

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE
held via Video Conference
on 25 June 2021 at 10am

Members Present:

Dr Gaener Rodger (Convener)	Anne Rae Macdonald - left mtg 12:00 – 1:20
Peter Argyle (Deputy Convener)	Douglas McAdam until 12:20
Geva Blackett	Xander McDade
Carolyn Caddick	Willie McKenna
Deirdre Falconer	Ian McLaren
Pippa Hadley - left mtg 12:10 to 1:20	Dr Fiona McLean - until 12:20
John Kirk left mtg for item 10.	William Munro
John Latham	Derek Ross
Eleanor Mackintosh	

In Attendance:

Gavin Miles, Head of Strategic Planning
Murray Ferguson, Director of Planning & Place
Grant Moir, CEO
Emma Bryce, Planning Manager, Development Management
Stephanie Wade, Planning Officer, Development Management
Katie Crerar, Planning Officer, Development Planning - for Agenda Item 6.
Peter Ferguson, Harper McLeod LLP
David Cameron, Director of Corporate Services – for Agenda Item 19j

Apologies: **Janet Hunter** **Judith Webb**

Agenda Items 1 & 2:
Welcome & Apologies

- I. 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, 14 May 2021, held via video conferencing were approved subject to the following amendments:
 - a) Page 9 – para 39 to be changed to: The Planning Committee deferred approval of the publication of the Supplementary Guidance for a six-week period of public consultation for:
 - i. Housing
 - ii. Developer Obligation
 - b) Page 9 – para 40 to be changed to: Action Point arising: The Planning Team will clarify the points raised by committee members and update the Housing & Developer Obligations Supplementary Guidance which will come back to committee for approval in June 2021 prior to a six-week period of public consultation.

3. **Action Points arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

4. Willie Munro declared an Indirect Interest in Item 6.
Reason: As an ordinary member of the Caravan and Motor Home Club but this will not hinder taking full part in discussion.

5. John Kirk declared a Direct Interest in Item 10.
Reason: As a neighbour and friend of the Applicant, he will leave the meeting for this item.

6. Peter Argyle declared an Indirect Interest in Item 6.
Reason: Member knows the principal of Aurora Planning and would like this recorded but will still take part in this item.

7. At Item 6. It was clarified to the Committee that the organisation mentioned in the application was the Caravan & Motorhome club not the Caravan & Camping club so members of the latter did not have to declare any interest in the item.

Agenda Item 5:

Detailed Planning Permission 2020/0009/DET (19/05588/FUL)

Erection of 18 houses (8 affordable) with associated drainage and road layout

Land North of, Auchroisk, Cromdale, Station Road, Cromdale, Highland

Recommendation: Approve Subject to Conditions

8. Emma Bryce Planning Manager, Development Management, presented the paper to the Committee.
9. The Committee were invited to ask points of clarity, the following point was raised:
 - a) A member asked about road lighting on the development. The Planning Manager explained they hadn't had this detail yet, but the proposed conditions would secure the details of hard and soft landscaping including lighting within the development and associated footpaths.
10. A statement was read out which had been received from Geoffrey & Joan Dawson (Objectors).
11. The Planning Manager was invited to respond to a point raised:
 - a) The location of the closest plots to the objectors' property was identified. The Planning Manager said the amenity of existing properties and new properties needed to be protected. The new property was set with its gable at an angle to the objectors' property, and this together with the existing outbuildings of the objectors' property privacy would be satisfactory. Head of Strategic Planning noted there would be further landscaping with boundary treatment including fencing and planting.
12. The Committee were invited to discuss the report, the following points were raised:
 - a) A member was pleased to hear about the landscaping plan and asked about whether it was the case that the new property windows would look into the objectors' rooms. Head of Strategic Planning said there will be views from the upper floor towards the objectors' garden, though the existing outbuildings partially obscure the view, and agreed that planting was needed to break the view between new building and the objectors' property.
 - b) A member welcomed the new houses and affordable homes but questioned why two storey buildings were considered acceptable in such a development especially on the higher ground as most buildings in Cromdale were bungalows or 1.5 storeys. Head of Strategic Planning explained Cromdale had a variety of housing types including two storey ex-local authority properties. He added that two storey houses work well with the affordable homes because of the extra space they provide upstairs and they were considered acceptable in this context.

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- c) Generally, members were happy with the application, partly to support the young people in the area looking for homes. The members hoped the objectors' concerns about screening for privacy would be addressed by the conditions proposed.
- d) The Convener noted the Committee had been expecting this to come to April meeting and was glad to see the team have worked hard with the applicant to bring it to this committee.

13. **The Committee agreed this application as per the conditions stated in the report.**

14. **Action Point arising:** None.

Agenda Item 6:

**Application for Detailed Planning Permission 2021/0035/DET (APP/2021/0157)
Change of Use of Agricultural Land to Form Caravan Park Erection of Storage
Shed and Installation of Decking and Hot Tubs and Formation of Access
At Land Adjacent to Old Hall, Dinnet Bridge, Dinnet**

**Recommendation: Approve Subject to Conditions outlined in the papers
and Subject to amendment to condition 6**

- 15. The Convener informed the Committee that the Applicant, Archie Buchanan was present and available to answer questions and as the Objector James Madden would be addressing the Committee.
- 16. Stephanie Wade, Planning Officer presented the paper to the Committee. She informed them there had been late objection but this was covered in existing points.
- 17. The Committee were invited to ask points of clarity, the following points were raised:
 - a) A member noted the application was for 8 plots with only 5 in use at any time, who would police the numbers? The Planning Officer advised that the numbers would be recorded when people make bookings. The applicant's intention was to have a licence from the Motor Home and Caravan Club which would limit the site to 5.
 - b) What would happen in time if there was application to increase number? The Planning Officer explained that the number of caravans would be restricted via the planning condition. Any increase in the numbers would require another licencing application or look to for a variation in the condition or a different planning application.
 - c) Query around there being no formal track in the development but what if it was really wet? The Planning Officer advised that the grass tracks would be mowed

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and potentially boggy areas would be fenced off temporarily. Head of Strategic Planning explained the Applicant wanted grass tracks but, in the future, if the applicant felt they needed to put in formal tracks they could apply from them it was expected that permission would be granted.

- d) A member advised that they had visited the site yesterday and expressed their concern about families crossing the road. Could links to the existing path network be formalised to encourage them to cross the road safely? The Planning Officer explained that with the small increase in numbers of people the existing routes would be sufficient on the western side. On the eastern side the proposal included a gap in stone wall would link into the public footpaths. The Highways Department and Outdoors Activity Team did not consider it necessary to put any further measures forward at this stage.
- e) The member asked if signposting could be conditioned to discourage people from crossing the road to the river Dee which would also help the fishermen. Head of Strategic Planning said a condition could be added requiring information on access near the site and pointing out the promoted path network but not add a safe crossing. There was visibility in the area where people might want to cross. Head of Strategic Planning said people could be encouraged to the promoted paths but not discourage them from a bit of ground they have a right to go on.
- f) It was noted that the Applicant had not yet received accreditation from the Motorhome and Caravan Club. It would be private members organisation, a private facility, not for passing trade. The Planning Officer explained it would initially be run for club members to establish themselves, when established, if they wished to occupy all 8 pitches, they would need to apply for a licence from Aberdeenshire Council.
- g) A note was made that the condition relating to Bins and Refuse collection was condition 5 not condition 6.
- h) A member asked why the septic tank was so close to the river bearing in mind the waste water from the hot tubs. The Planning Officer explained the location has been considered by the flood risk management team of Aberdeenshire Council and Habitats Regulations Appraisal and determined an acceptable distance away from the River Dee to not impact on any nutrient level etc.
- i) A member noted there was not public water supply in the area. It will be served by an existing private water supply currently serving two residential properties - one was the applicant and the second was the objector who lives in Fasnadarach. The member was concerned about the drier summers and water supply drying up. Head of Strategic Planning made a point of clarity that Aberdeenshire Council were satisfied the quantity and quality of existing supply was sufficient for the application as well as existing properties because of the surplus water.

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18. The Convener invited James Madden (Objector) to present his objection to the Application. Questions were invited from Committee members for James Madden:
- a) A member asked Mr Madden what specific items he was interested talking to the applicant about. Mr Madden replied: Water Supply, Noise nuisances and noise attenuation and road safety issues specifically the increased timber mill production and accompanying lorry traffic. The road needs to be widened and a formal footpath added.
 - b) A member commented that the water supply to the existing houses should be protected. Head of Strategic Planning pointed out that licencing by the Motor Home & Caravan Club does have rules about noise nuisance and lighting and that the Council's Environmental Health team can act on those matters. The objector's house was more than 100meters from the existing house on site on the other side of the road. We have taken the advice of the Council Transport Planning team on the safety of the road and impact of this development.
 - c) A member asked about Road safety and would stopping the traffic from east would solve the problem? Mr Madden said it was impossible for motorhomes to access the site from the east. Only way development traffic can reach site from B976 Ballater was narrow and difficult. But traffic can only come over Dinnet Bridge. Getting heavy traffic to development site was concerning and difficult. There was an ongoing danger from the Sawmill drivers and boy racers. A member informed the meeting that the only way timber lorries could go on their way was across Dinnet Bridge which was confirmed by the objector. He confirmed his house was visible but shielded from road. Mr Madden noted the road design facilitates timber lorries but caravans have to turn 90% on difficult bridge.
19. The Committee were invited to discuss the report, the following points were raised:
- a) Members expressed concern over water supply and volume of water needed for hot tubs and agree with objector with measurements this year being unrepresentative after heavy snowfall. A lot of water supplies dried up a few years ago. Water supply should be based on overflow and could that be a condition on the application? Head of Strategic Planning explained that officers relied on the advice of Aberdeen Environmental Health Team and he said it would be reasonable to give priority to residential properties in periods of low water flow. He agreed that officers would include a condition requiring the water supply to existing properties to be prioritised during periods of low flow.
 - b) A member asked if there could be a suspensive condition made to enable a supply survey in the summer. Peter Ferguson, Harper McLeod, was asked how far we can go into basing our decision on water supply as a planning authority as this was a private water supply. Peter Ferguson replied the adequacy of existing services was a relevant consideration. The Environmental Health Department

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have provided information. Easements were private matters dealt with separately. We should take increased demand on a water supply into account. Head of Strategic Planning explained that given that the relevant regulatory body was satisfied with the arrangements proposed, the addition of a condition ensuring that the existing properties were prioritised in the supply and that the site received the overflow was a reasonable approach.

- c) A member asked about the road traffic speeds. Mr Buchanan (Applicant) replied that they did speed test at the entrance to the site was 34mph average - over a week, with 1000 vehicles. When they book in caravans, they will advise of safest option which was the same as the lorries which were slow at the same point. There will be a new entrance in the safest place possible.
- d) A member questioned the tracks on site. The Applicant explained he had wanted to make as few changes to the site as possible, leaving as much of the dry-stone dyke as possible and leave trees, keeping it as natural as possible. The possibility of muddy tracks has been considered with a tractor available on site but doesn't think there will be a problem as the ground has a good percolation rate with good drainage hence the positioning of septic tank which was referred to previously.
- d) A member felt the impact of noise and disturbance would be minimal as lived near a similar site but was concerned about the lack of connection of tracks into the path network. Head of Strategic Planning explained the site does link well to existing paths network around Glen Tanar for walking and cycling. A member agreed there were good links to paths nearby.
- e) A member thought there would be limited impact on surrounding environment. Economic contribution to Dinnet would not be big and it's on right but people will travel around the area. Felt it a good application and expects there will be more of this kind of application.
- f) A member proposed an amendment for the Motion to be deferred until a site visit had taken place. A point was made that if it was deferred for a visit, it would be after the summer before this application could go ahead plus some members felt a site visit would not be necessary. Advice of David Cameron, Director of Corporate Services would be sought before a vote on a site visit for the practical implications with regard to Covid Rules. Head of Strategic Planning explained to members that he thought it unlikely that they would gain substantially more evidence from a site visit than was available from the papers and presentation but that officers could show some further photographs to the committee for more context.
- g) A member felt the provision of hot tubs was questionable but would go with recommendation of the officer when making the decision.
- h) The Committee looked at 8 additional photos provided by the Planning Officer and at Google Street View:

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- i) Members were still concerned about the speed of vehicles and timber lorries as well as leakage of water into the River Dee and asked for assurances. The Planning Officer said pre-treatment processes were in place it had been concluded nutrient level was at an acceptable level.
 - j) A member asked that if there was a flood and the soakaway was affected would that pollute the River Dee? The Planning Officer said the treatment process has been assessed by themselves and NatureScot. Head of Strategic Planning noted there was no identified risk of flooding on the site.
 - k) David Cameron, Director of Corporate Services joined the meeting. He informed all present that the earliest that full site visits can start will be Monday 19th July, subject to details of the impacts of the pandemic. This would allow informal gathering. The reintroduction of formal meetings would need clarification. The next date after this to consider would be 9th August. The opening up of outdoor meetings will be subject to the impacts of pandemic and all 40s will have had both vaccinations.
20. Head of Strategic Planning clarified that if there were a vote currently, the Motion was the recommendation to approve the application with a suggested amendment to defer for a site visit. There was no seconder to the suggested amendment.
21. Carolyn Caddick proposed the application subject to the amendment that there will be a condition to prioritise private properties when water was in short supply. This was seconded by Eleanor Mackintosh.
22. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report and a condition requiring the water supply to existing properties to be prioritised during periods of low flow.**
23. **Action Point arising:**
- i. **Officers to include a condition requiring the water supply to existing properties to be prioritised during periods of low flow.**

The Meeting adjourned at 12:20 and reconvened at 12:50. The Convener thanked those who re-joined the meeting.

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Head of Strategic Planning explained the applicant would need to make an application for a permanent site or a further temporary facility before a consent expired.

30. The Committee were invited to discuss the report. The following was raised:
- a) Members agree this was a good application with a positive use of the old buildings.
 - b) A member asked about extending the temporary permission period until October 2024. Head of Strategic Planning explained it was up to the Applicant to request extending the time period and the principle of giving them a limited time period would encourage them to send in a proposal for permanent consent within a meaningful time scale.
 - c) There was a discussion between Peter Ferguson, Harper McLeod and the Head of Strategic Planning to confirm time scale requested by the applicant. It was confirmed to the Committee that a consent would set an end date for the temporary permission 2 years from the date of decision.
 - d) Members discussed that the applicant asked for 2 years and should be given the 2 years which gives a focus point to the application.
30. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report and the time period revised to two years from the date of decision, and subject to the provision of disabled toilet facilities.**

Agenda Item 9:

Application Under Section 75A of the Town and Country Planning (Scotland) Act 1977 to Discharge Legal Agreement Associated with Planning Consent 08/423/CP

At Mullingaroch Steading, Street of Kincardine, Boat of Garten, PH24 3BY

37. Emma Bryce, Planning Manager presented the paper to the Committee.
38. The Committee were invited to ask points of clarity; the following points were raised:
- a) A member asked when interpretation of regulations had changed to allow the CNPA to remove the section 75 legal agreement. Head of Strategic Planning explained this was a specific agreement between the applicant and the Park Authority only, there were no other parties involved. Peter Ferguson, Harper McLeod added that procedures changed in November last year, now there was a fast-track procedure. Certain functions were given to the National Park rather the Local Authority. There had been at least one discharge of a section 75.

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- b) A member asks, as it was a registered croft could the officers confirm whether there has been any consultation with Crofting Commission? Head of Strategic Planning explained the condition on the house was separate to the controls on the croft land, a separate issue.
 - c) A member noted that this was a separate agreement between the Cairngorms National Park and the Applicant which we can remove if we wish.
 - d) A member pointed out that if anyone wanted to buy the property in the future a mortgage wouldn't be available if a section 75 was in place and they would agree to lifting the section 75.
 - e) Head of Strategic Planning noted that over the past few years the CNPA had increasingly been required to consider the detail of planning legislation and the CNPA's role in practice and this meant that there was probably some change in interpretation of the CNPA's roles in relation to some planning matters.
 - f) Peter Ferguson talked about the wording of the designation order. Section 75 fall into the sections of 'applications for planning permission'. In the past a literal interpretation might have been taken. The wording of the designation order doesn't specifically apply to a section 7
39. The Convener clarified that the Head of Planning and our Legal Advisor, Peter Ferguson had agreed it was within our remit to remove this Section 75 and moved the recommendation to support removal of the Section 75.
40. **The Committee agreed this application as per the conditions stated in the report.**
41. **Action Point arising:** None

Agenda Item 10:

Proposal of Application Notice (PAN) PRE/2021/0015 (21/02329/PAN)

Energy storage facility comprising up to 50 energy storage containers, electrical control building, transformers, switchgear and ancillary infrastructure with capacity of up to 49.9mw

At Land 380M West of East Croftmore, Boat of Garten

42. Katie Crerar, Planning Officer presented the paper to the Committee.
43. The Convener noted the points and clarified this was not a Planning Application. The Committee have been asked 1) to note the proposal 2.) to note the CNPA pre-application advice on the issues to address 3) asked to make comments on any additional relevant conditions to be addressed.

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44. The Committee were invited to discuss the report, the following points were raised:
- a) A member agreed with the suggestion of more natural boundary planting. Head of Strategic Planning explained, one of the points the officers have brought up with the applicant.
 - b) A member asked if the flight of Capercallie have been considered, in relation to the 3-meter-high fence. Head of Strategic Planning, explained this had been considered by the officers but that any capercaillie in this location would be flying between larger woodland areas and therefore higher than the fencing proposed.

45. **The Committee noted the proposal and officer's advice.**

46. **Action Point arising:** None

Agenda Item 11:

Planning Appeal Decision – 2020/0064/PPP (PPA-001-2023)

Residential development for up to 20 dwelling houses, Land at School Road and Craigmore Road, Nethy Bridge

47. Gavin Miles, Head of Strategic Planning presented the paper to the Committee. The site does not have permission and is not allocated in the new Local Development Plan.

48. **The Committee noted the decision.**

49. **Action Point arising:** None.

Agenda Item 12:

Consultation on Draft Supplementary Guidance for Housing & Developer Obligations

50. Gavin Miles, Head of Strategic Planning presented the paper to the Committee which sets out the Consultation on the Draft Supplementary Guidance for Housing & Developer Obligations. Together with Dan Harris Planning Manager they looked at providing more clarity on when the affordable housing contributions would be required and when they would not. They would like the consultation to go out then come back to the Committee.

51. The Convener invited the Committee to discuss the report, the following points were raised:

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- a) A member asked if we can make changes at a later date. Head of Strategic Planning explained that after the consultation the guidance could be changed and then has to be sent to Scottish Ministers who can direct us to make changes. It would be possible to change it but not as easy as with non-statutory guidance.
- b) A member asked that leeway on time be given as some community councils were not meeting within the time scale. Head of Strategic Planning suggests the delay the start of the consultation until at least the end of July so that it runs into September to cover all community associations and community councils.
- c) The issue about people who couldn't afford the contribution, how would this have to be proved? Head of Strategic Planning stated this would be assessed by a viability assessment the cost could be reduced or taken away entirely. He also clarified that there was no requirement from an affordable housing provider or an individual providing affordable housing or within an affordable level.
- d) Some members were disappointed the officer could not come up with examples as does not show us as being open and transparent. Head of Strategic Planning said he understood and that the team would consider further detail for members following the consultation. He explained that the only difference to the previous guidance was the total amount of money which has been increased. The mechanism of the assessment will be the same as that currently applied.
- e) A member felt that it doesn't matter if committee members not completely agreed at this stage. It was important that the consultation happened and that people raised issues during it which the Committee would then consider.

52. The Committee approved the Publication of the Supplementary Guidance for 6 week Public Consultation.

Agenda Item 13:

AOB

54. A member mentioned an issue which was discussed Carrbridge Community Council where a new Affordable Housing property was being used for Airbnb. Was there something the National Park Authority could do? Head of Strategic Planning explained there was nothing we could do at present. In the future there may be a licensing system short term lets or a requirement for a planning application to change use. He agreed it was disappointing as the houses were intended as homes for first time buyers. Peter Ferguson, Harper McLeod noted the Scottish Government put out a consultation exercise yesterday on a short-term letting control proposal to be considered during the course of the summer.

55. **Action Points arising:** **None**

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Agenda Item 14:

Date of Next Meeting

56. Friday 27th August 2021 at 10am via video/telephone conference.
57. The public business of the meeting concluded at 14: 25 hours.