
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Community Hall, Boat of Garten on 1st April 2011 at 10.00am

PRESENT

Peter Argyle
Duncan Bryden
Angela Douglas
Jaci Douglas
Dave Fallows
Katrina Farquhar
David Green
Kate Howie
Marcus Humphrey

Gregor Hutcheon
Bob Kinnaird
Eleanor Mackintosh
Mary McCafferty
Willie McKenna
Gordon Riddler
Gregor Rimell
Brian Wood
Allan Wright

IN ATTENDANCE:

Don McKee
Mary Grier
Andrew Tait
Murray Ferguson

Jane Hope
Pip Mackie
Robert Grant

APOLOGIES:

Ian Mackintosh

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

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

**AGENDA ITEM 3:
MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

3. The minutes of the previous meeting, 4th March 2011, held at The Community Centre, Nethy Bridge were approved.
4. There were no matters arising.
5. Duncan Bryden proposed that Paper 2 be determined first, due to problems with the audio equipment].

**AGENDA ITEM 4:
OUTCOME OF ELECTRONIC CALL-IN**

6. The content of the Outcome of the Electronic Call-in held on 18th March 2011 was noted.

**AGENDA ITEM 5:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING
ON THE AGENDA**

7. Dave Fallows and Bob Kinnaird both declared an indirect interest in Item No. 7 (Paper 2) on the Agenda, due to being members of the Kingussie Community Development Company, but having had no direct involvement with the planning application.
8. Duncan Bryden declared a direct interest in Item No. 9 (Paper 4) on the Agenda, due to being a member of Strathdearn Community Council who had lodged an objection to the proposal.
9. Mary McCafferty declared an indirect interest in Item No. 9 (Paper 4) on the Agenda, due to her previously having been a member of the Dulnain Bridge Community Council and them having responded to the consultation.
10. David Green declared a direct interest in Item No. 11 (Paper 7) on the Agenda - for Ailenbeg, Nethy Bridge (10/186/CP), due to the Applicant's mother, Margaret Smith, being his Personal Assistant in his capacity as CNPA Board Convener.
11. The Committee paused whilst the Audio Equipment was set up.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR RESTORATION
OF MICRO HYDRO SCHEME
ON THE RIVER GYNACK, GYNACK ROAD, KINGUSSIE
(PAPER 2) (10/424/CP)**

12. Duncan Bryden informed Members that the following people were available for questions –
- The Applicant: Donnie Grant
(Representative of Kingussie Community Development Company - KDCC)
13. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
14. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) How the scheme would connect into the National Grid. Andrew Tait responded that a grid connection was located nearby and that there no overhead cables were involved.
 - b) Would the previous installation fittings be retained or removed. Andrew Tait confirmed that as far as he was aware there was no reason why the existing turbine footing could not be retained.
 - c) Congratulations to the KDCC on bringing forth this well prepared application.
15. The Committee were invited to ask questions of Donnie Grant, Representative of KDCC, and the following points were raised:
- a) The possibility of preparing a case study of this application as an example to other communities in the National Park who may be interested in this type of development. Donnie Grant stated that the KDCC would be willing to assist other communities with advice regarding developments of this type.
 - b) Confirmation that any funds generated by selling the power back to the National Grid would be used for community benefit. Donnie Grant stated that this was the case.
16. Duncan Bryden thanked Donnie Grant.
17. The Committee agreed to approve the application subject to the conditions stated in the report.
18. **Action Points arising:** The Committee requested that the appropriate CNPA Staff (not necessarily Planning Staff) liaise with the KDCC and bring together case study information on this development for other communities in the National Park to benefit from.

**AGENDA ITEM 6:
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 3
NO. SELF CATERING UNITS WITHIN GARDEN GROUND WITH
ASSOCIATED PARKING AND PATHS
AT THE OLD MINISTER'S HOUSE, INVERDRUIE, AVIEMORE
(PAPER 1) (10/425/CP)**

19. Duncan Bryden informed Members that no requests had been made to address the Committee.
20. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and the location of the buildings being moved forward 3 metres on the site.
21. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The use of sustainable energy. Mary Grier stated a design statement had been submitted along with the application, covering the construction of the buildings and insulation standards which were to exceed the current required standard. As such, the only means of heating was to be by a single wood burning stove in each of the units.
 - b) Provision for recycling. Mary Grier stated that this information had not been provided but an Advice Note could be included to cover this issue.
 - c) The improved changes made in the design from the application being first submitted.
 - d) The development assisting the financial viability of the existing business.
 - e) The condition of the trees currently on site.
 - f) Congratulating the Planning Officials on a good design result.
22. The Committee agreed to approve the application subject to the conditions stated in the report.
23. **Action Points arising:** None

**AGENDA ITEM 8:
REPORT ON CALLED-IN PLANNING APPLICATION FOR APPLICATION
UNDER SECTION 42 - DEVELOPMENT OF STATIC AND TOURING
CARAVAN SITE WITHOUT COMPLYING WITH CONDITIONS OF
PREVIOUS PERMISSIONS PROHIBITING OPENING IN NOVEMBER (REF
BS/1976/96 AND 10/041/CP)
AT BOAT OF GARTEN CARAVAN SITE, DESHAR ROAD, BOAT OF
GARTEN
(PAPER 3) (10/448/CP)**

24. Duncan Bryden informed Members that no requests had been made to address the Committee.
25. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and a letter being sent to the Applicant expressing disappointment at the retrospective nature of the application. He advised that Boat of Garten Community Council had since responded to their consultation request and had no objection to the proposal.
26. The CNPA Officers were invited to make any points of clarification regarding the application - the following points were clarified:
- a) Concern that conditions attached to previous planning applications had not been adhered to and the danger that this may be a precedent for future applications.
 - b) Clarification of who would be responsible for monitoring the planning permission, should it be granted. Don McKee confirmed that it would be the responsibility of the CNPA.
 - c) Concern that this type of request to amend operating times may set a precedent for other Caravan Parks in the National Park. Robert Grant advised that he was not aware of any other Caravan Parks wishing to change operating times in the National Park. However, he was aware that this change in operating hours was becoming more popular in England.
 - d) Concern that approving the application would set a dangerous precedent for Caravan Parks becoming permanent residential places and the difficulty in monitoring this situation.
 - e) The possibility of the Caravan Park still closing for one calendar month, but not necessarily November, if this is becoming a popular month for tourism.
 - f) The need for tourism to be sustainable all year round not just restricted to seasonal times. By not supporting all year opening the CNPA could, in effect, not be supporting sustainable tourism.
 - g) Confirmation that other Caravan Parks in the Highland Council area were open all year round.
 - h) The original planning permission being granted in 1976 and not necessarily reflecting the current tourism situation.
 - i) The length of time the Applicants had been running the Caravan Park.
 - j) Clarification that if the application were not granted the Applicant could apply for a Certificate of Lawful (existing) Use.
27. Don McKee informed Members that Condition One was fully enforceable and had been researched and was based on an appeal decision for an application in the Pembrokeshire

National Park. He advised that the recommendation put forward was sound and fully correct and logical.

28. The Committee agreed to approve the application subject to the conditions stated in the report and a letter to be sent to the Applicant expressing disappointment at the retrospective nature of the application.
29. **Action Points arising:** Planning Officials to send a letter to the Applicant expressing disappointment at the retrospective nature of the application.

**AGENDA ITEM 9:
REPORT ON CONSULTATION FROM HIGHLAND COUNCIL REGARDING
SCOTTISH GOVERNMENT CONSULTATION ON APPLICATION UNDER
SECTION 36. ELECTRICITY ACT 1989:
CONSTRUCTION OF 26 TURBINE WIND FARM
AT GLENKIRK, TOMATIN, INVERNESS SHIRE (AMENDED PROPOSAL)
(PAPER 4)**

30. Duncan Bryden declared an interest and left the room.
31. Peter Argyle, Vice Convener, took Chair of the meeting.
32. Andrew Tait presented a paper recommending that the Committee approve the response to object to the consultation as detailed in the report.
33. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of the 300mm viewing distance as stated on the A3 handouts showing the proposal from various viewpoints. Andrew Tait clarified this was the distance away from you to hold the handout to get the most accurate visual impact of the development as seen from the viewpoint.
 - b) No justification having been provided by the Applicant as to why the proposal could not be located in a preferred Wind Farm development area.
 - c) The level of weighting given to the cumulative impact depending on the stage of development the Wind Farms – scoping, application, approved, installed. Andrew Tait informed Members that Wind Farms which were installed or approved were given a higher weighting of cumulative impact than those at the scoping or application stage. He confirmed this would be clarified in the wording of Objection One.
 - d) The visual impact of Wind Farms and their potential for negative effect on tourism and walkers to the area.
 - e) Paragraph 36 – amend wording of ‘adverse effects are non-mitigable’ to ‘adverse effects cannot be mitigated’.
 - f) Clarification if the CNPA objection would trigger a Public Inquiry. Andrew Tait confirmed that the CNPA objection would not trigger a Public Inquiry, an objection by the Local Authority would.
 - g) Clarification why no mention was made to the objection lodged by the residents of the Dava. Andrew Tait stated that this response was purely from the CNPA and that the ‘Save Our Dava’ group would no doubt submit their own objection.
 - h) The difficulty in assessing wireframe drawings and how the proposal actually translated to development on the ground and its visual impact. Andrew Tait advised

that Highland Council had recently carried out work on this issue and produced transparencies from the wireframe and photomontages to assess how the developments actually compared once constructed. He advised that the CNPA Landscape Officer had been in contact with them regarding this work and it may be possible for the CNPA to carry out a similar piece of work.

- i) Clarification that the clarity of the photomontages was dependent on the focal length of the camera used.

34. The Committee agreed to approve the response to object to the consultation as detailed in the report with amendments to:

- The inclusion of why no justification was provided by the Applicant for the proposal could not being located in a preferred Wind Farm development area.
- Objection I - Clarification of the categorisation of the level of weighting given to the cumulative impact depending on the stage of development the Wind Farms – scoping, application, approved, installed.
- Paragraph 36 – amend wording of ‘adverse effects are non-mitigable’ to ‘adverse effects cannot be mitigated’.

35. **Action Points arising:** Planning Officials to investigate the potential for transparencies to be produced from the wireframe and photomontages to assess how the Wind Farm developments actually compared once constructed.

36. Duncan Bryden returned and retook the Chair.

**AGENDA ITEM 10:
REPORT ON PLANNING CALL-IN ARRANGEMENTS
(PAPER 6)**

37. Don McKee presented a report recommending that Members agree to move to online “call-in” on a permanent basis subject to –
- Reporting back on its operation every 6 months
 - Continuing to improve the effectiveness of the system.
38. The Committee discussed the report and the following points were raised:
- a) The e call-in process working better than anticipated.
 - b) Members having less of an understanding on the applications which have been called in because it is not so easy to share local knowledge.
 - c) The perception of a lack of transparency both for members of the public and being able to access other Members’ comments.
39. Don McKee responded that the CNPA were in the process of moving towards an online (“e-planning”) system in conjunction with Loch Lomond & The Trossachs National Park (LLTNPA), this offered the potential for changes to be made to the current electronic call-in procedures. However, he stated that it would be advisable to wait to ensure that any changes tied in with the e-planning system being developed.
40. The Committee discussed the report further and the following points were raised:
- a) Members missing the input of local knowledge and not necessarily giving some applications the full consideration required.
 - b) Concern that some Members felt they were being forced to just ‘sign off’ the Planning Officers recommendations.
41. Don McKee responded that there was no requirement for Members to agree with the Planning Officers’ recommendation. The procedures had been designed so that where a contrary view was expressed by 2 or more Members the Convener and Vice Convener were delegated with taking the final decision. He stated that the critical test for whether an application should be called in was whether it raises issues of significance to the Aims of the Park. The merits of an application should not be considered at this stage and all other aspects of an application could be dealt with during the processing of the application either by the CNPA (if called in) or by the Local Authorities. He advised that local knowledge could be fed in to the process via comments for those applications that were not called-in. Don McKee stated that 4 of 5 Local Authorities (excluding Perth & Kinross) were using the CNP Local Plan on which to base decisions and should therefore be able to take on board any local concerns in a consistent context.

42. The Committee discussed the report and the following points were raised:
- a) In favour of the e call-in process but the Committee must remain accountable and the process has to be transparent.
 - b) The tight timescale for Members to respond from the presentation being made available online at noon on Wednesday to the deadline on Friday morning. The possibility of extending the timescale for response.
43. Don McKee responded that the CNPA had 21 days in which to call-in an application from the date the Local Authority notified the application. Due to the timescales involved it was often necessary to advise the Local Authority of the call-in decision on the Friday that Members were required to respond.
44. The Committee continued to discuss the report and the following points were raised:
- a) Difficulties being experienced in accessing the pdf presentation documents online.
 - b) The electronic call-in process not being the best way to assess applications for call-in.
 - c) The electronic method by which Aberdeenshire Councillors are consulted on decisions on delegated applications and given 5 days to respond.
 - d) The possibility of requesting a change in legislation to amend the 21 day call-in deadline.
 - e) The possibility of producing 2 call-in reports: one list detailing applications which must be responded to on the Friday and a second list giving Members more time to respond.
45. Don McKee responded that a change to the 21 day deadline would require an amendment to secondary legislation. He advised that the production of 2 call-in reports would involve considerably more staff time and would not necessarily afford Members more time to assess applications. However, adding the date by which the Local Authorities must be advised of any call-in decision could be investigated.
46. The Committee continued to discuss the report and the following points were raised:
- a) Instances of local knowledge influencing other Members' call-in decision on an application.
 - b) The possibility of waiting to see how the e planning system will work with LLTNPA and the investigation of a forum for online discussion of call in prior to signing off the report as recommended.
 - c) The possibility of using the 'reply to all' email function, if wishing to disagree with the Planning Officers recommendation or make a comment then all Members would be able to see Members' opinions. However, it was recognised that this would not assist with transparency for members of the public.
 - d) The inability to assess the cumulative impact of applications, if detailed as separate applications over several call in reports.
 - e) The current electronic call-in procedures being a vast improvement on spending Committee time discussing the report at a meeting leaving time for other business.
 - f) The need for Members to have confidence in their decision making abilities on an individual basis.
 - g) The need to be mindful of the level of decision making at the call-in stage and the need for the Planning Committee to focus on taking higher level decisions. The competent advice being given by the Planning Officers which the Committee very frequently accepted and the method in place for dealing with any disagreements to the Officers' recommendation.
 - h) Full confidence in the Convener and Vice Convener to deal with any points of disagreement.

47. Jane Hope, Chief Executive, addressed the Committee and advised Members of how the call-in process had been developed at the formation of the CNP, in conjunction with the 4 Local Authorities (Aberdeenshire, Angus, Highland & Moray) and discussions at the time as to whether or not the CNPA should have full planning powers. These discussions led to the unique call-in procedures currently in place. The call-in procedures were envisaged to be a light touch approach and time limits were applied in order to avoid bureaucracy - Members should care was needed to avoid inadvertently doing the opposite.. Any change to the time limits would have to be addressed through a change to the Designation Order and would involve a lot of process.
48. Jane Hope advised that that against the background of reducing resources (the CNPA staffing complement had recently reduced by 10% and the financial budget could, in the future, also reduce) and the need to be mindful of the impact on the environment (reducing travel and therefore utilising electronic media as much as possible) it was necessary to keep a perspective on the level of decision being taken at the call-in stage, which was whether or not to call-in, as in most Local Authorities the less significant planning applications were generally delegated for determination by Planning Officers.
49. Murray Ferguson, Director of Sustainable Rural Development, addressed the Committee and restated the need for the CNPA to be as effective and efficient as possible. The call-in process was a key area where the CNPA had identified that work could be made more effective and efficient. He advised that at the Planning Service Workshops it became apparent that the call-in process was still not widely understood by members of the public and further work was required to make it as accessible and easy to understand as possible.
50. Murray Ferguson advised on the thinking behind the development of different approaches to planning in the two National Parks. SNH, who provided the advice to Ministers felt that the 2 proposed National Parks were different in that they would have to deal with different pressures – LLTNP would potentially experience pressure from development and built up areas, whereas the CNP would potentially experience more pressure from land management issues and not development. By separating the planning applications via the call-in process it was felt that this would ensure the CNPA did not get bogged down in planning and would be able to focus more resources on land management issues. He advised that it may now be time to assess the situation and see if this was actually the case. However, he reminded Members that any change to the CNPA's planning powers would require a change in legislation.
51. Murray Ferguson commented that the electronic call-in system was at least as transparent as before, as members of the public no longer had to attend Planning Committees to find out what was happening as more information was available online. The only loss of transparency concerned Members' comments on applications that were not called-in, and for these applications the final determination decision would lie with the Local Authority.
52. Murray Ferguson reported that some consideration had been given to development of a dedicated online forum, specifically relating to the electronic call-in process. However, the work had to be considered alongside a number of other technical changes that were being introduced including training for Planning Staff on the e planning system and introduction of the new telephone system. This had taken up considerable staff time.
53. Duncan Bryden queried if there was opportunity to investigate an interim forum for Members to communicate comments on the call-in. Murray Ferguson responded that it may be possible to do so but noted that in order for the online discussion to be

meaningful any comments would have to be posted between noon Wednesday and Friday morning and would require Members to access the system several times over this period to fully appreciate other Members' comments. Murray Ferguson restated that it was preferable if this could be looked at as part of the new e-planning system or the development of the new CNPA website which should be coming forwards within the next few months.

54. The Committee discussed the report and the following points were raised:
- a) The organisation was becoming 'soulless'.
 - b) Clarification of the timeframe for the new e-planning system to be available.
 - c) Members considering the e call-in a priority for the Planning Committee, whilst appreciating staff have other priorities, this project has been spoken about for some months and IT resources should be utilised to provide further support.
 - d) The level of applications called-in – currently approximately 10%.
 - e) There had been only 2 instances of disagreement with the officers' recommendation so far since the electronic call-in process trail started. These were fully assessed by the Convener and Vice Convener for a call-in decision.
 - f) A forum for Board Members to access to discuss call in decisions would not necessarily be transparent for members of the public.

55. Don McKee advised that it was currently envisaged that the e-planning system would be up and running in June. However, there were many complex issues to address to ensure that the CNPA system was compatible with the LLTNPA system which involved a great deal of staff resources. He advised that CNPA had one member of staff dedicated to IT and these were currently stretched across the existing requirements. Don McKee advised it was now rare that Members disagreed with the Planning Officers' recommendation and over the years the call-in procedure had become a very refined process.
56. Duncan Bryden advised that Members needed to have confidence and trust in the CNPA Staff and as individual Members to make the correct decisions. He advised that himself and Peter Argyle as Convener / Vice Convener were available for copying in on correspondence regarding any call-in comments Members may have. Members should be mindful that any decisions should be based on sound planning reasons and with perspective to the Aims of the Park.
57. Duncan Bryden reminded Members when responding to the electronic call-in not to make a recommendation for either approval / refusal – as should the application be called-in the Member would have prejudiced themselves from taking part in any discussion on the application.
58. Willie McKenna queried if applications required planning reasons before they could be called-in. Don McKee stated that any reason for call-in was set against the context of the Aims of the Park but backed by planning reasons.
59. The Committee agreed to move to online “call-in” on a permanent basis subject to –
- Reporting back on its operation every 6 months
 - Continuing to improve the effectiveness of the system.
60. **Action Points arising:** None.

AGENDA ITEM 11:

REPORT ON SECTION 75 AGREEMENTS / PLANNING OBLIGATIONS

- a) **CIRCUMSTANCES WHERE SECTION 75 AGREEMENT / PLANNING OBLIGATION USED TO CONTROL OCCUPANCY OF HOUSE ONLY**
- b) **REQUEST TO VARY TERMS OF APPROVAL FOR SECTION 75 / PLANNING OBLIGATION 10/186/CP AILANBEG LODGE, NETHY BRIDGE**
- c) **REQUEST TO VARY SECTION 75 AGREEMENT / PLANNING OBLIGATION FOR 10/048/CP ALTNACRICHE, AVIEMORE (PAPER 7)**

61. David Green declared an interest and left the room.

62. Don McKee presented a report seeking:
- A. Members' agreement to an interim position on the use of Section 75 Agreements/Planning Obligations to control disposal of a new house pending comprehensive consideration of the wider use of Section 75 Agreements/Planning Obligations at a later date.
 - B. To consider the request from the applicant to revise the terms of approval for the Section 75 Agreement/Planning Obligation for I0/486/CP Ailanbeg Lodge, Nethy Bridge.
 - C. To consider the request from the applicant to revise the terms of the existing Section 75 Agreement/Planning Obligation for I0/048/CP Altnacriche, Aviemore.
63. The Committee considered Recommendation A; seeking Members' agreement to an interim position on the use of Section 75 Agreements/Planning Obligations to control disposal of a new house pending comprehensive consideration of the wider use of Section 75 Agreements/Planning Obligations at a later date.
64. The Committee discussed the Recommendation A and the following points were raised:
- a) Clarification if a dwelling was approved with a S75 regarding occupancy restrictions, would it be possible for the dwelling to be sold and then the Applicant apply for another dwelling in the vicinity. Don McKee responded that this would be possible. However, any future occupier of the dwelling would also have to meet the occupancy restrictions. He advised that if having disposed of the first dwelling the Applicant should then apply for another dwelling in the vicinity, the Planning Authority would have sound grounds for refusal of the application.
 - b) Clarification that in agreeing the recommendation it could potentially set a precedent for Applicants with existing occupancy restrictions to request for them to be removed. Don McKee responded that it could and some Applicants had already made requests of this type, some of which had already been brought before the Planning Committee. He confirmed that since February 2011, new legislation entitled Applicants to request the Planning Authority to either remove or vary a planning obligation and, if necessary, appeal any decision to the Department for Planning & Environmental Appeals.
 - c) Clarification that the changes would only apply to crofts, farms, small businesses and charities. Don McKee responded that this was the case.
 - d) Confirmation that the cascade mechanism would only come into effect in a case of the Applicant defaulting on a mortgage. Don McKee confirmed that this was the case.
 - e) The position of HMRC regarding the reclamation of VAT on new build properties. Don McKee responded that the issue had been researched and that HMRC's position on these cases was not open for discussion, it was a policy which they applied nationwide.
 - f) The necessity to ensure that any occupancy condition was worded robustly enough to be enforceable. Don McKee responded that under the provisions of drawing up a planning permission any condition applied had to be clearly stated, relevant to the proposal and enforceable.
65. The Committee agreed Recommendation A.
66. The Committee considered Recommendation B; recommending that Members consider the request from the applicant to revise the terms of approval for the Section 75 Agreement/Planning Obligation for I0/486/CP Ailanbeg Lodge, Nethy Bridge.
67. The Committee discussed the Recommendation B and the following points were raised:

- a) Clarification of the difference between the occupancy restriction and the disposal of the property. Don McKee clarified that the occupancy of the dwelling would be restricted to persons engaged in work on the farm (the farm and 2 crofts - as described by the applicant), and with a 12 week cascade mechanism for disposal of the house in event of default on a mortgage., which would gradually widen the field for buyers, eventually to the open market.

68. The Committee agreed Recommendation B.

69. The Committee considered Recommendation C; recommending that Members consider the request from the applicant to revise the terms of the existing Section 75 Agreement/Planning Obligation for I0/048/CP Altnacriche, Aviemore.

70. The Committee discussed the Recommendation C. No points were raised.

71. The Committee agreed Recommendation C.

72. David Green returned.

73. **Action Points arising:** None.

AGENDA ITEM 12:

FOR DECISION:

PUBLICATION OF THE CAIRNGORMS DEVELOPMENT PLAN SCHEME

2011

(PAPER 4)

74. Robert Grant sought Members agreement for the Development Plan scheme for 2011.

75. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.

76. The Committee agreed the Development Plan scheme for 2011.

77. **Action Points arising:** None.

**AGENDA ITEM 13:
ANY OTHER BUSINESS**

78. Eleanor Mackintosh raised the issue of housing in Tomintoul, particularly with regard to applications made by the Crown Estate. She requested an update regarding the request from Members for a masterplan to be drawn up by the CNPA in conjunction with the Crown Estate. She advised that Hamish Trench, Director of the CNPA Sustainable Land Use Group, had emailed Members informing them that this piece of work was not a Park priority at this time and currently had no real buy-in from the Crown Estate.
79. Don McKee responded that a masterplan for Tomintoul was referred to in the CNP Local Plan and was a commitment for the CNPA. However, the issue was perhaps not such a priority for the Crown Estate. He advised that CNPA Staff were aware of the situation and various discussions had taken place on the bigger picture for Tomintoul. He advised that the Crown Estate were aware and content with the proposed masterplan approach for the village and would be expected to contribute both financially and as a land owner to the preparation of the document. Don McKee stated that CNPA Staff would be willing to meet with relevant Board Members to discuss a timetable for this work.
80. Murray Ferguson informed Members that an internal staff discussion had recently taken place to decide who would lead on this piece of work, as it would be necessary for it to integrate with other work regarding forward planning, economic viability and community development. He advised that Sandra Middleton would be returning from secondment at the Cairngorms Business Partnership (in mid-April) and would be well placed to pick up and scope this piece of work as a priority.
81. Duncan Bryden requested that a short briefing paper be prepared including timescales for Members on the masterplan for Tomintoul. Murray Ferguson stated that this would be done by Sandra Middleton once she returned to work at the CNPA. Duncan Bryden requested a deadline of the end of April for this to be circulated.
82. Gregor Rimell requested an update on the work for the Aviemore Design Framework.
83. Don McKee advised that internal staff discussions were still being held to decide how to proceed with the work and pick up all the points Members had previously raised. He stated he would feed back to Alison Lax, CNPA Strategic Policy Officer, advising her that the issue had been raised and would ask her to circulate a timescale for the work being re-presented to Members.
84. Gregor Rimell acknowledged the complexity of the Aviemore Design Framework and advised that some Members would be willing to be involved in the process.

85. Jaci Douglas raised the issue of design in the CNP and the tendency to request vernacular styled buildings whilst potentially overlooking modern, innovative designs which may be appropriate for sites. She queried whether contemporary design was supported in the Sustainable Design Guide and said that it should not be overlooked. She requested that a paragraph be included in the Planning Officers' determination report regarding the evolution of the proposed design whether traditional or contemporary.
86. Don McKee stated that the Planning Officials and the Sustainable Design Guide were not prescriptive in requiring a traditional design approach for buildings, and have advocated good quality, contemporary design. He stated that CNPA staff would assess the current approach to design and arrange a Members discussion on design and establish approach and parameters as required. Don McKee advised that on 28 April, Members were to be visiting various developments of good and bad design including both traditional and contemporary buildings. He stated that design was a tremendously important part of Planning Officials work and was being addressed as a priority.
87. Willie McKenna queried the juxtaposition between an application for a traditionally designed building which had recently been called-in, and a contemporary Japanese designed building (approved by the CNPA) which was located close by.
88. Don McKee stated that the issue was not where the building was designed, but how the design reflects its setting.
89. Duncan Bryden reminded Members that each application was assessed on its individual merits and a design approach could not be applied uniformly.
90. Mary McCafferty advised that she had received several phone calls regarding the Supplementary Planning Guidance currently out for consultation (Carbon Emission, Wildness & Affordable Housing). She advised that people were experiencing problems accessing the documents and queried if the CNPA had done enough to ensure the public were fully aware of the consultation process.
91. Don McKee advised that the consultation documents were available on the CNPA website (www.cairngorms.co.uk) and from the CNPA Offices in Ballater and Grantown on Spey. He stated that the relevant CNPA staff (Alison Lax, Strategic Policy Officer) would be contacted with a view to raising the awareness of the current consultations.
92. Murray Ferguson advised that a discussion had taken place with the Cairngorms Business Partnership regarding them convening a meeting with members of the business community and assisting in responding to the consultations. He stated that Community Councils had also been contacted to offer a CNPA staff presence at any meeting to discuss the consultations – two Community Councils had so far taken up this offer.

93. Aberdeenshire Councillors declared an interest and left the room.
94. Robert Grant presented a planning consultation response to Aberdeenshire Council on the Burnside Wind Turbine Cluster, Tarland which was proposed 7.5km from the CNP boundary, comprising a total of 3 turbines at a maximum vertical height of 100 metres.
95. Robert Grant advised that Members would recall objecting to an application for 7 turbines at Pressendye, Tarland in 2008. In 2010 there was a public inquiry where the proposal was rejected by a Scottish Government Reporter. The Reporter raised concerns stating that the proposal would have unacceptable landscape and visual impacts, and be contrary to relevant development plan and national planning policies. However, the Reporter looked at the CNPA's objection but concluded that the impact on the Cairngorms National Park would not be sufficient in itself to justify refusing planning permission.
96. Robert Grant advised that the applicant's Environmental Statement considered that there would be no significant indirect impact upon the National Park and this was clearly the case. This position was generally accepted in light of the limited impact on the setting of the Park and given the previous findings of the Reporter on the Pressendye proposal. He advised that the CNPA Landscape Officer had no objection to the proposal as the development would have a medium level on the landscape and visual character of a small part of the eastern Cairngorms, in the area of Muir of Dinnet and on north facing slopes in Glen Tanar.
97. Robert Grant recommended that given the limited landscape and visual impact and the previous position for the Pressendye proposals that the CNPA raise no objection to this application at Burnside.
98. Duncan Bryden requested clarification that there was no Planning Paper for this consultation response. Robert Grant confirmed that this was the case.
99. The Committee discussed the recommendation and the following points were raised:
 - a) Clarification as to why this item was being discussed under AOB. Robert Grant responded that due to the short deadline for response to Aberdeenshire Council there was not sufficient time to prepare a report for inclusion on the Agenda.
 - b) Clarification why the CNPA had objected to Pressendye Wind Farm but not proposing an objection to the current proposal given the short distance (approximately 1km) between the sites. Don McKee responded that the proposed turbines at Pressendye were much more visible from the CNP boundary than those currently being assessed. He advised that the CNPA had put a considerable amount of time and effort into the Pressendye Public Inquiry advising the Reporter that the landscape type of the CNP did not stop at the boundary but extended outwith and therefore the Pressendye proposal had an impact on the landscape context and the setting of the CNP. He advised that the Burnside turbines were located slightly further away from the CNP boundary and would not be seen in the same context. The CNPA Landscape Officer had assessed the proposal and come to the conclusion that the CNPA should not object. Don McKee advised that it was up to Members to form a different conclusion if they felt it necessary.
 - c) The lack of reasonable time given for the Committee to consider the consultation response.
 - d) The need for the CNPA to be very clear in responding to the consultation as to why no objection was raised.
 - e) The proposal predominantly affecting communities in the Deeside / Donside area of the CNP.

- f) The amount of time and money spent on the Pressendye Public Inquiry, the lack of weight given to the CNPA objection by the Reporter and the need to be mindful of not wasting public money and resources on a similar proposal.
 - g) Press coverage received by the CNPA and the need for public transparency when responding to consultations. Don McKee responded that holding a meeting with the local Board members (Katrina Farquhar, Gordon Riddler & Brian Wood) to discuss the CNPA's detailed response could be arranged.
 - h) If a response of 'no position' could be submitted instead of 'no objection'. Don McKee responded that 'no position' could be submitted, if the Committee wished that response.
 - i) Clarification of why this issue had not been listed as an Agenda item and no paper report was produced. Don McKee responded that due to lack of staff time, it had not been possible to produce a report. However, in future, any consultations of this nature would be listed as an Agenda item and a report produced.
100. The Committee agreed a response of No Objection to be submitted subject to this being agreed by a delegated small sub-group of local Members (Katrina Farquhar, Gordon Riddler & Brian Wood) who would meet with Planning Officers and discuss the matter in detail.
101. Aberdeenshire Councillors returned.
102. Duncan Bryden thanked Geva Blackett & Andrew Rafferty, Members who had recently left the Board, for all their contributions over the previous years as Planning Committee Members.
103. Duncan Bryden welcomed Katrina Farquhar as a new Board Member, to her first Planning Committee meeting.
104. **Action Points arising:**
- Sandra Middleton to prepare a short briefing paper including timescales for Members on the masterplan for Tomintoul – to be circulated by end April 2011.
 - Alison Lax to circulate a timescale for the Aviemore Design Framework being represented to Members.
 - Don McKee to contact Alison Lax with a view to raising the awareness of the Supplementary Planning Guidance consultations.
 - Robert Grant to contact the local Board Members to arrange a meeting to discuss the CNPA's detailed response to the Burnside Wind Farm Cluster to Aberdeenshire Council.

**AGENDA ITEM 14:
ELECTION OF PLANNING COMMITTEE CONVENOR**

105. Peter Argyle, Vice Convener, took Chair of the meeting.
106. Peter Argyle proposed Duncan Bryden as a nominee for Planning Convener. This was seconded unanimously by all Members of the Planning Committee.
107. Duncan Bryden consented to the nomination.
108. There were no further nominees.
109. Duncan Bryden was elected as Planning Convener.

**AGENDA ITEM 15:
DATE OF NEXT MEETING**

- 110. Friday 27th May 2011 at The Village Hall, Newtonmore.
- 111. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
- 112. The meeting concluded at 13:00 hours.