

**CAIRNGORMS NATIONAL PARK AUTHORITY**

---

**DRAFT MINUTES OF THE PLANNING COMMITTEE**

**held via Video Conference  
on 27 August 2021 at 10am**

**Members Present:**

Dr Gaener Rodger (Convener)	Anne Rae Macdonald – joined at 10:15
Peter Argyle (Deputy Convener)	Douglas McAdam – left mtg for Item 6
Geva Blackett	Xander McDade
Carolyn Caddick	Willie McKenna
Deirdre Falconer	Ian McLaren
Pippa Hadley	Dr Fiona McLean
John Kirk	William Munro
John Latham	Derek Ross
Eleanor Mackintosh – left mtg 10:05-10:15	Judith Webb

**In Attendance:**

Gavin Miles, Head of Strategic Planning  
Murray Ferguson, Director of Planning & Place  
Grant Moir, CEO  
Dan Harris, Planning Manager, Development Planning  
Ed Swales, Monitoring & Enforcement Officer  
Nina Caudrey, Planning Officer, Development Planning  
Katie Crerar, Planning Officer, Development Planning  
Nasim Mehrabi, Graduate Planner (Development Planning)  
Peter Ferguson, Harper McLeod LLP

**Apologies: Janet Hunter**

**Agenda Items 1 & 2:**

**Welcome & Apologies**

- I. The Convener welcomed all present and apologies were noted.

## **Agenda Item 3:**

### **Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 25 June 2021, held via video conferencing were approved subject to the following amendments:
  - a) At Para 18c) 90% to be to 90 degrees
  - b) From Para 30, paragraph numbering to be corrected throughout
  - c) 'Action points arising: None' to be added to the end of Agenda Items 8 and 12.
3. **Action Points arising: None.**

## **Agenda Item 4:**

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

4. Douglas McAdam declared an Indirect Interest in Item 6  
Reason: As a member of the deer management group in the area, he will leave the meeting for this item.
5. Gavin Miles, Head of Strategic Planning, noted an Indirect Interest in Item 5, recording that his mother was an objector to the planning application, but that this did not affect his role in oversight of the planning service or participation in the Planning Committee meeting.

## **Agenda Item 5:**

### **Detailed Planning Permission 2020/0201/DET (APP/2020/1566)**

#### **Erection of 16 Hut, 4 Compost Toilets and Associated Access, Car Parking and Landscaping,**

#### **Land To The North And North East Of Tomidhu, Crathie, Ballater, Aberdeenshire.**

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

6. Katie Crerar, Planning Officer, Development Management, presented the paper to the Committee
7. The Committee were invited to ask points of clarity and the following points were raised:
  - a) A member queried whether the units could be sold or lent to others by the lease. It was clarified by the officer and the applicant that hutters would be named on the lease and would not be permitted to sublease.

## DRAFT COMMITTEE MINUTES

- b) A member queried whether compliance with conditions would fall to the estate or the hutters in the case of long-terms leases and any required enforcement. The Head of Strategic Planning clarified that enforcement action could be taken against either the estate or the individual hutters.
  - c) A member requested clarification that the term removal of trees did not mean the removal of trees from the site; the officer confirmed that those trees would be felled but retained in the location of felling and therefore continue to contribute to the woodland habitat.
  - d) A member queried the location of the nearest disposal point for waste water. The officer and applicant confirmed that Ballater Caravan Park and Braemar Caravan Park have disposal points; that the Glenshee Ski Centre were planning to install one, and that hutters could take waste home.
8. The Convener invited Angus McNicol, the Applicant (Invercauld Estate) and Richard Heggie, the Agent (Urban Animation) to give a presentation to the Committee.
9. The Committee were invited to ask the speakers point of clarity:
- a) A member queried the distance to walk to local facilities along the main road. The agent and applicant commented that the site is on a core path, which would be a safer foot route than walking along the main road and estimated that the site is approximately 400m from Crathie which has limited facilities including two cafes.
  - b) A member queried why this location was chosen. The applicant commented that the general location was chosen due to demand in the area, and the specific site was chosen due to access from the main road and the character of the site.
  - c) A member queried who is going to 'police' the site and enforcement of the conditions of waste removal. The applicant clarified that the estate will be visiting the site, particularly during the early stages when huts are being built, and the hutting community on existing sites have been shown to also be self-policing. The estate expected that the local community would also inform them of any perceived issues.
  - d) A member queried whether the proposal had considered any other sites with existing access around Invercauld Estate. The applicant commented that they only looked at the eastern end of the estate for sites, other sites may be possible further west but this was not considered under their current model.
  - e) A member queried whether there were plans to engage and educate hutters on the special features of the site and encourage ownership of the protection of these features. The agent replied that they were keen to reflect the opportunities to improve understanding and respect for the site within the hutters manual.
  - f) A member queried whether hutting on this site could be done without a car, and whether disposal facilities could be reached on foot. The agent commented

## DRAFT COMMITTEE MINUTES

that private transport would be needed to bring in water and removal of waste although this would not preclude the occasional stocking of the hut and the travel to the hut by public transport or bicycle at other times.

- g) A member queried how many other hutting sites are on either SSIs or ancient woodland. The agent stated that they do not know how many but were aware of at least one other site on an SSSI.
10. Geva Blackett was invited to speak by the convenor. She noted that although Police Scotland had responded without objection to the application, there had been no additional response from the Police Scotland VIP protection unit that Police Scotland's response said had been internally consulted. She said she had spoken with a member of this unit who wasn't aware of the planning application and requested that the Committee defer decision on the application until that part of Police Scotland had considered it. She also requested the Planning Committee undertake a site visit prior to determining the application.
11. Gavin Miles, Head of Strategic Planning, was invited to comment and clarified that a site visit might be possible under current Covid rules, though he was not sure given rising Covid case numbers. He noted that Police Scotland had been consulted by Aberdeenshire Council when the planning application was made as was routine for developments around Balmoral. He explained that Police Scotland's response to the planning application did not raise concerns.
12. The convenor asked whether anyone would like to second the motion to defer the application. There was a discussion around the correct Committee procedure.
13. The CNPA's legal advisor, Peter Ferguson, of Harper MacLeod LLP, clarified that in this instance the reason for deferral would not be clarified through general discussion of the report and should be decided prior to the discussion.
14. The committee took a recess at 11:55 until 12:15 to discuss the points of process regarding the submission of a motion for deferral.
15. Head of Strategic Planning, Gavin Miles, was invited to speak and clarified to members that the correct process for consultation on and notification of the application had been followed. Police Scotland had been consulted; had formally responded to the planning application; and their response was on file. Officers were satisfied that there was sufficient information to determine the application.
16. Geva Blackett was invited to present her motion and stated that as the Royal Protection Unit appeared to her not to have had opportunity to respond to the

## DRAFT COMMITTEE MINUTES

application, she proposed to defer decision until they had done so. Deirdre Falconer seconded the motion.

17. Planning Committee vice-convener, Peter Argyle, took over the chairing of the meeting when the convener's audio connection failed.
18. Fiona McLean proposed an amendment to proceed with consideration of the application. Peter Argyle seconded the amendment.
19. The Committee proceeded to a vote. The results were as follows:

<b>Name</b>	<b>Motion</b>	<b>Amendment</b>	<b>Abstain</b>
<b>Peter Argyle</b>		✓	
<b>Geva Blackett</b>	✓		
<b>Carolyn Caddick</b>		✓	
<b>Deirdre Falconer</b>	✓		
<b>Pippa Hadley</b>		✓	
<b>John Kirk</b>	✓		
<b>John Latham</b>		✓	
<b>Eleanor Mackintosh</b>	✓		
<b>Douglas McAdam</b>	✓		
<b>Xander McDade</b>	✓		
<b>Willie McKenna</b>		✓	
<b>Ian McLaren</b>		✓	
<b>Fiona McLean</b>		✓	
<b>William Munro</b>	✓		
<b>Anne Rae Macdonald</b>	✓		
<b>Gaener Rodger</b>		✓	
<b>Derek Ross</b>		✓	
<b>Judith Webb</b>		✓	
<b>TOTAL</b>	<b>8</b>	<b>10</b>	

20. The Committee approved the amendment and continued with consideration of the application.
21. The Committee were invited to discuss the report, the following points were raised:
  - a) Members raised concerns about the impacts of the development and its scale on woodland and ancient woodland habitats.

## DRAFT COMMITTEE MINUTES

- b) A member commented that the hutting culture is something to be encouraged and it is good to see an estate bringing this opportunity forward. They commented that they considered the risks as having been mitigated and they were in favour of the proposal.
  - c) A member raised concerns over the practicality of the development with regards to removal of waste, the scale of the site, or whether the mitigation measures would be sufficient to protect the special features of the site. They considered it should be refused under Policy 4, Natural Heritage of the LDP.
  - d) A member commented that the justification for a development in ancient woodland needs to outweigh the contribution of the special features of the ancient woodland and queried how this is the case for this application. The planning officer advised that appraisal of the application was on the basis of the advice of the CNPA's ecological advisors and NatureScot, that the impacts on ancient woodland could be mitigated and that there was potential for improvement through actions such as fencing to prevent grazing from rabbits.
  - e) Geva Blackett proposed a motion that a site visit should be held prior to determination.
22. The vice-convenor paused the discussion to consider the motion proposed by Geva Blackett to defer the application to allow for a site visit, John Kirk seconded the motion.
23. A member queried whether a deferral for a site visit could mean the applicant could appeal non-determination of the application. Gavin Miles, Head of Strategic Planning, confirmed that under the processing agreement with the applicant, the committee were expected to take a decision to approve or refuse the application today, so if a decision was deferred it would be open to applicant to appeal a deemed refusal from non-determination.
24. Pippa Hadley proposed an amendment to determine the application without a site visit, Peter Argyle seconded the amendment.

## DRAFT COMMITTEE MINUTES

25. The Committee proceeded to a vote. The results were as follows:

<b>Name</b>	<b>Motion</b>	<b>Amendment</b>	<b>Abstain</b>
<b>Peter Argyle</b>		✓	
<b>Geva Blackett</b>	✓		
<b>Carolyn Caddick</b>	✓		
<b>Deirdre Falconer</b>	✓		
<b>Pippa Hadley</b>		✓	
<b>John Kirk</b>	✓		
<b>John Latham</b>		✓	
<b>Eleanor Mackintosh</b>		✓	
<b>Douglas McAdam</b>		✓	
<b>Xander McDade</b>		✓	
<b>Willie McKenna</b>	✓		
<b>Ian McLaren</b>		✓	
<b>Fiona McLean</b>		✓	
<b>William Munro</b>	✓		
<b>Anne Rae Macdonald</b>	✓		
<b>Gaener Rodger</b>		✓	
<b>Derek Ross</b>		✓	
<b>Judith Webb</b>		✓	
<b>TOTAL</b>	<b>7</b>	<b>11</b>	

26. The Committee approved the amendment and continued with consideration of the application.

27. The committee was invited to continue the discussion and the following points were raised:

- a) A member referred to Scottish Planning Policy and said that in their view, the proposal would cause irreversible damage to nationally significant natural heritage resource. They commented on Policy 2 of the Cairngorms National Park LDP and their view that the development would cause unacceptable change; that the additional cars would be a negative change; and that tourism would not be supported as the huts could be used by locals not tourists.
- b) A member commented that they considered the detail of the application made it acceptable, particularly given the light footprint of huts, the current usage of the site and the opportunities for improvement to the grassland as well as giving the hutters a connection with nature and sense of guardianship of it. They were minded to approve the application.

## DRAFT COMMITTEE MINUTES

- c) A number of members expressed support for the principle of hutting but concern over the scale and location of the proposal.
  - d) A member commented that the location of the huts in the SSSI was on the location of existing caravans and the location of new huts within the ancient woodland comes with mitigation measures. They noted the effective management of 13 huts on different parts of land by the applicant.
28. The vice-convenor, Peter Argyle proposed that the Committee approve the application as per the officer recommendation. Doug McAdam seconded him.
29. Geva Blackett proposed an amendment to refuse the application, Carolyn Caddick seconded the amendment.
30. A recess was taken to determine the wording of the amendment and the committee broke for lunch from 13:15 to 14:00
31. The committee reconvened and the vice convenor explained that given time constraints, Item 8 on the agenda would be deferred to a future meeting.
32. Geva Blackett proposed an amendment as follows:

*“I have considerable concerns about the development in terms of the following policies:*

*Policy 4: Natural Heritage, of the Cairngorms National Park Local Development Plan states that there is a strong presumption against the removal of semi-ancient woodland including sites in the Ancient Woodland inventory and only in exceptional circumstances will it be permitted where the justification for the development outweighs the local, national, or international contribution of the woodland; or it can be clearly demonstrated that the ancient semi-natural woodland site has low ecological value.*

*Part of the site is a SSSI. This speaks for itself in terms of its high ecological value. However, the ancient woodland part is contiguous with the SSSI. This should also speak for itself. It is all one woodland, the ecological value of which does not suddenly drop off at the track.*

*The precautionary principle should apply. It is clear that there are no exceptional circumstances in this case and therefore it fails to the policy.*

*In addition, the tests for CNP LDP Policy 2: Supporting Economic Growth -Tourism and leisure development, are that*

- a) it [the development] has no adverse environmental impacts on the site;*
- b) it makes a positive contribution to the experience of the visitors;*
- c) it adds to or extends the core tourist season.*



## DRAFT COMMITTEE MINUTES

*However, the proposal does have adverse environmental impacts by taking down an unacceptably high proportion of trees in ancient woodland. What about the current residents and business owners? And the visitors to those businesses? 16 more cars going past the door. People won't make a positive contribution to them - quite the reverse. These aren't for tourists - they are for regular visitors who will lease the hut.*

*I therefore am moving an amendment to the recommendation to refuse on these grounds*

33. The Committee proceeded to a vote. The results were as follows: (Motion 7 Amendment 10 Abstention 1. Amendment passed).

<b>Name</b>	<b>Motion</b>	<b>Amendment</b>	<b>Abstain</b>
<b>Peter Argyle</b>	✓		
<b>Geva Blackett</b>		✓	
<b>Carolyn Caddick</b>		✓	
<b>Deirdre Falconer</b>		✓	
<b>Pippa Hadley</b>	✓		
<b>John Kirk</b>	✓		
<b>John Latham</b>		✓	
<b>Eleanor Mackintosh</b>		✓	
<b>Douglas McAdam</b>	✓		
<b>Xander McDade</b>		✓	
<b>Willie McKenna</b>	✓		
<b>Ian McLaren</b>	✓		
<b>Fiona McLean</b>			✓
<b>William Munro</b>		✓	
<b>Anne Rae Macdonald</b>		✓	
<b>Gaener Rodger</b>	✓		
<b>Derek Ross</b>		✓	
<b>Judith Webb</b>		✓	
<b>TOTAL</b>	<b>7</b>	<b>10</b>	<b>1</b>

34. **The Committee agreed to refuse the application.**

35. **Action Point arising: None.**

## DRAFT COMMITTEE MINUTES

### **Agenda Item 6:**

#### **Detailed Planning Permission 2021/0172/DET (21/00323/FULL)**

#### **Formation, Maintenance and Upgrading of Vehicular Access Track (Part Retrospective)**

#### **Land At Glen Clova Estate, Glen Clova**

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

36. Douglas McAdam left the meeting
37. Ed Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
38. The Committee were invited to ask points of clarity. No points were raised.
39. The Committee were invited to discuss the report. No points were raised.
40. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
41. **Action Point arising: None**

### **Agenda Item 7:**

#### **Consultation on Draft Design and Placemaking Guidance**

#### **Recommendation: Approve for Consultation**

42. Dan Harris, Planning Manager, Development Planning presented the paper to the Committee.
43. Douglas McAdam re-joined the meeting
44. The Committee discussed the report. The following points were raised:
  - a) Members commented that they liked this piece of guidance and the addition of drawings and designs made it very clear and comprehensive.
  - b) The vice-convenor asked that thanks be passed to the graduate planner, Nasim, and the rest of the team for their work on this guidance.
45. **The Committee agreed to approve the Draft Design and Placemaking Non-Statutory Guidance to support the 2021 Local Development Plan for consultation.**
46. **Action Point arising: None.**

## DRAFT COMMITTEE MINUTES

### **Agenda Item 8:**

#### **Local Development Plan 2015 Monitoring Report**

#### **RECOMMENDATION: Approve Subject to Conditions**

47. Item 8 was deferred to the next planning committee.

48. **Action Point arising:           None**

### **Agenda Item 9:**

#### **AOB**

49. The Head of Strategic Planning provided the following update:

- a) The new Board Portal for papers would be tested for the next Planning Committee meeting in September.
- b) Applications on Cairngorm Mountain – the CNPA had called in an application for a 5yr extension of time for operation slides at the car park the previous week, with a similar application likely to be called in on the following Monday. He explained he did not intend to call in an application to extend the temporary consent of the Snow Factory at the base station for a further year. He also noted that because there was no Planning Committee in October, one of the 5-year extension applications could not be determined until after the date its current temporary consent expired, but that there would be no harm from its presence that required the CNPA to take enforcement action in that period.

50. **Action Points arising:           None**

### **Agenda Item 14:**

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

51. Friday 24<sup>th</sup> September 2021 at 10am via video/telephone conference.

52. The public business of the meeting concluded at 14:20 hours.