
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Village Hall, Kincaig
on 2nd November 2007 at 10.30am

PRESENT

Eric Baird
Stuart Black
Geva Blackett
Duncan Bryden
Nonie Coulthard
Jaci Douglas
Lucy Grant
David Green
Drew Hendry
Bob Kinnaird

Mary McCafferty
Willie McKenna
Eleanor Mackintosh
Anne MacLean
Alastair MacLennan
Sandy Park
Andrew Rafferty
Richard Stroud
Susan Walker

IN ATTENDANCE:

Don McKee
Iram Mohammed

Andrew Tait
Pip Mackie

APOLOGIES:

Dave Fallows
Marcus Humphrey
Bruce Luffman

Ian Mackintosh
Fiona Murdoch
Ross Watson

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, 19th October 2007, held at The Community Centre, Nethy Bridge were approved with the following amendments;
 - a) Andrew Rafferty was noted as being present at the meeting and giving his apologies – it was clarified that he did not attend the meeting.
 - b) Richard Stroud's attendance had been omitted, it was noted that he attended the meeting but had arrived late.
 - c) Don McKee was not present at the meeting.

- d) Paragraph 5 – Clarification that Willie McKenna had stated that application 07/394/CP was not on Rothiemurchus Estate and therefore he did not have to declare an interest.
- e) Paragraphs 33 & 36 – ‘Dellifure’ was changed to ‘Delfour’.
- f) Paragraph 38 – ‘Advice Noted’ was changed to ‘Advice Note’ and a requirement for the need for good practice for pond construction was inserted.
4. There were no matters arising.
5. Duncan Bryden raised the issue of the local genetics being different to locally sourcing Brown Trout. He advised that many of the Trout in the Spey Dam area were genetic hybrids (with Trout from the Stirling area) and therefore a true local genetic Trout was nigh on impossible to find.
6. David Green raised the issue of the CNPA sustainable design guide. He advised that the Local Authorities were currently working on their versions and that it was necessary to have a joint co-ordinated approach when preparing the CNPA document. He stated that it was necessary to raise the requirements of sustainable design given the CNP designation and that it was hopeful that the Local Authorities would follow suit.

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

7. There were no declarations of interest, however, it was noted that the applicant of Planning Application No. 07/419/CP was a member of CNPA staff.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Iram Mohammed)

8. 07/401/CP - The decision was to call-in the application for the following reason :
- The proposed change of use would appear to result in the potential loss of visitor accommodation. This raises issues in relation to social and economic development and promoting enjoyment of the area. Consequently, the proposal raises issues of general significance to the collective aims of the CNPA.
9. 07/402/CP - The decision was to call-in the application for the following reason :
- This proposal is linked to the previous application for change of use for Balgonie Country House Hotel, and as such also raises issues in relation to social and economic development and promoting enjoyment of the area. Consequently, the proposal raises issues of general significance to the collective aims of the CNPA.
10. 07/403/CP - No Call-in

11.07/404/CP - No Call-in
12.07/405/CP - No Call-in

13. Duncan Bryden queried if proposed tax changes to visitor accommodation may bring a rush of applications for the conversion of hotels / bed and breakfast establishments etc. to houses. It was agreed that the Planning Officials investigate this issue and bring information back to the Committee for further discussion.

14.07/406/CP - No Call-in
15.07/407/CP - No Call-in

16.07/408/CP - The decision was to call-in the application for the following reason :

- The development is proposed on a prominent site within the village, and which is identified in the Badenoch and Strathspey Local Plan as Amenity Woodland. In addition, the site is covered by a TPO. The proposed development therefore, raises issues in relation to the Natural and Cultural Heritage of the Park.

17.07/409/CP - No Call-in
18.07/410/CP - No Call-in
19.07/411/CP - No Call-in

20. Lucy Grant queried if there had been an increase in planning applications for the demolition of properties and replacement with new dwellings, as there was a general thought that the CNP were more restrictive on new housing in the countryside than the Local Authorities. Don McKee responded that the numbers of this type of application had not been monitored, but that it could be investigated if Members required.

21.07/412/CP - No Call-in
22.07/413/CP - No Call-in

23.07/414/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of a dwellinghouse in a countryside area which is designated as a Restricted Countryside Area in the Badenoch and Strathspey Local Plan. The site is also located in a wooded area and the development may require tree felling which may, consequently raise localised landscape issues. If unjustified, the proposal also has the potential to establish a precedent for similar development in the National Park, which cumulatively may raise issues of general significance to the collective aims of the Park.

24.07/415/CP - No Call-in
25.07/416/CP - No Call-in
26.07/417/CP - No Call-in

27.07/418/CP - The decision was to call-in the application for the following reason :

- The development may raise issues in relation to the character of the streetscape in this prominent roadside location, amenity and, contaminated land. As such the proposal may raise issues of general significance to the collective aims of the Park.

28.07/419/CP - No Call-in
29.07/420/CP - No Call-in
30.07/421/CP - No Call-in
31.07/422/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 07/409/CP, 07/411/CP, 07/413/CP, 07/415/CP & 07/422/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.

ANY OTHER BUSINESS

33. Eleanor Mackintosh raised concern that a Moray Council planning application on today's Call-in Report had not been notified to the CNPA without prompting. She queried if this had happened previously and whether Moray Council were the only Local Authority to have done this. Don McKee responded that the Planning Officials would raise the issue with the Local Authorities and seek assurance that this situation could not occur again.

34. Andrew Tait informed Members that the Reporter had issued a decision on the Enforcement Appeal for the AHR fence. Essentially, the Reporter had decided that the fence must be removed at its current height, however, under permitted development rights a fence was allowed in the location but only to a height of 1 metre. The removal of the fence at its current height must occur within 2 months of the date of the notice (by 15th December 2007). Andrew Tait advised that Fran Potheary and Bob Grant, CNPA Access Officers, were available to answer any questions Members may have.

35. Fran Potheary advised Members that access rights apply to the route and that the fence is classed as an obstruction to those rights. Therefore the CNPA as an Access Authority under the Land Reform (Scotland) Act 2003 can seek to remove this obstruction to access. Bob Grant provided clarification that the route has not been confirmed as a Right of Way and that the CNPA as the Access Authority

would pursue this case as an obstruction under the Land Reform (Scotland) Act 2003.

36. Fran Potheary stated that in the first instance the CNPA would enter into informal negotiations with AHR to create an opening in the fence to allow access through it. If unsuccessful, the issue would then be taken to the Local Outdoor Access Forum (LOAF) for advice. After this, more formal proceedings could be started, potentially including serving a notice for the removal of the obstruction. If all negotiations and formal notices fail to get the obstruction removed, the CNPA have powers to remove the obstruction to access rights by creating an opening in the fence and charging AHR for costs. However, the Applicant is entitled to appeal any notice served. Any Appeal would be heard by the Sherriff.
37. Willie McKenna requested that information be made available so that members of the public were kept informed regarding this issue.
38. Susan Walker requested that an update on progress be brought to the Planning Committee 14th December 2007.
39. David Green advised any Members who had expressed an interest in attending the youth events being held on 8th November 2007 in Aviemore and 9th November 2007 in Ballater, that he would speak to them after the meeting.
40. Richard Stroud queried how many Members had been able to attend the meeting on climate change (1st November 2007) in Ballater. He queried if such meetings could be held on a Friday to make best use of Members time and travelling.
41. Jane Hope responded that unfortunately there were not enough free slots for discussions / meetings on Fridays, and that as most of the Members who expressed an interest in attending were also on the Audit Committee it was thought best to try and combine the 2 meetings on the same day.
42. Alastair MacLennan queried the location of such meetings being always located in Ballater made attendance difficult for Members from the Badenoch & Strathspey area.
43. Anne MacLean stated that the Fridays when there were no CNPA meetings tended to be taken up with other necessary engagements and perhaps a way to get round the issue was for Members to be more concise during discussions.
44. David Green advised that Planning Officials were currently looking at the critical path for the Local Plan and that meetings were being held with various groups to discuss their responses to the Local Plan consultation.

DATE OF NEXT MEETING

69. Friday, 16th November 2007 at The Albert Hall, Ballater.
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 11:45hrs.