



Approved Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

8 March 2024 at 11.00am

Present

Chris Beattie (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Russell Jones

Sandy Bremner (Board Convener)

John Kirk

Peter Cosgrove

Lauren MacCallum

Derek Ross

Paul Gibb

Bill Lobban

Fiona McLean

Xander McDade

Duncan Miller

Virtual

Hannah Grist

Geva Blackett

Ann Ross

Apologies

Steve Micklewright

In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Emma Bryce, Planning Manager (Development Manager)

Katie Crerar, Planning Officer (Development Management)

Adam Streeter-Smith, Recreation & Access Manager

Emma Greenlees, Planning Support Officer

Mariaan Pita, Executive Support Manager



Agenda Item 1 & 2

Welcome and Apologies

1. The Planning Convener welcomed all present including members of the public.

Agenda Item 3

Declarations of Interest

2. Lauren MacCallum declared an interest in Item 5 and will be joining after this discussion.

Agenda Item 4

Minutes of Previous Meeting and Matters Arising

3. The minutes of the previous meeting on 26 January 2024 held at Cairngorms National Park Authority, Grantown on Spey, were approved with no amendments.

Agenda Item 5

4. **Application for Detailed Planning Permission 2023/0399/DET (23/02003/FUL)**

Change of use of land to beer garden (in retrospect) at Land 45M SE of Old Bridge Inn, 23 Dalfaber Road, Aviemore

Recommendation: Approve subject to conditions

Katie Crerar, Planning Officer, Development Management

5. The Planning Convener members noted that committee had attended a Planning Committee site visit to the application site earlier that morning.
6. Katie Crerar, Planning Officer, Development Management presented the paper to the committee.
7. The Committee were invited to ask for clarity, and the following point was raised:
 - a) A Member asked if Highland Council Planning team had commented on access for vehicles or if the consideration was given to the proposal for a Beer Garden only. The Planning Officer confirmed that they would have commented on the proposal as a Beer Garden.
8. The applicant Owen Caldwell addressed the committee.



9. The Committee were invited to ask for clarity. The following points were raised:
- A Member asked how the owner intended to police the area and keep the loading bay free. The applicant confirmed that while the Beer Garden is open there will a member of staff onsite and they could put traffic cones down, along with up appropriate signage at the entry point and a notice on the website.
 - Clarity was sought on what land the applicant leased, and it was confirmed that this was outlined on the plans through the blue line.
 - A Member asked if there was vehicle access on the lease. The applicant confirmed that as the leaseholder, they had a right of vehicle access on the land but that the public only had a pedestrian right of access across it covered by the outdoor access code.
10. The objector David Craig presented to the committee.
11. The Committee were invited to ask for clarity. The following points were raised:
- A Member asked whether there were other access points to the river Spey. The objector confirmed that there were limited locations in the vicinity and that this site had been the most accessible place to take vehicles and trailers in the past.
 - A Member asked for an average on how many vehicles with trailers and canoes would visit the site through the year. The objector confirmed that he did not have this information but about six different organisations could at one time use this spot to launch on the same day.
12. The Committee were invited to ask for clarity from Adam Streeter-Smith the Recreation & Access Manager. The following points were raised:
- A Member asked if the Officer was satisfied with access, and whether we are providing the users with reasonable access. The Recreation and Access Manager clarified that if this application was approved, the public would continue to have the right to cross the site via the core path and pedestrian corridor.
 - A Member asked how a canoeist would then access the site. The Recreation and Access Manager confirmed that rivers users often carried their equipment to the river at many locations.
 - It was noted that the informal arrangements had allowed for vehicles to be parked closer to the river in the past, but that the lease owner could remove the ability to park on the site at any time, whereas the right of pedestrian access to the river would remain.
13. The Committee were invited to discuss the report. The following points were raised:



- a) A Member explained that they considered that the use of the area for a Beer Garden is incompatible with its use for vehicle access given that the space could be busy with people and children.
- b) A Member proposed a condition requiring the details of demarcation of the drop-off and pick up areas as well as the corridor to the river. The Head of Strategic Planning confirmed that details could be sought on those spaces would be marked on the ground.
- c) Peter Ferguson confirmed that policy 33h states there is a requirement for developments to maximise all outdoor access, however this does not relate to vehicle access.
- d) The Recreation and Access Manger confirmed that if the pedestrian access became obstructed there were powers available to the Park Authority under the Land Reform Act that could be used to ensure access.
- e) A Member asked if it would be possible to indicate where the core path is to make sure that it's kept free. Head of Strategic Planning confirmed that we would use enforcement notice to make sure that this is kept clear.
- f) Peter Ferguson confirmed that the 2.5m corridor follows a different route to the designated path leading to the Spey to what extend would the current proposal impact on the path and if permission granted, thought would have to be given to diversion of current route leading into the Spey.
- g) A number of members said that they were not able to approve the application as it stands, and more discussion is needed.
- h) A member asked if the committee could approve the application for a set period of time to allow a more thorough assessment of the impacts of granting permission without refusing permission at this stage. Peter Ferguson confirmed that if Members wanted to approve time could be limited and the justification for this would be to assess what the impacts on the ground.

14. The Convener adjourned the meeting for 15 minutes to allow the preparation of amendments to the Officer's recommendation.

15. The meeting recommenced at 12:55pm.

16. Bill Lobban put forward an Amendment to refuse the application on the grounds that it is contradictory to policy 33j of the Cairngorms National Park Local Development plan as it fails to demonstrate an appropriate level of access to the site. This was seconded by Paul Gibb.



17. Xander McDade put forward an Amendment to add two conditions to the Officer's recommendations. The first condition was to limit the duration of consent to two years and second condition was for Officers to approve measures to identify the vehicle drop off zone area and pedestrian corridor to the Spey. This was seconded by Fiona McLean.

18. The Committee proceeded into a vote. The results were as follows:

	Amendment 1 (refuse)	Amendment 2	Abstain
Chris Beattie		✓	
Geva Blackett		✓	
Sandy Bremner		✓	
Peter Cosgrove		✓	
Kenny Deans	✓		
Paul Gibb	✓		
Hannah Grist		✓	
Russell Jones	✓		
John Kirk	✓		
Bill Lobban	✓		
Eleanor Mackintosh	✓		
Xander McDade		✓	
Fiona McLean		✓	
Duncan Miller		✓	
Ann Ross			✓
Derek Ross		✓	
TOTAL	6	9	1



19. Derek Ross proposed the Motion to approve as per the Officer's recommendations and this was seconded by Ann Ross.

20. The Committee proceeded into a vote. The results were as follows:

	Motion	Amendment 2	Abstain
Chris Beattie		✓	
Geva Blackett		✓	
Sandy Bremner		✓	
Peter Cosgrove		✓	
Kenny Deans		✓	
Paul Gibb			✓
Hannah Grist		✓	
Russell Jones		✓	
John Kirk		✓	
Bill Lobban			✓
Eleanor Mackintosh			✓
Xander McDade		✓	
Fiona McLean		✓	
Duncan Miller		✓	
Ann Ross	✓		
Derek Ross	✓		
TOTAL	2	11	3

21. The Committee approved the application for detailed planning permission in principle, subject to amendment with additional conditions.

Action Point arising: None

22. Lauren MacCallum joined the meeting.



AOCB

23. Gavin Miles, Head of Strategic Planning, informed the Committee that the Lethen Windfarm proposal that the Cairngorms National Park Authority had objected to had been refused by Scottish Ministers. The refusal was on grounds relating to landscape impacts on other parts of Highland rather than any impacts on the Cairngorms National Park.
24. The Head of Strategic, informed the Committee that the Cairngorms National Park Authority was investigating the arrangements for external lighting at the Tomintoul housing development following comments raised by Committee Members.
25. The Head of Strategic, informed the Committee that the Old School affordable housing project in Ballater that was redeveloped by Grampian Housing Association had won a Rural Empty Property Award at the Scottish Empty Homes Conference. He noted that officers hoped to take the Planning Committee to visit this award-winning development in 2024.
26. The Committee Convener raised a motion to move to a confidential session.

The public business of the meeting concluded at 1.06pm



Draft Confidential Minutes of the Planning Committee Meeting

Held at Cairngorms National Park Authority HQ, Grantown on Spey

Hybrid

8 March at 3.35pm

Present

Chris Beattie (Planning Convener)

Eleanor Mackintosh (Deputy Planning Convener)

Kenny Deans

Russell Jones

Sandy Bremner (Board Convener)

John Kirk

Peter Cosgrove

Lauren MacCallum

Derek Ross

Paul Gibb

Bill Lobban

Fiona McLean

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In Attendance

Gavin Miles, Head of Strategic Planning

Peter Ferguson, Harper MacLeod LLP

Emma Bryce, Planning Manager (Development Manager)

Katie Crerar, Planning Officer (Development Management)

Emma Greenlees, Planning Support Officer

Mariaan Pita, Executive Support Manager

27. The minutes of the previous confidential meeting on 26 January 2024 held at Cairngorms National Park Authority, Grantown on Spey, were approved with no amendments.



Agenda Item 8

28. Authorisation of planning enforcement action to serve an enforcement notice to seek the removal of two containers within Tolquhonie Woods, Near Carr Bridge

Recommendation: The Planning Committee is asked to:

- a) Authorise the use of an Enforcement Notice on the owner of the land to remove the containers.
- b) Authorise the use of a Section 33A notice to seek an application in order to regularise the improvement to the junction off the A938.
- c) Delegate to officers, all matters in relation to the preparation of and detail of the notice as well as the service of the notice.

29. Gavin Miles, Head of Strategic Planning presented the paper.

30. The Committee agreed the recommendations in the paper and requested that at the appropriate stage, any public communication reinforced strongly how unacceptable the Authority considered the unauthorised development to be.

Agenda Item

Update on Planning Enforcement

31. Gavin Miles, Head of Strategic Planning, informed the Committee that:

- a) Officers were still checking the detail of what Tulloch Homes proposed to remedy the Breach of Condition relating to SUDs within the floodplain at Bynack Mor/ the Horsefield development in Aviemore. Highland Council's flood team and the Scottish Environment Protection Agency were being consulted on the changes proposed.
- b) Officers are continuing to seek the support of Crown Estate Scotland in relation to the breach of consent at the wigwam development in Tomintoul and all the levers available to secure compliance with the planning consent.

32. A member asked if there has been an update on works and consents for track at Glen Feshie. Head of Strategic Planning confirmed that officers were seeking evidence of authorisations from Highland Council and Wildland Ltd and would report back to the committee once all the facts were established.



33. The confidential business of the meeting concluded at 13.27pm