

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Centre, Nethybridge

on 28 June 2019 at 11.15am

Members Present

Eleanor Mackintosh (Convener)

Carolyn Caddick

Deirdre Falconer

Pippa Hadley

Janet Hunter

John Kirk

John Latham

Douglas McAdam

Peter Argyle (Deputy Convener)

Xander McDade

Willie McKenna

Ian McLaren

Dr Fiona McLean

William Munro

Dr Gaener Rodger

Derek Ross

Judith Webb

In Attendance:

Gavin Miles, Head of Planning & Communities

Dan Harris, Planning Manager (Forward Planning & Service Improvement)

Stephanie Wade, Planning Officer

Edward Swales, Monitoring & Enforcement Officer

Katie Crerar, Planning Officer

Peter Ferguson, Legal Adviser, Harper MacLeod LLP

Alix Harkness, Clerk to the Board

Dot Harris, Planning Support Officer

Apologies:

Geva Blackett

Anne Rae Macdonald

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convener welcomed all present and apologies were noted. The Convener wished Geva Blackett a speedy recovery.

APPROVED COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 24 May 2019, held in The Lecht Ski Centre were approved with no amendments.
3. The Confidential minutes of the previous meeting, 24 May 2019, held in The Lecht Ski Centre were approved with the following/ no amendments.
 - At Para 3c.: Typo 'immediately' should read 'Immediate'
4. There were no matters arising.
5. The Convener provided an update on the Action Point from the previous meeting:
 - **Action Point at Para 49i) Closed** – Officers confirmed the CNPA's objection to the proposed development to the Scottish Government Energy Consents Unit.
6. **Action Point Arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. There were no interests were declared.

Agenda Item 5:

Application for Detailed Planning Permission (2019/0121/DET)

Retrospective resurfacing of hill track

At Land 2890m NW of Carn Sgulain, Newtonmore

Recommendation: Approve Subject to Conditions

8. The Convener advised Caroline Webster, Savills (Agent) and Tessa & Gus Jones, Badenoch & Strathspey Conservation Group (Objectors) were present to address the Committee.
9. Edward Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
10. Caroline Webster, the Agent was invited to address the Committee. She gave a presentation.

APPROVED COMMITTEE MINUTES

11. The Committee were invited to ask points of clarity. The following was raised:
 - a) Could it be confirmed that no new tracks were being proposed? Caroline Webster confirmed that the application concerned existing tracks and some sections did not need any work at all.
 - b) If the work was done in 2017, what was the reason why the application had not been submitted earlier? Caroline Webster advised that it had taken time to pull together the necessary plans and information to make the application.
 - c) Had geotextiles been used before? Caroline Webster advised that they wanted to try it. It had been used in parking areas in urban areas..
 - d) With regards to the geotextiles was the intention to put over the existing vegetation or screed away to install it. Caroline Webster confirmed that it is installed on top as it supposed to protect the existing ground surface
12. Tessa Jones of Badenoch & Strathspey Conservation Group gave a presentation.
13. The Committee were invited to ask point of clarity. The following was raised:
 - a) If the use of conditions would make a track like that shown in her presentation would that be satisfactory? Tessa Jones confirmed that it would be.
 - b) Would a trial for the plastic geotextiles be acceptable? Tessa Jones said that BSCG didn't consider the use of plastic geotextiles acceptable..
 - c) Did BSCG accept that the application could only be appraised on its merits? Tessa Jones agreed and advised that they had hoped the conditions could be revised/ changed.
 - d) With regards to the plea of using strictly traditional methods, what would it entail? Tessa Jones advised that it would involve creating the smallest size necessary, whilst accepting that it would not be vegetated initially but would over time and would involve the drainage being properly done.
14. The Convener thanked the speakers.
15. Edward Swales was invited to come back on a point raised during presentations:
 - a) Could it be confirmed that the conditions in the report were intended to create a track similar to that shown in Tessa Jones' presentation? Ed Swales confirmed that was the intention.
16. The Committee were invited to discuss the report, the following points were raised:
 - a) Concern raised regarding the trial use of plastic geotextile for the turning circle. Could conditions be added to address the trial if it was not successful? Gavin Miles, Head of Planning and Communities advised if the turning circle did not work as consented, the applicants would need to change it to a more conventional track construction which could require a planning application.

APPROVED COMMITTEE MINUTES

- b) Concern raised regarding the introduction of plastic geotextile to construct the turning circle with the risk of micro plastic washing away into the environment as time goes on. Gavin Miles, Head of Planning & Communities advised that the geotextiles being proposed had been used elsewhere for vehicle use but added that a condition could be added to exclude the use of this material.
 - c) Comment made that the mesh seemed to work elsewhere, was any guidance available from the Government on the use of such a product? Gavin Miles said there was not. He advised that the manufacturers would have a specification for the product that was intended for vehicle use. However, he noted that most plastic would degrade over time when subject to weather and pressure from vehicles.
 - d) Concern raised that a trial using this type of geotextile would not be suitable.
 - e) Suggestion made to explore the use of wool based textile that may be more environmentally friendly albeit a more expensive solution.
 - f) What was the grade of the materials being proposed? Edward Swales advised that the supporting information described it as being of heavy duty grade.
17. The Convener noted the committee's concerns and asked Peter Ferguson, Legal Adviser, Harper MacLeod LLP to advise. Peter Ferguson confirmed that a condition could be imposed on the use of materials for the turning circle.
18. **The Committee agreed to approve the application as per the Officer's recommendation with the addition of a condition preventing the use of plastic materials for the turning circle.**
19. **Action Point arising:**
- i. **Additional condition to be added to decision notice.**

Agenda Item 6:

Application for Detailed Planning Permission (2019/00134/DET

Erection of hut and siting of composting toilet

At Gabhean Baddengorm Wood, Carrbridge

Recommendation: Refusal

20. The Convener advised that Tessa & Gus Jones, Badenoch & Strathspey Conservation Group (Objectors) were present to address the Committee but it as the application was recommended for refusal it was agreed that their presentation was not required.
21. Stephanie Wade, Planning Officer presented the paper to the Committee.
22. The Committee were content with the Planning Officer's recommendation.

APPROVED COMMITTEE MINUTES

23. **The Committee agreed to refuse the application subject to the reasons stated in the report.**

24. **Action Point arising: None.**

Agenda Item 7:

POST COMMITTEE UPDATE

Application for Detailed Planning Permission (2018/0140/DET)

Applications 03/00046/FULBS and 08/00038/FULBS under Section 42 to vary Condition 1 of Planning Permission 08/00038/FULBS to extend time limit for further 10 years

At Broomhill Quarry, Dulnain Bridge, Grantown-on-Spey

25. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.

26. The Committee were invited to ask points of clarity. The following was raised:

- a) If the agreement was now drafted was it just a case of pen being put to paper?
Gavin Miles confirmed that was the case.

27. **The Committee agreed to refuse the planning permission unless the associated restoration bond is secured by 26 July 2019.**

28. **Action Point arising: None.**

Agenda Item 8:

POST COMMITTEE UPDATE

Application for Detailed Planning Permission (2018/0151/DET)

Recommencement and extension of quarry

At Land At Carn Dhomhnuill Bhain

29. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.

30. **The Committee agreed to refuse the planning permission unless the associated legal agreement was secured by 26 July 2019.**

31. **Action Point arising: None.**

Item 9:

Action Programme

Local Development Plan 2015 – Action Programme Review

APPROVED COMMITTEE MINUTES

32. Katie Crerar, Planning Officer presented the paper to the Committee.
33. The Convener invited the Committee to discuss the report, the following observations were made:
- a) How was the involvement with schools going ahead? Katie Crerar explained that the team would do more work on it following the next stage of LDP preparation.
 - b) Praise for a comprehensive report which allows the Board to be better informed on what is going on in each community.
 - c) Reference made to landscape toolkit in the report, what was that? Gavin Miles advised that it was an advice tool accessed via the planning pages of the Authority website which breaks down the landscape character areas and what areas are sensitive to change. .
 - d) A plea was made to make the natural heritage workshop interesting to partners to their involvement. Gavin Miles agreed and advised that a date for the workshop had been set.
34. **The Committee approved the Local Development Plan Action Programme Review 2019 for publishing.**
35. **Action Point arising: None.**

Item 10

Planning Service Performance Update

36. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
37. The Convener invited the Committee to discuss the report, the following points were raised:
- a) The Convener provided a word of caution that it was important not to compare the Authority's performance against others as our numbers are so small any discrepancy could impact greatly on the statistics.
 - b) Were there any bespoke tools for recording development remotely that could be used in future to support monitoring and enforcement? Gavin Miles advised that currently, the realtime and high resolution data, as well as the complex data processing was too expensive but that it may well be cheaper or freely available in future.
38. **The Committee noted the internal planning service monitoring results outlined in the paper.**
39. **Action Point arising: None.**

APPROVED COMMITTEE MINUTES

Agenda Item 11:

Any Other Business

40. The Convener highlighted to the Committee that a complaint about the CNPA's handling of the Beachen Court had been received. She explained that it had been complex and had went through all the CNPA's complaint investigations procedures. The complainant had not been happy with the outcome of that and had taken the complaint to the Scottish Public Services Ombudsman (SPSO). The SPSO's investigation was now complete and they had issued their decision report. They had not upheld any of the points made in the complaint about officers or Planning Committee handling of the case. It was agreed that this was good news for the Authority.
41. Gavin Miles provided the following updates:
 - a) The Planning Bill passed through parliament the previous and would lead to changes that were broadly similar to those originally proposed by Scottish Government.
 - b) Notification received of Fetteresso (Aberdeenshire) windfarm application that has now been made to the Energy Consents Unit. As it was a long way from the Cairngorms National Park (20km) and the CNPA and SNH had previously responded at the scoping stage to explain that it was unlikely to have a significant impact on the National Park it was not necessary to comment again.
42. **Action Point arising: None.**

Agenda Item 12:

Date of Next Meeting

43. Friday 16th August 2019, Albert Hall, Ballater.
44. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
45. The public business of the meeting concluded at 12.25.