

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten
on 27th January 2017 at 11.00am

Members Present

Peter Argyle	Bill Lobban
Becky Badger	Fiona Murdoch
Paul Easto	Eleanor Mackintosh (Convener)
Jeanette Gaul	Willie McKenna
Kate Howie	Gordon Riddler (Deputy Convener)
Janet Hunter	Gregor Rimell
John Latham	Brian Wood

In Attendance:

Gavin Miles, Head of Planning
Murray Ferguson, Director of Planning & Rural Development
Matthew Taylor, Planning Officer, Development Management
Katherine Donnachie, Planning Officer, Development Management
Matthew Hawkins, Landscapes & Ecology Manager
Peter Ferguson, Legal Adviser Harper & MacLeod LLP
Alix Harkness, Clerk to the Board

Apologies: Angela Douglas Dave Fallows
Gregor Hutcheon Judith Webb

Agenda Items 1 & 2:

Welcome

1. The Convener welcomed all present and apologies were noted.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 16 December 2017, held at the Grant Arms, Grantown-on-Spey were approved with no amendments.
3. There were no matters arising.
4. The Convener invited Katherine Donnachie, Planning Officer to provide an update at paragraph 6c) from the previous minutes.
 - a) Dorenell Wind Farm – the Public Local Inquiry would run from 21st to 24th March 2017.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

5. Willie McKenna declared an interest in:
 - a) Item No. 5 – Indirect interest – is a season ticket holder for Cairngorm Mountain

Agenda Item 5:

Application for Detailed Planning Permission (2016/0295/DET)

Retrospective planning application to retain a ski area access track

At Cairngorm Mountain, Glenmore, Aviemore

RECOMMENDATION: Approve subject to Conditions

6. Katherine presented the paper to the Committee.
7. The Committee were invited to discuss the report, the following points were raised:
 - a) Confirmation sought that the application site as viewed from the funicular had been considered as part of the landscape impact assessment. Matthew Hawkins confirmed that it had been.
 - b) Clarification regarding whether the path was intended for occasional use or would it be subject to public right of way, outdoor access rights. Gavin confirmed that the path would not form part of the promoted path network however members of the public may use it and then it would fall to the applicant to manage that.
8. Mr Adam Gough, Mr Jim Cornfoot and Mr Colin Matthew (Applicants) addressed the Committee and gave a presentation.

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9. The Committee were invited to discuss the points made by the Applicant, the following points were raised:
 - a) Disappointment at the retrospective nature of the application and request for explanation why they carried out the works without having planning permission. Adam Gough explained that as a result of time, seasonal and environmental restraints planning permission was not sought.
 - b) Reassurance sought that the Applicant would not carry out further works without planning permission in future. Adam apologised and confirmed that there would be no further applications of a retrospective nature coming forward. He also advised that construction method statements had now been put in place and shared with both the Highland Council and the Cairngorms National Park Authority (CNPA) Planning staff. He added that as and when plans change he would come back to CNPA Planning staff to discuss before going ahead.
 - c) Confirmation sought that the Applicant would be able to implement the landscaping, drainage, ground works and planting detail by May 2018, as per the Management and Piste Landscaping document. Adam agreed that they would.
 - d) Was it intended to devise a masterplan for the whole site? Adam advised that it was and that it would be shared with statutory bodies and agencies in the future.
10. Mr George Allan of the North East Mountain Trust and Mr Allan Bratney (Objectors) were invited to address the Committee.
11. The Committee and staff were invited to discuss the points made by the Objectors, the following points were raised:
 - a) Matthew Hawkins advised that the taking of turfs from surrounding areas was common practise and that he had no concerns on this.
 - b) The Committee Convener asked whether Mr Allan's suggestion that the track be removed and turfed over, with vehicles driving over the re-turfed ground would be a better solution. Matthew advised that from a landscape point of view he had no concerns over the visual impacts of the current proposal.
12. The Convener thanked the speakers and the Committee were invited to discuss the report, the following points were raised:
 - a) If the Committee were minded to refuse what would be involved and what would be the consequences? Katherine advised that it would involve reinstating the ground which would mean further ground works, vegetation and seeding leading to further disturbance.
 - b) With reference to one of the photographs Mr Bratney showed during his presentation to the Committee, was there any further information as to the

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condition of the site now? Matthew advised that the tracks were recovering now and that the vegetation was coming through well. He added that it would be monitored annually. Katherine added the landscape plan detailed heather brushing which would be closely monitored.

- c) Was the borrow pit in good shape? Matthew advised that he hadn't seen it and that it hadn't been drawn to his attention.
- d) Agreement that the Convener would write to Natural Retreats and the owner of the land expressing the Committee's disappointment of the retrospective nature of the application.
- e) Plea made to members of the public at the meeting to respond to the current Scottish Government consultation on the Planning Policy review which raises issues on enforcement.
- f) Suggestion made in the context of point (e) to make an example of this application and previous retrospective applications at Badaguish to be used to show where planning legislation may be improved. Agreed.
- g) Recommendation made that photographs to show the difference and regrowth of heather over the years be included in the annual monitoring reports. Katherine confirmed the requirement for an annual monitoring report was included in the conditions and that photographic evidence was a standard way of recording progress.
- h) Request for further updates on how the development is progressing to be brought back to the Committee. Agreed.
- i) Concern was raised that enough resources were available to put into monitoring sites to keep track of the development. Gavin advised that there were sufficient resources but that the planning service has been changing the ways that conditions are worded and the monitoring requirements with planning consents to make it as simple as possible. He noted that there is always a risk that a consented development breaches rules or that development happens without permission and that while routine monitoring will pick up some breaches, there is always a role for the public in reporting suspected breaches.

13. The Committee agreed to approve the application subject to conditions detailed in the report.

14. Action Points arising:

- i. Planning Committee Convener to write to Natural Retreats and the owner of the land expressing the Committee's disappointment at the retrospective nature of the application.**

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- ii. **An example of this application and previous retrospective applications at Badaguish to be used when responding to the current Scottish Government planning review consultation to show where planning legislation may be improved.**
- iii. **Further updates on the progress of this development to be brought to the Committee at regular intervals.**

16. Becky Badger joined the meeting at this point.

Agenda Item 6:

Application for Detailed Planning Permission (2016/0128/DET)

Retrospective change of use of land for siting 3 mobile holiday letting units with composting toilets; erection of bothy for holiday lettings including compost toilet and solar pv; change of use of hen house to distillery, shop and bar for guest use. Demolition of garage and erection of former station building containing toilet and distillery extension.

At Inshriach House, Aviemore

15. Matthew Taylor presented the paper to the Committee.
16. The Committee were invited to discuss the report, the following points were raised:
- a) Disappointment at the retrospective nature of the application and need to also write to the applicant to express the Committee's disappointment.
 - b) Quirky, innovative application.
 - c) Clarification as to how it had come to the attention of the Planning staff? It had been brought to the attention of Highland Council and the CNPA had called in the application as per normal procedures. Matthew advised that he had discussed the proposals with the applicant who was now clearer on the types of development that would need planning permission.
17. **The Committee agreed to approve the application subject to conditions detailed in the report.**
18. **Action Points arising:**
- i. **Planning Committee Convener to write to applicant expressing the Committee's disappointment at the retrospective nature of the application.**

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27. Murray Ferguson reminded the Committee that since the Scottish Government proposed changes to planning reform, further consultations were currently taking place on climate change plan and energy strategy and an onshore wind policy statement. It was agreed that links to these consultations would be circulated round the Committee.

28. **Action Points arising:**

- i. **Progress report on track restoration as a result of the Beaully to Denny line to be brought to the Committee meeting on 24 March 2017.**
- ii. **Links to current consultations to be circulated to Committee members.**

Agenda Item 13:

Date of Next Meeting

29. Friday 24 February 2017 at The Albert Hall, Ballater.

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

31. The public business of the meeting concluded at 12.45 hrs.