

CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Albert Memorial Hall, Ballater
on 22nd June 2012 at 10.30am

Members Present

Peter Argyle	Marcus Humphrey
Duncan Bryden	Gregor Hutcheon
Angela Douglas	Ian Mackintosh
Jaci Douglas	Willie McKenna
Dave Fallows	Martin Price
Katrina Farquhar	Gregor Rimell

In Attendance:

Don McKee, Head Planner
Mary Grier, Senior Planning Officer, Development Management
Andrew Tait, Senior Planning Officer, Development Management
Pip Mackie, Planning Systems Officer
Alison Lax, Strategic Policy Officer
Murray Ferguson, Sustainable Rural Development Director

Apologies:

David Green	Gordon Riddler
Kate Howie	Brian Wood
Eleanor Mackintosh	Allan Wright
Mary McCafferty	

Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 2012, held at The Community Hall, Boat of Garten were approved.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 11: Officers have raised the issue of future electricity demand, including provision for An Camas Mòr with SSE.

Agenda Item 4:

Outcome of Electronic Call-In

6. The content of the Outcome of the Electronic Call-in held on 8 June 2012 was noted.

Agenda Item 5:

Declaration of Interest by Members on Items Appearing on the Agenda

7. Peter Argyle & Katrina Farquhar, as Aberdeenshire Councillors, declared a direct interest in Item No. 9 (Paper 4) on the Agenda, due to Aberdeenshire Council being the Applicant.
8. Marcus Humphrey declared:
 - An indirect interest in Item No. 9 (Paper 4) on the Agenda, due to being involved with the group managing the Church Yard.
 - A direct interest in Item No. 10 (Paper 5) on the Agenda, due to the Applicant being a personal friend.
9. Don McKee declared a direct interest in Item No. 10 (Paper 5) on the Agenda, due to the Applicant having previously been his landlord.

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Agenda Item 6:

Report on Called-In Planning Application for Demolition of Existing Agricultural Shed and Ancillary Buildings. Construction of New Replacement Carnachuin Steading Building, Ancillary Buildings, Dog Kennels, Retention and Extension of Existing Wall, Landscaping, Construction of Bridge and New Accommodation At Carnachuin, Glenfeshie, Kingussie (Paper 1) (2012/0119/DET)

10. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
 - Agent – Stuart Falconer.
11. The Committee agreed to the request.

12. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) If the existing Agricultural building would have required planning permission and therefore, if the proposed building was classed as a replacement, if it required planning permission. Mary Grier stated that she was unaware of the existing building planning history but that the proposed building did require planning permission.
 - b) Clarification of the orientation of the site.
 - c) If a design statement had been submitted. Mary Grier confirmed it had been.

14. The Committee were invited to ask questions of the Agent and the following points were raised:
 - a) If the stone for the building could be locally sourced. The Agent responded that it was envisaged that local stone would be used and they were in contact with a stone mason to assist with this process. It was also hoped that the stone would match that used on Glenfeshie Lodge.
 - b) If the proposed building was an accurate representation of traditional farm towns in the local area. The Agent responded that there were a number of examples included in the design statement. Mary Grier confirmed that the proposed design was consistent with the examples provided (18 /19th Century buildings) from around Scotland.

15. Duncan Bryden thanked the Agent.

16. The Committee discussed the application and the following points were raised:
 - a) The possibility of using reclaimed stone from within the CNP e.g. the building to be demolished at Balmenach Distillery. Duncan Bryden advised that the details for Balmenach Distillery could be passed on to the Agent.

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- b) The importance of the cultural heritage of the area in relation to war training and the potential for the inclusion of interpretation. Mary Grier advised that the site was contained and that there was no real opportunity for interpretation within the area. The Agent stated that the Estate were looking to renovate the nearby bothy in the future and there may be scope to include interpretation at that point.
- c) The possibility of the Estate using the proposed development to assist in training apprentice stone masons. It was advised that the Agent was present and had heard this request.
- d) The development being a good application with a high quality design and commendation to the Applicant for this.

17. The Committee agreed to approve the application subject to the conditions stated in the report with an Additional Advice Note regarding the sourcing of local stone.

18. **Action Points arising:** None.

Agenda Item 7:

Report on Called-In Planning Application for Application under Section 42 to Vary Condition 1 (Ref: 10/1649/FUL/10/107/CP) relating to Time Limits At Speyside Trust Badaguish Outdoor Centre, Glenmore, Aviemore (Paper 2) (2012/0130/DET)

- 19. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 20. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
- 21. The Committee agreed to approve the application subject to the conditions stated in the report.
- 22. **Action Points arising:** None.

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Agenda Item 8:

Report on Called-In Planning Application for Variation to Demolition of Existing Dilapidated Former Tourist Information Building and Relocation and Enlargement of Portacabin Accommodation (Previous reference 10/3150/FUL/10/02641/CP)

At Dalwhinnie Lorry Park, Dalwhinnie (Paper 3) (2012/0048/DET)

23. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:

- Agent – Richard Higgins, CKD Galbraith

24. The Committee agreed to the request.

25. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) The number of portacabins already on site. Mary Grier responded that there were 5 portacabins already on site.
- b) If the demolition of the building was just to provide additional car parking space. Mary Grier responded that the demolition of the building was not driven by a requirement for further car parking space but would provide a larger hard standing area.
- c) A recent community meeting in Dalwhinnie and the residents being relaxed about this proposal due to the projects temporary nature.
- d) The possibility of requiring a photographic record of the building. Mary Grier advised that there had already been many photos taken in relation to the building.
- e) The demolition of the building potentially exposing views the caravan accommodation to the rear of the site. Mary Grier replied that Condition 3 could address this issue and minimise the visual impact of the caravans. It would be possible to also include interim measures for the screening of the site.
- f) Once the temporary use of the site has ceased, how the land would be classed under the CNP Local Plan. Mary Grier responded that a new Local Plan would be in place by 2015 (when the works associated with the site were proposed to finish). It would therefore be premature to speculate on any land use allocation at this time but the site was within the settlement boundary.
- g) The landscape proposals requiring the replacement of dead plants. Mary Grier responded that a detailed post-operational restoration plan was required under Condition 3 and this point would be covered. Don McKee advised that the current application could not address the issue of what would happen to the site once the temporary works had finished. This should be treated as a separate piece of work for discussion between the Site Owner and the Community.

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27. The Committee were invited to ask questions of the Agent. No questions were asked.
28. The Committee agreed to approve the application subject to the conditions stated in the report.
29. **Action Points arising:** None.

Agenda Item 9:

Report on Called-In Planning Application for Change of Use of Agricultural Land to Burial Ground (Extension to Existing Burial Ground) and Formation of New Access

At Land to East of Tullich Churchyard, Tullich, Ballater (Paper 4) (2012/0086/DET)

30. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Applicant – Graham Wall, Aberdeenshire Council
31. The Committee were informed that Graham Wall, was not present at the meeting.
32. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
33. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) To ensure that the gates proposed were accessible for use by people with mixed abilities. Mary Grier advised that this could be covered by reference to specific access standards.
 - b) The landscaping proposals associated with the development. Mary Grier advised that the landscaping proposals dealt with the overall area of the cemetery extension. There was a subsequent application (currently under assessment by the CNPA) for the cemetery which was dealing specifically with the erection of a shelter to house pictish symbol stones.
 - c) The size of the turning area associated with the car parking. Mary Grier advised that the number of car parking spaces had been agreed in consultation with the Roads department and that the turning area was in addition to the number of parking spaces provided.
 - d) If the possibility of expanding other cemeteries in the area had been considered. Mary Grier advised that no information had been provided on alternatives but the Applicant considered that this cemetery required expansion.

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- e) The requirement for plans showing various contour levels. Mary Grier responded that the plans were required in order to have complete clarity on the change in land levels at the site.
 - f) The level of top soil cover required in the Conditions. Mary Grier stated that the top soil coverage had been specified by SEPA in their consultation response.
34. The Committee agreed to approve the application subject to the conditions stated in the report with an amendment to include reference to specific access standards.
35. **Action Points arising:** None.

Agenda Item 10:

Report on Called-In Planning Application for Erection of Replacement Dwellinghouse At Site to the North of Glascorrie, Cambus O'May, Ballater (Paper 5) (2012/0102/DET)

36. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
- Applicant – Neil Williams
37. The Committee agreed to the request.
38. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
40. Neil Williams was invited to address the Committee. The presentation covered the following points:
- Thanks to the Planning Staff, particularly Robert Grant, for their assistance in bringing forward the revised application.
41. The Committee were invited to ask questions of the speaker. No questions were asked.
42. Duncan Bryden thanked the Applicant.
43. The Committee discussed the application and the following points were raised:
- a) The revised proposal being a good and appropriate design for the site.

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44. The Committee agreed to approve the application subject to the conditions stated in the report.

45. **Action Points arising:** None.

Agenda Item 11:

Report on Called-In Planning Application for Erection of Lunch Hut and Associated Parking

At Little Allt Bheitbachan, Tomintoul

(Paper 6) (2012/0037/DET)

46. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Clarification if the lunch hut previously granted permission could be built in addition to this proposed development. Andrew Tait responded that due to the proximity of the buildings it would be impossible for them both to be constructed.

48. The Committee agreed to approve the application subject to the conditions stated in the report.

49. **Action Points arising:** None.

Agenda Item 12:

Report on Consultation Response to Scottish Government On the Planning Consultation

(Paper 8)

50. Don McKee presented a report on the consultation and recommended that the Committee agree the responses contained in the report to be submitted to the Scottish Government.

51. The Committee were invited to ask the Head Planner points of clarification for the consultation on Fees, the following were raised:

- a) The types of development specifically included in 'energy generation'. Don McKee responded that it would be Wind Farms, ensuring that the full extent of the development and all associated access roads were included in the site boundary and the relevant fees paid.

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- b) Other Local Authorities suggesting the fees should be linked to the energy output of the development.
 - c) A requirement for the response to be stronger regarding the payment of fees in stages, which may require staff resources in chasing fees if an Applicant does not like the way an application is progressing.
 - d) A requirement for the upfront payment of fees or the front loading of fees.
52. The Committee were invited to ask the Head Planner points of clarification for the consultation on Development Delivery, the following were raised:
- a) Clarification of the term 'Resonance'. Don McKee advised that it was a means of delivering Affordable Housing, in the absence of the level of public funding previously available.
53. The Committee were invited to ask the Head Planner points of clarification for the consultation on Development Plan Examination, the following were raised:
- a) The inconsistency of some of the decisions taken by the Reporters Unit (DPEA). Don McKee responded that meetings had taken place between Loch Lomond & The Trossachs National Park, the CNPA and DPEA to explain the approach taken by National Parks regarding development and policy.
 - b) The length of time taken by the DPEA to approve Local Development Plans (LDP) and delays in the current system.
 - c) Decisions taken by DPEA regarding allocations in the LDP which are contrary to the wishes of the Planning Authority, Stakeholders and Communities. The lack of redress for the Planning Authority to challenge any DPEA decision.
 - d) Urge the Scottish Government to go with the recommendation at Paragraph 44, Bullet Point 2 for the Planning Authority to depart from the decision of the DPEA.
 - e) Clarification if a Planning Authority were to depart from the DPEA recommendation, who would arbitrate. A response was given that any departure would have to be able to be robustly defended in court against any legal challenge.
54. Peter Argyle left the meeting.
55. The Committee were invited to ask the Head Planner points of clarification for the consultation on Permitted Development Order, the following were raised:
- a) Clarification if the proposal would impede the ability to react quickly to situations arising affecting agriculture / forestry, due to requiring planning permission. Don McKee responded that a number of solutions apart from the 'catch all' approach had been previously investigated including a Prior Notification system, the elevation of the track and if the track was in enclosed land or not – all of which had been dismissed as unworkable. Duncan Bryden advised that the 'catch all' system may be best the most appropriate method of dealing with these issues. However, where

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other legislation was in place to cover similar issues this may warrant further investigation.

- b) Welcoming the recognition of the National Parks status.
- c) Clarification if the provision of a forest plan (approved by the Forestry Authority) and EIA (Environmental Impact Assessment) would be adequate and therefore any developments would not require further planning permission so as to avoid two consent regimes. Don McKee responded that forest plans were only applicable to woodland over a certain size.
- d) Clarification if planning permission were required for access ramps to domestic properties. Don McKee responded that, if not already covered by existing permitted development rights, this would be incorporated into the response.
- e) Concern about the changes to hard standing at caravan sites. Don McKee advised that the change would only apply to existing caravan sites.
- f) Clarification that if a pavement was 3m or less, any pavement cafe would not be allowed. Don McKee responded that any proposals for these would be subject to planning permission.
- g) Network Rail recently installing 2000 masts across the country under the rail class permitted development rights. The rail class permitted development rights not having any restriction on the height of developments. Don McKee responded that he had been informed that the masts had been erected due to rail safety issues and to assist with accessing wi-fi on trains. Don McKee advised that it could be incorporated under Class 34 (Rail) that an exclusion be put in place for National Parks, thereby requiring applications to be submitted allowing developments to be assessed prior to being implemented.
- h) Clarification on the permitted development rights associated with Utilities. Don McKee advised that Utilities had a lot of scope for development under the existing permitted development rights.

56. The Committee were invited to ask the Head Planner points of clarification for the consultation on Miscellaneous. No points were raised.

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57. The Committee agreed that the responses be submitted to the Scottish Government with the following amendments:

- Fees: A requirement for the upfront payment of fees or the front loading of fees.
- Development Plan Examination: Urge the Scottish Government to go with the recommendation at Paragraph 44, Bullet Point 2 for the Planning Authority to depart from the decision of the DPEA.
- Permitted Development Order: If not already covered by existing permitted development rights, access ramps to domestic properties to be made permitted development. Class 34 (Railway Operators) should be amended to exclude National Parks so National Rail are on same terms as other telecommunications operators.

58. **Action Points arising:** None.

59. Katrina Farquhar left the meeting.

60. The Committee paused for lunch at 1:15pm.

61. The Committee reconvened at 1:45pm.

Agenda Item 13: Report on Service Improvement Plan 2012/2013 (Paper 8)

62. Murray Ferguson & Don McKee presented a report on the Service Improvement Plan 2012/2014 (SIP). Murray Ferguson explained why it would be covering 2 years.

63. The Committee were invited to ask the Officers points of clarification, the following were raised:

- a) The Development Forum and Community Planning Network providing positive feedback and attendees being encouraged to take ownership of the agenda for discussion.
- b) The importance of pre application discussion and clarity required on the potential for an application to be called in. Don McKee advised that the CNPA monitored the pre application process and closely liaised with the Local Authorities on this issue.
- c) Agreement with the proposed delegation of most call in decisions to the Head Planner, to improve efficient and effective decision making.
- d) The need for planning reports to stay the same length and contain the same level of information, as the entire report is used in the decision making process. Murray

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Ferguson advised that the CNPA Planning Papers were considerably longer than those for other Planning Authorities and had implications for staff time and resources, this issue would be discussed in house and a proposal presented to Members.

- e) Reducing the time for Representees to address Committee may improve the efficiency of the Planning Committee but not necessarily the quality of the decisions taken.
- f) The need to ensure an integrated approach across the Service Improvement Plan and the Corporate Plan.
- g) Clarification of how the SIP fitted in with the recent paper from Audit Scotland. Don McKee advised that the Scottish Government consultations discussed earlier in the meeting originated from the Audit Scotland Report and the SIP contained the programme of work that would address the recommendations.
- h) The need for Board Members to be kept informed and updated with various developments regarding CNPA work. Murray Ferguson advised that if Members had any specific queries regarding planning applications to contact the Planning Officers who would assist. He also advised that work was currently underway on a communications plan and this would be sent to Duncan Bryden and Peter Argyle shortly.
- i) Clarification if the Action Points in the SIP were prioritised in some way. Murray Ferguson advised that particular items would be prioritised as part of the project management arrangement. However, the Scottish Government did not require this level of detail in the SIP.

64. The Committee approved the Service Improvement Plan 2012-2014

65. **Action Points arising:** Murray Ferguson/ Don McKee to finalise the Service Improvement Plan, submit it to Scottish Government and put in place project management arrangement for implementation.

Agenda Item 14: Update Report on Renewable Energy (Paper 9)

66. Alison Lax presented an update report on Renewable Energy.

67. The Committee were invited to ask the Officer points of clarification, the following were raised:

- a) The possibility of including compensatory planting if a large scale Wind Farm was developed in an existing forested area. Alison Lax advised that large scale Wind

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Farms would be against CNP policy. Large scale development was classed as more than 1 turbine of more than 30m in height.

68. Alison Lax advised that an informal discussion regarding Renewable Energy would be held on 6 July and any further issues could be raised at this point.
69. The Committee noted the SAC research, and the update on joint work with LL&TNPA.
70. The Committee then agreed to delegate the final approval for the wind energy and hydropower checklists to the Head Planner. Any further comments on the checklist were to be sent to Alison Lax.
71. **Action Points arising:** Members to send comments on the checklists to Alison Lax.

Agenda Item 15:

Any Other Business

72. Don McKee advised that a letter had been received from Fergus Ewing MSP and the Derek Mackay (Scottish Minister for Planning) regarding an imminent announcement about the spatial framework for onshore Wind Farms. Don McKee advised that the CNPA didn't have a spatial framework as Wind Farms were contrary to CNP policy as set out in the National Park Partnership Plan. He advised that Members would be kept updated with any further information.
73. Duncan Bryden advised that the nomination period for the CNP Design Awards was underway and reminded Members to promote them.

74. **Action Points arising:** None.

Agenda Item 16:

Date of Next Meeting

75. Friday 20 July 2012 at The Community Hall, Boat of Garten.
76. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
77. The public business of the meeting concluded at 2:25pm.