

# APPROVED COMMITTEE MINUTES

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Community Hall, Boat of Garten  
on 30 March 2012 at 10.30am

#### Members Present

Peter Argyle  
Duncan Bryden  
Angela Douglas  
Jaci Douglas  
Katrina Farquhar  
David Green  
Marcus Humphrey

Gregor Hutcheon  
Eleanor Mackintosh  
Willie McKenna  
Gregor Rimell  
Brian Wood  
Allan Wright

#### In Attendance:

Don McKee, Head Planner  
Mary Grier, Senior Planning Officer, Development Management  
Andrew Tait, Senior Planning Officer, Development Management  
Pip Mackie, Planning Systems Officer  
Andy Ford, Visitor Services Officer

#### Apologies:

Dave Fallows	Mary McCafferty
Kate Howie	Martin Price
Ian Mackintosh	Gordon Riddler

# APPROVED COMMITTEE MINUTES

## **Agenda Items 1 & 2:**

### **Welcome & Apologies**

1. The Convenor welcomed all present and informed Members that there would be an informal discussion session in the afternoon on economic growth and the development sector.
2. Apologies were received from the above Members.

## **Agenda Item 3:**

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

3. The minutes of the previous meeting, 2012, held at The Albert Memorial Hall, Ballater were approved.
4. Duncan Bryden advised that further information on planning reform would be dealt with under AOB.
5. There were no Action Points from the previous meeting.

## **Agenda Item 4:**

### **Outcome of Electronic Call-In**

6. The content of the Outcome of the Electronic Call-in held on 16 March 2012 was noted.

## **Agenda Item 5:**

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

7. Angela Douglas declared an indirect interest in Item No. 7 (Paper 2) on the Agenda, due to her husband carrying out business with the Estate.
8. Jaci Douglas declared an indirect interest in Item No. 6 (Paper 1) on the Agenda, due to having friends that live in Balmenach.
9. Jaci Douglas and Gregor Rimell declared a direct interest in Item No. 8 (Paper 3) on the Agenda, due to being Highland Councillors and the project being awarded funding from Highland Council.
10. Gregor Rimell declared a direct interest in Item No.'s 9 & 10 (Papers 4 & 5) on the Agenda, due to having previously indicated public support for the development.

## APPROVED COMMITTEE MINUTES

### Agenda Item 6:

#### **Report on Called-In Planning Application for Demolition of Four Flats, Maltings, Malt Barns, Steeps, Malt Bins and Garages; Erection of New Malt Storage Bins, Mash Tun and Associated Plant; Construction of Hard Standing and Turning Areas**

#### **At Balmenach Distillery, Cromdale (Paper 1) (2012/0240/DET)**

11. The Convener informed Members that a request to answer questions had been received from:
  - Applicant / Agent – Derek Sinclair (Applicant) & Alastair Mackie (Agent)
12. The Committee agreed to the requests.
13. Mary Grier and Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
14. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) If salvaged materials could be offered, in the first instance, to the Highland Folk Museum. It was stated that this could be done.
  - b) If the Traffic Management Plan, specified in Condition 8, included ongoing monitoring. Don McKee advised that the condition did allow for ongoing monitoring.
  - c) Concern about letter from Fergus Ewing referring to the previous report and stating that the Planners lacked the necessary balance required to assess planning applications. Don McKee advised that the previous report was based on information available at the time and that he could not comment on Fergus Ewing's opinion.
  - d) Previous concern about demolition of the property being addressed by further information being provided by the Applicant.
  - e) CNPA Standing Orders being clear that late letters of representation will not be considered, regardless of who the letter is from. Unless new information is introduced and Standing Orders cover this particular instance. Planning Officers should be given a clear steer to enable them advise of these facts when receiving late letters of representation.
15. The Committee agreed to approve the application subject to the conditions stated in the report.
16. **Action Points arising:** Planning Staff to make it clear in future to Applicants and Objectors that Planning Committee will not accept late letters.

## APPROVED COMMITTEE MINUTES

### Agenda Item 7:

#### **Report on Called-In Planning Application for Small Scale Hydro Scheme At Allt A Choire Chais Hydro Scheme, Phones Estate, Dalwhinnie (Paper 2) (2012/0411/DET)**

17. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
18. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The need for the system to be as streamlined as possible when Applicants are working with several Government bodies e.g. the CNPA and SEPA. Andrew Tait responded that Applicants were encouraged to submit the CAR licence to SEPA at the same time as submitting the planning application, as had been done here. However, SEPA required further information prior to approving the CAR licence. There was also no legal requirement for the Applicant to submit the applications together.
  - b) The possibility of incorporating natural stone in the intake weir structure. Andrew Tait advised that an additional condition could be included to cover this issue.
  - c) Concern about landscape impact of the Turbine House. Andrew Tait advised that the structure's impact could be minimised by using slate and stone for the proposed building similar to that of another Turbine House in the locale.
  - d) The difference in quality of information between the Pitmain Hydro application and the application currently being considered, when both were being dealt with by the same Agent. Andrew Tait advised that it was due to the difference in complexity of the applications. The current application met the minimum of requirements for information submitted.
  - e) The possibility of providing guidance for Applicants of future applications regarding minimising landscape impact.
  - f) The height of the proposed building and if this could be reduced. Andrew Tait responded that this could be investigated and discussed with the Applicant.
  - g) Concern about the design of the proposed hut and if any conversation had taken place regarding this issue. Andrew Tait advised that this had not been specifically discussed but could be looked at further together with the Applicant.
  - h) The level of extraction previously taken place at the site and the need for improvements in this exposed area. Andrew Tait advised that restoration works would be required for the proposed development and extending these works could be investigated.

## APPROVED COMMITTEE MINUTES

19. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments:

- An Additional Condition – requiring the use of natural stone in the intake weir structure.
- An Additional Condition - Requiring the wider restoration of the site.
- An Additional Condition - The height and proposed design of the hut.

20. **Action Points arising:**

- CNPA Staff to look at providing guidance for Applicants regarding designing sympathetic structures for remote locations for this type of development.
- CNPA Staff to look at bringing together guidance for Applicants regarding streamlining the process when dealing with several Government bodies e.g. SEPA, SNH and the CNPA.

**Agenda Item 8:**

**Report on Called-In Planning Application for Use of Land for Siting Interpretation Point, 2 Sculptures and Re-location of Fence and Surfacing of Station Forecourt  
At Railway Station, Boat of Garten  
(Paper 3) (2012/0017/DET)**

21. Jaci Douglas and Gregor Rimell declared an interest and left the room.

22. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:

- Applicant / Agent – Penny Dunbar, Boat of Garten Community Company
- Representatives of the Community Council – Alison Fielding

23. The Committee agreed to the requests.

24. Duncan Bryden advised that Andy Ford, CNPA Visitor Services Officer, was also available to answer questions.

25. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

26. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

27. The Committee agreed to approve the application subject to the conditions stated in the report.

## APPROVED COMMITTEE MINUTES

28. **Action Points arising:** None.

29. Jaci Douglas returned.

### **Agenda Item 9:**

**Report on Called-In Planning Application for Display of Advertisements: Fascia Signs; Totem Sign; Post Mounted Sign; Wall Mounted Sign (Illuminated and Non-Illuminated)**

**At Waltzing Waters, Main Street, Newtonmore  
(Paper 4) (2012/0009/ADV)**

30. Gregor Rimell declared an interest and left the room.

31. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

32. Mary Grier advised that a late letter of representation had been received, expressing concern about the totem sign being illuminated 24 hours a day. Mary Grier advised that an additional condition was therefore recommended which would only allow the sign to be lit during store opening hours or until 10pm.

33. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

34. The Committee agreed to approve the application subject to the conditions stated in the report and the additional condition regarding lighting.

35. **Action Points arising:** None.

### **Agenda Item 10:**

**Report on Called-In Planning Application for Installation of External Plant to New Store (Revised Proposal 11/4215/FUL (2011/0393/DET))**

**At Waltzing Waters, Main Street, Newtonmore  
(Paper 5) (2012/0021/DET)**

36. Gregor Rimell declared an interest and left the room.

37. The Convener informed Members that a request to answer questions had been received from:

- Agent – Graeme Harley

## APPROVED COMMITTEE MINUTES

38. The Committee agreed to the request.
39. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and an additional condition that the smaller unit should only operate between the hours of 9am and 8pm, this stipulation had been confirmed by the Agent as serving the requirements of the building. Mary Grier also stated that late changes had been made to the proposal by the Applicant, which had resulted in all plant being proposed within a storage bay to the west of the site.
40. Mary Grier advised that late letters of representation had been received, but these had not been circulated as per Standing Orders, the letters expressed concern about noise generated by the plant, the relocation of the air conditioning unit from the east of the site to the west storage compound.
41. Mary Grier informed Members that a late email had been received from the Plant Operator confirming that the plant would operate within the noise levels specified in the report by the Highland Council Environmental Health Officer.
42. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Frustration at the late timescale of information being submitted by the Agent and Plant Operator.
  - b) Clarification of how loud were the noise levels specified who would enforce the noise levels and operating times of the plant. Mary Grier responded that the CNPA relied on guidance from the Highland Council Environmental Health Officer as to the level of noise allowed and they would also monitor the levels.
  - c) The possibility of requiring acoustic screening. Mary Grier advised that this may create a higher visual impact for the development but could be added as an Advice Note.
43. Don McKee advised that the Planning Officers shared Members frustration at the inadequate level of information provided by the Applicants and the amount of chasing required to obtain the necessary information was out of proportion to the scale of the application. Don McKee advised that he had spoken to Graeme Harley before the meeting to raise this issue and Mr Harley had advised he had experienced similar frustrations with the Applicants. Don McKee advised that the CNPA would be writing to the Co-op to advise that the application could have been dealt with far more expediently if all the information had been submitted along with the application.
44. Duncan Bryden stated that the CNPA were not responsible for the time taken to deal with the application. This lay firmly with the Applicants.

## APPROVED COMMITTEE MINUTES

45. The Committee agreed to approve the application subject to the conditions stated in the report and an Additional Condition stating that the smaller unit should only operate between the hours of 9am and 8pm. An Advice Note to be added referring to Condition 4 and advising that the boundary treatment is to have a dual function as acoustic screening.
46. **Action Points arising:** CNPA Planning Officials to write to the Co-op to advise that the application could have been dealt with far more expediently if all the information had been submitted along with the application.

### **Agenda Item 11:**

#### **Update Report on An Camas Mòr (Paper 6)**

47. Don McKee presented an update report on An Camas Mor.
48. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Had the Community Council been apprised of the progress. Don McKee responded that the Community Council were involved in discussions regarding the development on a regular basis.
49. The Committee accepted the report for information purposes.
50. **Action Points arising:** None.

### **Agenda Item 12:**

#### **Election of Planning Committee Convener (Paper 7)**

51. Duncan Bryden handed the Chair to Vice Convener, Peter Argyle.
52. Peter Argyle requested nominations for the position of Planning Committee Convener.
53. Angela Douglas proposed Duncan Bryden, this was supported unanimously by the other Members.
54. There being no other nominations, Duncan Bryden was elected to the position.
55. Duncan Bryden re-took the Chair.
56. **Action Points arising:** None.

# APPROVED COMMITTEE MINUTES

## Agenda Item 13:

### Any Other Business

57. Duncan Bryden advised that at the meeting on 2 March 2012, Members had requested that he write in his position of Planning Committee Convener to the Scottish Government regarding the issue of Statutory Instruments which meant that the CNPA could not deal with amendments to Section 75 Legal Agreements (S75).
58. Duncan Bryden informed Members that after discussion with Officers in the Scottish Government Sponsor Division (responsible for the CNPA) and with Jane Hope, CNPA Chief Executive, and other senior CNPA Staff Members it had been decided that writing a letter may not be the best course of action. He stated that the CNPA case may be better served by waiting slightly longer. He advised that Scottish Government Officials are aware of the CNPA's concerns and these have been reiterated by Highland Council. The issue had also been raised with Derek Mackay, Scottish Government Minister when he visited in February. Therefore the Committee's aspirations had been met through other channels rather than writing a letter.
59. Duncan Bryden stated that this issue linked in to the Planning Reform announcement made by Derek Mackay on Wednesday. He advised that the consultation would give the CNPA a chance to state the positive aspects of the CNPA's work and an opportunity to respond on how things could be done better including S75's. There were several consultation strands and responses had to be in by 22 June 2012.
60. Don McKee advised Members of the consultation strands:
- Planning Performance Framework developed by the Heads of Planning (Scotland) and to be included in the next CNPA Service Improvement Plan.
  - Raising Planning Fees in Scotland.
  - Non Householder General Permitted Development Order – including agricultural/forestry tracks and widening/changing surface treatments of tracks.
  - Development Plan Examinations.
  - Development Delivery – including stalled sites, S75, developer contributions.
  - Miscellaneous amendments to the Planning System.
61. Don McKee advised the Scottish Government (SG) had also published the National Planning Framework Monitoring Report, which referred to the extension of the Park into Perth & Kinross and also gave context paragraph for Renewables within National Parks.
62. Don McKee informed Members that he had circulated a document 'Planning Reform – The Next Steps' giving a summary of the above points. Part of this document stated that the SG would revisit a 2010 circular to incorporate the letter from the Chief Planner regarding planning obligations.
63. Don McKee advised that the SG had also launched a Design Exemplar website showing good practise from across Scotland and a factsheet/glossary on development and development finance (circulated to Members).

## APPROVED COMMITTEE MINUTES

64. Don McKee advised that consultation reports would be brought forward to Planning Committee for discussion and then submission to the SG.
65. Duncan Bryden advised that the launch of the CNPA Design Awards had been delayed for a few weeks due to Inverness launching their own Design Awards.
66. Duncan Bryden advised that on 25 May there would be a visit to the Farr Wind Farm site, should other business need to be conducted, a venue nearer the site would be arranged.
67. **Action Points arising:** None.

### **Agenda Item 14:**

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

68. Friday 27 April 2012 at The Cairngorm Hotel, Aviemore.
69. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
70. The public business of the meeting concluded at 12.10pm.