

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

**held via Video Conference
on 25 February 2022 at 9am**

Members Present:

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

In Attendance:

Gavin Miles, Head of Strategic Planning
Murray Ferguson, Director of Planning & Place
Grant Moir, CEO
Emma Bryce, Planning Manager, Development Management
Stephanie Wade, Planning Officer, Development Management
Alan Atkins, Planning Officer, Development Management
Katie Crerar, Planning Officer, Development Planning
Peter Ferguson, Harper McLeod LLP

Apologies: None

**Agenda Items 1 & 2:
Welcome & Apologies**

1. The Convener welcomed all present. There were no apologies.

**Agenda Item 3:
Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 28 January 2022, held via video conferencing were approved with no amendments.
3. The Convener provided an update on the actions arising from the previous minutes:
 - a) At Para 23(i) **in hand** – there will be a development session for the Committee in 2022 about landscape effects inside and outside the National Park

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- b) At Para 12(a) **closed**
- c) At Para 42(i) from 24 September 2021 Planning Committee – **Closed** – site visit to Aviemore Community Hospital carried out by some Committee Members.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

- 4. Willie Munro declared a (non-financial) Interest in Item 5 and 6.
Reason: Member knows the agent, but had considered their position and was satisfied no conflict so would participate.
- 5. Deirdre Falconer declared a (non-financial) Interest in Item 5 and 6.
Reason: Member is a neighbour of the Estate, but had considered their position and was satisfied no conflict so would participate.
- 6. Geva Blackett declared a (non-financial) Interest in Item 5 and 6.
Reason: Member knows the agent, but had considered their position and was satisfied no conflict so would participate.
- 7. John Kirk declared a (financial) Interest in Items 5, 6, 7 & 9.
Reason: Due to business contracts and would not take part in the discussion or decision on those items.
- 8. Derek Ross a (financial) Interest in Item 8.
Reason: Member has a family member with an interest in a nearby property and would not take part in the discussion or decision on that item.

Agenda Item 5:

Detailed Planning Permission 2020/0220/DET (20/02963/FUL)

Erection of bothy and formation of access track

At Land 515M SE of Farmhouse, Killiehunty, Kingussie

Recommendation: Approve Subject to Conditions

- 9. Katie Crerar, Planning Officer, Development Planning, presented the paper to the Committee.
- 10. The Committee were invited to ask points of clarity, the following points were raised:
 - a) The Planning Officer clarified that occupation was not restricted to people letting other properties on the estate.
 - b) It was clarified that there was only one bedroom but that a carer could sleep somewhere else in the open plan flexible property.
- 11. The Committee were invited to discuss the report, the following points were raised:
 - a) Some members welcomed the application as a good addition to the range of accommodation available in the National Park given that there are relatively few self-catering properties designed to be accessible in this way.

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- b) A member proposed an amendment to the application to refuse it on the grounds that it would have an adverse impact on landscape character and amenity.
 - c) There was concern that the carer accommodation was not sufficient.
 - d) There was discussion and a member proposed the inclusion of a condition requiring a management plan to cover access, obtaining firewood, servicing, use of the area around bothy including pets.
 - e) Discussion that proposal already detailed access and explained the serviced nature of the property.
 - f) Further discussion about the application, concern that the pricing could make it exclusive rather than inclusive; support access for disabled people and the immersive experience but need to protect the area from harm from users.
 - g) Gavin Miles, Head of Strategic Planning advised that the application set out the tree loss associated with the development and provided significant new tree planting as mitigation. Other felling of tree would be a breach of the planning consent. Head of Strategic Planning pointed out that it was also likely that the property would require a licence for short term letting. He questioned the need for an additional condition on those matters.
 - h) Concern expressed that able bodied people would also be using property and concern about otter and that a management plan could address this. Head of Strategic Planning advised that the application concluded no significant effect on otter.
 - i) Members were reminded of the code of conduct responsibilities sections 23 and 24 to show respect to colleagues.
12. Willie Munro raised an amendment to add a condition requiring a management plan. Carolyn Caddick seconded the amendment.
13. Deirdre Falconer raised an amendment to refuse the application because of impacts on landscape character and amenity. Willie McKenna seconded the amendment.
14. Carolyn Caddick and Willie Munro went into breakout room at 0951 with Peter Ferguson, Harper McLeod and Gavin Miles, Head of Strategic Planning, to clarify their amendment.
15. Deirdre and Willie McKenna went into breakout room at 1008 with Peter Ferguson, Harper McLeod and Gavin Miles, Head of Strategic Planning, to clarify their amendment.
16. All returned to the meeting.
17. Gaener Rodger Planning Committee Convener, reminded the Committee of the procedure of voting. She explained that the first vote would be on the two amendments and that the winning amendment would then be voted against the original motion. Peter Ferguson, Harper McLeod added that the procedures that were being used were in line with Standing Orders.
18. **Willie Munro proposed Amendment One seconded by Carolyn Caddick:** We approve the application as the Officers Recommendation with the addition of another condition which requires the developer abide by a management plan which

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covers access and servicing, waste management, collection of firewood, use of the area around the bothy to include any animals, bbqs, habitat, disturbance and noise.

19. **Deirdre Falconer proposed Amendment Two seconded by Willie McKenna:**
To refuse the application because they considered it would have adverse amenity impacts on the site are surrounding area due to visual impacts, adverse effects on landscape character and special landscape qualities and therefore would not comply with policy 2.2 or policy 5.1 and because of that it could not comply with the plan as a whole.
20. The Committee proceeded into a vote, the results were as follows:

NAME	Amendment 1	Amendment 2	ABSTAIN
Peter Argyle			
Geva Blackett			
Carolyn Caddick			
Deirdre Falconer			
Pippa Hadley			
Janet Hunter			
John Latham			
Eleanor Mackintosh			
Douglas McAdam			
Xander McDade			
Willie McKenna			
Ian McLaren			
Fiona McLean			
William Munro			
Anne Rae Macdonald			
Gaener Rodger		(casting)	
Derek Ross			
Judith Webb			
TOTAL	3	4	11

21. **Amendment 2 was approved and would be voted against the motion.**
22. **The Motion to approve the Application as per Officer's recommendation, was proposed by Eleanor Mackintosh and seconded by Peter Argyle. The Amendment proposed by Deirdre Falconer and seconded by Willie McKenna. The results of the vote was as follows:**

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NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle			
Geva Blackett			
Carolyn Caddick			
Deirdre Falconer			
Pippa Hadley			
Janet Hunter			
John Latham			
Eleanor Mackintosh			
Douglas McAdam			
Xander McDade			
Willie McKenna			
Ian McLaren			
Fiona McLean			
William Munro			
Anne Rae Macdonald			
Gaener Rodger			
Derek Ross			
Judith Webb			
TOTAL	15	3	0

23. The Committee approved the application subject to the conditions stated in the report.
24. Action Point arising: **None**

Agenda Item 6:

Detailed Planning Permission 2020/0221/DET (20/02964/FUL)

Erection of both and Associated Service Route

At Land 400M SW of Farmhouse, Killiehuntly, Kingussie

Recommendation: Approve subject to conditions

25. Katie Crerar, Planning Officer, Development Planning presented the paper to the Committee.
26. The Committee were invited to ask points of clarity, the following points were raised:
- a) The Planning Officer confirmed that the general public would be allowed to use the path as they currently did.

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- b) Concern with the privacy between the bothy and path. The Planning Officer clarified that access would remain as current and noted there would be only two guests.
 - c) Effect on otters was raised – currently no signs of otter, but habitat was ideal. Head of Strategic Planning confirmed that otters were likely to pass through the area but there weren't any resting places or holts that would be disturbed by the development and that there was good alternate habitat in the surroundings.
 - d) Why are no management conditions specified? Head of Strategic Planning confirmed officers were satisfied with the detail supplied for this small development with little impact.
27. The Committee were invited to discuss the report, the following points were raised:
- a) Discussion followed with concern about the development in a wild place with a surfaced track where there isn't one. It was formalising a rough path and establishing new vehicular access. A member was of the opinion that there was high potential for disturbing wildlife.
 - b) Deidre Falconer proposed an amendment to refuse the application on the grounds that “the location was not appropriate and building and track not compatible with surroundings and will not protect the special qualities of the area. The introduction of a 1.8m surfaced track and boardwalk across moorland will have adverse impact on landscape character and amenity of the site and its surroundings” Xander McDade seconded the amendment.
 - c) A further comment was made that the site was not wild or remote, with a busy vehicle track close by and a power line even closer. The proposal was for a low-key building with improved access.
28. Deirdre Falconer & Xander McDade moved to the breakout room at 1100 with Peter Ferguson, Harper McLeod and Gavin Miles, Head of Strategic Planning, to clarify their amendment.
29. The Planning Committee had a comfort break and reconvened at 11:10 hours.
30. Janet Hunter put forward a motion to approve the application as per the officers recommendation as stated in the report. This was seconded by Peter Argyle.
31. Deirdre Falconer put forward an amendment. This was seconded by Xander McDade: because they considered it would have adverse amenity impacts on the site and surrounding area due to visual impacts, adverse effects on landscape character and special landscape qualities including wildness and therefore would not comply with policy 2.2 or policy 5.1 and because of that it could not comply with the plan as a whole.

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NAME	MOTION	AMENDMENT	ABSTAIN
Peter Argyle			
Geva Blackett			
Carolyn Caddick			
Deirdre Falconer			
Pippa Hadley			
Janet Hunter			
John Latham			
Eleanor Mackintosh			
Douglas McAdam			
Xander McDade			
Willie McKenna			
Ian McLaren			
Fiona McLean			
William Munro			
Anne Rae Macdonald			
Gaener Rodger			
Derek Ross			
Judith Webb			
TOTAL	8	9	1

32. The Committee agreed to refuse application.

33. Action Point arising: None.

Agenda Item 7:

Detailed Planning Permission 2021/0090/DET (21/01067/FUL)

Formation of campervan site at Land 315M SW Of The Half House, Nethy Bridge

RECOMMENDATION: Approve Subject to Conditions

34. Stephanie Wade, Planning Officer presented the paper to the Committee.

35. The Committee were invited to ask points of clarity, the following point was raised:

- a) Query regarding an off-road cycle access to Nethy Bridge. The Planning Officer informed the Committee that cycle access was possible by using the proposed path through the field adjacent to the road followed by linking into the existing path network towards Nethy Bridge.

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36. The Convener invited Tessa Jones of Badenoch & Strathspey Conservation Group (Objector) to address the Committee.
37. The Convener thanked Tessa Jones for her contribution.
38. The Convener invited the Committee to discuss the report, the following points were raised:
 - a) The Committee discussed the impact by dogs and noted the Management Plan to ensure consideration by people and dogs and to encourage responsible dog ownership which benefits physical and mental health. It also noted it was a good low-cost holiday option for visitors.
 - b) A member spoke about general blanket fire ban in dangerous months.
39. **The Committee agreed approve application as per the Officer's recommendations subject to the conditions stated in the report.**
40. **Action Point arising:** None

Agenda Item 8:

**Detailed Planning Permission 2021/0307/DET (21/04344/FUL)
Erection of 9 houses, garages, re-alignment of road and landscaping at Land 75M
SE of Paw Prints, Corrou Road, Aviemore
Recommendation: Approve Subject to Conditions**

41. Alan Atkins, Planning Officer presented the paper to the Committee.
42. Head of Strategic Planning explained that the obligation for education contribution will need to be secured before a decision was issued.
43. **The Committee agreed this application as per the conditions stated in the report.**
44. **Action Point arising:** None

Agenda Item 9:

**Detailed Planning Permission 2022/0004/DET (21/05727/S42)
Develop land without compliance with condition 2 (08/423/CP) to allow
occupation of the property without restriction of employment at Mullingaroch
Steading, Street of Kincardine, Boat of Garten
Recommendation: Approve Subject to Conditions**

45. Emma Bryce, Planning Manager presented the paper to the Committee.
46. The Committee were invited to discuss the report, the following point was raised:
 - a) It was noted that the current occupancy conditions were out of date.
47. **The Committee agreed this application as per the conditions stated in the report.**

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48. **Action Points arising: None**

**Agenda Item 10:
AOB**

49. **There were no items presented.**

**Agenda Item 11:
Date of Next Meeting**

50. The date of the next meeting is Friday 25th March 2022 at CNPA HQ and will be a hybrid meeting.

51. The public business of the meeting concluded at 11.52 hours.

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Outstanding actions from previous committees	
Date	Action
23/04/2021	There will be a development session for the Committee in 2022 about landscape effects inside and outside the National Park (mainly related to windfarms)