

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**  
**held via Video Conference**  
**on 10 December 2021 at 9.30am**

**Members Present:**

Dr Gaener Rodger (Convener)	Anne Rae Macdonald
Peter Argyle	Douglas McAdam
Geva Blackett	Xander McDade
Carolyn Caddick	Willie McKenna
Deirdre Falconer	Ian McLaren
Pippa Hadley	Dr Fiona McLean
Janet Hunter	William Munro <i>joined meeting at 09.40am</i>
John Kirk	Derek Ross
John Latham	Judith Webb
Eleanor Mackintosh (Deputy Convener)	

**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  
Peter Ferguson, Harper McLeod LLP

**Apologies:           None**

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

- I. The Convener welcomed all present and noted she was joined by Eleanor Mackintosh, the new Deputy Convener. There were no apologies noted.

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## **Agenda Item 3:**

### **Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 12 November 2021, held via video conferencing were approved with no amendments.
3. **Action Points arising:**
  - a) **23(i) in hand** – there will be a development session for the Committee in 2022 about landscape effects inside and outside the National Park.
  - b) **12(a) closed**
  - c) **42(i) from 24 September 2021 Planning Committee – closed** – site visit to Aviemore Community Hospital undertaken by some Committee Members.

## **Agenda Item 4:**

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

4. Willie Munro declared a (non-financial) Interest in Item 5 and 6.  
Reason: Knows the agent, but has considered the position and is satisfied no conflict so would participate.
5. Deirdre Falconer declared a (non-financial) Interest in Item 5 and 6.  
Reason: Is a neighbour of the Estate, but has considered the position and is satisfied no conflict so would participate.
6. Geva Blackett declared a (non-financial)) Interest in Item 5 and 6.  
Reason: Knows the agent, but has considered the position and is satisfied no conflict so would participate.
7. Fiona MacLean declared a (non-financial) Interest in Item 7.  
Reason: Is a Member of the Committee for Scotland for the National Lottery Heritage Fund. They part funded this application, so she will not take part in the discussion and will leave the meeting for this item.

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### **Agenda Item 5:**

#### **Detailed Planning Permission 2020/0220/DET (20/02963/FUL)**

#### **Erection of bothy and formation of access track**

#### **At Land 515M SE of Farmhouse, Killiehunty, Kingussie**

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

8. Katie Crerar, Planning Officer, Development Planning, presented the paper to the Committee.
9. The Committee were invited to ask points of clarity, the following points were raised:
  - a) A Member wished to check the length of the track and is this a new track? Katie Crerar, Planning Officer confirmed it would be a new path. It will be 230 metres.
  - b) Two key policies, policy 5 and policy 2.2, does it preserve and enhance in terms of policy 5. Gavin Miles, Head of strategic Planning confirmed there would be additional tree planting to mitigate the loss of some trees.
  - c) A Member queried a referral to volume rather than rooms. What is the difference between a Bothy, a hut and self-catering accommodation? Officers explained that these were the term Bothy had been chosen by the applicant and that volume was architectural term describing the form of the buildings. It was confirmed that they were a form of self-catering accommodation.
  - d) A Member queried the track, does the track go all the way down to the loch or the bothy? Katie Crerar, Planning Officer confirmed the track goes to the Bothy and not the loch.
  - e) A Member queried when does a path become a track or a road? In the application this is to be 1.8M wide, vehicles are going to be able to use it, with hand rails on part of the path and passing places, is there also to be lighting? Katie Crerar, Planning officer stated it will be able to accommodate a vehicle, for those with minimal mobility. These provisions are there for limited mobility. The passing places are resting stops, they are not for vehicles. Visitors will be given torches, there will be no lighting.
  - f) A Member queried access rights, and how is the applicant going to manage this? Gavin Miles, Head of Strategic Planning confirmed everybody has access rights, the only rights they will not have is to gain access to the Bothy.
  - g) A Member queried the electricity. Katie Crerar, Planning officer confirmed the electricity would be laid at the same time as the path.
  - h) A Member stated the building is to be built with Siberian larch, is it not possible to source larch in Scotland? Gavin Miles, Head of Strategic Planning stated this is not the type of thing we can stipulate.
  - i) A Member asked if it was a dry soakaway system? Katie Crerar, Planning Officer confirm it is to be a dry system for foul waste but that there was a

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water treatment system for grey water with an outflow towards the lochan. SEPA have looked at this and have no concerns.

- j) A Member was surprised that the HRA did not mention Black Grouse as they had seen them flying the area. Katie Crerar, Planning Officer, stated ecological surveys have been carried out, there would also be a requirement for pre-construction surveys. Nina Caudrey, Planning Officer, clarified that 6 members of CNPA staff had been on site visits at various times and there have been no sightings. That is not to say they do not fly over the area. There are also no records within 1km of this site.

10. The Convener advised that Bob Reid (Agent) was not available due to IT issues to give a presentation. Therefore either Thomas MacDonell (Applicant) or Sophie Rowland (Agent) were invited. Sophie Rowland (Agent) confirmed they would not give a presentation but would be happy to answer any questions that the Committee may have but explained that this application was to intended to be accessible to as many people as possible..

11. The Convener invited members to ask any points of clarity to the agent, Sophie Rowland:

- a) A Member asked in regards to Policy 2.2 where an application provided year round accommodation. The application states the accommodation would only be occupied by 2 people for up to 6 months of the year, so how does that contribute to a year round economy? Sophie Rowland stated this is due to the design of the Bothy, how it is managed, it is a structure you would only want to stay a couple of days per week. This is to complement the existing accommodation at Killiehuntly. This will require additional staffing and the estate would be employing locally to contribute to the economy.
- b) A Member stated this is a beautifully designed building, why has this location been chosen rather than converting one of the derelict buildings on the estate? In terms of economy how many jobs would be created by this being built and what would be the benefits. Sophie Rowland stated the location was selected allow accessibility to all, as well as giving people a perception of being with nature. There would be a number of jobs supported during the construction process and the facility would require servicing throughout its lifetime.
- c) A Member asked within the application it is stated this is to compliment the main farm house. Would it be let to guests at the farm house who wanted to stay at the Bothy for a night or two or is it to be let totally separately? Sophie Rowland confirmed it is expected to compliment the accommodation as a whole and it could let separately or with the main house.
- d) A Member wished clarification on the how long the unit will be made available for? Would it only be possible for 6 months of the year? Sophie Roland

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confirmed this is unknown at this stage, although completely flexible, but thought to initially be 6 months over spring and summer but that it might be extended if there was demand.

- e) A Member asked if this is to be built on a peat bog. Gavin Miles, Head of Strategic Planning confirmed it would be built on the slope of a hill on rocky ground.
12. The Committee were invited to discuss the report, the following points were raised:
- a) A Member commented this is an exceptional application. There are no issues raised by any consultees in the report. This is a very good application for accommodation for those who would normally not be able to access such places.
  - b) A Member stated this provides accommodation for those with limited mobility and the uniqueness.
13. Gavin Miles, Head of Strategic Planning read out a statement from an objector, Mr John Barton.
14. The Convener carried on the meeting for any other Members comments;
- a) Deirdre Falconer proposed a site visit to see the context of the building, This was seconded by Carolyn Caddick.
  - b) Peter Argyle noted it was is a comprehensive application and that members had already had a long discussion. He didn't consider that a site visit would be an advantage or add to what Members have in front of them today. He proposed an amendment not to have a site visit but to determine at the meeting. The amendment was seconded by Eleanor Mackintosh.
  - c) Gavin Miles, Head of Strategic Planning clarified a point from a member on the location of the site in relation to defined wildland areas, confirming that it was not located in a wildland area (although the owner of the estate was named Wildland Ltd) and was within a few hundred metres of the Killiently farmouse and steadings.
15. The Convener summarised the vote to be taken: The Motion was for Members to have a site visit before determining the application; the Amendment was to determine the application at the meeting. The results were as follows:

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<b>NAME</b>	<b>MOTION</b>	<b>AMENDMENT</b>	<b>ABSTAIN</b>
Peter Argyle		x	
Geva Blackett	x		
Carolyn Caddick	x		
Deirdre Falconer	x		
Pippa Hadley		x	
Janet Hunter		x	
John Kirk	x		
John Latham		x	
Eleanor Mackintosh		x	
Douglas McAdam	x		
Xander McDade	x		
Willie McKenna	x		
Ian McLaren	x		
Fiona McLean		x	
William Munro	x		
Anne Rae Macdonald	x		
Gaener Rodger		x	
Derek Ross		x	
Judith Webb		x	
<b>TOTAL</b>	<b>10</b>	<b>9</b>	<b>0</b>

16. The Committee agreed the motion.

17. Action Point arising:

- (i) Site Visit to be arranged for this application before determination can be made.

### **Agenda Item 6:**

**Detailed Planning Permission 2020/0221/DET (20/02964/FUL)**

**Erection of bothy and Associated Service Route**

**At Land 400M SW of Farmhouse, Killiehuntly, Kingussie**

**Recommendation: Approve subject to conditions**

18. Katie Crerar, Planning Officer, Development Planning presented the paper to the Committee.

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19. The Convener advised that Bob Reid (Agent) was not available due to IT issues to give a presentation. Therefore either Thomas MacDonell (Applicant) or Sophie Rowland (Agent) would be available for any questions the committee may have.
20. The Committee were invited to ask points of clarity, the following points were raised:
  - a) A Member asked regarding the access for servicing the Bothy and how much servicing a Bothy needs. Does it need vehicle access? Is this access also to be used for the construction? Katie Crerar confirmed this is to be a fully serviced self-catering unit, so staff will need reasonable access. The service track would be constructed first and used in the construction phase. This was all detailed within the construction method statement.
  - b) A Member queried the existing foot path along the river bank, is this a river walk and will it be impeded? Katie Crerar confirmed there was a small informal path along the river bank and that occasional use by people staying at the bothy would not change its character. The Bothy itself would not prevent people walking along the riverbank.
  - c) A Member queried the semi natural woodland, is any woodland on the ancient woodland inventory? Katie Crerar, Planning Officer confirmed it was not and that no trees have been marked for removal.
21. The Committee were invited to discuss the report, the following points were raised:
  - a) Deirdre Falconer proposed a motion that the Committee have a site visit to view this application in its entirety. This was seconded by John Kirk.
  - b) Peter Argyle proposed an amendment stating that there was a very detailed report and that a site visit was not needed. This also opens up a risk of the applicant going for an appeal on the grounds of non-determination.
  - c) The Convener asked the Deputy Convener to comment. Vice Convener stated on this occasion she would welcome a site visit, so would go with the motion.
  - d) Derek Ross, confirmed he would second the amendment.
22. The Convener proceeded to a vote. The Motion is for Members to have a site visit. The results were as follows:

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NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		x	
Geva Blackett	x		
Carolyn Caddick	x		
Deirdre Falconer	x		
Pippa Hadley		x	
Janet Hunter		x	
John Kirk	x		
John Latham		x	
Eleanor Mackintosh	x		
Douglas McAdam	x		
Xander McDade	x		
Willie McKenna	x		
Ian McLaren	x		
Fiona McLean		x	
William Munro	x		
Anne Rae Macdonald	x		
Gaener Rodger		x	
Derek Ross		x	
Judith Webb		x	
<b>TOTAL</b>	<b>11</b>	<b>8</b>	

23. The Committee agreed the motion.

24. Action Point arising:

- (i) Site Visit to be arranged for this application before determination can be made.

25. The Planning Committee had a comfort break and reconvened at 11.30 hours.

### Agenda Item 7:

#### Detailed Planning Permission 2021/0208/DET (21/02868/FUL)

Erection of Discovery Hub, Learning Hub and Hilltop Hub and alterations to visitor centre at Highland Wildlife Park, Kincaig, Highland, PH21 1NL

**RECOMMENDATION: Approve Subject to Conditions**

26. Fiona McLean left the room.



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27. Gavin Miles, Head of Strategic Planning presented the paper to the Committee.
28. The Committee were invited to ask points of clarity, the following points were raised:
  - a) A Member queried in regard to the Developer Contributions. Also it has been asked for a contribution towards real time information and its future maintenance. The future maintenance seems unusual. The Member stated normally associating a developer contribution with a capital contribution and why would this be looking at ongoing costs. Head of Strategic Planning confirmed this is a sum of money factored in to the developer contribution to maintain the facility in the longer term, but was a one off payment. With regards the Event Management Plan, this is required by Highland Council's transport planning team and was standard practice.
  - b) A Member queried the parking layout. Within the plans there is an extensive parking area and also an area set aside for motor homes. Would this allow overnight parking for motor homes or just an area for when visiting during the day? Head of Strategic planning confirmed parking is not being increased substantially. With regards the campervan parking, they are larger more difficult vehicles to park and therefore have a separate area. This is not for overnight parking.
29. The Committee were invited to discuss the report and the following points were raised:
  - a) Members commented this was a very good application, with interesting new buildings and design. Overall a fabulous attraction. The current building have been there a very long time and antiquated. The Wildlife Park are a significant employer and are actively involved in conservation throughout Scotland. A fantastic upgrade and investment for this area.
32. **The Committee agreed approve application as per the Officer's recommendations subject to the conditions stated in the report.**
33. **Action Point arising:** none
34. Fiona McLean returned to the room.

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### **Agenda Item 8:**

#### **Detailed Planning Permission 2021/0258/DET (APP/2021/1879)**

#### **Erection of 8 Industrial Units (Class 4 – Business) Associated Infrastructure and Formation of Access at Lions Face Quarry Depot, Braemar, Aberdeenshire**

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

35. Gavin Miles, Head of Strategic Planning presented the paper to the Committee.
36. The Committee were invited to ask points of clarity, the following points were raised:
  - a) A Member queried environmental issues specifically around the sewage treatment plant. Head of Strategic Planning confirmed both SEPA and NatureScot were consulted on this issue and they were satisfied. The sewage treatment facility will be licensed by and meet the standards required by SEPA for the systems that drain into the River Dee.
  - b) A Member queried the footpath and would this footpath have to use a section of the new access road, branching off through the trees. Is this also to be available throughout construction and thereafter in perpetuity? The Member expected to see the access to be separate from the access road. Head of Strategic Planning confirmed he would have to check the exact details. There would have to be measures put in place to give access during construction and it would have to be maintained.
  - c) A Member with local knowledge stated for information there had been forestry operations within the area and the storm brought down a significant amount of trees, so imagined the Estate would be looking at access around the whole area.
  - d) A Member queried what did happen after a storm and trees are lost, in terms of tree screening. Head of Strategic Planning confirmed there is mitigation proposed with this application. With trees lost during the storm, the applicant may come in with additional landscape proposals for that loss and also natural regeneration will occur.
37. The Agent Etienne Murphy was present at the meeting but happy not to give a presentation.
38. The Committee were invited to discuss the report, the following points were raised:
  - a) A Member stated they were very pleased to see this application come forward. The situation of not having small units for businesses has been raised over several years and this is very welcomed.
  - b) Another Member stated there is a real local need. A good application and design.

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39. **The Committee agreed this application as per the conditions stated in the report.**
40. **Action Point arising:**
  - (i) **Head of Strategic Planning to confirm the exact details for the footpath, during construction and thereafter.**

### **Agenda Item 9:**

#### **AOB**

41. Head of Strategic Planning provided the following updates:
  - a) Planning Performance Framework Feedback for 2020/21, there will be a Planning Performance Paper for Members at the January Committee. The feedback we have is for the PPF 2020/21 from Scottish Government. It shows we have maintained a good standard of performance. Those applications we have been marked as amber for, we are a little behind the national average for determination, but overall this is a good report.
  - b) Last Week the Highland Council agreed their proposals for a Short Term Let Control Area covering Badenoch and Strathspey. Highland Council Officers are working up the details and a Consultation on this Short Term Let Control Area. This consultation will be for a period of 6 weeks from 10 January 2022 until 25 February 2022. A Paper will thereafter be brought to Committee with a proposed response to the consultation. As Officers we will also be required to work closely with Highland Council.
42. The Committee were invited to raise items, the following was raised:
  - a) A Member asked if there had been any update from Scotrail on the area at the new Hospital for access. Head of Strategic Planning did not have an update but would investigate, supporting Highland Council in their work with Scotrail.
  - b) A Member stated he had received comments on the new Distillery outside Grantown in relation to the design of the building and lack of signage. Head of Strategic Planning confirmed this was a development the Committee had approved and that signage would be installed as the development progressed.
  - c) A Member raised on the 7 December 2021, the Standards Commission produced updated guidance for the Code of Conduct for Councillors, with particular reference in declaring interests. Is this something that would be on the horizon for Board Members? Head of Strategic Planning confirmed he would bring this up with David Cameron, Director of Corporate Services. Zander McDade confirmed there is a new Code for Public Bodies, where we have been given approximately 6 months to adopt and this would be progressed.

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- d) The Convener raised concerns regarding the messaging function within our meeting room and particularly the use of it today. The Convener asked that Members only use this function if you are having difficulties. This is not a facility to ask questions. A request was also to pass this on to applicants and agents, it is not a forum to answer, ask questions or comment. Applicants and Agents would be made aware of this in future.
- e) A Member queried IT issues and when numbers are above 30 this is where Members are being kicked off the system. When numbers are below 30, the system seems ok. Can this be looked at? Head of Strategic Planning confirmed he will have this looked at.

### 43. **Action Points arising:**

- (i) **Document on Committee meeting Etiquette to be produced for applicants/agents and speakers attending Planning Committee meetings.**
- (ii) **Lifesize IT issues to be looked at and monitored.**

### **Agenda Item 10:**

#### **Date of Next Meeting**

- 44. The Convener wished everybody a Happy Christmas and the date of the next meeting is Friday 28<sup>th</sup> January 2022 at 10am via video/telephone conference.
- 45. The public business of the meeting concluded at 12.18 hours.