

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE
held via Video Conference
on 26th June 2020 at 10am

Members Present:

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| Eleanor Mackintosh (Convener) | Douglas McAdam |
| Peter Argyle (Deputy Convener) | Xander McDade |
| Geva Blackett | Willie McKenna |
| Carolyn Caddick | Ian McLaren |
| Deirdre Falconer | Dr Fiona McLean |
| Pippa Hadley | William Munro |
| Janet Hunter | Dr Gaener Rodger |
| John Kirk | Derek Ross |
| John Latham (Item 6 onwards) | Judith Webb |
| Anne Rae Macdonald | |

In Attendance:

Gavin Miles, Head of Planning and Communities
Dan Harris, Planning Manager Forward Planning and Service Improvement
Andrew Teece, Planning Officer Development Planning
Ed Swales, Monitoring and Enforcement Officer
Robbie Calvert, Graduate Planner
Peter Ferguson, Harper McLeod LLP

Apologies: John Latham

Agenda Items 1 & 2:
Welcome & Apologies

- I. The Convener welcomed all present and apologies were noted.

DRAFT COMMITTEE MINUTES

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 12 June 2020, held video conferencing were approved subject to the following amendments:
 - a) **At Para 12a.** – word ‘man’ should read ‘main’
 - b) **At Para 19a.** – remove the words ‘of income’ – should read ‘ability to generate income in short term’
3. A Member queried the points she raised regarding the different vehicle charges and overnight charges. Head of Planning confirmed Paragraphs 14 a) and b) reflected these points.
4. The Convener clarified Page 4 Para 16 and Page 5 Para 20 action points were included within the Recommendation, therefore no further action was required.
5. **Action Points arising: None.**
6. There were no matters arising.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Deirdre Falconer declared an Indirect Interest in Item 5.
Reason: Sits on Kincaig and Vicinity Community Council.
8. Doug McAdam declared an Indirect Interest in Item 6.
Reason: Is Chairman of Wild Scotland who has an interest in that sector but has not had any direct involvement with this application.
9. Pippa Hadley declared an Indirect Interest in Item 5.
Reason: Attends the Kincaig and Vicinity Community Council as a Highland Councillor but does not have a vote.

Agenda Item 5:

Detailed Planning Permission 2020/0080/DET (20/00512/FUL)

Formation of bunding, provision of services, and laying out of access road, hardstanding and tarmac area with associated landscape (Retrospective)

Land 165M SW of Hillview, Kincaig

Recommendation: Approve Subject to Conditions

10. Robbie Calvert, Graduate Planner, presented the paper to the Committee.

11. The Committee were invited to discuss the report, the following points were raised:
 - a) A member queried Page 9 Para 4 – working hours – this seems an unfair amenity over 7 days a week and for the residents nearby. Member proposed a change in operational hours, 8am-1pm on a Saturday with no operations on a Sunday.
 - b) A Member queried the principle of development on the site. Would this be used as a compound again for the A9 building works down as far as Dalwhinnie and also for the Slochd section. Head of Planning and Communities responded this was a temporary compound under permitted development as part of the A9 works. A condition as part of the permission is for the site to be restored. It could not be used again for the further A9 works, as too far away from the Dalwhinnie and Slochd section. It was a good location for direct access to the Kincaig section of A9. Some restoration has taken place, with vegetation growing back on most of site. In the proposed LDP this site is marked as a business site.
 - c) A Member stated Kincaig & Vicinity Community Council had received several representations from the ‘McBain Road Residents’ who live in the estate opposite the development who were all very unhappy with this application.
 - d) A Member queried if we could amend the operational hours. Head of Planning and Communities confirmed the working hours could be amended but that the applicant had stated they don’t seek permission to use the site as compound, simply to retain the services on it.
 - e) A Member stated light pollution was a serious affect previously, huge spotlights. Could a limitation be put on this and the hours of use? Head of Planning and Communities responded that the application was to retain in its current state so any other use or equipment would require a separate planning consent.
 - f) A Member queried if Kincaig & Vicinity Community Council were meeting at the moment as no representation had been received. A Member confirmed the Community Council were not currently meeting.
 - g) A Member queried if this was approved to remain as is, if another application comes in, do the Committee get to look at this again? Head of Planning and

DRAFT COMMITTEE MINUTES

Communities confirmed yes, the Committee would have the opportunity to determine any planning application called in by the CNPA.

12. Peter Ferguson, Harper McLeod LLP, noted that as the Head of Planning and Communities had explained, there was no intention to work on the site, and suggested that the simplest resolution was to replace condition 4 covering that had applied to the previous consent with one confirming that the consent gave 'no right to use the site'. Peter Argyle, Deputy Convener put forward this motion and this was seconded by Anne Rae MacDonald.
13. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report with an amendment to condition 4 confirming that the consent did not give a right to use the site.**
14. **Action Point arising:**
 - i. **Amendment to condition to state no right of working.**

Agenda Item 6:

Detailed Planning Permission 2020/0081/DET (20/01190/FUL)

Retention of ten wigwam accommodation units, Speyside Trust.

At Badaguish Outdoor Centre, Glenmore, Aviemore, Highland, PH22

IQU

Recommendation: Approve Subject to Conditions

15. Gavin Miles, Head of Planning and Communities presented the paper to the Committee.
16. The Convener announced due to internet and joining issues, Member John Latham had now joined the meeting at approximately 10.40am.
17. The Convener stated some Members will recall a site visit previously to this site so would be familiar with this site.
18. The Committee were invited to asked points of clarity, the following points were raised:
 - a) Query regarding are we requiring them to move 10 and the permanent number of 35 wigwams. Head of Planning and Communities clarified they are not required to move the 10 wigwams, as it is a separate consent, but there could be no more than 35 wigwams across the entire site.

DRAFT COMMITTEE MINUTES

- b) Given the current economic climate was 36 months a reasonable time? Head of Planning & Communities advised that the term (3 years) was deemed as reasonable.
19. **The Committee agreed to approve the application as per the Officer's recommendation subject to the conditions stated in the report.**
20. **Action Point arising: None.**

Agenda Item 7: For Decision

Economic Growth, Open Space, Sport and Recreation and Resources Non-Statutory Guidance.

Recommendation: Approve For Consultation

21. Dan Harris, Planning Manager, Forward Planning and Service Improvement, informed the Committee there would be a press release today with the Consultation starting on Monday.
22. Andrew Teece, Planning Officer (Development Planning) presented the paper to the Committee.
23. The Committee were invited to discuss the report, the following points were raised:
- a) Open Space, Sport and Recreation – At para 8.3 clarification sought on the reduction of public access rights, is that formal public access rights or any kind of access rights. Planning Manager confirmed that it relates to any kind of public access, whether it be a core path or an informal path, route or area.
 - b) Resources – query around private water supplies and was there enough in the guidance explaining what would be required of an applicant as to proving that they would not have an impact on existing users of private water supplies? Planning Manager explained that the provisions within the non-statutory guidance contain elements which are in policy. They would be directed by Scottish Water and SEPA. Agreed to insert a link to their guidance in the document.
 - c) A member suggested it would be good if there was a way of creating energy from waste within the National Park. Head of Planning & Communities advised that the local authorities are waste management authorities and work on a council and national basis, but that if a proposal for such a facility came forward, the LDP would have policies that would support it.
 - d) At page 2, 10.1 point c, clarity required that the wording was correct where it said 'have no significant adverse impacts on existing or private water supplies' is that what was meant or should it be 'existing and future'. And does existing

