

APPROVED COMMITTEE MINUTES

CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE

held at the Grant Arms
on Friday 29 August 2014 at 11.00am

Members Present

Peter Argyle (Deputy Convenor)	Bill Lobban
Duncan Bryden	Eleanor Mackintosh (Convenor)
Angela Douglas	Mary McCafferty
Katrina Farquhar	Willie McKenna
Jeanette Gaul	Fiona Murdoch
Kate Howie	Martin Price
Gregor Hutcheon	Gordon Riddler
John Latham	Brian Wood
Paul Easto	Gregor Rimell
Katrina Farquhar	

In Attendance:

Simon Harrison, Head of Planning
Peter Ferguson, Legal Representative, Harper MacLeod LLP
Fiona Murphy, Planning Officer, Development Management
Gavin Miles, Strategic Policy and Improvement Manager
Frances Thin, Landscape Advisor
Bruce Luffman, Monitoring & Enforcement Officer
Alix Harkness, Clerk to the Board
Dee Straw, Planning Support Officer

Apologies: Dave Fallows

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.
3. The Convenor reminded those present that Item 9 on the Agenda was being taken in a closed session for reasons of commercial confidentiality.

APPROVED COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

4. The minutes of the previous meeting, 1 August 2014, held at the Community Hall, Boat of Garten were approved subject to the following amendments:
 - At Para 38: Action Point to be added which states that the Committee had requested that a discussion around Design take place in the future;
 - At Paras 41, 44: Action Point to be added which states that the Planning Officers to re-work the conditions and pass to Convenor and Deputy-Convenor for approval before issuing the decision notices;
 - Para 43 to be changed to read the same as Para 40.
5. There were no matters arising.
6. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 38: Staff had taken the Committee's need for a discussion on Design on board;
 - Action Point at Paras. 41 & 44: The planning conditions had been reworked and subsequently the Convenor and Deputy-Convenor had approved these.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Fiona Murdoch declared an interest in:
 - Item No. 5 - Direct interest – As she is an Anti-windfarm campaigner.

Agenda Item 5:

Report on Consultation Response to Scottish Government

On Section 36 Application for Proposed Talladh-A-Bheithe Wind Farm

At 25km south of Dalwhinnie and 14km west-north-west of Kinloch Rannoch

8. Fiona Murdoch left the room for the duration of the discussion on this paper.
9. Simon Harrison presented a report on the Consultation Response and recommended that the Committee object and recommend to the Scottish Government that the Application is refused.
10. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
 - a) The direction of travel of the turbine components detailed in paragraph 6 of the Planning Officer's Report differs from that detailed in paragraph 2 of Appendix 1. Request made to correct it, to reflect paragraph 2 of Appendix 1. Simon agreed to amend this.
 - b) Paragraph 6 of the report refers to the road A846, should be changed to B846. Simon noted this and agreed it would be corrected prior to submitting to Scottish Government.

APPROVED COMMITTEE MINUTES

- c) A request to talk the Committee through the other designations on the slide which contained the Designations map. Simon honoured this request.
 - d) Disappointment that the photographic visualisations had not followed current best practice guidance. Request that the recommendation in the report be strengthened to include statements which reflect all 4 points detailed under paragraph 2 of Appendix 1. Simon agreed to this.
 - e) In reference to Appendix 2, to change the colour scheme to allow the reader to easily separate what has been applied for and what has been approved. Simon agreed to suggest different colours to the CNPA GIS specialist to amend.
 - f) What is the distinction between additional impact and cumulative impact? Frances Thin advised that it is assessed on the basis of what exists and the additional affect of adding another wind farm into the landscape. Therefore in this case, where there is nothing there already the assessed cumulative impact is negligible.
11. The Committee agreed that the response of strong objection be submitted to the Scottish Government subject to the following amendments being made:
- to amend paragraph 6 of the Planning Officer's Report to match the description detailed in paragraph 2 of Appendix 1 with regards to the transportation of the wind farm components;
 - to amend Paragraph 6 of the report where it refers to the road A846, to B846;
 - to add a recommendation around the cumulative impact of wind farms;
 - to strengthen the wording in our recommendation to highlight the 4 points especially the first point regarding the photographic visualisations not following best practice guidance as detailed in Section 2, Paragraph 3 of Appendix 1.
12. **Action Points arising: Simon Harrison to feedback to colleagues to improve the colour scheme on map of wind farm sites which surround the Cairngorms National Park.**
13. Fiona Murdoch returned to meeting.

Agenda Item 6:

Report on Called-In Planning Application:

Create 75m of mountain bike trail

At Site Adjacent To Coffee Still, Glenlivet Mountain Bike Trails, Tomintoul (2014/0203/DET) (Detailed Planning Permission)

14. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
15. The Committee agreed to approve the application subject to the conditions stated in the report.
16. **Action Points arising:** None

APPROVED COMMITTEE MINUTES

Agenda Item 7:

Report on Called-In Planning Application:

Application under Section 42 to vary Condition 1 of planning permission

2014/0016/DET (2013/0239/DET)

At Gravel Pit 220M West Of Dell Of Killiehuntly Farmhouse

Kingussie

(2014/0186/DET) (Detailed Planning Permission)

17. Fiona Murphy presented the paper recommending that the Committee approve the application subject to the conditions stated in the report.
18. The Committee discussed the application and the following points were raised:
 - a) Queried the repeated request to extend the planning permission and hope that if the Applicant decided to start a permanent plant that they would begin the application process from the beginning which would come in as a separate application. Fiona Murphy advised that this application relates to the final stage of the research project. Fiona added that the final results of this would determine whether or not a permanent plant would be deemed feasible and if so, she agreed that it would most likely require a new application.
19. The Committee agreed to approve the application subject to the conditions stated in the report.
20. **Action Points arising: None.**

Agenda Item 8:

Discussion Paper on Renewable Energy Developments and Decommissioning

21. Gavin Miles presented a discussion paper on Renewable Energy Developments and decommissioning and emphasised that this could be used on other types of developments too.
22. Peter Ferguson gave the Committee a rundown of the 4 options of guaranteeing restoration works from a legal perspective. His main points were as follows:
 - a) A Bank Bond: Provided by the developer's bank. The bank requires cash collateral which ties up the capital of the developer;
 - b) Surety Bonds: Provided by Insurance Companies. The developer doesn't require collateral, they pay an annual premium but the premium is higher than a bank bond and it reflects the risks the Insurance Company are taking on. Normally the insurance companies don't like these to last more than 5 years. The CNPA could impose a condition which states that the Applicant would have to renew this after 5 years. The CNPA would have to monitor this;
 - c) Escrow Account: Developers can put money into one of these accounts. The money sits in a bank account and the Planning Authority have the ability to call upon that at any point in the future;

APPROVED COMMITTEE MINUTES

- d) Parent Company Guarantee: Often community renewable projects are taken forward by special purpose vehicles which are set up purely for the purposes of the venture in question. At end of the project they may or may not have sufficient capability to do restoration works. However if that special purpose vehicle is part of a much larger company, the larger company may guarantee the works and that would avoid the need for bonds altogether;
 - e) The problem with all of these options is indexation because the figure agreed at the onset might not be appropriate in 25 years time; however it could be indexed with RPI.
23. The Committee discussed the Paper and discussion took place around the following:
- a) The danger of the cost being pushed onto future tax payers;
 - b) The importance of Environmental Impact Assessments in relation to the threat of flooding;
 - c) The financial viability of projects and the risk of placing a burden on these which could result in less projects of this type coming forward;
 - d) Whether it would be feasible to carry out this work through one of the 5 Local Authorities instead of setting up a separate scheme;
 - e) Concern about forcing the operator to remove something consented years beforehand;
 - f) The need to carefully consider this on a case by case basis.
24. The Committee agreed that they were satisfied with the approach set out in points I-IV under paragraph 11 of the Paper.
25. In relation to the second discussion question, the Committee requested the need for further discussions to take place around solar power before a decision could be reached. The Committee advised that it would be useful to include perspectives on solar power from RSPB and SNH.
26. **Action Points arising: Discussion session on renewable energy, including solar power, to be organised.**
27. The Committee proceeded into a closed session for reasons of commercial confidentiality.

Agenda Item 9:

Any Other Business

28. The Convenor asked the Committee to cast their memories back to earlier this year when Planning Guidance was issued through COSLA and Scottish Government to Councillors regarding their conduct and their involvement in pre-planning application discussions. The Convenor reminded the Committee that the Planning Guidance excluded the CNPA situation and as per the Committee's instruction, the Convenor wrote to Derek Mackay to ask what he proposed to do to ensure CNPA Board

APPROVED COMMITTEE MINUTES

Members are included in the Planning Guidance. Derek Mackay had now responded and advised that as the CNPA Board Member's Code of Conduct was now being revised, this is where it should be addressed. The Convenor suggested that the Committee agree to leave getting the Guidance fed into the CNPA Board Member's Code of Conduct with the Planning Committee Convenor and members of staff. The Committee agreed to this.

- 29. Action Points arising:** **The Planning Convenor and members of staff to revise the CNPA Board Member's Code of conduct to include the Planning Guidance as per paragraph 28.**

Agenda Item 10:

Date of Next Meeting

- 30. Friday 26 September 2014 at Community Hall, Boat of Garten.
- 31. Committee Members are requested to ensure that any apologies for this meeting are submitted to the Alix Harkness, Clerk to the Board.
- 32. The public business of the meeting concluded at 12.10.