

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Nethy Bridge
on 29th June 2018 at 10.00am

Members Present

Peter Argyle	Eleanor Mackintosh (Convener)
Rebecca Badger	Xander McDade
Geva Blackett	Willie McKenna
Carolyn Caddick	Ian McLaren
Dave Fallows	Gordon Riddler
Gregor Hutcheon	Brian Wood

In Attendance:

Grant Moir, CEO
Murray Ferguson, Director of Planning and Rural Development
Gavin Miles, Head of Planning and Communities
Emma Wilson, Planning Officer, Development Management
Katherine Donnachie, Planning Officer, Development Management
Colin Bradley, Graduate Planner
Matthew Hawkins, Landscapes and Ecology Manager
David Berry, Planning Manager, Forward Planning and Service Improvement
Katie Crerar, Planning Officer, Development Planning
Luke Vogan, Graduate Planner
Margaret Smith, PA to CEO and Convener
Kirsty MacKenzie, Support Officer
Peter Ferguson, Legal Adviser Harper and MacLeod LLP

Apologies:

Angela Douglas	John Latham
Pippa Hadley	Judith Webb
Janet Hunter	

Agenda Items 1 & 2:

Welcome

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

Agenda Item 3:

Minutes and Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 25th May 2018, held at the Albert Hall, Ballater were approved with no amendments.
3. There was one matter arising
 - a) **Paragraph 4a)** reply from SSE re restoration works at the Beaully Denny line will be circulated round Members. Site visit to be arranged in September, date tbc.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

4. Convener pointed out that the majority of Board Members live within communities within the Park therefore declarations of interest should be from anyone who has a more direct interest other than the fact they live in the Park. Rebecca Badger and Xander McDade declared an interest in:
 - a) **Item No. 12** – R Badger - Indirect interest – Carrbridge – she informed the Committee that she had previously made comments about the HI site in Carrbridge and was a resident on Carr Road. She said she had not made public comments on site as a Board Member and felt that she could make an un-prejudiced input into discussion on the site as part of the agenda item.
 - b) **Item No. 12** – X McDade – Indirect interest – Representative of a ward within Local Development Plan area and he had responded to the Main Issues Report consultation, proposing additional affordable housing sites for consideration.
 - c) Both members stayed for Item 12.

Agenda Item 5:

Application for Planning Permission in Principle (2018/0019/PPP)

Erection of seven houses

At Land 125M NE of Shangrila, 4 Lettoch Road, Nethy Bridge

8. Emma Wilson, Planning Officer, presented the paper to the Committee.
9. The Committee were invited to ask points of clarity, the following were raised:

APPROVED COMMITTEE MINUTES

- a) Was the wood a protected area or was it a commercial plantation? Matthew Hawkins confirmed that it was a planted pine forest, not ancient woodland. Ground floor cover indicated that there was some interest but no survey data been supplied with the application.
 - b) Is there evidence to support Capercaillie in the woodland? Matthew Hawkins explained that they have been seen in the area but probably migrating across between protected areas on either side of the village. Scottish Natural Heritage had advised that there would not be an issue for Natura sites from this application.
 - c) Is there possibility that this plantation would be felled in future? Matthew Hawkins confirmed that the applicant can submit a felling licence but the quality of the wood would be considered by Forestry Commission Scotland in considering an application. The area would be required to be replaced with the same area of plantation woodland. There was no compensation for the loss of woodland provided with the application.
10. George Knox (applicant) was invited to address the Committee. He was then invited to answer the Committee's questions. The following points were raised:
- a) What guarantee would be given that affordable housing would be given to local people? The applicant explained that he had made a similar application in Aberdeenshire and in that case had entered into a Legal Agreement with Aberdeenshire Council to guarantee affordable housing. A similar agreement could be possible for this application.
 - b) Would there be a timescale on the Section 75? The applicant said that it would be dependent on the terms of an agreement.
 - c) Would the affordable housing be for sale or would they be for rent? The applicant confirmed that this still to be decided.
11. The Convener thanked the speaker.
22. The Committee were invited to discuss the report, the following points were raised:
- a) Were there any sites available for housing within the settlement of Nethy Bridge? Gavin Miles confirmed that there was already an allocated site for housing at School Wood within Nethy Bridge in the current Local Development Plan and that new sites would be considered for the next LDP through that process of preparing that plan. He confirmed the School Wood site was for around 15-20 units but had not yet come forward as a planning application.
 - b) It was noted that the site application boundary was outside the settlement boundary of Nethy Bridge and therefore did not comply with LDP policies on housing development outside settlements.
 - c) A Member noted that had the application been for affordable housing alone, they would have been more supportive as it would then have complied with the LDP policy on housing outside settlements.

APPROVED COMMITTEE MINUTES

- d) A Member put forward a motion to refuse the application on the grounds that there were already sites within the village which had not been developed and also the fact that the development would be against CNPA Policy.

16. **The Committee agreed to refuse the application.**

17. **Action Point arising: None.**

Agenda Item 6:

Application for Detailed Planning Permission (2018/0115/DET)

Installation of pipe bridge (in part retrospect)

At Hydro Scheme, Fealar Lodge, Glenfernate

- 23. Colin Bradley, Graduate Planner, presented the paper to the Committee.
- 24. The Committee were invited to discuss the report, the following points were raised:
 - a) No design of bridge was shown in the papers - how much timber would hide the pipe beneath the decking? Colin Bradley explained that the pipe is 50cm in diameter, and the timber cladding was to surround the top and sides to disguise the pipe and help it blend in to the landscape.
 - b) The reason for departing from original proposal was technical, so if the applicant went back to the original proposal could the technical problems be solved? Colin Bradley explained that to do so would require significant new engineering works that would disturb the ground further.
 - c) If in the future people started to use it as a footbridge, would the CNPA become liable if someone fell off? Gavin Miles explained as there are no paths leading to the structure it was considered unlikely that people would use it as bridge but that officers would add a condition requiring appropriate signage to tell people that it was not designed to be nor used as a footbridge.
 - d) Had other ways of camouflaging the site, such as vegetation rather than a wooden covering been considered? Colin Bradley confirmed that was not part of the planning application.
- 25. **The Committee agreed to approve the application, subject to conditions in the report.**
- 26. **Action Points arising: i) Condition to be added requiring appropriate signage to advise that it not a footbridge.**

Agenda Item 7:

Application for Detailed Planning Permission (2018/0138/DET)

Erection of house

At 17 Dulicht Court, Grantown on Spey

27. Katherine Donnachie, Planning Officer, presented the paper to the Committee.
28. The Committee were invited to ask the Planning Officer points of clarity, the following were raised:
 - a) In relation to the condition on the surface of roads, it seems strange that Highland Council require hard surfacing in driveways that will increase run-off. Request that officers investigate the issue during preparation of LDP.
29. **The Committee agreed to approve the application.**
30. **Action Point arising:**
 - i) **That officers clarify road surface requirements for individual properties during development of LDP.**

Agenda Item 8:

Application for Detailed Planning Permission (2018/0139/DET)

Application Withdrawn – 26/06/2018

Agenda Item 9:

Application for Detailed Planning Permission (2018/0063/DET)

2MW run of river hydroelectric scheme and associated infrastructure

At River Muick, Glen Muick, Birkhall, Ballater, Aberdeenshire

31. Emma Wilson, Planning Officer, presented the paper to the Committee.
32. The Committee were invited to ask the Planning Officer points of clarity, the following were raised:
 - a) If the CAR licence is not approved then the scheme could not be developed?
Emma Wilson confirmed this was the case.
33. Richard Gledson (applicant) and Chris Pastuer (agent) were invited to address the Committee. They were then invited to answer the Committee's questions. The following points were raised:
 - a) If approved when would work start and how long would the construction/development phase take? The applicant explained that once

APPROVED COMMITTEE MINUTES

conditions had been agreed and met, it was hoped that work would start later in the summer of 2018 and take around 18 months to complete.

- b) As the scheme will be 20 times the size of the scheme at Corriemulzie, would the noise level therefore be 20 times higher in new application? The applicant explained that the building would be heavily insulated as well as mainly underground. A similar 2 megawatt scheme had been visited by applicants to check level. Applicant stated that it fell within legal limits.
- c) What colour would the larch cladding turn after weathered? The applicant confirmed that the larch would be untreated and would fade to a grey colour.
- d) Would the electricity be used by the estate or sold to the National Grid? The applicant confirmed that the scheme would sell all electricity to the grid.
- e) Is the engineering adequate to deal with river flooding during a storm surge? The applicant confirmed yes it would be strong enough and that the intake would be a low structure designed for water and any debris to flow over.
- f) Would the powerline be underground and how far away is the connection to the grid? The applicant confirmed that the cable runs through Birkhall estate grounds with around 5km underground.
- g) Would any of the pipeline go through areas of peat? The applicant confirmed there was some in the first section but not deep peat and restoration would be done after work is finished.
- h) Are there any benefits to the community from this scheme or is it purely commercial? Agent confirmed that this would be a commercial scheme but that Balmoral Estate supports the community in many ways.
- i) Would the access track be closed for public access during work and if so for how long? The Agent confirmed that the track would be closed during construction due to health and safety reasons but alternative routes through the forest would be available for public.
- j) The CAR licence from SEPA will limit operations in the river to certain periods of the year – would this affect the timescale? The applicant explained that they were aware of the constraints for working in the river and had taken them into account in planning the project.
- k) A member queried when the SEPA CAR licence would be issued. The agent confirmed that it had not been granted yet but indications show that it would be granted.

34. The Convener thanked the speakers.

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

- a) A Member noted that they considered it was a well thought out project that had their full support.
- b) Good application with a lot of work done by both CNPA planners and the applicants. Sensitive site but scheme designed to take care of the area.

APPROVED COMMITTEE MINUTES

- c) A Member welcomed the upgrade to fish passes and would like to congratulate all involved and supports the application.
 - d) A Member sought clarification that in Condition 7, the reports from the Environmental Clerk of Works would be given to the CNPA. Gavin Miles confirmed that was the case.
36. **The Committee agreed to approve the applications subject to the conditions in the report.**
37. **Action Point arising: None.**

Agenda Item 10:

Pre-Application (PRE/2018/0018)

**To extend the camp into the land to the south to improve site management and demolish Larig Ghru Cottage
At Rothiemurchus Estate, Rothiemurchus Camping and Caravan Park,
Coylumbridge.**

38. Emma Wilson, Planning Officer, presented the paper to the Committee.
39. The Committee were invited to provide comments on the proposal, the following comments were made:
- a) Can the number of current touring sites be retained? Emma Wilson confirmed that this could be added as a comment from the CNPA Planning Committee to request that current touring sites are retained.
 - b) The Committee are content that advice includes sufficient reference to Glenmore Strategy. This site already established so not adverse effect on strategy.
 - c) The Committee content with the advice given by the Planning Officer.
40. **Action Point arising: i) To pass on the Committee's request that the number of touring sites would be retained in any application.**

Agenda Item 11

Flood Risk Management in Scotland – SEPA Consultation on Potentially Vulnerable Areas

41. Luke Vogan, Graduate Planner, presented the paper to the Committee.

APPROVED COMMITTEE MINUTES

42. The Committee were invited to discuss the paper, the following observations were made:
- a) Potentially Vulnerable Areas (PVAs) include areas which might be at risk of flooding now or in the future and require to be reviewed every 6 years.
 - b) PVA recommendations come directly from SEPA and CNPA is a consultee to the process.
 - c) Nethy Bridge proposal update given by Murray Ferguson. The Community Council were concerned about the sedimentation under the main bridge in the village. All parties agreed that it would be good for Nethy Bridge to be designated as a PVA, as proposed in the consultation. Community Council will also be responding to consultation.
 - d) Would the identification of a community as a PVA affect house insurance? David Berry replied that the PVAs are used to define actions for future Flood Risk Management Strategies and Plans to help protect properties from flooding, but could not say whether insurance companies would take PVAs into account.
 - e) A Member referred to the Ballater section regarding the risk to buildings which says that 280 houses were mid-risk areas. He expressed concern that the area also covered the HI housing site in Ballater and noted that this would need to be taken into account in any future decisions about the allocation of that site. Gavin Miles explained that Aberdeenshire Council were currently investigating the flood risks around Ballater in detail and that detailed assessments would be used to inform future decisions.
43. **The Committee agreed that officers would respond to the Consultation on PVAs as recommended.**
44. **Action Point arising: None.**

Agenda Item 12:

Local Development Plan 2020 – Responses to Main Issues Report (MIR)

45. David Berry, Planning Manager, presented the paper to the Committee.
46. The Committee were invited to discuss the paper, the following observations were made:
- a) The Convener reminded Members that they were only giving the officers a steer on the direction to be taken in drafting the Proposed LDP having regard to the MIR consultation comments they were not setting final policy today. The Proposed LDP will be brought back to the Committee at a later date for approval before being published for further consultation.

APPROVED COMMITTEE MINUTES

- b) The Convenor noted that there were 41 recommendations in Appendix 2 of the report (covering each of the main policy issues and settlements in the MIR). She gave the Committee the choice to go through each one or to go through them by exception – Committee agreed to go by exception.
- c) In respect of policy issues, the Committee discussed Main Issues 4a (How much new housing do we need?), 4b (Housing growth around Aviemore) and 5 (The affordability of housing) in detail. The discussion focussed on the following topics:
- i. How the results of the new HNDA for Highland Council will be incorporated in the Proposed Plan.
 - ii. The level of ‘generosity’ that should be included in the Housing Land Requirement.
 - iii. The need for the proposed long-term housing land at North Aviemore to be released for development only in the event that An Camas Mor proves to be undeliverable and there is a consequent shortage in the housing land supply.
 - iv. Whether there is a justification to extend the proposed 45% affordable housing requirement for Aviemore to the whole of Badenoch and Strathspey.
 - v. Whether the proposed 45% affordable housing requirement for Aviemore might force development activity elsewhere.
 - vi. The need to clearly define what is meant by ‘affordable housing’ in the Proposed Plan.
- d) In respect of settlement issues, the Committee discussed Aviemore/An Camas Mor, Ballater, Kingussie, Blair Atholl, Braemar, Carr-Bridge, Bruar and Pitagowan, and Aldclune. The discussion focussed on the following issues:
- i. The rationale for the proposal to include An Camas Mor within the Aviemore settlement statement.
 - ii. Whether there would be an opportunity for public comment on the revised proposals/layout arrangements for the HI site in Ballater at the Proposed LDP stage.
 - iii. The need for the existing public car park at Spey Street, Kingussie to be identified as a ‘community use’ in the Proposed LDP (as per the other public car parks in Kingussie).
 - iv. A request for the Proposed LDP to identify additional housing development land in Blair Atholl.
 - v. The need for more development sites in Braemar and support for the proposed amendment to include AB022 in the Proposed LDP.
 - vi. Consideration of the level of development that would be most appropriate/justifiable for the HI allocation in Carr-Bridge, given the significant level of public opposition to this site.
 - vii. The most appropriate way to progress proposals for a new car park on the edge of Carr-Bridge, with agreement that the merits of this proposal would

APPROVED COMMITTEE MINUTES

be best considered through the submission of a planning application rather than an allocation in the Proposed LDP.

- viii. The potential need to reconsider development requirements in Bruar and Pitagowan through future LDPs (post the 2020 LDP), particularly if House of Bruar continues to expand.
- ix. The merits of identifying Aldclune as a settlement in the Proposed LDP.

47. **The Committee agreed to:**

- a) **Note the summary of responses to the Main Issues Report, as outlined in Appendix 2**
- b) **Agree the recommendations for each of the main issues and settlements in Appendix 2 to provide direction on the content of the Proposed LDP, subject to the following amendments:**
 - i. **Main Issue 4b – Recommendation reworded: “Progress the preferred option and include long-term development land at North Aviemore which could be released for development only if An Camas Mor is demonstrated to be undeliverable within the lifetime of the plan and a 5 year effective land supply is rendered unachievable in its absence.**
 - ii. **Main Issue 5 – Additional sub-bullet point added: “Include a clear definition of ‘affordable housing’ within the Proposed LDP.**
 - iii. **Blair Atholl – Additional sub-bullet point added: “Reconsider non-preferred sites to identify the most appropriate option(s) to allocate additional housing land in the village”.**
 - iv. **Carr-Bridge – Reword first sub-bullet: “Give further consideration to the number of dwellings that would be most appropriate/justifiable on HI”.**
- c) **Authorise a focused consultation on the additional new site allocations proposed in response to MIR comments, to be undertaken over a period of 6 weeks beginning in August.**

48. **Action Point arising:** i) **Officers to prepare Proposed LDP in light of above recommendations.**

Agenda Item 13:

Local Development Plan 2015 – Action Programme Review

- 49. Katie Crerar, Planning Officer, presented the paper to the Committee.
- 50. The Committee were invited to discuss the paper, the following observations were made:

APPROVED COMMITTEE MINUTES

- a) **Table 1** – what happened to the former Aviemore Master Plan? Gavin Miles advised that there had been work undertaken on a masterplan for Aviemore in the past but it had stopped 5 years or more ago as it became apparent that it proposed redevelopment of multiple recent developments in private ownership and was unlikely to have a practical impact. He advised that the focussed work being undertaken on the Active Aviemore project was be a more effective way of stimulating change and practical improvements for Aviemore.
- b) **Table 2** – what is meant by Town Centre Health Checks? Katie Crerar explained that town centre health checks are carried out every 2 years as a rough assessment of the vitality of the main town centres in the National Park. The health checks will be done again in July 2018 and will allow comparisons with the health checks of 2016.

51. **The Committee agreed to approve the Local Development Plan Action Programme Review 2018.**

52. **Action Point arising:** i) **2018 Town Centre Health Check report to be circulated to Members for information once completed.**

Agenda Item 14:

Planning Enforcement Charter Review

- 53. Gavin Miles, Head of Planning and Communities, presented the paper to the Committee.
- 54. The Committee were invited to discuss the paper, the following observations were made:
 - a) Member commented on the fact that the charter is easy to read, especially for the public.
 - b) Committee agreed to approve the Charter.
- 55. **The Committee approved the Planning Enforcement Charter for the Cairngorms National Park Authority.**
- 56. **Action Point arising:** **None.**

AOCB

- 57. Gavin Miles, Head of Planning and Communities, provided an update on Cluny Track Enforcement. The CNPA had served an enforcement notice requiring the

APPROVED COMMITTEE MINUTES

reinstatement of a section of track near the top of a hill on Cluny Estate. The enforcement notice required material that had been excavated from borrow pits to significantly upgrade a driven track line to be returned to those borrow pits, using any suitable turfs to restore ground to its previous state as far as possible. Gavin informed the Committee that officers were satisfied that the estate had complied with the notice and that the contractors doing the work has done so to a high standard. Officers would now withdraw the notice and would use the track as a case study to demonstrate both the significant additional costs incurred by the estate due to the previous owner's actions in undertaking unauthorised development and the high quality of restoration achieved. The Committee supported this decision.

58. The Convener reported that Jane Shepherd was moving on from the CNPA and wished her well in her new venture.
59. Gavin Miles reported that a public consultation into a review of the Conservation Area in Grantown-on-Spey is being led by Highland Council in July and that CNPA officers would provide feedback to the Council of the proposals.
60. Gavin Miles reported that the Spittal of Glenshee Hotel site remained a mess. A planning application had been withdrawn earlier in 2018 but officers had expected a further application to be made by this stage. Gavin requested that the Committee authorise officers to issue an Amenity Notice to tidy up the site should the planning application appear unlikely to be made. This was agreed by the Committee.

Date of Next Meeting

61. Friday 17th August 2018 at The Albert Hall, Ballater.
62. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
63. The public business of the meeting concluded at 15.45hrs.