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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR INFORMATION

**Title: UPDATE ON APPLICATIONS APPROVED BY COMMITTEE SUBJECT TO CONCLUSION OF DEVELOPER CONTRIBUTIONS**

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#### **Purpose**

To update the Planning Committee on progress in securing developer contributions, legal agreements or other matters associated with planning applications previously determined by the Planning Committee that mean that decision notices for the applications cannot yet be issued. If it appears to officers that the outstanding matters are unlikely to be concluded, a further recommendation to refuse an application may be made to the Committee.

#### **Recommendation**

##### **That the Committee:**

- i. Note the progress in concluding outstanding matters for the two planning applications where three months or more has passed since they were determined by the Planning Committee.**

#### **Background**

1. The CNPA Planning Committee considers planning applications that have been called-in by the CNPA because they are of significance to the aims of the National Park. Those applications are often larger or more complex planning applications with significant impacts, some of which cannot be addressed by planning conditions, but where developer contributions or legal agreements can overcome a barrier to planning consent and allow a development to be approved.
2. In such cases, the Planning Committee make a decision on an application subject to any necessary conditions and the conclusion of any outstanding matters. The planning service does not issue a decision notice for an application until those matters are concluded, so planning permission for that proposal exists. Once the matters are concluded, normally once a legal agreement has been confirmed as registered on the title deeds of land, or where a cash contribution for infrastructure provision has been deposited with the receiving public body, the decision notice is issued by the planning service.

3. The conclusion of these matters can be complex and time consuming, particularly where legal agreements covering land, money and multiple parties are involved. The CNPA has a process for updating the Planning Committee on applications where more than three months has passed since a committee decision without the decision notice being capable of being issued. The purpose is to inform the Planning Committee of the reasons for the delay and if it appears to officers that matters are unlikely to be concluded, ask the Planning Committee to refuse the planning application. To date, the Planning Committee have not be asked to refuse any such applications. However, the ability to do so has helped move some cases to conclusion where there were unnecessary delays.

### **Current applications determined but without decision notices**

4. The CNPA currently has three planning applications that have been determined by the Planning Committee but where decision notices cannot yet be issued. Only two of those applications have hit or passed the three month trigger for reporting. They are summarised below.

<b>Applications</b>	<b>Committee Decision Date</b>
2019/0209/DET Erection of a distillery, visitor centre, warehouse, car parking, road junction and associated infrastructure and landscaping, Land SE of Lower Gaich, Dulnain Bridge	11 October 2019
2019/0298/DET Spey House Phase 2 - Development of 14 no dwellings including 6no terraced houses, 4no bungalows and 4no cottage flats, off Dalfaber Drive, Aviemore	24 January 2020

### ***Application 2019/0209/DET, Erection of Distillery***

5. This application for a Distillery at Lower Gaich between Dulnain Bridge and Grantown-on-Spey was determined by the Planning Committee on 11 October 2019. The Planning Committee have received regular updates on the progress towards issuing a decision notice. The application is covered by a processing agreement between applicant and CNPA.
6. At the start of 2020, all parties thought that the legal agreement would be completed quickly. However final land and title searches identified a further land owner and additional work was required to establish control of that land.
7. The agreement is now finalised between all parties and in the process of being signed. Under normal conditions, we would expect the agreement to be registered with Registers of Scotland the next few weeks. The CNPA will issue the decision notice as soon as the registering process can be completed. The application is covered by a processing agreement between applicant and CNPA.

**Application 2019/0298/DET Spey House Phase 2**

8. This application for affordable housing close to the new Aviemore community hospital healthcare facility was approved by the Planning Committee on 24 January 2020. The application is covered by a processing agreement between applicant and CNPA and the developer contributions between the parties are agreed.
9. However Covid19 has led to some organisations freezing contracts until there is more certainty over future working conditions and their ability to deliver projects. In this case, the applicant Upland Developments, was making the application as part of a contract with Albyn Housing Society who would purchase the completed development. Albyn Housing Society has stopped committing to new developments until the end of June 2020 in order to review their ability to deliver and this places the applicant in some difficulty in the short term.
10. CNPA officers will work with the applicant to see if there is an alternative solution to allow the consent to be issued but will also work with Albyn Housing Society and Highland Council to ensure that this site, which could be implemented relatively quickly, stays at the top of affordable housing investment plans once construction projects are allowed to start again.

**Conclusion**

11. Although there are delays in securing developer contributions for both planning applications summarised in this paper that means that decision notices cannot yet be issued, in neither case are officers concerned that progress has stalled without legitimate reason. We expect to be able to issue a decision notice for application 2019/0209/DET (Distillery) as soon as the associated legal agreement is registered. The delay associated with application 2019/0298/DET (Spey House Phase 2 affordable housing) is due to Covid19 related contractual matters.
12. Both applications have processing agreements that can accommodate in these delays and officers are confident that all parties are working to conclude them as quickly as possible. The Planning Committee will receive further updates at future meetings.

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