

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Lecht Ski Centre  
on 24 May 2019 at 11.00am

#### Members Present

Peter Argyle (Vice Convener)	Douglas McAdam
Geva Blackett	Xander McDade
Carolyn Caddick	Willie McKenna
Deirdre Falconer	Ian McLaren
Pippa Hadley	Fiona McLean
Janet Hunter	Anne Rae Macdonald
John Kirk	William Munro
John Latham	Derek Ross
Eleanor Mackintosh (Convener)	

#### In Attendance:

Gavin Miles, Head of Planning & Communities  
Grant Moir, CEO  
Emma Wilson, Planning Manager (Development Management)  
Katherine Donnachie, Planning Officer  
Ed Swales, Monitoring & Enforcement Officer  
Matthew Hawkins, Landscapes & Ecology Manager  
Peter Ferguson, Legal Adviser, Harper MacLeod LLP  
Deirdre Straw, Planning Administration & Systems Officer  
Lindsay Coleman, Minute-taker

**Apologies:** Gaener Rodger Judith Webb

#### 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, 26 April 2019, held in the Community Hall, Nethy Bridge, were approved with the following amendments.
  - At Para 4a. – The letter had gone and matter was closed.
  - At Para 7 – Remove William Munro’s indirect interest in Item No 7.
  - At Para 6 – Geva Blackett declared a direct interest in Item No. 5, having had an active role in advising the community on the revised scheme, and left the room.
3. There were no matters arising.
4. The Convener provided an update on the Action Point from the previous meeting:
  - **Action Point at Para 17i) Closed** - Condition I was removed.
  - **Action Point at Para 17ii) Closed** – Katherine Donnachie to investigate Tree Survey and see if silver birch can be saved. Katherine Donnachie spoke to Willie Munro after meeting and explained this birch cannot be retained
  - **Action Point at Para 17iii) Closed** – The Convener had written to Grampian Housing Association and the Community Council to thank them for taking community concerns on board and revising their application to reflect the concerns.
5. **Action Points Arising: None.**

## Agenda Item 4:

### Declaration of Interest by Members on Items Appearing on the Agenda

6. Geva Blackett declared a Direct interest in:  
Item No. 5 Reason: Has relatives objecting to the application.
7. Pippa Hadley declared an Indirect interest in:  
Item No. 9 Reason: Sits on the Community Council at Laggan although she does not comment or advise in any of the meetings.
8. Peter Argyle declared an Indirect interest in:  
Item No. 5 Reason: Is on the Board of Visit Aberdeenshire but was not involved with the writing of this letter.
9. Douglas McAdam declared a Indirect interest in:  
Item No. 12 Reason: Has a work association with the Estate.

## APPROVED COMMITTEE MINUTES

10. Geva Blackett left the room.

### **Agenda Item 5:**

#### **Application for Detailed Planning Permission (2018/0350/DET)**

#### **Erection of 12 Holiday Cabins and Associated Ancillary Plant Building, Ground Mounted Solar Panels and Formation of Parking Area,**

#### **Site at Laghlasser, Corgarff, Strathdon, AB36 8YP**

#### **Recommendation: Approve Subject to Conditions**

11. Emma Wilson, Planning Manager presented the paper to the Committee.

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

- a) There was concern that Condition 7 may not be sufficient. Emma Wilson confirmed officers' views that Condition 7 was sufficient and appropriate given the information already provided.
- b) A member asked for information regarding the length of stay of guests and the changing of the water in the outside baths. In terms of the length of stay of guests this would be at the discretion of the applicant and is not something that can be controlled within the planning process.
- c) What happens if the surrounding woodland is sold on later? Gavin Miles confirmed that the Conditions would be passed on to the new owners who would have to adhere to them.
- d) Concern was expressed regarding noise caused by residents and whether a condition could be added stating no music can be played beyond 10pm. Gavin Miles said that this is a matter for Environmental Health.
- e) Could the land not be better used for commercial forestry that can be felled? Gavin Miles confirmed that timber could still be taken from the woodland but that the proposed conditions would prevent clear-felling of the whole site.
- f) Are there any conditions regarding fire prevention? There are not. It is the owner's duty of care.
- g) Could there be more provision for disabled access as there is only one property? This is a matter for the applicant.
- h) Opinion varied about whether the site had a negative visual impact on the area or not.

13. Peter Argyle expressed significant concern about the proposals. He recognised the proposal was an interesting concept and that the applicants had undertaken a lot of work progressing the application to date. However, he considered that the developments location and design would have significant landscape and visual impacts, including on Corgarff Castle and did not consider that the development complemented or enhanced the landscape character of the area. He also did not

## APPROVED COMMITTEE MINUTES

consider the development would have economic benefits and that the need for private cars to access the site meant that the location was not sustainable.

14. Peter Argyle proposed a motion to refuse the application on the grounds that it breached a number of Local Development Plan policies and therefore did not comply with the LDP as a whole. This was seconded by Derek Ross.
15. on the grounds that it breaches the following Development Plan policies;
14. Xander McDade proposed an amendment to approve the application on the basis of the officer recommendation in the report. This was seconded by Willie McKenna.
15. A two minute break was taken to allow the proposers to take legal advice.
16. The full motion to refuse the application was restated as failing to comply with the Local Development Plan on the basis of the following policies:
  - a) Policy 5 – Landscape – the proposed development does not conserve or enhance the National Park and it will have a very significant impact on the landscape.
  - b) Policy 9 – Cultural Heritage – the proposed development does not protect Corgarff Castle and its views and setting.
  - c) Policy 2 – Supporting Economic Growth – the proposed development will clearly have an adverse impact on neighbouring sites.
  - d) Policy 3 – Sustainable Design – the proposed development does not fit in sympathetically with the surrounding area and there is no sustainable transport method in the plans.
17. **The Committee proceeded into a vote. The result of the vote was as follows:**

<b>Name</b>	<b>Motion</b>	<b>Amendment</b>	<b>Abstain</b>
<b>Peter Argyle</b>	√		
<b>Carolyn Caddick</b>		√	
<b>Deirdre Falconer</b>		√	
<b>Pippa Hadley</b>		√	
<b>Janet Hunter</b>		√	
<b>John Kirk</b>		√	
<b>John Latham</b>		√	
<b>Eleanor Mackintosh</b>		√	
<b>Douglas McAdam</b>		√	
<b>Xander McDade</b>		√	

## APPROVED COMMITTEE MINUTES

<b>Willie McKenna</b>		√	
<b>Ian McLaren</b>		√	
<b>Fiona McLean</b>		√	
<b>William Munro</b>		√	
<b>Anne Rae Macdonald</b>	√		
<b>Derek Ross</b>	√		
<b>TOTAL</b>	<b>3</b>	<b>13</b>	

18. **The application was approved as per the officer's recommendation and subject to the conditions in the report.**

19. **Action Point arising:                      None**

20. Geva Blackett returned to the room.

**Agenda Item 6:**

**Application for Detailed Planning Permission (2018/0177/DET)**

**Renovation and erection of extension to building**

**At Ptarmigan Restaurant, Glenmore, Aviemore**

**Recommendation: Approve Subject to Conditions**

21. The Convener noted that Martin English (Agent) and Graham McDade (HIE) were present and available to answer any questions.

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

23. Gavin Miles, Head of Planning and Communities explained that the application had been made by the previous operator of Cairngorm, prior to the company going into administration, and also prior to the structural issues in the Funicular Railway being discovered. The application had been delayed by the administration and the need for the agent to supply further information on potential impacts on bird species from neighbouring European protected sites. The owner of the ski area and owners of the new operating company, HIE, were now left with a planning application that was ready to be determined, but prior to the production of a long term masterplan for the mountain that the CNPA had requested and that all parties agreed was necessary for the future of the ski resort. Gavin noted that the absence of the masterplan was not a reason to refuse or delay this planning application which had to be considered on its own merits and against planning policy.

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

## APPROVED COMMITTEE MINUTES

- a) Should the application wait until the funicular is repaired? Gavin Miles advised that while everyone was concerned about the repair of the funicular and the clear need for it to service the Ptarmigan Restaurant, there was obvious sense in having a consent required to do any works early so that if possible, any repairs of the Funicular Railway and upgrade of Ptarmigan were undertaken in tandem.
- b) Should construction go ahead without the funicular available to transport materials, will the access road need upgrading and will we need a Condition added regarding this? Katherine Donnachie explained that Condition No.6 requires a detailed Construction Traffic Management Plan which will need to be up to date, and agreed, prior to construction.
- c) Why were they not going to use helicopters? This was because the use of helicopter would have potential to disturb Golden Eagles and rather than provide information on how such disturbance would be mitigated and managed, the applicants had confirmed that helicopters would not be used in order to remove that risk.
- d) Will there be light disturbance from the new Ptarmigan if it will be used for events at night? It was confirmed that previous operators had held events at night which were slightly visible from a distance but that this was not expected to significantly increase. Condition 3 stipulates the use of blackout blinds to help avoid light spillage.
- e) Many people felt that this application should only be submitted once the master plan is received.
- f) A member asked about the outside storage areas and was concerned that these may become an eyesore depending on what is stored there. Katherine Donnachie confirmed that the storage referred to was internal and that she understood that the outside area will not be used for permanent storage.

25. **The Committee agreed to the application subject to the conditions stated in the report.**

26. **Action Point arising: None**

### **Agenda Item 7:**

#### **Application for Detailed Planning Permission (2019/0080/DET)**

#### **Erection of Substation and Installation of Buried 11kV Cable Connecting Powerhouse to Substation**

#### **At Land At Glen Muick, Ballater, Aberdeenshire**

#### **Recommendation: Approve Subject to Conditions**

27. Emma Wilson, Planning Manager presented the paper to the Committee.

## APPROVED COMMITTEE MINUTES

28. The Convener invited the Committee to discuss the report, the following point was raised:

- a) This is part of the Hydro Scheme that was approved last year so should be accepted on the grounds that it has no significant impacts.

29. **The Committee agreed to the application subject to the conditions stated in the report.**

30. **Action Point arising: None**

### **Agenda Item 8:**

#### **Application for Detailed Planning Permission (2019/0113/DET)**

#### **Alterations to hill track (in retrospect)**

#### **At Meall Tionail Access Track, Blair Atholl**

#### **Recommendation: Approve Subject to Conditions**

31. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.

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

- a) Could more be done to improve landowners knowledge about borrow pits and the need for planning permission?
- b) Borrow pits can provide a home for a wide range of wildlife including Sand Martins and if you reinstate them, you take away these homes.

33. **The Committee agreed to the application subject to the conditions stated in the report.**

34. **Action Point arising: None**

35. The meeting was paused at 1pm and reconvened after lunch at 1.30pm.

### **Agenda Item 9:**

#### **Glensherro Windfarm Consultation (2018/0379/PAC)**

#### **Recommendation: Objection**

36. Emma Wilson, Planning Manager presented the paper.

37. The Committee raised the following points:

- a) A member noted that the Beauldy Denny line and a substation had recently been upgraded nearby and there was already significant electricity infrastructure in the area.

## APPROVED COMMITTEE MINUTES

- b) There was a strong feeling that site will create a 'landscape of turbines' rather than a 'landscape with turbines' and it will increase the donut effect that is seeing turbines spreading further and further out across the landscape.
- c) Matthew Hawkins explained that the assessment was done with the existing structures that are already in this area, and it was agreed that there will be significantly more visual impact from these additional turbines.
- d) Gavin Miles stated that the objection is based around SNH's objection to the whole scheme, but in particular the western array rather than the eastern array where views will extend a long way into the Park.

38. The Committee agreed the officer's recommendation and grounds of **objection**.

39. **Action Point arising:** **None**

### **Agenda Item 10:**

#### **Clashgour Windfarm Consultation (2019/0019/PAC)**

**Recommendation: No Objection**

40. Katherine Donnachie, Planning Officer presented the paper.

41. The Committee raised the following points:

- a) This may affect the Dark Skies project and threaten its status. Can we not be stronger with the two mitigation options? Matthew Hawkins confirmed that there will only be a limited number of additional points of light in a small area and the turbines will not create a large throw of light.
- b) The radar activated lights are under trials at the present time so cannot be used yet.
- c) A member explained that the turbines are having a cumulative effect which is cascading down into Speyside, east of the National Park. This will affect the experience for visitors who come to the Highlands expecting vast expanses of open land. In addition, the member noted that the turbines could be seen from Cairngorm Mountain, not just the Cromdale hills. Matthew Hawkins confirmed that the impact was small due to the distance from the turbines.
- d) Would the Park have approved the Paul's Hill windfarm planning application if the Park had existed at the time? Katherine Donnachie confirmed the Planning Committee had not objected to Paul's Hill 2 windfarm extension.

42. A motion was proposed by Derek Ross and seconded by William Munro to object to the application on the grounds of the cumulative effect of these turbines that can be seen by people as they approach the Cairngorms National Park, and from within the Park itself. Eleanor Mackintosh put forward the amendment to agree to the application which was seconded by Geva Blackett.



## APPROVED COMMITTEE MINUTES

43. The Committee proceeded to vote. The result of the vote was as follows:

Name	Motion	Amendment	Abstain
Peter Argyle		√	
Geva Blackett		√	
Carolyn Caddick		√	
Deirdre Falconer	√		
Pippa Hadley		√	
Janet Hunter		√	
John Kirk		√	
John Latham	√		
Eleanor Mackintosh		√	
Douglas McAdam		√	
Xander McDade	√		
Willie McKenna	√		
Ian McLaren		√	
Fiona McLean	√		
William Munro	√		
Anne Rae Macdonald	√		
Derek Ross	√		
<b>TOTAL</b>	<b>8</b>	<b>9</b>	<b>0</b>

44. The Committee therefore agreed to the Officer's recommendation of no objection.

45. Action Point arising: **None**

### Agenda Item 11:

#### Roths 111 Windfarm Consultation (2019/0045/PAC)

#### Recommendation: No Objection

46. Katherine Donnachie, Planning Officer presented the paper.

47. The Committee raised the following points:

- a) These are amongst the biggest turbines in Scotland.
- b) Will the lighting from this have a significant effect on the proposed Observatory which may be at Carn Diamh? Matthew Hawkins confirmed that the lights would be in the distance and would be discreet points of light, similar to a star, and not a glow that would obscure stars or the night sky above or behind them.
- c) Turbines in the previous refused application were only 135m. These are 225m.

## APPROVED COMMITTEE MINUTES

- d) This site is increasing the cumulative effect which is significant and is actually widening the area that turbines will be visible. The Park is being encircled.
  - e) Overall it was felt these turbines were too high and spreading too far across the landscape.
  - f) The visibility will cascade into the Spey Valley, the Cromdale hills and the A95.
48. The Committee disagreed with the officer's recommendation and unanimously agreed to **Object** to the proposed development due to significant adverse effects on the Special Landscape Qualities of the Cairngorms National Park, including dark skies, and the cumulative impacts of the development as a result of the scale and siting of the development extending the visual envelope of wind turbines around the National Park.
49. **Action Point arising:**
- i. **Officers to confirm the CNPA's objection to the proposed development to the Scottish Government Energy Consents Unit.**

### **Agenda Item 12:**

#### **Committee Authorisation of use of Planning Enforcement Powers**

50. This item was discussed in closed session at the end of the meeting.

### **Item 13:**

#### **Any Other Business**

51. Gavin Miles provided the following updates:
- a) Quarry applications are awaiting decision notices – he would bring formal papers back to the June Committee if the legal agreements were not completed.
  - b) A discussion took place about the future of the funicular and whether the Park could put pressure on HIE to produce the master plan for Cairngorm Mountain soon.
  - c) Grant Moir, CEO confirmed that the CNPA had received a draft timetable for the development of An Camas Mor from the developer which expects the first house to be completed by summer 2022. However, this is dependent on the developer's discussions with the Scottish Government over the next few months and then the developer coming forward with applications to discharge conditions and for other infrastructure.
52. **Action Point arising:** **None**

## APPROVED COMMITTEE MINUTES

### **Agenda Item 14:**

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

53. Friday 28<sup>th</sup> June 2019 at The Community Centre, Nethy Bridge.
54. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
55. The public business of the meeting concluded at 15:30