
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Lonach Hall, Strathdon
on 1st December 2006 at 10.30am

PRESENT

Eric Baird	Alastair MacLennan
Duncan Bryden	Sandy Park
Basil Dunlop	Gregor Rimell
Douglas Glass	David Selfridge
David Green	Sheena Slimon
Marcus Humphrey	Richard Stroud
Bruce Luffman	Susan Walker
Willie McKenna	Ross Watson
Eleanor Mackintosh	Bob Wilson
Anne MacLean	

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Pip Mackie

APOLOGIES:

Nonie Coulthard	Lucy Grant
Stuart Black	Andrew Rafferty
Angus Gordon	

WELCOME AND APOLOGIES

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

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 17th November 2006, held at The Ben Mhor Hotel, Grantown on Spey were approved.
4. There were no matters arising.

DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA

5. The Aberdeenshire Councillors declared an interest in Planning Application No. 06/465/CP.
6. Eric Baird and Marcus Humphrey declared an interest in Planning Application No. 06/466/CP.
7. Sheena Slimon declared an interest in Planning Application No. 06/474/CP.
8. Anne MacLean declared an interest in Planning Application No. 06/479/CP.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)

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| | The Aberdeenshire Councillors declared an interest and left the room. |
| 9. 06/465/CP - | No Statutory Call-in Powers
The Aberdeenshire Councillors returned. |
| | Eric Baird & Marcus Humphrey declared an interest and left the room. |
| 10. 06/466/CP - | No Call-in
Eric Baird & Marcus Humphrey returned. |
| 11. 06/467/CP - | No Call-in |
| 12. 06/468/CP - | No Call-in |
| 13. 06/469/CP - | No Call-in |
| 14. 06/470/CP - | The decision was to call-in the application for the following reason : <ul style="list-style-type: none">• The development represents a further consolidation of an established business which is sited within a National Scenic Area and close to sites designated for their natural heritage value. The proposal also relates to aiding the social development of young people in the National Park. Similar to the case with previous applications relating to the established business, the proposal continues to raise issues relating to nature conservation, promotion of recreation and tourism and social and economic development, all of which are significant to the collective aims of the National Park. |
| 15. 06/471/CP - | No Call-in |
| 16. 06/472/CP - | No Call-in |
| 17. 06/473/CP - | No Call-in |
| | Sheena Slimon declared an interest and left the room. |
| 18. 06/474/CP - | No Call-in
Sheena Slimon returned. |

- 19.06/475/CP - The decision was to call-in the application for the following reason :
- The proposed development is for the creation of a large pond, measuring 5,000 square metres and due to the nature of the proposal and the significant scale of the proposed pond, the landscape and natural heritage implications need to be addressed in more detail. The proposal is therefore considered to be of general significance to the aims of the National Park.
- 20.06/476/CP - The decision was to call-in the application for the following reason :
- The proposed development is for the creation of two ponds in relatively open countryside, adjacent to the Dorback Burn and in an area which is heavily designated, being within the Cairngorms SAC and River Spey SAC, and Abernethy Forest SPA and Abernethy Forest SSSI. The development therefore raises issues in relation to natural heritage interests and landscape impact and is therefore of significance to the aims of the National Park.
- 21.06/477/CP - No Call-in
22.06/478/CP - No Call-in
- 23.06/479/CP - Anne MacLean declared an interest and left the room.
No Call-in
Anne MacLean returned.
- 24.06/480/CP - No Call-in
25.06/481/CP - No Call-in
26.06/482/CP - No Call-in
27.06/483/CP - No Call-in
28.06/484/CP - No Call-in
- 29.06/485/CP - The decision was to call-in the application for the following reason :
- The application represents a new house in a Restricted Countryside Area, where there is a presumption against new houses unless there is a land management justification. The proposal therefore raises issues relating to houses in the countryside, the cumulative impact of houses in such areas, and potential landscape and visual impacts. As such, the proposal raises issues of general significance to the collective aims of the National Park.

30.06/486/CP - The decision was to call-in the application for the following reason :

- The proposed site is located within an Area of Landscape Significance where it is the policy that development will not be permitted where its scale, location or design will detract from the quality of the landscape, either in part or in whole (Policy Env\5B). The development is proposed in an exposed and elevated location and may be a precursor to an associated wind energy proposal. The development raises issues in relation to natural heritage, landscape impact and economic development and is therefore of general significance to the aims of the National Park.

31.06/487/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

32. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/471/CP, 06/480/CP, 06/481/CP & 06/487/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF STEADING AND ERECTION OF DWELLING WITH SEPTIC TANK AND SOAKAWAY AT BLAIRNAMARROW, TOMINTOUL (PAPER 1)

33. Mary Grier advised Members that Sir Edward Mountain, Agent for the application was not able to attend the Committee and had requested that the application be deferred to allow him to be present at the determination.
34. Mary Grier informed Members that should the deferral be granted the application would be placed on the Agenda for the next Committee (15th December).
35. Clarification was sought that the change of venue to Grantown on Spey for the determination would not adversely affect any other members of the public who may wish to attend. It was confirmed that it should not.
36. Members wished the Committee's request for further information regarding the application be reinforced before the application being determined.
37. In the interests of being environmentally friendly, it was requested that Members hold onto the Committee Report for the next meeting.
38. The Committee agreed to defer the application until the next Planning Committee to allow Sir Edward Mountain, Agent for the application to be present at the Committee.

**REPORT ON CONSULTATION TO HIGHLAND COUNCIL ON AMENDED PROPOSALS AT GLENKIRK WIND FARM, LAND TO NORTH EAST OF TOMATIN
(PAPER 2)**

39. Andrew Tait presented a paper recommending that the Committee approve the consultation response for submission to Highland Council with an alteration to recommendation a) to state that whilst the majority of the site is located in an area zoned by Highland Council as a 'possible' area for major Wind Farm Developments, at least 4 of the proposed turbines are located in the area which is zoned as having a presumption against any development.
40. The Committee discussed the application and the following points were raised:
- a) Clarification of the term 'Graham' in relation to the height of a hill.
 - b) The cumulative impact of wind farm developments in the Highland / Moray Council areas.
 - c) The local community opinion on the proposed development.
 - d) Concern that not enough consideration seems to have been given to alternative means of energy, apart from wind farm developments.
 - e) Concern that the development of the wind farm could potentially have a larger effect on climate change, due to the disturbance of the peat that the turbines would be situated upon.
 - f) Concern about the age of the wind farm research regarding public perception to such developments.
 - g) The report being based mainly upon the visual impact assessment by the CNPA Landscape Officer and not backed by substantiated independent research.
 - h) The location of the proposed Wind Farm being at the northern gateway and the proposed Beaulieu – Denny Transmission Line at the southern gateway to the CNP – concern that it would not make the best of visual welcomes to the area.
 - i) The proposed location being highly visible from a number of locations in the CNP, not just Ptarmigan.
 - j) The possibility of referring to NPPG 14 and the aims of the Park in recommendation b) to strengthen the response.
 - k) The possibility of the CNP Officers in conjunction with partner organisations developing research into public views on Wind Farm Developments.
41. The Committee agreed to approve the consultation response for submission to Highland Council with the amendment to recommendation a) and the inclusion of reference to NPPG 14, the Park aims and the possible impact on climate change due to the loss of peat in recommendation b).

ANY OTHER BUSINESS

42. Basil Dunlop asked Don McKee, Head of Planning about the potential impacts on the CNPA Planning Powers due to the change to the Planning Bill. Don McKee responded that the CNPA would still be informed of all planning applications within the Park boundary. The CNPA had on 2 occasions received a legal opinion stating that all 25 Board Members should make up the Planning Committee and therefore the procedures would carry on as normal. Don McKee

advised he would bring a report to the Planning Committee in due course about the changes to the Planning Bill and also arrange a briefing session for Members. However, as some of the changes to the Planning Bill require secondary legislation, it could be a while before the changes are implemented.

43. Don McKee updated Members on the timetable for the Beaully – Denny Transmission Line. Don McKee advised that the CNP had recently submitted a joint statement of case with Highland Council and Perth & Kinross Council, with an addendum that the CNPA object to the principle of the Transmission Line coming through the CNP area. The timetable was currently set out as follows:
A strategic session to be held in Perth beginning February 2007, followed by sessions in Inverness and then in Aviemore around August / September 2007 - with a view to finishing in December 2007. The Reporter would then write up the findings for submission to Scottish Ministers with a decision sometime in 2008.
Don McKee advised that all documents that had been formally referred to have to submitted to SEIRU by 19 December 2006, with further submissions required during January / February 2007.
Don McKee informed Members that the CNPA and Highland Council had jointly engaged the services of a specialist on undergrounding of Transmission Lines and that he would bring a briefing paper to Members in the New Year on progress of the PLI.
44. Don McKee advised Members that Planning Officials had sent a letter to Badaguish Outdoor Centre expressing concern that works had been undertaken at the site without obtaining planning permission prior to the commencement. He advised that the Applicant had written back to apologise and resolved not to do this again.
45. Don McKee informed Members that the CNPA had recently lost 2 appeals for refusal of planning permission at Dalfaber North, Aviemore and Abergeldie Road, Ballater. Don McKee advised that there was some concern over the way the CNP aims had been referred and regard given to in the Reporters findings. This matter had been passed onto the CNPA's solicitors to see if there may be any grounds for challenge. Don McKee advised he would keep Members updated with the progress of this investigation.
46. Don McKee informed Members that he had spoken to SEIRU to set up a joint meeting with the CNPA and Loch Lomond and The Trossachs National Park Authority, to set up a briefing session for Reporters regarding National Parks and how planning decisions were taken in the context of a National Parks planning function.
47. Anne MacLean raised concern that there still seemed to be a lot of misunderstanding by the general public regarding the CNPA's planning powers and this was an issue which needed to be somehow addressed. Anne MacLean requested that this issue be looked into.
48. Basil Dunlop queried why out of the 2 issues concerning the Dalfaber North, Aviemore site - the amenity woodland and railway crossing – the Reporter had only referred to the amenity woodland in the decision. The Reporter had stated that he believed the railway crossing issues could be resolved, but had not stated how in the conditions. Don McKee advised that this was probably due to the issue regarding railway crossing not being given as a reason for refusal by the CNPA, in light of the final response received on the railway crossing issue from the Health & Safety Executive.

49. Willie McKenna requested an update on the timber felling at the Highburnside site, Aviemore. Don McKee advised that a Planning Contravention Notice had been issued to the Applicant and a letter advising them to stop the tree felling. Don McKee advised that the Applicant has a statutory period of time to respond to the Notice (which still had about 2 weeks to run). He advised that a letter had been received from the Applicant stating why they didn't think they had carried out any unauthorised works. Don McKee also advised that other matters regarding conditions relating to the site were also being pursued. Basil Dunlop queried what enforcement action could be taken once the trees had been felled. Don McKee responded that an Enforcement Notice could be served which could require the replanting of the site with large, mature trees at a cost to the Applicant. The Applicant would have a right of appeal against any Enforcement Notice, but if the Enforcement Notice was upheld and replanting not carried out, the matter could be referred to the Procurator Fiscal.
50. David Green raised concern that the CNPA as Planning Authority appeared to be disregarded in certain planning cases. This raised an issue of how to get more 'teeth' behind any conditions attached to Decision Notices. David Green advised that Jane Hope, Chief Executive was looking into this matter and would bring a paper forward to the Board.
51. Bruce Luffman raised the issue of Planning Gain in the CNP area and enquired what steps were being taken to bring this matter forward, and also how the Government's Planning Gain Tax would affect the CNP. Don McKee advised that Planning Gain would be covered by the CNPA Local Plan, due for deposit in June 2007, probably by supplementary guidance. Don McKee advised that Planning Officials were currently in discussion with Stuart Robertson, Planning Gain Officer at Aberdeenshire Council to work up a model for use in the CNP area. Aberdeenshire Council now employed 3 Planning Gain Officers and it may be possibility to work jointly with them to cover the CNP area. Don McKee advised that the Planning Gain Tax legislation would be decided at Parliament in London and as yet there was no guidance as to how this would be apportioned.
52. Basil Dunlop stated as a point of interest - that if an Applicant had disregarded any conditions attached to a Decision Notice this did not make the planning permission invalid.
53. Marcus Humphrey enquired as to what was happening with the enforcement action at Abergeldie Road, Ballater. Andrew Tait replied that the case had been due to be heard in court during November but had been postponed and was now due to be heard at the start of February 2007.
54. Mary Grier advised Members that the CNPA had received a consultation request on a planning application submitted to Moray Council. The application was for the division of a feu and to erect a dwellinghouse. The site was located just outside the CNP boundary at Brigview Cottage, Tomnavoulin (06/02696/OUT). Mary Grier suggested the response cover issues such as, that any development does not detract from the entrance to the CNP, the design of the proposed dwelling is sympathetic to the existing cottage. An additional comment was suggested by Members to cover the retention of trees on the site. Members approved the comments for submission to Moray Council.
55. Don McKee informed Members that Application 06/429/CP for the Erection of a Dwelling at Site Adjacent to Carinyah, Heughhead, Strathdon had been withdrawn. This now left 48 active applications being dealt with by the CNP, including the 5 applications called-in at today's meeting.

DATE OF NEXT MEETING

69. Friday, 15th December 2006 at The Ben Mhor Hotel, Grantown on Spey.
70. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
71. The meeting concluded at 12:10hrs.