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**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**APPROVED MINUTES OF THE PLANNING COMMITTEE**  
**held via Video Conference**  
**on 11<sup>th</sup> December 2020 at 10am**

**Members Present:**

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

**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  
Dan Harris, Planning Manager, Development Planning  
Nina Caudrey, Planning Officer, Development Planning  
Peter Ferguson, Harper McLeod LLP

**Apologies:** Dr Gaener Rodger

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

1. The Convener welcomed all present to the 289<sup>th</sup> meeting of the Planning Committee and apologies were noted.

**Agenda Item 3:**  
**Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 13 November 2020, held video conferencing were approved with no amendments/ the following amendments:
  - At Para 25h): Suggestion made to rewrite the paragraph as it did not make sense.
3. The Convener provided an update on the actions arising from the minutes of 13 November 2020:

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- a) **At Para 19i): In hand** – Any future temporary or otherwise application for this permission to be requested to provide information on the snow machine usage. Will be asked at the time of the next application, pre-app discussions on next application. The Convener requested that the applicant be informed now that it will be expected to be provided so that they can begin to collect it. Head of Planning & Communities agreed to write to them.
  - b) **At Para 27i): In Hand** - Planning Committee to be given a briefing on planning service and statistics to help provide feedback to any questions or comments and to correct inaccurate claims. This would be scheduled in 2021.
  - c) **At Para 3 li): Closed** - Addition of reference to Scottish Forestry policy in SG Consultation response of permitted development rights.
4. There were no matters arising.
  5. **Action Points arising:**
    - i. **Head of Planning & Communities to write to Cairngorm Mountain Scotland Ltd and ask them to provide information on the use of the Snowfactory machines to support any future applications for the temporary development.**

### Agenda Item 4:

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

6. Peter Argyle declared a Direct Interest in Item 5.  
Reason: Aberdeenshire Council member, while had no particular interest, had the application not been Called-in by the CNPA, he would have been sat on the Aberdeenshire Planning Committee deciding on the outcome of this application. (Advice had been sought from CNPA Director of Corporate Services who was awaiting advice from the standards commission).
7. Geva Blackett declared a Direct Interest in Item 5 and AOB item (housing at Kindrochit court in Braemar)  
Reason: Personal interest in Item 5 and had been campaigning for project over a number of years. AOB item - is part of the community group developing a housing project on the same land.
8. John Latham declared a Direct Interest in Item 5.  
Reason: Aberdeenshire Council member, while had no particular interest, had the application not been Called-in by the CNPA, he would have been sat on the Aberdeenshire Planning Committee deciding on the outcome of this application. (Advice had been sought from CNPA Director of Corporate Services who was awaiting advice from the standards commission).
9. Willie Munro declared an Indirect interest in Item 5

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Reason: Former employee of Aberdeenshire Council however had not had any involvement in this application.

10. Peter Argyle, John Latham and Geva Blackett left the video conference meeting for the duration of the next item.

### **Agenda Item 5:**

#### **Detailed Planning Permission 2020/0108/DET (APP/2020/0812)**

#### **Construction of A New Single Carriageway Road and Formation of Access and Erection of Bridge At A939 Deeside**

#### **At Tomintoul Road, Gairnshiel, Ballater, AB35 5UQ**

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

11. The Convener informed the Committee that Graeme Fisher and Donald MacPherson (Applicant), Ben Addy (Architect) were present to answer questions.
12. Stephanie Wade, Planning Officer presented the paper to the Committee.
13. The Committee were invited to ask points of clarity, the following points were raised:
  - a) Query around whether the space between the bottom of the proposed bridge and the water was sufficient when compared against the design of the existing bridge. Planning Officer confirmed that SEPA were content that the design meets their criteria and the design had also met the criteria of the flood assessment.
  - b) Query around what weathering steel would look like. Ben Addy (Architect) explained that the surface layer oxidises as a protective coating that immediately turns orange and quickly becomes a darker shade.
  - c) The Convener asked the Architect to confirm that the bridge would be low maintenance. Ben Addy (Architect) confirmed that the structure would not need maintenance and this was the reason for the design, but that the carriageway surfacing will require normal road surface low maintenance.
  - d) Query on the brightness of the colour of the rusting process and how long would it be a distinctive colour for? Ben Addy (Architect) advised that by 5-6 years it would be appear dark and after 10-12 years it would be even darker and remain that colour for the rest of its lifespan.
  - e) Could anything be done to speed up the rusting process? Ben Addy (Architect) advised that the structure could be left in a field to be exposed to the atmosphere and by the time the bridge is being installed it will have begun to oxidise.
  - f) A planning Committee member thanked Geva Blackett for her efforts and campaigning over the past 8.5 years driving this development on, to get it to this point.
14. **The Committee agreed these applications as per the conditions stated in the report.**
15. **Action Point arising:** None.
16. Peter Argyle, John Latham and Geva Blackett returned to the meeting.

## **Agenda Item 6: Berryburn Windfarm Extension Consultation Recommendation: No Objection**

17. Nina Caudrey, Planning Officer presented the paper to the Committee.
18. The Committee were invited to ask points of clarity, the following points were raised:
  - a) Clarification sought into the height and elevation of the front of the proposed windfarm. Planning Officer confirmed that the existing windfarm measured 144m high and the proposed development would mean a significant difference in height and would not be set within the same type of topography.
  - b) Having had a look at the visual provided on the NatureScot website from the view point of the Cromdale hills looking at closely at the height difference. Was the incremental difference between what is existing and what is being proposed? Planning Officer advised that application had to be assessed on the existing and the level of change the proposal created. The level of effect would increase the more structures were erected.
  - c) Clarification sought into the term used on the assessment that there was 'no significant impact' was there any other level of affects, could there be negligible or slight affect, what were the available gradings? Officer explained this was a professional judgement made by landscape staff.
  - d) Comment made the recommendations appeared a bit backwards, recommending no objection however supporting the mitigation measures. Planning Officer explained that officers' advice not to object was based on the policy tests in the National Park Partnership Plan. Peter Ferguson, Legal Advisor confirmed that the position had been summed up correctly and that the key test was the two policies in the National Park Partnership Plan.
  - e) Comment made that the recommendation of No Objection suggested that the CNPA were content with the proposed development however the caveat of supporting the mitigation measures implied that the CNPA were not content.
  - f) Concern raised that if only looking at the incremental difference in tip height and then next year another application is received which proposes another incremental difference in tip height, there would be a risk of ending up with something that the CNPA would not want. Planning Officer agreed with the sentiment however advised that any future application would be judged on its merits and the cumulative effects would be considered.
  - g) The Convener sensed a level of confusion amongst members and invited the Head of Planning & Communities to provide clarity. Head of Planning & Communities advised that NatureScot were looking at the application from a national perspective, where impacts on the special landscape qualities of the National Park were one part of their assesement. They had identified that the impacts on the National Park that were not significant (the development would be seen from the National Park) but that there were significant impacts elsewhere. The mitigation they sought in relation to those significant effects would also make the proposal less obvious from the National Park so should be supported. Being able to see a windfarm from the National Park was not the same as one having significant effects on the National Park's special landscape qualities. The recommendation was to support NatureScot's advice on

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mitigation was not necessary but if applied, it would mean a better development across a large area.

- h) Comment made that this development would cause a cumulative impact on the landscape and the view from the Park, not a silo and do see things outside the National Park. Question around the recommendation of no objection in view of this.
- i) Comment made that it was reasonable for the Committee to ask for redesign of the development to mitigate against the possible negative impacts the development will have on the special qualities of the National Park.
- j) Clarity sought into whether the Committee are obliged to respond objection or no objection, it seemed contradictory to say x,y,z would be better. Peter Ferguson explained that where there is an objection by Local Authority or the Planning Authority this can trigger a public enquiry. It is different for a consultee which is what the National Park Authority falls under.
- k) Sympathies with the proliferation argument on the table, however this windfarm was not in the National Park and therefore suggestion made to go along with the officer's recommendation
- l) Peter Argyle put forward a motion to support the officer's recommendation (No Objection) and this was seconded by Doug McAdam.
- m) Derek Ross put forward an Amendment to Object the application in terms of policy 3.3 stating it was contradictory to be recommending its approval and then adding caveats. This was seconded by Geva Blackett.

19. The Committee proceeded into 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>Janet Hunter</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>Derek Ross</b>		√	
<b>Judith Webb</b>	√		
<b>TOTAL</b>	<b>12</b>	<b>2</b>	<b>4</b>

20. **The Committee agreed to approve the Officer's recommendation of No Objection but supporting NatureScot's mitigation measures.**

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

### **Agenda Item 7: Planning Service Performance Update**

22. Gavin Miles, Head of Planning & Communities presented the paper to the Committee which provides an update on the statistical performance of the CNPA Planning service to Quarter 2 of 2020-21 and wider planning work delivery. He highlighted that through the Cairngorms Youth Group they were trialling an engagement project using the computer game Minecraft and that depending on its success, the map might be released for other educational uses.
23. The Convener invited the Committee to discuss the report, the following points were raised:
- a) Was the Minecraft game something that we have designed, or is it bespoke minecraft game we are using? Head of Planning & Communities advised that the team had created a map of the National Park in Minecraft which allows people to play out different scenarios. The member commended staff for this and said it was fantastic for engaging young people.
  - b) Comment made that figure 1 and 2 was helpful in showing that we were not comparing like for like, more complicated applications we call in which was important to note.
  - c) Query around the ongoing work was there a more detailed work plan of goals and outcomes behind it? Otherwise how would it be known if they had been achieved? Head of Planning & Communities advised that the detail was in officers work plans but that progress is reported to the Committee at the appropriate times.
  - d) Comment made that the Authority determine a very small number of applications compared to Local Authority's.
  - e) Praise for the Minecraft map, comment made that it was good to piggy back on something really successful and may tempt more visitors to the area as a result.
24. **The Committee noted the internal planning service monitoring results outlined in the report.**

25. **Action Point arising:** None.

26. Geva Blackett left the meeting for the duration of the discussion on the next item.

### **Agenda Item 8: AOB**

27. Gavin Miles, Head of Planning and Communities presented to the Committee ask that they consider agreeing to a small change to the S75 agreement that covered two housing sites in (Kandrochit Court and St Andrews Terrace) in Braemar. The S75 Agreement allows for land at Kandrochit Court (with planning permission for affordable housing) to be transferred to Aberdeenshire Council or a Housing Association. The change to the agreement that parties want to make is to allow the

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land at Kindrochit Court to be transferred to the community for the purpose of creating affordable housing. Otherwise, the agreement will remain the same and the Kindrochit Court affordable housing will provide the contribution required from housing development at St Andrews Terrace.

28. He explained he wanted to make the following changes:
- a) to a change in the body who the land will be transferred to for the purposes of creating affordable housing (from RSL or Council to Braemar Community Limited or other community vehicle); and subject to that transfer of land -
  - b) to the removal of any further financial contributions for the site in relation to the active consent on Kindrochit Court (this is likely to become a point of delay for the community project);
  - c) to the removal of the requirement for the site to be cleared and serviced (this has been factored into the community project's budgets but more importantly , was likely to become a further point of delay if it remained);
  - d) to the waiving of the requirement for an affordable housing contribution from a new consent for development of housing on the St Andrew's Terrace site. The number of units proposed by the community on the Kindrochit Court site will be close to or more likely exceed the 45% we would seek from the sites as one development. Other contributions would be calculated on the basis of policy and justification at the time of determination.
29. **The Committee agreed with the proposal.**
30. Head of Planning & Communities provided an update on the Gynack Flood alleviation scheme:
- a) Nothing formal had been received yet but a new scheme was being designed and costed.
  - b) The owners will be asking companies to tender that work to gain a cost estimate.
  - c) There would be two potential implications from this: either that a new scheme comes forward to Planning Committee; or, if too expensive, the applicant will need to undertake works to reinstate the land.

31. **The Committee noted the update.**

32. **Action Points arising:       None.**

### **Agenda Item 9: Date of Next Meeting**

33. Friday 22<sup>nd</sup> January 2021 at 10am via video/telephone conference.

34. The Board Convener said a few words of thanks to mark the last meeting convened by the Planning Committee Convener, Eleanor Mackintosh who was stepping down. He made the following points:
- a) Praise for her dedication in the role of Planning Committee Convener for the best part of a decade.

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- b) She is hugely respected by her fellow board members and the staff here at the Park Authority.
  - c) As Planning Committee Chair, Eleanor was ground breaking in a number of respects – both as the first woman elected to a senior Board position and as the first directly elected Board Member to speak on behalf of the Authority at a public inquiry.
  - d) She has also overseen the reform of our Planning Committee, making it more efficient and effective.
  - e) She is one of the best committee chairs he had ever experienced.
35. The Planning Committee Convener thanked the Board Convener for the kind words.
36. The public business of the meeting concluded at 11.30 hours.