
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

**held via Video Conference
on 14th May 2021 at 10am**

Members Present:

Gaener Rodger (Convener)	Douglas McAdam
Peter Argyle (Deputy Convener)	Xander McDade
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Deirdre Falconer	Dr Fiona McLean
Janet Hunter	William Munro
John Kirk	Derek Ross
John Latham	Judith Webb
Eleanor Mackintosh	

In Attendance:

Gavin Miles, Head of Strategic Planning
Murray Ferguson, Director of Planning & Place
Grant Moir, CEO
Dan Harris, Planning Manager, Development Planning
Stephanie Wade, Planning Officer, Development Management,
Ed Swales, Monitoring & Enforcement Officer
Peter Ferguson, Harper McLeod LLP
Jim Cornfoot, Cairngorm Mountain Scotland Ltd – for Item 7
Tessa Jones, Badenoch & Strathspey Conservation Group – for Item 7

Apologies: Anne Rae Macdonald Pippa Hadley

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

1. 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, 23 April 2021, held via video conferencing were approved with the following amendment:
 - At para 22a line 2 (typographical error) 'he' to be changed to 'she'.
3. The Convener provided an update on the Action points from the minutes of the meeting on 23 April 2021:

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- Action Point at Para 16 (i.) – **In Hand** – Training session on wind farms will be scheduled for the Committee.
4. **There were no matters arising.**
 5. **Action Points arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Eleanor Mackintosh declared an Indirect Interest in Item 5.
Reason: As a community member of the Development Trust, but played no part in the discussions of this item.
7. Deidre Falconer declared a Direct Interest in Item 6.
Reason: Is a member of Kinraig and Vicinity Community Council who commented on the proposal and she will leave for this agenda item.

Agenda Item 5:

Detailed Planning Permission 2021/0043/DET (21/00107/APP)

Redevelopment of former secondary school site to create 12 affordable houses

Former Tomintoul Secondary School, Main Street, Tomintoul, Moray

Recommendation: Approve Subject to Conditions (and Developer Contribution)

8. Stephanie Wade, Planning Officer presented the paper to the Committee.
9. The Committee were invited to ask points of clarity, the following points were raised:
 - a) Were the colours in the application the only ones being considered and could the committee influence the choice or use on the main street? The Planning Officer confirmed they were the only colours being considered and that they were not being applied to the main street frontage. The Committee agreed they are not asking for more restrictions as colours are not on the main street.
 - b) There were questions from members about developer obligations relating to the Health centre. Members agreed with the recommendation. The Head of Strategic Planning confirmed that the CNPA would be having further discussions with NHS Grampian on the calculation of healthcare contributions generally in future.
 - c) There was a concern there hadn't been any representation with the Community Council so could developers consult with community? The Planning Officer advised this would have to be a suggestion outside the planning approval. It was confirmed that there was a community association in the area that the CNPA consulted on planning applications in the same way as they would a community council.
 - d) Peter Ferguson, Harper MacLeod informed the Committee that generally painting of houses once they are constructed is permitted unless they are in

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conservation areas. The colour palette could be restricted at this stage otherwise permitted development rights would apply.

- e) The Convener confirmed that members did not want to make any specific colours a condition.
10. The Committee were invited to discuss the report, the following points were raised:
- a) Comments supporting the application in a central location of the village and providing a good opportunity for local people to buy and rent. Comment was made supporting the design and use of colour to add interest and otherwise empty site.
 - b) The provision of outside clothes drying facilities was welcomed.
 - c) Comment welcomed the example of good practice involving volunteers and everyone working together for a common aim.
11. **The Committee agreed this application as per the conditions stated in the report.**
12. **Action Point arising:** None
13. Deirdre Falconer left the meeting.

Agenda Item 6:

Detailed Planning Permission 2021/0064/DET (21/00275/FUL)

Formation of track

Land 810M SW of The Schoolhouse, Insh, Kingussie

Recommendation: Approve Subject to Conditions

14. The Convener informed the Committee that Pete Moore, RSPB was in attendance to answer questions.
15. Ed Swales, Enforcement & Monitoring Officer presented the paper to the Committee.
16. The Committee were invited to ask points of clarity, the following points were raised:
- a) What was definition of the land? Is this enclosed farmland or semi-improved grassland or any other land definition? The Head of Strategic Planning confirmed officers were treating it as semi improved grassland as most of fields are grazed and have been fertilised in past.
 - b) A member expressed concern that 18 months ago a project used a geotextile contained micro plastics and this might apply here. Head of Strategic Planning clarified that the proposal referred to was for a plastic block mesh that vehicles would drive on but that the geotextile in the current application was a standard geotextile currently used as best practice in construction of this kind of track as underneath the track surface.
 - c) There was a comment that some of the pictures showed no damage from vehicles so was the new track required? The applicant, Pete Moore RSPB confirmed that most of the track was rutted and muddy, although the photos shown in the presentation had displayed the drier sections.

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- d) A member asked why it was being applied for when they understood the RSPB wanted to increase flooding in the marshes? Peter Moore confirmed that the plans to re-naturalise parts of the marshes would not be applied in this area of farmland. He confirmed that sometimes all parts of the marshes are submerged but that the higher flooding events were infrequent.
 - e) Clarification sought on the purpose of track? Pete Moore confirmed it was for the farmer's access and to aid RSPB staff in access the ground for habitat management work this part of the marshes has few vehicle access points..
 - f) Question about whether the rock material used to construct the track would be washed away during floods? It was confirmed that the RSPB have recently used this material to repair existing tracks effectively. The nature of the flooding means that the water is slow moving so does not create the erosion of fast moving water.
 - g) What was the extent of the flooding and was this work is in preparation for restoration work? It was confirmed that large floods would inundate the entire area of the flood plain and that the works were not related to future plans for restoration of the flood plan and marshes.
17. The Convener thanked the speaker.
18. The Committee were invited to discuss the report, the following point was raised:
- a) Members agreed that it was an interesting application; that no issues been raised by statutory consultees and they were therefore content with the report.
19. **The Committee agreed to approve the application as per the conditions stated in the report.**
20. **Action Point arising: None.**
21. **Deirdre Falconer returned to the meeting.**

Agenda Item 7:

Detailed Planning Permission 2021/000112/DET (21/01402/FUL)

Reconfiguration of existing car park and provision of infrastructure for camper van overnight facility

Cairngorm Mountain Ciste Car Park, Glenmore, Aviemore, Highland, PH22 1RB

Recommendation: Approve Subject to Conditions

22. The Convener noted Tessa Jones Badenoch & Strathspey Conservation Group was present. The applicant Jim Cornfoot from Cairngorm Mountain (Scotland) Ltd was also present and available to answer questions if necessary.
23. Gavin Miles, Head of Strategic Planning presented the paper to the Committee: He informed the Committee that three additional items of correspondence had been received on Monday:
- a) RSPB had made a general comment about capercaillie.

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- b) Badenoch & Strathspey Conservation Group had objected to the development on the basis of the impacts on capercaillie.
 - c) There had been representation about the adopted road which runs through the carpark near the old ski lift that Highland Council do not maintain at present. Any procedural issues in relation to the adopted road would need to be resolved by the applicant with Highland Council separate to this application.
24. The Committee were invited to ask points of clarity, the following points were raised:
- a) The Convener reminded all present that we have seen and been consulted on a draft of a master plan.
 - b) The Aviemore Community Council meeting had no comments on this project.
 - c) Will there be a cost for using the carpark for overnight stays and what would be in place to stop people parking the other side of the carpark. The Head of Strategic Planning confirmed that parking outside the designated area was a possibility and one reason for three years consent recommended to allow for monitoring.
 - d) Clarification about height restricted barriers to stop camper vans using car park? The Applicant confirmed a perimeter fence to prevent access and users will book ahead for carpark for camper van stays £15.00 per night. The income would be reinvested in waste removal and to the park site.
 - e) Clarification requested about fencing. Head of Strategic Planning confirmed that the post and rail fencing to 1.2 m created a psychological barrier and was easy to repair following winter snow or other damage.
 - f) There was concern there was no mention of climate change and the effect of carbon emissions from this project which would endorse 50 or so inefficient vehicles on the site. The Head of Strategic Planning noted that the vehicles were already in the area and that proposal was to improve management of them, observing that such vehicles would transition to electric vehicles over time.
 - g) A member asked what was to stop people without cassettes using the facility; or people staying there longer term; shouldn't there be public toilets there; and shouldn't there be a need for review of the consent? The Head of Strategic Planning noted that the application was made for a discreet facility for a certain type of campervan; that public toilet would increase the informal use of the location, but it was possible that the landowner would consider them as part of their long term management of the site; that the three-year consent provided a good opportunity to review what if any changes or improvements would be needed from experience. He noted that the HRA for the application concluded there would not be a significant effects on capercaillie or the integrity of the sites designated for them. The Applicant explained that cassette toilet-only vehicles were permitted to book a space for no longer than three days, there would be daily checking and Gate Codes will change repeatedly.
 - h) Clarification requested about H&S concerns about weather conditions and whose responsibility if camper vans are blown over. Head of Strategic Planning explained it was the responsibility of individuals and the landowner. The applicant confirmed they would provide information and that booking system would make terms and conditions clear.
 - i) Concern and further comment about displacement of smaller vans. A members made some suggestions for other facilities that were not part of the application. The Director of Planning & Place noted that those suggestions could not be

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considered here but that other sites were available and that the CBP had been funded to promote the range of camper van sites and stopping point across the area.

25. Tessa Jones from the Badenoch & Strathspey Conservation Group (objector) was invited to address the Committee.
26. The Committee were invited to ask questions of the speaker, the following points were raised:
 - a) Comment was made about what we do about the mobile homes as they are coming up as they are using the site any way. The Objector would hope to defer a decision for later following impact management studies. The waste should be disposed of at other facilities. There was also the increased publicity problem now due to social media.
 - b) Comment that it was an interesting presentation but is there another solution, may be fewer numbers? It is meant to be a stopover base - the hike to the sensitive habitat is a distance and was considered that visitors would probably be sticking to nearby paths. The objector felt this would still not prevent a problem which is being glossed over without full discussion.
27. The Convener invited the Head of Strategic Planning to come back on points raised. He confirmed that the issues the objector raised are taken seriously and have been discussed with NatureScot. The view of officers was that positive management will improve situation or in any case not make it any worse.
28. The Committee continued to discuss the report, the following points were raised:
 - a) An existing problem – temporary solution compromise – happy to go with recommendation.
 - b) Worth considering specific monitoring of number of Capercaillie in the area. Head of Strategic Planning confirmed that there was already monitoring of capercaillie and people within the woods by a range of land owners and organisations.
 - c) Member was unhappy with application as she felt strong that it was not an enhancement. They confirmed they would put an alternative motion to the Committee.
 - d) Support for application as it would allow active management with a controllable booking system.
 - e) Member advised that she would second any amendment to the application to discourage campervans. She felt there are better sites and had concern over effects on capercaillie.
 - f) Other members considered it a good and realistic application.
 - g) Should the application be issued for more than 3 years so that visitor profile settles down post covid? The Head of Strategic Planning recommended that 3 years was sufficient time for the operator to learn from the site's use and come forward with more permanent plans if required.
29. The Convener adjourned the meeting for 5 minutes to allow the preparation of an amendment to the Officer's recommendation.

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30. The meeting recommenced at 12.28
31. **Eleanor Mackintosh put forward an Amendment to refuse the application on the following grounds. This was seconded by Fiona MacLean. In their opinion, the application:**
- a) was contrary to contrary to Policy 2.3a, other economic development, of the LDP as it should not have an environmental or economic effect on the site or neighbouring sites
 - b) was contrary to Policy 4 Natural Heritage, because they considered it could have a detrimental effect on Capercaillie;
 - c) that as a result of those, and in addition, the application goes against That National Park's first aim of conserving and enhancing the natural heritage of the area; and
 - d) that although the CNPA LDP does not have a specific policy on carbon emissions and climate change this application does nothing to help meet wider targets
32. **Carolyn Caddick proposed the Motion to approve as per the Officer's recommendation and this was seconded by Peter Argyle.**
33. **The Committee proceeded into a vote. The results were as follows:**

Name	Motion	Amendment	Abstain
Peter Argyle	✓		
Geva Blackett		✓	
Carolyn Caddick	✓		
Deirdre Falconer	✓	✓	
Janet Hunter	✓		
John Kirk	✓		
John Latham	✓		
Eleanor Mackintosh		✓	
Douglas McAdam	✓		
Xander McDade	✓		
Willie McKenna	✓		
Ian McLaren	✓		
Fiona McLean		✓	
William Munro	✓		
Gaener Rodger	✓		
Derek Ross	✓		
Judith Webb	✓		
TOTAL	13	4	0

34. The Convener thanked the speakers.
35. **The Committee agreed this application as per the conditions stated in the report.**

36. Action Points Arising: None.

Agenda Item 8: Housing & Developer Obligations Supplementary Guidance

37. Dan Harris, Planning Manager, Development Planning presented the paper to the Committee which asks the Committee to approve for consultation Housing and Developer Obligations Guidance to support the Local Development Plan 2021.
38. The Committee were invited to discuss the report, the following points were raised:
- a) Interested to see where sums were spent including some areas outside the park. Concern that some areas could find money not necessarily those that need it. The Head of Strategic Planning explained that money might be collected on the basis of slightly different geographies to the National Park depending on the rationale for collecting it. It was possible that in some case money collected inside the park could be spent by a local authority on a service outside the National Park boundary, just as money collected outside the Park might be spent within it. He confirmed officers could look at this, formalising the way moneys are spent near and in the National Park with local authorities.
 - b) Note was made of the proposal to phase in the increased affordable housing contributions over several years and it was queried if it could be done sooner. The Planning Manager said contributions are different in different authorities because they are based on the house prices in the different areas and are not based on the same data. The Head of Strategic Planning recommended that four years was an appropriate time period over which to introduce such significant changes.
 - c) The Convener confirmed that the Committee were not minded to compress time scale.
 - d) Concern was expressed about first time builders. Head of Strategic Planning explained that in practice, the majority of single house and small developments were being built by wealthy people.
 - e) "LDP is designed to meet local needs" – what does this mean? Will we see fewer applications going through for bigger properties? The Planning Manager explained all housing was aimed for median and lower income, such as people who work in the National Park, it encourages smaller dwellings not larger properties, terraces and semi-detached units. Mention was made of the value of buildings being brought back to life to re-use properties.
 - f) Worries were expressed about the contribution increase for young working families. Head of Strategic Planning explained that though the maximum amount of the contribution had increased, if people showed they couldn't afford it they wouldn't have to pay it.
 - g) Wouldn't it be easier to follow what local Authorities do? The Planning Manager referenced appendix 3 that this applied specifically in the National Park, amounts reflecting local areas.
 - h) The Convener clarified this is supplementary guidance.
 - i) It is important to make it clear, especially for young people what is going to happen and put in some examples. Head of Strategic Planning agreed and would

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include some trigger points then bring it back to the committee in June with some clarification.

39. **The Committee approved the publication would come back to the Committee of the following Supplementary Guidance for a six-week period of public consultation:**
- a) **Housing**
 - b) **Developer Obligations**
40. **Action Point arising: None**

Agenda Item 9: AOB

41. Planning Committee member, Geva Blackett provided the Committee with an update on her visit this week to the Ballater Old School affordable housing development. She considered that the project was an exemplar affordable housing development, with old parts of the buildings conserved and complemented by the new housing. She hoped it would be nominated for an award in future.

Agenda Item 10: Date of Next Meeting

42. Friday 25th June 2021 at 10am via video/telephone conference.
43. The public business of the meeting concluded at 13.24 hours.