) The proposal was very positive and a less cautious approach should be taken to our response. If this application is successful other communities may be interested in dark skies issues and look to the Park for further support.
 - e) A lot of Councils across Scotland are changing to LED lighting as they are more cost effective and reduce pollution.
 - f) Lower lighting levels can actually be better for security as they illuminate areas that are needed whilst also creating fewer areas of shadow.
 - g) Moray Council are also being asked to write a letter of support for the Dark Sky Park application. It was explained that a similar report is expected to be discussed by Moray Council's Planning Committee in the near future.
13. The Committee agreed the recommendation to send a letter of support for TGLP's application for Dark Sky Park status.
14. **Action Point arising:**
- i. **Letter of support to be written and agreed by the Planning Convener before sending to TGLP.**

Agenda Item 7:

Update on recent applications called in by the CNPA

15. Murray Ferguson presented an update to the Committee for information, noting that a number of applications were received without the necessary essential information included. A number of measures had already been put in place to address this but, in addition, it was proposed to periodically present a similar report to Committee

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summarising listing those applications where essential information was awaited from applicants.

16. The Committee were invited to discuss the paper, and the following issues and questions were raised:
- a) Was this going to appear as a standard item on the agenda? Murray Ferguson suggested that a report at every meeting would be too frequent, it was intended to present this update to committee periodically, perhaps quarterly.
 - b) It was suggested that a column be added to the table in future reports to include the expected dates for submission of additional information.
 - c) Why does the table show we are still waiting for consultation responses after the deadline for public comments? Murray Ferguson explained that we have to wait on statutory consultee responses throughout the determination process, and that the deadlines for these can differ from the deadlines for public comments.
 - d) Is there anything that we can do to assist applicants in navigating the planning application process better? Murray Ferguson explained that we have already produced considerable guidance both within the development plan and less formally on our website. The issue was also discussed frequently at our Developers Forum. Applicants are recommended to go through the pre-application process and can then be given guidance to assist them when it comes to submitting applications. We are always looking at how we can improve processes and are open to further suggestions.
 - e) It was agreed that this item should appear on the agenda quarterly and should only show applications that are experiencing delays or issues, not applications that are still in consultation or progressing as expected.

17. **Action Point arising:**

- i. **Similar updates to be reported to Committee periodically to provide information on applications that are awaiting further information or experiencing delays.**

Agenda Item 8:

Any Other Business

18. Murray Ferguson provided an update with photos on the ongoing development at Beachan Court in Grantown-on-Spey and requested power to serve an Enforcement Notice. Within the last week a local resident has reported an issue in which a breach of planning control occurred. The matter had been investigated very promptly by CNPA Enforcement and Monitoring Officer and CNPA had agreed there was breach of planning control and met with the developer. At the time of the Committee meeting the developer has already started to reinstate the ground. Members agreed to serve an

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Enforcement Notice on this site if sufficient action was not taken in very near future to remedy the situation.

19. Murray Ferguson provided an update on proposed development at An Camas Mor. Progress has been made and the Draft Section 75 Legal Agreement has been sent to the development team on 14 February. The development team, assisted by the Cairngorms Business Partnership, are holding a series of promotional events, one of which is happening in Aviemore the weekend following the Committee. An event was also planned for the Scottish Parliament. Murray reminded members of the status of the application and advised that members think carefully about attending such events during this period.
20. Murray Ferguson provided an update on the Greenburn Windfarm application (11 turbines to the East of Bridge of Cally). The Planning and Environmental Appeals Division have overturned the decision of Perth and Kinross Council and granted planning permission for this development. The CNPA's view was that the development would have significant effects on the landscape of the National Park and objected to the application on this basis. Scottish Natural Heritage did not object to the application on landscape grounds. The DPEA drew attention to the inconsistency between CNPA's and SNH's landscape advice in allowing the appeal and also awarded costs. Murray committed to circulate the two DPEA decision notices around the Committee, to instigate a quick review to ensure processes with SNH were working well, and to arrange a discussion session with DPEA and the Planning Committee.
21. Murray Ferguson reported about a proposal for a geothermal heating facility in Aviemore and community consultation events are planned for 9 March. The company behind it have second stage funding from Scottish Government, and are working with Aviemore Highland Resort on this proposal.
22. **Action Points arising:**
 - i. **Murray Ferguson to circulate the two Greenburn DPEA decision notices, to instigate a review to ensure processes with SNH were working well.**
 - ii. **To arrange a discussion session with DPEA and the Planning Committee.**

Agenda Item 9:

Date of Next Meeting

23. Friday 23 March 2018 at the Community Hall, Boat of Garten.
24. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

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25. The public business of the meeting concluded at 14:30 hrs.