

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

**held via Video Conference
on 28th August 2020 at 10am**

Members Present:

Eleanor Mackintosh (Convener)	Xander McDade
Peter Argyle (Deputy Convener)	Willie McKenna
Carolyn Caddick	Ian McLaren
Pippa Hadley	Dr Fiona McLean
Janet Hunter	William Munro
John Kirk	Dr Gaener Rodger
John Latham	Derek Ross
Anne Rae Macdonald	Judith Webb
Douglas McAdam	

In Attendance:

Gavin Miles, Head of Planning and Communities
Murray Ferguson, Director of Planning & Rural Development
Grant Moir, CEO
Stephanie Wade, Planning Officer, Development Management
Katie Crerar, Planning Officer Development Planning
Nina Caudrey, Planning Officer Development Planning
Robbie Calvert, Graduate Planner
Matthew Hawkins, Conservation Manager
Peter Ferguson, Harper McLeod LLP

Apologies: Geva Blackett Deirdre Falconer

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

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

DRAFT COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 26 June 2020, held video conferencing were approved with no amendments.
3. The Convener provided an update on the actions arising from the minutes of 28 June 2020:
 - a) At Para 14i): Closed – Amendment to be made to condition 4 to state no right of working.
 - b) At Para 25i): Closed – Addition of link to SEPA and Scottish Water guidance to go into Non Statutory Guidance on Resources.
4. **Action Points arising: None.**
5. There were no matters arising.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Pippa Hadley declared an Indirect Interest in Item 6.
Reason: Not a neighbour of the development but her property is situated adjacent to and within view of the road proposed for access.
7. Peter Argyle declared a Direct Interest in Item 8.
Reason: Would be discussing and contributing to a response as part of the Aberdeenshire Council Marr Area Committee so would not take part in today's committee decision.
8. John Latham declared a Direct Interest in Item 8.
Reason: Clashindarroch is in his Ward and he would be discussing and contributing to a response as part of the Aberdeenshire Council Marr Area Committee so would not take part in today's committee decision.

Agenda Item 5:

Planning Permission in Principal 2020/0064/PPP (20/00822/PIP)

Residential development for up to 20 dwelling houses

Land At School Road And Craigmore Road, Nethy Bridge

Recommendation: Approve Subject to Conditions

9. The Convener announced that the report on the Examination of the proposed Cairngorms Local Development Plan 2020 (LDP) had been published on Wednesday 26 August with the reporters' recommendations. She invited Gavin Miles, Head of Planning & Communities to give a brief update on what this meant going forward and Peter Ferguson, Legal Advisor to explain the weight the emerging LDP would have on applications coming forward for determination going forward.

10. Gavin Miles, Head of Planning & Communities explained that the Reporters Examination Report on the proposed LDP was published on Wednesday and that staff had only had a brief chance to review it so far. However, from an initial reading it appeared that the report was a good one for the CNPA, with most significant points accepted by the Reporters. He explained that a full report would be brought to Board with recommendations for the next steps once staff had fully reviewed the reporters' recommendations. He went on to advise that the Reporters:
 - a) Were supportive of the Authority's approach to delivering housing and particularly affordable housing where they have agreed with our 45% affordable housing requirement in Aviemore, Ballater, Braemar and Blair Atholl.
 - b) Agreed with the way the Authority had calculated the Housing Land requirements and housing supply target.
 - c) Had recommended removal of a few sites that the CNPA had proposed to be allocated that they have recommended.
 - d) Agreed with the CNPA's proposed removal of the allocated site at School Wood Nethybridge from the plan because of the impacts on ancient woodland and landscape.

11. Gavin Miles noted that although the proposed LDP sets out the CNPA's preferred approach to the allocation in Nethybridge in the next LDP, the Committee could not simply use the proposed LDP as the basis for determining the application before them. He explained that the adopted LDP and its policies must be the basis for any decision and that once members had considered the application against that, they could then take account of other material considerations in coming to a decision.

12. Peter Ferguson, Legal Advisor made the following points:
 - a) Although the Reporter has completed the examination and has issued his report, the LDP adopted in 2015 remains the current LDP.

DRAFT COMMITTEE MINUTES

- b) Although the emerging LDP can be added as a material consideration, the two most important factors in determining how much weight can be given to an emerging LDP is dependent on two factors:
 - i. At which stage it has reached in its progress, it's difficult to give too much weight to an emerging LDP before its reached examination stage because there is always the possibility of change. In this case the report has been issued and while it is still possible that further changes between now and adoption, could be made by Scottish Government Ministers specifically in respect of adding the School Wood Nethybridge site back in.
 - ii. The relevance of the particular policies in the emerging LDP, how relevant are they to the development in question. In this case, the Planning Committee are dealing with a site specific allocation rather than more general policies and the wording of the policies are broadly the same across the current and emerging LDP's.
 - c) The change in the emerging LDP is only a material consideration and the decisions which must be taken today on Nethybridge and the other housing applications should be taking in accordance with Section 25 of the Planning Act which provides that in making any determination regard is to be had to the Adopted LDP and decisions are to be taken in accordance to the existing LDP unless material considerations indicate otherwise.
 - d) He explained the process involved in following Section 25 of the Planning Act when determining an application.
13. Gavin Miles, Head of Planning & Communities presented the paper to the Committee. He highlighted that there was an incorrect reference in the conclusion of the Paper where it referred to the weight being given to the fourth aim when should refer to the first aim.
14. The Committee were invited to ask points of clarity, the following points were raised:
- a) As a commercial forest was it likely to be felled? Head of Planning & Communities advised that the whole woodland was owned by Tulloch Homes but wasn't aware of any recent not active management. He explained that if the owner were to apply for a felling licence it would be consider by Scottish Forestry in the normal way, taking account of the ancient woodland on the site.
 - b) The transition between the flatter ground and hummocky ground on the site appeared very noticeable, does that tie in with what is known about there being a logging camp there in the past? Head of Planning & Communities advised that it was likely to be the case in some areas but that the war time logging camp was only active for a few years and appeared to have had timber sheds rather than more permanent buildings and foundations. He added that the species found there were indicative of the ancient woodland of the area.

DRAFT COMMITTEE MINUTES

- c) Local Member, John Kirk advised that in the 1960's the land was moorland and prior to that, may also have held a Prisoner of War camp.
11. Nigel Astel, ecologist representing the Applicant gave a presentation.
12. The Committee were invited to ask point of clarity. The following was raised:
- a) During the survey work carried out, was the woodland being used as a wildlife corridor taken into account? Mr Astel confirmed that it had and he explained that because of the existing heavy use of the site by people, it would not be preferred by capercaillie. He added that the wildlife would not be constrained by this development.
 - b) Could it be clarified that during the presentation Mr Astel commented that veteran trees were not of a high value? Mr Astel advised that veteran trees did hold value and in an ancient woodland the surrounding soil and tree source was extremely valuable.
 - c) Was lifting the soil and putting it elsewhere common practise? Mr Astel confirmed that it was not common practise, it was a new approach whereby taking the valuable ancient woodland soil and its contents (insect eggs, seedlings) and moving to another location where woodland was planted could support a more diverse habitat than would otherwise be established.
 - d) A Member commented that the idea of translocating soil from ancient woodland site to ex-agricultural site, it cannot replicate ancient woodland. Although the soil would be moved it wouldn't have the root structures in the soil and complexity to recreate the ancient woodland habitat. Mr Astel confirmed that some diversity would be lost, but that the soil would contain roots, dead wood and soil organisms in the short term. He noted that it would take 100-200 years to be able to confirm whether the transplanting had been successful in recreating the ancient woodland diversity.
 - e) A member questioned the comments made that one of the veteran trees didn't matter as it was dead? Had no value been placed on dead trees? Mr Astel disagreed and explained that dead wood was vital to a wide range of species.
 - f) Comment made that it was both National and National Park Policy to protect ancient woodland and it appeared that a presumption had been made that a loss of 4% of the woodland area would be acceptable. Mr Astel advised that the 4% of ancient woodland was on school land site. He added it was up to the Committee to weigh up the impact and make a decision if they can afford to lose it.
 - g) Comment made that the village would rather see the field identified for compensatory planting being used for community use rather than for woodland.
 - h) What is the advantage of picking up and moving the compensatory planting to an open field, why not around the area on a wooded place? Mr Astel advised that they have to pick somewhere that isn't on the ancient woodland inventory.

DRAFT COMMITTEE MINUTES

13. Objectors Stewart Taylor and Tessa Jones of Badenoch & Strathspey Conservation Group gave a presentation.
14. The Committee were invited to ask point of clarity. The following points were raised:
 - a) Were there more willows on the school wood site or proposed development site? Mrs Jones stated that there was more Goat willow on the site than in the whole of Abernethy.
 - b) How many of the species on the slides were in proposed development site? Mr Taylor advised that some are on and some just off the site, for example there is lichen growing on willow just outside the site.
15. The Convener thanked the speakers.
16. The Committee were invited to discuss the report, the following points were raised:
 - a) With reference to paragraph 29 of the report a member considered that there was a stark statement that the development would cause a loss of ancient woodland that was irreplaceable. The member indicated they intended to propose an amendment to refuse the application.
 - b) A member commented that the site was a difficult one for the community of Nethy Bridge, where the shortage of available housing was a problem for both young and old people in the area. The community also had reservations about the use of the compensatory planting area for planting trees and a desire to manage the Balnagowan Wood area that was also owned by Tulloch Homes. The Convener reminded the member that the site on the table today was the School Wood site and not the Balnagowan Wood site.
 - c) A member commented that the crux of the decision was that the application conflicted with the first aim of the National Park and that they would therefore second an amendment to refuse the application.
 - d) Comment made that they don't accept the site is the best place for that housing, and is adverse to policies 4 and 5, don't think it would justify the loss of ancient woodland.
 - e) Was there scope to look for somewhere else for the compensatory planting to go? Head of Planning & Communities advised that as far as officers were aware, Tulloch Homes did not own any other land nearby that was not already woodland.
 - f) In terms of Policy 9.3, should the permission be granted could recognition of the significance of the cultural heritage of the site be promoted through interpretation? Head of Planning & Communities agreed that would be possible.
 - g) Recognition that there is a need for affordable housing in Nethy Bridge but that the ecological arguments are stronger.

DRAFT COMMITTEE MINUTES

15. The meeting broke for a recess so that those proposing an amendment to refuse the application could take legal advice and come back with the appropriate wording of the amendment. The meeting paused for 20mins.

John Latham left the meeting.

16. Fiona Mclean put forward her amendment to refuse the application for the following reasons:
- a) The proposed development would result in the loss of ancient woodland contrary to Policy 4 of the LDP that cannot be mitigated and is also contrary to Scottish Planning Policy's requirement for the protection and enhancement of ancient woodland under paragraphs 194 and 216.
 - b) The inability of the proposed development to comply with policy 4 of the LDP outweighs the benefits of the delivery of housing and affordable housing in compliance with Policy of the LDP and is therefore contrary to the first aim of the National Park and to the LDP as a whole.
 - c) The proposed development is also contrary to the emerging LDP 2020 that removes the site as an allocation because it is ancient woodland.
17. Derek Ross agreed with Fiona McLean's reasons for refusal and seconded the motion.
18. The Convener asked Members to accept the addition of interpretation to promote the cultural heritage of the site as part of the motion to approve the application. Members agreed they were happy with that addition. Willie McKenna put forward a motion to go with the officer's recommendation of approval. This was seconded by John Kirk.

19. The Committee proceeded into a vote. The results were as follows:

Name	Motion	Amendment	Abstain
Peter Argyle		√	
Carolyn Caddick		√	
Janet Hunter		√	
John Kirk	√		
Eleanor Mackintosh		√	
Douglas McAdam		√	
Xander McDade		√	
Willie McKenna	√		
Ian McLaren		√	
Fiona McLean		√	
William Munro		√	
Anne Rae Macdonald		√	

DRAFT COMMITTEE MINUTES

Gaener Rodger		√	
Derek Ross		√	
Judith Webb		√	
TOTAL	2	14	0

20. **The Committee agreed to refuse this application.**

21. **Action Point arising:** None.

Agenda Item 6:

Detailed Planning Permission 2020/0013/DET (19/05298/FUL)

Erection of 22 apartments, formation of access road, SUDS, landscaping

Land 65M South Of, 22 Kerrow Drive, Kingussie

Recommendation: Approve Subject to Conditions

22. Robbie Calvert, Graduate Planner, presented the paper to the Committee. He noted a late representation had been received from Kingussie Community Council raising concerns around the transport management plan.

23. The Committee were invited to asked points of clarity, the following points were raised:

- a) In consultation with Highland Council Roads Department had there been a discussion about having a second point of access into the cul-de-sac? Having only one access road could leave the road very vulnerable if the road is blocked by say a burst water pipe or an accident. Head of Planning & Communities advised that the HC Roads Department were content with the application as it stands.
- b) Was there a long term maintenance plan for the landscaped grounds? Graduate Planner confirmed that a landscape maintenance plan has been submitted with the application and the Authority's landscape officer is happy with it.
- c) Comment made that they are pleased that the Community Council have brought up construction plan, being very familiar with the road, it is a well-used passage for children to park, a childminder lives in that street and can it take school times into consideration.
- d) Concern raised that the plans did not include the provision of washing lines which was not practical. Head of Planning & Communities agreed to add a condition which that asks for external clothes drying facilities.

20. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report with an additional condition surrounding the provision of external drying facilities.**

21. **Action Point arising:**

i. **Additional Condition to be added.**

22. The meeting paused for a half an hour lunch break.

John Latham returned to the meeting.

Agenda Item 7:

Detailed Planning Permission 2020/01111/DET (20/01563/FUL)

Phase I – 40 unit housing development

Land 160M South of Baldow Cottage, Alvie Estate, Kincaig

Recommendation: Approve Subject to Conditions and Developer Contributions

23. Stephanie Wade, Planning Officer presented the paper to the Committee.

24. The Committee were invited to ask points of clarity. The following were raised:

- a) Had any provision been made for the safe route to school extending to the road end to Spey bank? Planning Officer advised that the development provided a widened pavement from the south west tip of the site up to the crossing point on the B9152 to the school.
- b) With regards to the 20mph scheme what is the process involved in securing that? Head of Planning & Communities advised that this was a matter considered by the transport planning authority.
- c) Query surrounding school places, if there was no capacity at the school for the children to be accommodated, what was the alternative? Planning Officer confirmed that the school had spare capacity to accommodate pupils from this development.
- d) Does a developer contribution need to be made to the school? Planning Officer advised that would only be necessary if as a result of this application additions such as an extension would need to be made to the school to accommodate the extra children but this is not the case as the school has capacity.
- e) Clarification sought around the housing being proposed in this development in conjunction with the number of units allocated in the LDP which is 40. Head of Planning & Communities agreed that any further applications on this site would be called in by the CNPA.
- f) With regard to housing mix, 18 of 40 units were large detached units. Was there evidence that is what Kincaig needs and if not could anything be done about it? Head of Planning & Communities advised that the development

DRAFT COMMITTEE MINUTES

provided a range of house sizes and types and that officers considered it an acceptable mix overall.

- g) If this approved would this go against Highland Council advice in terms of visibility at the junction? Head of Planning & Communities advised that the visibility at the junction would meet Highland Council's requirements but that the location of the junction did not comply with their guidance in relation to distance from other accesses. He noted that the applicant had provided evidence of why an alternative location would not be practical.

25. **The Committee agreed to approve the report for Consultation as per the Officer's recommendation.**

26. **Action Point arising:** None.

Agenda Item 8: Clashindarroch II Wind Farm

27. Peter Argyle and John Latham left the meeting for this paper.

28. Nina Caudrey, Planning Officer presented the paper.

29. The Committee raised the following points:

- a) A Member raised concern regarding wind farms encircling the National Park and commented that the proposed structures were to be 180m high and that there be a cumulative impact. They considered that the number of wind farms was at saturation point and that the CNPA should be seen as a beacon protecting the environment around the Park and should object to the proposal. Planning Officer advised that NatureScot advice was that the proposed wind farm wouldn't be increasing the spread or extent of existing wind farms as it would be seen behind the existing Clashindarroch wind farm from the Park.
- b) Comment made that the proposed wind farm was not in the Park, could hardly be seen from the Park and that wind farms were needed to meet climate change targets, therefore happy to go with recommendation.

30. The Committee agreed the officer's recommendation and grounds of **no objection**.

31. **Action Point arising:** None.

32. Peter Argyle and John Latham returned to the meeting.

DRAFT COMMITTEE MINUTES

Agenda Item 9: Action Programme

33. Katie Crerar, Planning Officer presented the paper to the Committee.
34. **The Committee noted the paper.**
35. **Action Points arising: None.**

Agenda Item 10: Planning Service Priorities 2020-21

36. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
37. The Convener invited the Committee to discuss the report, the following points were raised:
 - a) Suggestion made to rewrite priorities 1 and 2 as couldn't see the work with schools happening at all given the current pandemic, suggestion made to replace it with the youth forum. Head of Planning & Communities agreed this was a useful suggestion.
 - b) Suggest made to simplify the planning obligations, considering how it might work for the National Park. Head of Planning & Communities disagreed and advised that there were some improvements that could be made and benefit all parties.
 - c) Comment made with the planning process being more accessible, live streaming Planning Committee meetings how can we capture how many are attending to watch? Could that data be captured going forward? Was there any way to check what the user experience was and if it was working for them, get more information around that accessibility? Head of Planning & Communities advised that the Authority have staff who watch the meetings, can tell how many are watching at one time. He noted that the feedback was generally positive.
38. **The Committee considered and approved the proposed planning service for 2020/21.**
39. **Action Point arising:**
 - i. **Rewrite priorities 1 and 2 to remove high school children and replace with work with Youth Forum.**

Agenda Item 11: AOB

40. No items were presented.

DRAFT COMMITTEE MINUTES

41. **Action Points arising:** **None.**

Agenda Item 12: Date of Next Meeting

42. Friday 25th September 2020 at 10am via video/telephone conference.

43. The public business of the meeting concluded at 14.00 hours.