

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

**held at The Community Hall, Boat of Garten
on 13 December 2019 at 12.30**

Members Present

Peter Argyle (Vice-Chair)
Geva Blackett
Carolyn Caddick
Deirdre Falconer
Pippa Hadley
John Kirk
John Latham
Douglas McAdam

Eleanor Mackintosh (Convener)
Xander McDade
Willie McKenna
Ian McLaren
Dr Fiona McLean
William Munro
Dr Gaener Rodger

In Attendance:

Gavin Miles, Head of Planning & Communities
Dan Harris, Planning Manager (Forward Planning & Service Improvement)
Stephanie Wade, Planning Officer
Edward Swales, Monitoring & Enforcement Officer
Peter Ferguson, Legal Adviser, Harper MacLeod LLP
Alix Harkness, Clerk to the Board
Dee Straw, Planning Administration & Systems Officer

Apologies:	Janet Hunter	Anne Rae Macdonald
	Derek Ross	Judith Webb

Agenda Items 1 & 2:

Welcome & Apologies

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

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Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

2. The minutes of the previous meeting, 15 November 2019, held in The Community Hall, Boat of Garten were approved with no amendments.
3. There were no matters arising.
4. The Convener provided an update on the Action Point from the previous meeting:
 - **Action Point at Para 10i) In Hand** – Head of Planning & Communities to provide updates on the Dalraddy to Slochd inquiry as appropriate.
5. **Action Point Arising: None.**

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Item 6 – Deirdre Falconer Indirect Interest: Balavil Estate is her Community Council area but she did not take place in any discussions on this application at the recent meeting.

Agenda Item 5:

Application for Detailed Planning Permission (2019/0247/DET)

Engineering works to smooth and re-grade land

At Cairngorm Mountain, Glenmore, Aviemore, Highland, PH22 1RB

Recommendation: Approve Subject to Conditions

7. The Convener advised that Tessa & Gus Jones, Badenoch & Strathspey Conservation Group (Objectors) were present to address the Committee.
8. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
9. The Committee were invited to ask points of clarity. The following was raised:
 - a) The Convener asked how the application fits with the masterplan that had yet to be prepared and if this was perceived to be an issue? Head of Planning & Communities advised that a masterplan had been requested by the Authority and while it would have been good to have it in place, this application was for minor works within the existing ski area and so would not compromise any future plans.
 - b) Being unfamiliar with the area a member asked how children in particular get to the top of the ski area in questions. Head of Planning & Communities explained

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that an existing T-bar tow shown on the plans and in the presentation slides was currently used and that Poma tow in vicinity would provide further access snow-cover permitting.

- c) Had they attempted to calculate the biodiversity gain from planting and biodiversity gain and loss? Head of Planning & Communities said that in the longer term, once planting was established and ground cover recovered there would be a gain for the biodiversity.
- d) Could it be estimated how much carbon would be disturbed and released as part of this development? Head of Planning & Communities advised that had not been estimated.
- e) How would the works be undertaken? Head of Planning & Communities confirmed that the detail of construction was contained in the construction method statement.

10. Tessa Jones of Badenoch & Strathspey Conservation Group gave a presentation.

11. The Committee were invited to ask point of clarity. The following was raised:

- a) Comment made that the access point was necessary given the site was created originally as a ski resort. Tessa Jones agreed.
- b) What conditions would the objector like to see put on to protect ring ouzels? Tessa Jones advised that she would like them to be made realistic to detail the size of the machinery and where it would go, being careful about removing topsoil and putting it back. She acknowledged that the Authority do not have the staff time to monitor the environmental impacts on a daily basis. A member responded that excavators are set out in the construction method statement.
- c) What was the percentage of ring ouzels on the Cairngorm Estate that stayed in the application site? Tessa Jones advised that she did not have that figure and explained that the ring ouzels were choosing those areas themselves while the rest of the land on the estate might not be suitable for ring ouzels.
- d) Are they suggesting the particular area when the development site is, is the particular area for ring ouzels? Tessa agreed and confirmed that this was where they were often spotted.

12. The Convener thanked the speaker.

13. The Head of Planning & Communities was invited to come back on points raised:

- a) A construction method statement submitted sets out how the soil would be stripped and stored and a condition ensures the works would be carried out in accordance with that statement.
- b) Acknowledgment that staff would not be on site daily however the site was easily viewed by the public and given the interest that many people showed in it

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he would expect the CNPA to receive reports from the public if they perceived the consent was not being complied with.

- c) He confirmed that there were two pairs of ring ouzels who nest in the garden above the Day Lodge. They would not be directly affected by the development but clearly there could be temporary displacement of ring ouzel or other birds on the site itself during construction but that in the longer term, the additional tree planting that would be likely to extend the sheltered area that they used for refuge.

14. The Committee were invited to discuss the report, the following points were raised:

- a) Suggestion made to delay the decision on this application until the masterplan was in place given that it was in the CNPA's working principals for Cairngorm. Head of Planning & Communities advised that working principals were simply the CNPAs principals and not were not planning policy. If the development was outside with the existing ski area or not related to it then he agreed that a masterplan might justify the change. However, the current application was consistent with the established use of the ski are for skiing so a deferral on those grounds would not make sense in planning terms.
- b) The Planning Committee Vice-Chair commented that the masterplan was nine months away from coming forward and therefore should the Committee delay the determination of the application, the applicant could go to appeal and then the Committee would lose control over any future decision.
- c) A Member commented that the development was 1-2% of the total site area and that nature has a great way of reinstating to its original form.
- d) Given the global climate emergency and recent snow report, the upland implications and carbon loading, request made for the Authority to investigate the carbon implications on each application coming forward as part of their appraisal.
- e) Comment made that having a masterplan was not an issue, the ski area was established and the development would improve the site for beginner skiers and make it safer for everyone.
- f) Concern raised that approving this application would encourage further piecemeal planning application coming forward. Head of Planning & Communities noted that the CNPA in applications that are significant to the aims of the National Park. He reminded members that there was an existing business trying to provide a ski resort and that planning applications must be determined on their merits.
- g) Comment made that any planning application on this site would be significant to the aims of National Park. Recognition that in the absence of the funicular, the proposed development would improve the positive experience for young people and children.

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- h) A query around the carbon balance, with trees being planted and engineering works disturbing peat, could the peat be protected in order to protect the carbon stores? Head of Planning & Communities advised that there was very relatively little peat on the proposed development site, if there had been more peat the handling of this would detailed in the construction management statement and could have been subject to further regulation through SEPA.
- i) Comment made that it was perceived to be challenging to keep track of all the applications coming forward on the site given that some were determined by the Highland Council while others were Called In by the Authority, was there an opportunity to change that going forward in order to get the bigger picture of what had been approved on the site? Head of Planning & Communities advised that the process for the calling in of application was straightforward and simple and that the officer report does contain a list of permitted developments on the site.
- j) Could it be confirmed that the potential consequences of improving drainage downstream been taken into account or had the drainage of the site only been looked at? Head of Planning & Communities confirmed that the hydrology and potential discharge had been taken into account by Highland Council flood risk team.
- k) A member commented that the principals for Cairngorm were included in the proposed Local Development Plan that had not yet been formally adopted.

15. The Committee agreed to approve the application as per the Officer's recommendation.

16. The Convener reassured Members that staff were working hard to provide a full picture of what happens on Cairngorm Mountain and all organisations were working together to bring a masterplan to this Committee in due course.

17. Action Point arising: None.

Agenda Item 6:

Application for Detailed Planning Permission (2019/0347/DET)

Formation of forest/ woodland access track (in retrospect)

At Balavil House, Kingussie, Highland, PH21 1LU

Recommendation: Approve Subject to Conditions

18. The Convener advised that Tessa & Gus Jones, Badenoch & Strathspey Conservation Group (Objectors) were present to address the Committee.

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19. Edward Swales, Monitoring & Enforcement Officer presented the paper to the Committee.
20. The Committee were invited to ask the Monitoring & Enforcement Officer points of clarity. The following were raised:
 - a) Could it be clarified why the works had been prematurely carried out prior to gaining consent permission? Monitoring & Enforcement Officer noted that the applicants' explanation was that a woodland contractor had been commissioned to thin the woodland and that the timings of prior notification application and operation had been mistaken. The work was brought to the attention of the Authority and was halted.
 - b) With reference to one of the presentation slides where it looked like there were loose materials and steep sections of the track, was the entirety of the track like this? Monitoring & Enforcement Officer advised that the photographs showed the current state of the track and that proposals included different construction in different sections. The state intended to use the track in a one way system for health and safety reasons.
 - c) Query around how the track could be used one way when the loop had not yet been constructed? Head of Planning & Communities advised that the direction of the use of the track was at the discretion of the applicant and did not form part of this application.
 - d) What was the reason for a section being wider than 3 metres? Head of Planning & Communities advised that the track had different elements and this area was the limit of where timber lorries could reach so required a wider surface.
 - e) Would this section of track remain the width shown in the picture as part of the presentation? Monitoring & Enforcement Officer explained that in landscape terms this section of track did not stand out as it was screened by woodland and that officers were satisfied with the proposals.
21. Tessa Jones of Badenoch & Strathspey Conservation Group gave a presentation.
22. The Convener thanked the speaker.
23. The Committee were invited to discuss the report, the following points were raised:
 - a) Comment made that there was no real reason to refuse however dismay at the retrospective nature of the application and the public perception of the number of these.
 - b) Could it be explained how the CNPA decide what types of vehicles can be used by the estate on the tracks? Monitoring & Enforcement Officer advised that the CNPA does do control the type of vehicles that can be used but that the estate sets out the type of vehicles they will require for forestry operations in an application.

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- 24. The Committee agreed to approve the application subject to the conditions stated in the report.**
- 25. Action Point arising:** **None.**

Agenda Item 7: Planning Service Performance Update

26. Gavin Miles, Head of Planning & Communities presented the paper to the Committee.
27. The Committee were invited to ask points of clarity. The following were raised:
 - a) The Convener congratulated the Planning team on the positive scorecard.
 - b) Could an update on the progress be provided for Planning Service Improvement Number 4 (a monitoring scheme on holiday and second home ownership, changes of use from residential property and the impacts on communities)? Dan Harris, Planning Manager advised that staff had acquired data on non-domestic rates which provides an idea of the number of holiday lets in National Park. He added that he was trying to secure information on the number of Airbnb's which was part of a Scotland Government Scotland wide case study. Agreed that a link to the document would be circulated around members for information.
 - c) Murray Ferguson, Director of Planning & Rural Development advised that discussions on this general issue were ongoing with colleagues at Loch Lomond & Trossachs National Park.
 - d) Director of Planning & Rural Development added that he had been in discussions with the Hutton Institute and HIE and had highlighted the difficulty in collecting meaningful economic data by Local Authority area.
 - e) Could it be explained what processing agreements were and were they used by other Local Authorities? Head of Planning & Communities advised that they were a tool for project managing the processing of planning applications and providing certainty about timescales and processing needs. He added that they are widely used by Local Authorities and are offered by the CNPA to all applications called in or even likely to be called in.
 - f) With regards to developer obligations were there any plans to enlarge the pot, given that what can be collected for is broad in terms of the new LDP? Head of Planning & Communities advised that the Authority have fewer large scale developments but normally developer contributions would be collected for education and affordable housing.
 - g) Comment made that in one local Authority area developer contributions is used on libraries and the installation of web cameras on snow affected roads. Head of Planning & Communities advised that the funding could only be used on those types of things if the development were to have a direct impact on them. He

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noted that it was critical to know the impacts of the development in order to justify a contribution. Peter Ferguson, Legal Adviser advised that under the new planning legislation a new infrastructure levy will enable developers to know upfront what is demanded of them in some circumstances.

- h) Had any more thought be given to how the hill track mapping work would be distributed to estates? Head of Planning & Communities advised that letters to all the estates would be sent out in the near future explaining the process and how it would be used.
- i) Recognition and praise for the continued effort of the Planning team and all carried out within the set performance targets.

28. The Committee noted the update.

29. Action Point arising:

- i. Scottish Government Short Term Lets report to be circulated around the Planning Committee.**

Agenda Item 8:

Any Other Business

30. The Head of Planning and Communities provided the following updates:

- a) Application 2019/120/DET (Carrbridge 47 houses) which was deferred from October planning committee. Applicant submitted additional information traffic calming details at end of November which CNPA consulted Highland Council Transport Planning Team on. However, notice was received on 12 December informing the CNPA that the applicants are appealing a deemed refusal of the application by CNPA through non-determination. Application will be considered by reporter from DPEA. Agreed to update the Committee when appropriate.
- b) A9 Dalraddy-Slochd - Following the pre-examination meeting with the reporter, CNPA provided written representation setting out why the reporter should consider the CNPA's objection. As long as the reporter considers the issues raised to be relevant we are likely to have to provide further written evidence on our position. Transport Scotland have told us they will not fund the additional NMU study between Aviemore and Carrbridge while the examination takes place. That is disappointing as it means a delay in the process. Agreed to update the Committee when appropriate.
- c) Clova Track enforcement appeal – Reporter holding site visit on 20 December 2019. Head of Planning & Communities and Monitoring & Enforcement Officer will be attending to answer questions.

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31. The Convener regrettably announced that Katherine Donnachie, Planning Officer had resigned from the CNPA and will take up a post with Moray Council in the New Year. She said that Katherine had been a stalwart of the planning team for a number of years and had managed many of the most interesting as well as controversial planning applications the Committee have considered and would be sorely missed. She noted that everyone was sorry to see her go, but that on behalf of the Committee she wanted to wish her well in her new role.
32. **Action Point arising:**
 - i. **Head of Planning and Communities to provide the Committee with an update on Application 2019/120/DET (Carrbridge 47 houses) Appeal when appropriate.**
 - ii. **Head of Planning and Communities to provide the Committee with an update on A9 Dalraddy- Slochd when appropriate.**

Agenda Item 12:

Date of Next Meeting

33. 11.30am on Friday 24th January 2020, Community Hall, Boat of Garten.
34. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
35. The public business of the meeting concluded at 14.10