

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at the Community Hall, Boat of Garten
on Friday 26 September 2014 at 11.00am

Members Present

Peter Argyle (Deputy Convenor)	Eleanor Mackintosh (Convenor)
Duncan Bryden	Mary McCafferty
Angela Douglas	Willie McKenna
Katrina Farquhar	Fiona Murdoch
Jeanette Gaul	Gordon Riddler
Kate Howie	Brian Wood
Dave Fallows	Katrina Farquhar
Paul Easto	

In Attendance:

Grant Moir, Chief Executive
Murray Ferguson, Director of Planning & Rural Development
Katherine Donnachie, Planning Officer, Development Management
Gavin Miles, Planning Manager
Bruce Luffman, Monitoring & Enforcement Officer
Alix Harkness, Clerk to the Board
Sam Wainwright, Planning Admin and Systems Officer

Apologies:

Gregor Hutcheon	Gregor Rimell
Martin Price	Bill Lobban
John Latham	

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. The Convenor thanked Members for re-electing her to the position of Planning Committee Convenor and added that she was looking forward to the challenge,

APPROVED COMMITTEE MINUTES

providing the leadership and to setting the future direction of the Planning Committee's important work.

3. The Deputy Convenor also thanked Members for re-electing him and conveyed his gratitude for the Members' confidence in him.
4. Apologies were received from the above Members.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

5. The minutes of the previous meeting, 29 August 2014, held at the Community Hall, Boat of Garten were approved with no amendments.
6. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 12: The Convenor and Deputy Convenor had been circulated a map with revised colourings and this would be circulated to all Members;
 - Action Point at Para. 26: In hand and will be added to the list of training;
 - Action Point at Para. 29: In hand and is on the Agenda for the December Board meeting.
7. **Action points arising: Revised coloured wind farm map to be circulated to all Members.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

8. No interests declared.

Agenda Item 5:

Erection of 2 No. holiday lodges to supplement existing resort accommodation At Macdonald Aviemore Resort, Grampian Road, Aviemore, PH22 1PN (2014/0096/DET) (Detailed Planning Permission)

9. The Convenor informed Members that the agent was available to answer questions:
 - a) Agent – Alec Milne
10. The Committee agreed to the request.
11. Murray Ferguson, Director of Planning & Rural Development presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
12. The Committee were invited to ask officers on points of clarification, and the following were raised:
 - a) It was understood that this application has to be considered as a standalone application, however, could this encourage further piecemeal applications to come before Committee which totals up to the amount agreed within the detailed permission and masterplan that has already been granted permission? Murray

APPROVED COMMITTEE MINUTES

agreed that this was possible; the Applicant could come forwards with different applications at different times and each would have to be considered on its merits but this was not desirable. However, he added that there was nothing in the current Local Plan that mitigated otherwise. He went on to advise that active discussions were currently taking place with the agents for the broader site and that the intention is that any further applications should come forward in an integrated way.

- b) When does the planning permission for the live detailed consent expire? Murray stated it was due to end in April 2016.
 - c) Approval has been granted for 15 lodges on the site. If this application was approved would permission then be being given for 17 lodges in total? Murray advised that the Applicant already has approval to build up to 15 lodges. There are none there at the moment as a result of the existing permission as it has not been implemented. If the two lodges are approved then these would be taken into account in any assessment of how many further lodges could be accommodated on the site.
 - d) Would approval of this application constitute work beginning on the site in relation to the masterplan application? No, it would not be a commencement of works on the existing consent as it is a separate application.
 - e) In paragraph 40 it states that because of the scale of the development, developer contributions would not be sought. If an application for two lodges every year came before Committee for approval would the danger of losing the potential for developer contributions be presented? Murray agreed and advised that applications can only be assessed on what is presented.
 - f) Members gave strong encouragement of the use of the Masterplan going forward. Murray advised that staff in the Planning and in Rural Development teams would work pro-actively to assist the development to come forwards. However, the onus would be on the private sector to find the investment and to comply with the conditions and requirements of the existing legal agreements.
13. The Committee were invited to ask questions of the agent and the following points were raised:
- a) With reference to Figure 1 of the Paper, was the path shown on map going to disappear? And if so, was there an opportunity for planning gain? Mr Milne advised that it was not a path but an area of open trodden ground and, although it was designated on the map, there was no signposting or way-marking to suggest the line of a path exists. He added that as a matter of course they would re-route the path. Katherine Donnachie advised that the path shown was not a core path, however, a condition could be imposed regarding rerouting.
 - b) In reference to paragraph 9 of the paper how would '*maximising the benefits of solar gain*' be carried out? Mr Milne referred to a presentation slide that he had brought with him. He advised that this meant maximising the amount of sunlight and daylight coming into the lodge through the layout of the lodges.

APPROVED COMMITTEE MINUTES

- c) Was the type of accommodation proposed aimed at the self-catering or time-share market? Mr Milne advised it would be a bit of both. He went on to say that the design of the lodges have been carefully considered with specialists. He added that it was their intention to get two lodges designed as models and to use this model for the next application which, if this one is successful, will be for 10 more lodges.
14. The Convenor thanked the speaker.
15. The Committee agreed to approve the application subject to the conditions stated in the report and subject to the following amendments:
- An additional condition regarding the need to re-route the path to be worked up by Planning Officers.
16. **Action Points arising: An additional Condition about provision of path to be added as detailed in paragraph 13a.**

Agenda Item 6:

Report on Called-in Planning Application:

Formation of hill tracks to connect with existing routes

At Pitmain Estate, Kingussie

(2014/0219/DET) (Detailed Planning Permission)

17. The Convenor informed Members that the agent was available to answer questions
- a) Agent – Caroline Webster
18. The Committee agreed to the request.
19. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
20. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) A comment was made advising that the core path described in paragraph 5 of the Paper is not on the road. Katherine accepted that point.
- b) Had an assessment of archaeology interest been carried out? Katherine advised that it had not been carried out - she added that the nearby township is unaffected by these proposals.
- c) How would the imposed conditions be monitored? Katherine advised that the Enforcement Officer would monitor these and check that they had been met.
21. The Committee did not have any questions for the agent.
22. The Committee agreed to approve the application subject to the conditions stated in the report and agreed that the application should be held up as an exemplar of good practice.
23. **Action Points arising: None.**

APPROVED COMMITTEE MINUTES

Agenda Item 7: Planning Performance Framework Annual Report 2013/14

24. Gavin Miles presented the Planning Performance Framework Annual Report for 2013/2014 to the Committee before submission to the Scottish Government.

25. The Committee discussed the report and the following points were raised:

- a) Are the number of pre-application discussions between Local Authorities and Applicants taken into account into our statistics? Gavin advised that the statistics relate to the pre-application discussions undertaken by the CNPA only.
- b) Are there any plans to create a Design Review Panel? Gavin reminded the Committee that this had been discussed last year and, given the amount of work required to put one in place, it was agreed to concentrate our efforts on other things.
- c) An update on processing agreements was requested. Gavin advised that they are offered on all applications being called in and during pre-application discussions. Although 100% are being offered, these are not always taken up. He added that having one gives much more certainty as to when the application would be determined.
- d) A comment was made thanking Gavin for the huge amount of work spent pulling the paper together. It was highlighted that whilst parts 1 and 5 of Appendix 2 detailed the headlines, parts 2 to 4 were also very encouraging. The Committee agreed that the misgivings in parts 2 to 4 should be highlighted the Scottish Government.
- e) A comment was made regarding the internal culture showing continuous improvement. Murray advised that the Planning Team would be undertaking team building activities in near future as part of the wider staff Group and again once the three vacant planning posts were filled.
- f) How has the restructure of the Planning team from Ballater to Grantown bedded in? Murray reminded the Committee that he had circulated the new staff structure which would take effect from November 2014. He went on to advise that it was hoped to have a full planning team in place by Christmas 2014 and the consolidation as a team would begin then.
- g) The Convenor reported that an accusation had been made at the Developers Forum which said that the CNPA were looking only to hit targets. The Committee agreed what is important is to get the right development in the right place. Grant advised that the issue for some developers is that it has taken too much time to determine applications but we have also been accused of moving too quickly on occasions, not allowing enough time for discussion. He added that the three or four large legacy cases would be taken to Committee in the next few months and that the driving force is on making decisions that are good for the Park.

APPROVED COMMITTEE MINUTES

- h) Are the planning team content that the strategic allocation of resources are sufficient to meet targets that are being worked toward? Grant agreed that at present they are content with the current system and the staffing levels within the team. He added that should the planning system change as a result of the discussions around the new Corporate Plan, then the current system and staffing levels would need to be reviewed.
 - i) What could be picked out the report as being progressive? Murray suggested officers are getting good feedback about the standards of design in Park and there was interest from certain quarters in taking that further. The Convenor highlighted the work with Association of Cairngorms Communities Planning Representatives Network and the Developers Forum being appreciative of these processes as they do not get it elsewhere. The Convenor added the positive feedback received on quality of advice given by staff as part of the pre-application process. Grant highlighted the approval rate of applications is at more than 90% and the decision notices being issued within 7 days are at 80%.
 - j) Agreement for the future on the level of work that can be done up front to reduce the number of conditions imposed which saves a lot of time and effort for both the applicant and the staff.
 - k) The need to simplify and improve the customer focus of the CNPA Planning web pages and to provide quicker routes to applications and open consultations.
26. The Committee agreed to approve the report for submission to the Scottish Government subject to the following additions:
- a) Ensure the report reflects the work that the CNPA does to support good design;
 - b) Promotion of a strong team culture within the Planning Team as part of the wider programme of changes.
27. **Action Points arising: Gavin to make amendments to the Report as detailed in paragraph 26.**

Agenda Item 8: Planning Monitoring and Enforcement in the Cairngorms National Park 2013/2014

28. Bruce Luffman presented a paper reporting on the monitoring and enforcement activities for the 12 month period up to October 2014.
29. The Committee discussed the paper and the following points were raised:
- a) In reference to Table 1 under paragraph 5 of the paper, could the sources of enforcement issues be identified? Bruce advised that these came predominately from people who live locally. Murray added that a member of the community may not necessarily report these via their local Community Council.
 - b) A query was raised regarding why a 2009 case was still open. Bruce explained the reasoning for this.

APPROVED COMMITTEE MINUTES

- c) If one or two things could be changed to make enforcement easier what would they be? Bruce advised that the problem going forward is hill tracks.
 - d) Would the creation of a register of contractors specifically for hill tracks be useful? Bruce agreed that it would.
30. Bruce proceeded in giving the Committee a presentation on Hill Tracks which highlighted both examples of good and badly constructed tracks and tracks currently being approved by local authorities through permitted development rights.
31. Murray Ferguson thanked Bruce for the presentation. He went on to advise the Committee of the wider implications around the Minister's recent announcement about a new approach to tracks through a prior notification system and advised the Committee of the timetable going forward.
32. The Committee discussed the presentation and the following points were made and raised:
- a) There was a surprise and alarm from the Committee regarding the state and extent of the tracks being approved under the permitted development rights process;
 - b) The need for Local Authority Councillors to return to their respective Local Authorities to ensure a consistent approach was being taken across the Park to permitted development to and ask to be consulted where at all possible;
 - c) Is there sufficient hydrological evidence to support the need for stream/ river crossings to be repaired and replaced as a result of flooding on tracks with inadequate drainage being constructed upstream? Bruce advised that he was unsure about this but advised that Frances Thin, CNPA Landscape Advisor may have such evidence;
 - d) Queries regarding the state of the tracks used to create the Beauly to Denny power line with recognition that many land owners applying to adopt these. Bruce advised that these should be refused as they are supposed to be reinstated to their original form once the work is complete. Murray advised that he had recently received an update from Scottish and Southern Energy (SSE) explaining how the restoration work was progressing. Murray agreed to circulate this update to the Committee. He added that he would ask SSE to come before the Committee and show what they have done to reinstate the land to its original form. The Committee welcomed this idea;
 - e) The need to lobby Scottish Government officials to get to abolishing permitted development rights for hill tracks in a National Park and agreement at the very least to get to a place where the CNPA have an influence on these decisions in the future. The Convenor advised that Murray Ferguson was already taking that strong view forward. The Committee requested that a paper on this be on the Agenda for the next Planning Committee meeting which sets out suggested comment and representation which the Committee could endorse.
33. The Committee thanked Bruce for the hard work he had put into this and agreed to the recommendations.

APPROVED COMMITTEE MINUTES

34. Action Points arising:

- i. **Local Authority Members to feed back about need for consistent approach to permitted development rights and to be consulted where at all possible.**
- ii. **Murray to circulate recent correspondence from SSE regarding their progress in reinstating the tracks that were constructed for the Beauly to Denny project and invite them to future meeting.**
- iii. **A Paper to be brought forward in the near future to consider way forwards on hill tracks.**

Agenda Item 9: Department of Planning and Environmental Appeals (DPEA) Report on Examination of Proposed Local Development Plan

35. Gavin Miles presented the Department of Planning and Environmental Appeals (DPEA) Report on Examination of Proposed Local Development Plan to the Committee.

36. The Committee discussed the Paper and discussion took place around the following:

- a) The merit in communicating to developers that unless there are profound errors in the report the findings need to be accepted;
- b) Clarification was requested with regard to bullet point 6 on page 3 of the Paper, what was the rationale for 10%?
- c) Clarification as to what the phrase 'generally no more than' (than 25% affordable housing) means? It was confirmed that this was the wording of the new Scottish Planning Policy (SPP);
- d) Clarification as to what was meant on page 157 by needing a policy on Digital Infrastructure. Gavin advised that this was about broadband and mobile connectivity and that a separate policy had been drawn up to be incorporated into the Plan;

37. The Committee agreed to note the positive nature of most of the recommendations and the timescale for modifications to the Local Development Plan.

Action Points arising: None.

Agenda Item 10:

Any Other Business

38. The Convenor informed the Committee that at the last Developers Forum meeting she had approached two developers and asked them to come to a future Planning Committee meeting to discuss design.

39. Murray Ferguson reminded the Committee of the application for 32 houses in Boat of Garten which was approved in June 2013. He advised that the application had last week had their Section 75 agreed and that the decision notice would be issued next week.

APPROVED COMMITTEE MINUTES

40. Murray Ferguson reminded the Committee that the Allt Duine wind farm, near Kincaig, to which CNPA had objected, had been sitting with Scottish Government for well over a year. He advised that he had received news that SNH are now formally objecting to it.

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

Agenda Item 11:

Date of Next Meeting

42. Friday 24 October 2014 at Albert Hall, Ballater.

43. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Alix Harkness, Clerk to the Board.

44. The public business of the meeting concluded at 13.20.