

---

# CAIRNGORMS NATIONAL PARK AUTHORITY

---

## MINUTES OF THE PLANNING COMMITTEE

held within The Victory Hall, Aboyne  
on 3<sup>rd</sup> June 2005 at 10.30am

### PRESENT

Eric Baird	Anne MacLean
Stuart Black	Sandy Park
Duncan Bryden	Andrew Rafferty
Basil Dunlop	Gregor Rimell
Douglas Glass	Joyce Simpson
Lucy Grant	Sheena Slimon
Marcus Humphrey	David Selfridge
Bruce Luffman	Richard Stroud
Eleanor Mackintosh	Andrew Thin
Alastair MacLennan	Sue Walker

### IN ATTENDANCE:

Don McKee	Neil Stewart
Andrew Tait	Pip Mackie
Mary Grier	

### APOLOGIES:

Sally Dowden	Willie McKenna
Angus Gordon	Bob Wilson
David Green	

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Sally Dowden, David Green, Angus Gordon, Willie McKenna & Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 20<sup>th</sup> May 2005, held in Grantown on Spey were approved.
4. Andrew Thin advised the Committee that he and Planning Officials had met representatives from Aviemore Highland Resort where a full and frank discussion had taken place regarding planning issues.

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

5. The Highland Councillors declared an interest in Planning Application No. 05/233/CP.
6. Lucy Grant declared an interest in Planning Application No. 05/242/CP.
7. Eric Baird declared an interest in Planning Application No. 05/245/CP.
8. Alastair MacLennan declared an interest in Planning Application No. 05/247/CP.
9. The Aberdeenshire Councillors declared an interest in Item No. 8 on the Agenda.
10. Sheena Slimon declared an interest in Item No. 9 on the Agenda.
11. The Highland Councillors declared an interest in Item No. 14 on the Agenda.

## **PLANNING APPLICATION CALL - IN DECISIONS (Oral Presentation, Andrew Tait)**

- |                 |              |
|-----------------|--------------|
| 12. 05/229/CP - | No Call - in |
| 13. 05/230/CP - | No Call - in |
| 14. 05/231/CP - | No Call - in |
| 15. 05/232/CP - | No Call - in |
| 16. 05/233/CP - | No Call - in |
| 17. 05/234/CP - | No Call - in |
| 18. 05/235/CP - | No Call - in |
| 19. 05/236/CP - | No Call - in |
| 20. 05/237/CP - | No Call - in |
| 21. 05/238/CP - | No Call - in |
| 22. 05/239/CP - | No Call - in |
| 23. 05/240/CP - | No Call - in |
| 24. 05/241/CP - | No Call - in |
| 25. 05/242/CP - | No Call - in |
| 26. 05/243/CP - | No Call - in |
| 27. 05/244/CP - | No Call - in |
| 28. 05/245/CP - | No Call - in |
| 29. 05/246/CP - | No Call - in |
| 30. 05/247/CP - | No Call - in |
| 31. 05/248/CP - | No Call - in |
| 32. 05/249/CP - | No Call - in |
| 33. 05/250/CP - | No Call - in |

## **COMMENTING ON APPLICATIONS NOT CALLED - IN BY THE COMMITTEE**

34. It was agreed that comments be made to the Local Authorities on Planning Application No's 05/232/CP, 05/242/CP, 05/243/CP, 05/246/CP, 05/247/CP & 05/250/CP.
35. The Highland Councillors declared an interest and left the room.

36. It was agreed to submit the following comments to Highland Council on Planning Application No.05/232/CP:

The CNPA notes that as a result of its previous comments on an application at the site a tree and plants survey was undertaken. With regard to its natural heritage aim and in line with earlier comments the CNPA would request that careful consideration is given to retention of trees wherever possible on the site.

37. Lucy Grant declared an interest and left the room.

38. It was agreed to submit the following comments to Highland Council on Planning Application No.05/242/CP:

This is a prominent site in the local landscape and with regard to its natural and cultural heritage aim the CNPA would raise concern regarding landscape impact of engineering works required to accommodate any dwelling at this site. While recognising that this is an outline application, should the proposal prove acceptable any future design proposal should be sympathetic to the nearby stone cottages and be submitted with a detailed landscaping scheme.

39. Lucy Grant returned.

40. Alastair MacLennan declared an interest and left the room.

41. It was agreed to submit the following comments to Highland Council on Planning Application No.05/243/CP:

With regard to its cultural heritage aim, and should the proposal prove acceptable, the CNPA would request that a photographic record of the building is taken prior to any works of demolition.

42. Alastair MacLennan returned.

43. It was agreed to submit the following comments to Highland Council on Planning Application No.05/247/CP:

While recognising that the application is in outline form with regard to its natural heritage aim the CNPA notes the prominence of the site and should the proposal prove acceptable a full landscaping scheme should be submitted with any reserved matters application, careful consideration should also be given to the scale and design of any dwelling proposed in detail for the site.

44. The Highland Councillors returned.

45. The Aberdeenshire Councillors declared an interest and left the room.

46. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No.05/246/CP:

With regard to its natural and cultural heritage aim and should the proposal prove acceptable careful consideration should be given to the scale of the dwelling proposed and its relationship with the existing trees around the site which should

be retained wherever possible. A full landscaping scheme should also be submitted for the site.

47. It was agreed to submit the following comments to Aberdeenshire Council on Planning Application No. 05/250/CP:

With regard to its natural and cultural heritage aims the CNPA would request that consideration be given to undergrounding of the telephone line.

48. The Aberdeenshire Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FORMATION OF NEW DWELLING HOUSE AT COULNAKYLE COTTAGE, NETHYBRIDGE (Paper 1)**

49. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. AT advised the Committee that the Applicant had attended the meetings should Members wish to ask questions.

50. The Committee briefly discussed the application and the following points were raised:

a) The possibility of approving the application subject to an occupancy restriction.

51. Bruce Luffman proposed a Motion to Approve the application subject to an occupancy restriction. This was seconded by Marcus Humphrey.

52. David Selfridge proposed an Amendment to approve the application as per the recommendation in the report. This was seconded by Andrew Rafferty.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Duncan Bryden		√	
Stuart Black	√		
Basil Dunlop		√	
Douglas Glass		√	
Lucy Grant	√		
Marcus Humphrey	√		
Bruce Luffman	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean		√	
Sandy Park		√	
Andrew Rafferty		√	
Gregor Rimell		√	
David Selfridge		√	
Joyce Simpson		√	
Sheena Slimon		√	

Richard Stroud	√		
Andrew Thin		√	
Susan Walker	√		
<b>TOTAL</b>	<b>9</b>	<b>11</b>	<b>0</b>

53. The Committee agreed to approve the applications subject to the conditions in the report.

**REPORT ON CNPA CONSULTATION RESPONSE TO ABERDEENSHIRE COUNCIL ON FORMATION OF WIND FARM AT HILL OF SNOWY SLACK, KILDRUMMY, ALFORD (PAPER 2)**

54. The Aberdeenshire Councillors declared an interest and left the room.
55. Andrew Tait presented a paper recommending that the Committee agree the consultation response in the report to be submitted to Aberdeenshire Council.
56. The Committee briefly discussed the consultation response and the following points were raised:
- a) Visual impact from Morven and the Ladder Hills.
  - b) Golden Eagles survey information.
  - c) Impact on hill walking.
  - d) Impact on fieldsports.
57. The Committee agreed the consultation response to be submitted to Aberdeenshire Council, with amendments to comments C & D to include reference to the impact on high value recreational activities such as fieldsports.
58. The Aberdeenshire Councillors returned.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR A VEHICLE HILL TRACK AT DRUMOCHTER LODGE, DALWHINNIE (PAPER 3)**

59. Sheena Slimon declared an interest and left the room.
60. Mary Grier presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
61. The Committee briefly discussed the application and the following points were raised:
- a) The provision of public access to the hill.
  - b) The timescale for the reinstatement of the track.
  - c) That the construction method be agreed prior to any work taking place.
62. The Committee agreed to approve the application for the reasons stated in the report plus additional conditions covering pedestrian access, construction method and reinstatement timescale.
63. Sheena Slimon returned.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AT LANDS SOUTH OF MOORHOUSE AND SOUTH WEST OF BALBEG, BALNESPICK, KINCRAIG (PAPER 4)**

64. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
65. The Committee briefly discussed the application and the following points were raised:
- a) Concern about points raised in the letters submitted by the Applicants.
  - b) The Convenor sending a reply to the Applicants addressing their concerns and offering a meeting between them and CNPA Officials.
66. The Committee agreed to refuse the application for the reasons stated in the report.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR USE OF LAND FOR SITING RESIDENTIAL CARAVAN AT SITE TO EAST OF TOMNAGAUN STEADING, BALNAFETTACH, CROMDALE (PAPER 5)**

67. Neil Stewart presented a paper recommending that the Committee refuse the applications subject to the conditions stated in the report.
68. The Committee briefly discussed the application and the following points were raised:
- a) Was there an agricultural need for 24 hour cover on site.
  - b) The possibility of approving the applications subject to a time restriction.
  - c) Personal circumstances not being a planning consideration.
69. Andrew Rafferty proposed a Motion to approve the applications subject to a 1 year time limit. This was seconded by Lucy Grant.
70. Richard Stroud proposed an Amendment to refuse the application as per the recommendation in the report. This was seconded by Bruce Luffman.
- The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Duncan Bryden		√	
Stuart Black	√		
Basil Dunlop	√		
Douglas Glass	√		
Lucy Grant	√		
Marcus Humphrey		√	
Bruce Luffman		√	
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean		√	
Sandy Park	√		
Andrew Rafferty	√		

GregorRimell	√		
DavidSelfridge		√	
JoyceSimpson		√	
SheenaSlimon		√	
RichardStroud		√	
AndrewThin		√	
SusanWalker		√	
<b>TOTAL</b>	<b>9</b>	<b>11</b>	<b>0</b>

71. The Committee agreed to refuse the application for the reasons stated in the report, and authorised that enforcement procedures be undertaken to remove the caravan within 3 months of the date of the Enforcement Notice.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR REFURBISHMENT & PARTIAL REPLACEMENT OF WATER MAIN AND BREAK PRESSURE TANK, REALIGNMENT OF PART OF ACCESS TRACK & ASSOCIATED WORKS AT GLENEINICH, AVIEMORE (PAPER 6)**

72. Neil Stewart presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.

73. Andrew Thin advised that Mr Wilson, a representative for Scottish Water Solutions, had requested to address the Committee. The Committee agreed the request.

74. Mr Wilson addressed the Committee and questions were invited from members.

75. Andrew Thin thanked Mr Wilson.

76. The Committee briefly discussed the application and the following points were raised:

- a) The reinstatement of tracks after work had been carried out.
- b) The reduction of visual impact.
- c) The need for the upgrading of the pipeline, in terms of additional capacity.
- d) Clarification of the condition of the lower track and sections to be upgraded/reinstated.
- e) The proposals being a significant improvement to the original suggested proposals following early discussions with interested parties.

77. The Committee agreed to approve the application for the reasons stated in the report. In addition clarification on work to the lower track shall be sought and an additional condition requiring the submission of details, imposed if required.

78. Douglas Glass left the meeting.

**REPORT ON CONSULTANT'S REVIEW OF THE COMMENTING & CALL -IN  
PROCESS & A POLICY STATEMENT ON COMMENTING  
(PAPER 7)**

79. Don McKee presented two papers and recommended that the Committee agree the findings and policy statement.
80. The Committee briefly discussed the papers and the following points were raised:
- a) The call -in process appearing to work well.
  - b) The usefulness of commenting to Local Authorities.
  - c) The timing and clarity of the comments submitted to Local Authorities.
  - d) Monitoring of the systems.
  - e) The Local Authorities rarely using the Park aims as reasons for refusal in applications not called -in.
  - f) Comments should have the consensus of the Planning Committee.
  - g) Concern over Members individually raising issues for planning officers to submit comments upon.
81. The Committee agreed the papers.

**REPORT ON CALLED -IN PLANNING APPLICATION FOR REPORT ON CNPA  
CONSULTATION FROM HIGHLAND COUNCIL ON SCOTTISH EXECUTIVE  
CONSULTATION ON A APPLICATION UNDER SECTION 38 OF ELECTRICITY ACT  
FOR PROPOSED WIND FARM AT DUNMAGLASS, STRATHNAIRN, INVERNESS  
SHIRE -  
(PAPER 8)**

82. Don McKee presented a paper recommending that the Committee agree the consultation response in the report to be submitted to the Scottish Executive and copied to the Highland Council.
83. The Committee briefly discussed the consultation response and the following points were raised:
- a) Impact on high revenue recreational activities and possible loss of tourism revenue.
  - b) The distance of the proposed Wind Farm from the Park boundary.
  - c) The importance of wild land adjoining the Park boundary.
  - d) The accuracy of photo montages.
  - e) Impact on fieldsport economy.
84. The Committee agreed to approve the consultation response to be submitted to Highland Council with amendments to include reference to the impacts on high value recreational activities such as fieldsports.

**ANY OTHER BUSINESS**

85. Don McKee advised that, in partnership, Aberdeenshire Council and the CNPA, investigated the formation of a substantial length of unauthorised hill track on Invercauld Estate and Aberdeenshire Council had subsequently issued an Enforcement Notice and a Stop Notice. DM advised the planning officers had checked at the beginning of the week to ensure work had ceased. DM informed



theCommitteethattheCNPAandAberdeenshireCouncilintendedtopursuethis matterfurtherandendeavourtogetthetrackreinstated.

#### **DATEOFNEXTMEETING**

86. Friday17<sup>th</sup> June, Ballater.

87. CommitteeMembersarerequestedtoensurethatanyApologiesfor hismeeting  
aresubmittedtothePlanningOfficeinBallater.

88. Themeetingconcludedat13.35hrs.