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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 18<sup>th</sup> March 2016 at 11.00am

**Members Present**

Peter Argyle

Rebecca Badger

Angela Douglas

Dave Fallows

Jeanette Gaul

Gregor Hutcheon

John Latham

Bill Lobban

Eleanor Mackintosh (Convener)

Willie McKenna

Fiona Murdoch

Gordon Riddler (Deputy Convener)

Gregor Rimell

Brian Wood

**In Attendance:**

Gavin Miles, Head of Planning

Jane Shepherd, Planning Manager, Development Management

Katherine Donnachie, Planning Officer, Development Management

Frances Thin, Landscape Adviser

Peter Ferguson, Legal Adviser Harper MacLeod LLP

Alix Harkness, Clerk to the Board

Margaret Smith, PA to Convener & CEO

Kirsty Mackenzie, Planning Support Officer

**Apologies:**

Paul Easto

Kate Howie

Judith Webb

Katrina Farquhar

Janet Hunter

**Agenda Items 1 & 2:**

**Welcome**

1. The Convener advised that a site visit to Nethybridge Old Kirk had taken place prior to the Planning Committee meeting.

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2. The Convener welcomed all present and apologies were noted.

### **Agenda Item 3:**

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

3. The minutes of the previous meeting, 19 February 2016, held at The Albert Hall, Ballater were approved with no amendments.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - a) **Action point at Para 14: Discharged.** Site visit arranged and taken place this morning prior to Planning Committee meeting.
  - b) **Action point at Para 22i: Discharged.** The Convenor had written to Badaguish Trust. A copy of the letter had been circulated around Members and a copy will be published with the minutes of the meeting. The Convener and the Head of Planning have been invited to visit Badaguish the week beginning 11th April 2016. Members would be kept up to date with progress.
  - c) **Action point at Para 34i: Discharged.** Informative added.
  - d) **Action point at Para 38i: In progress.** Discussions around car parking spaces were ongoing with Invercauld Estate and Members would be kept up to date with the progress.

### **Agenda Item 4:**

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

6. None.

### **Agenda Item 5:**

#### **Report on Called-In Planning Application:**

#### **Erection of house and outdoor horse livery - (resubmission of 14/03246/FUL)**

#### **At Land East Of B970 Opposite Balliemore**

#### **(2015/0290/DET)**

#### **Recommendation: Approve Subject to Conditions**

7. The Convener advised that there would be no opportunities for speakers to address the Committee as they had been heard at the Planning Committee meeting on 19 February 2016.
8. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. She also highlighted the

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contents of a late representation from the Old Kirk of Abernethy Association relating to road accidents at the site – as already referenced in the committee report.

9. The Committee were invited to ask the Planning Officer and Frances Thin, Landscape Adviser points of clarification, the following were raised:
  - a) Clarification of the access points to the main road.
  - b) The appropriateness of the proposed hedgerow planting. It was confirmed that the hedge would give it a defined edge.
  - c) Would the proposed finish of the house would have less of a visual impact if it was a different colour? It was confirmed that the proposed white finish of the house was in keeping with crofts in the area.
  - d) Confirmation that Condition 1 be amended to include that species be of local provenance.
  - e) Confirmation that the undergrounding of servicing would be added as an additional condition.
10. The Committee agreed to approve the application subject to conditions stated in the report and the following additions:
  - a) Condition 1 to include that species be of local provenance in the landscape plan.
  - b) An additional condition for the underground servicing.

### 11. **Action Points arising:**

- i. **The addition of a condition to cover the underground servicing.**
- ii. **Condition 1 to include that species be of local provenance in the landscape plan.**

### **Agenda Item 6:**

#### **Report on Called-In Planning Application:**

**Amended route of temporary haul road and siting of contractors compound for the servicing and construction of Phase 1 Housing Development of 37 plots and 18 affordable dwellings granted under Permission Ref 2013/0190/MS**

**At Land to North and East and West Of Dunbarry Terrace and Kerrow Drive Kingussie**

**(2015/0316/DET)**

**Recommendation: Approve Subject to Conditions**

12. Gavin Miles, Head of Planning provided a brief introduction on Items 6 and 7 on the Agenda and explained their history and how they differ.

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13. The Convener informed Members that Gary Johnston, Agent, Tessa Jones (Badenoch & Strathspey Conservation Group) and Elizabeth & John Harkai, Objectors wished to address the Committee.
14. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
15. The Committee were invited to ask the Planning Officer and Frances Thin, Landscape Adviser points of clarification, the following were raised:
  - a) Confirmation that the advanced planting was part of the long term vision. It was confirmed that it was.
  - b) Confirmation that a stock proof fence was intended.
  - c) Concern that condition 7 would be strong enough to safeguard against surface water and flooding. Members were reminded that it would be a temporary haul road and therefore that sufficient detail had been provided subject to conditions recommended in the report. The next item on the agenda required submission of full details for future phases
  - d) The duration of the proposed temporary permission for the haul road.
  - e) Reassurance that the proposed temporary haul road would be removed and reinstated and the timescales associated with this.
  - f) Clarification as to what stage was being referred to with the words 'following completion of the work' in paragraph 67 of the report. Katherine agreed to seek clarification from Transport Scotland.
  - g) Confirmation that there would be a clear separation between the footpath and the haul road. It was confirmed that a fence and a hedge was intended between the two.
  - h) Confirmation that thought had been put into the treatment and conservation of top soil removed to ensure successful reinstatement later. It was confirmed that this had been taken into account by way of Condition 3.
  - i) Clarity as to why the site for the compound had been chosen given that it was situated on the opposite side of the core path. It was confirmed that the location had been picked to minimise visual intrusion and had been deemed a practical solution.
  - j) Confirmation that the proposal was to remove the temporary haul road and compound on the completion of the first 55 houses as planned in Phase 1. This was confirmed.
16. Gary Johnston, the Agent, addressed the Committee. The Committee were invited to ask questions, and the following points were raised:
  - a) Any perceived environmental impacts of lighting on the proposed site. It was confirmed that lighting of the road and compound would be on a localised basis.
  - b) Was it intended that the compound would be moved at a later date to accommodate Phases two and three? It was confirmed that there were no plans to move the

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compound at present. It was advised that the current proposed site for the compound was zoned for Economic Development in the current Local Development Plan.

- c) The estimated completion date of Phase I.
- d) The estimated volume of vehicles using the temporary haul road.

17. Tessa Jones followed by Mr John Harkai, Objectors addressed the Committee.

18. The Convener thanked the speakers.

19. The Committee discussed the application and the following points were raised:

- a) The need to ensure that the temporary haul road does not end up being a permanent road.
- b) Reassurance sought that the conditions are enforceable in the interests of neighbouring houses to the site.
- c) In reference to Condition 11 that details the access road and completion of trunk way footway being reinstated. An amendment to be made to the wording to make it clearer, stating for example 'following completion of the access upgrading work'.
- d) In reference to Condition 10 'the landscaping to be protected and maintained in accordance with the homeowners soft landscape maintenance and management advice notes', the word 'homeowners' to be removed.
- e) In reference to Condition 3a, the addition of the words 'turfs, topsoil and sub soil' to ensure clarity.
- f) In reference to Condition 5 that relates to the construction compound the addition of a reference to lighting to be included in the wording of the condition.
- g) How clear was it made that the compound would be a temporary structure and that should it be needed for longer or need to be moved, then this would need to be included in future applications? Katherine agreed that Condition 9 could be expanded to include the compound.

20. The Committee agreed to approve the application subject to amendments to the following conditions:

- a) Condition 3a - the addition of the words 'turfs, topsoil and sub soil'.
- b) Condition 5 – reference to lighting to be added.
- c) Condition 9 – the compound to be included.
- d) Condition 10 – the removal of the word 'homeowners'.
- e) Condition 11 – Change in the wording to state (to the effect of) 'following completion of the access upgrading work'

**21. Action Points arising:**

- i. Amendments to be made to Conditions 3a, 5, 9, 10 & 11 as detailed in paragraph 20.**

**Agenda Item 7:**

**Report on Called-In Planning Application:**

**Application under Section 42 for variation or non-compliance with conditions 4 (Haul Road), 7 (Landscaping) and 8 (Re-seeding of Plots) for Phase I Housing Development of 37 serviced plots and 18 affordable dwellings granted under Planning Permission Ref 2013/0190/MS**

**At Land to North and East and West Of Dunbarry Terrace and Kerrow Drive Kingussie**

**(2015/0317/DET)**

**Recommendation: Approve Subject to Conditions**

- 22. The Convener informed Members that Gary Johnston, Agent and Tessa Jones (Badenoch & Strathspey Conservation Group), Objector wished to address the Committee.
- 23. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. Katherine highlighted that conditions 6, 7, 8, 20 and 21 in the recommendation section were the recommended response to the applicants' request to vary conditions
- 24. The Committee were invited to ask the Planning Officer and Frances Thin, Landscape Adviser points of clarification, the following were raised:
  - a) Clarification as to the permissions being sought with regards to the two original permissions. Peter Ferguson provided an explanation on the process of the applicants changing conditions through a Section 42 and the standalone permission that would result.
  - b) Reassurance that all the planting would be done as part of Phase I of the development.
- 25. Gary Johnson Agent addressed the Committee. The Committee were invited to ask questions the following was raised:
  - a) Would the proposed planting at the Shinty pitch make the pitch narrower? Alan Ogilvie of Mr Johnson's team advised that the planting was proposed around the edges of the pitch and would not encroach on the Shinty pitch itself.
- 26. Tessa Jones Objector, addressed the Committee.

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- 27. The Convener thanked the speakers.
- 28. The Committee agreed to approve the application subject to the conditions stated in the report.
- 29. **Action Points arising:       None.**

### **Agenda Item 8: Any Other Business**

- 30. There were no items of competent business.

### **Agenda Item 9: Date of Next Meeting**

- 31. Friday 15 April 2016 at The Albert Hall, Ballater.
- 32. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
- 33. The public business of the meeting concluded at 12.55 hrs.

Andrew Mackenzie  
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11 March 2016

Dear Mr Mackenzie

**2015/0375/DET – Temporary use of land for siting of 10 no Wigwams (Retrospective application) at Badaguish Outdoor Centre, Glenmore Lodge Road, Glenmore, Aviemore.**

I am writing to you and the Directors of the Speyside Trust, operators of the Badaguish centre to express the serious concern of the Cairngorms National Park Authority (CNPA) Planning Committee at your repeated failure to apply for planning permission before you undertake works that require it at Badaguish.

The application **2015/0375/DET** was the third application in the past four months that was made after you had undertaken development without planning permission. The Planning Committee found it particularly galling given that you had assured me in public at our meeting in November 2015 (when your preceding retrospective planning applications were determined) that there was no further unauthorised development at the site and therefore no need for any further applications for retrospective permission. The Committee asked that I write to you in my role as Convenor of the Planning Committee in the strongest of terms to express this concern directly. I have copied this letter to all directors of the Speyside Trust, the agent for this application and Graeme Prest of Forestry Commission Scotland in their capacity as landowner of part of your facility for their information.

While the Planning Committee will continue to consider every planning application on its merits, your recent approach to planning permission for development at Badaguish has undermined your credibility with the Planning Committee and their trust in what you tell them. You run a significant



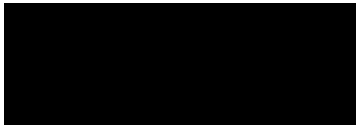
and needless risk in undertaking unauthorised development on the site for your investment in it, for your customers, your business and ultimately for the landowner.

As you know, the Planning Committee have repeatedly asked the Speyside Trust to provide a clear long term vision for development of Badaguish so that they can have confidence in a coherent plan for the site and so you can bring forward the individual components for consent.

It is not in the interest of the Speyside Trust or the CNPA that you undertake unauthorised development in future. I'd urge you to now consider this again and to set out a long term plan for Badaguish that can give the CNPA as well as your directors and investors, confidence in its long term management and operation. I would like to meet you in person with the CNPA's Head of Planning, Gavin Miles, to discuss a pragmatic way forward.

Please let Margaret Smith ([margaretsmith@cairngorms.co.uk](mailto:margaretsmith@cairngorms.co.uk) tel 01479 870502) know when you would be available to meet in the next month.

Yours faithfully



**ELEANOR MACKINTOSH**  
**Convenor of the CNPA Planning Committee**

cc

Ms Kirsty Montgomery, Bracewell Stirling

Martyn Crawshaw, Director Speyside Trust  
Neil MacLean, Director Speyside Trust  
John McDonald, Director Speyside Trust  
Alan McIntosh, Director Speyside Trust  
William D. Morrison, Director Speyside Trust  
David R. Ward, Director Speyside Trust  
Gail Ward, Director Speyside Trust

Graeme Prest, Forestry Commission Scotland