
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held within the Royal Jubilee Arms Hotel, Dykehead, Glen Clova on 7th May 2004 at 10.30am

PRESENT

Mr Peter Argyle	Ms Eleanor Mackintosh
Mr Eric Baird	Ms Anne MacLean
Mr Stuart Black	Mr Alistair MacLennan
Mr Duncan Bryden	Mr Gregor Rimmell
Ms Sally Dowden	Mr David Selfridge
Mr Basil Dunlop	Mr Robert Severn
Mr Douglas Glass	Mrs Joyce Simpson
Mr Angus Gordon	Mrs Sheena Slimon
Mrs Lucy Grant	Mr Richard Stroud
Mr David Green	Mr Andrew Thin
Mr Bruce Luffman	Mrs Susan Walker
Mr Willie MacKenna	Mr Bob Wilson

IN ATTENDANCE:

Neil Stewart	Denis Munro
Pip Mackie	Andrew Tait

APOLOGIES:

Mr Andrew Rafferty

WELCOME AND APOLOGIES

1. The Chairman welcomed all present.
2. Apologies were received from Mr Andrew Rafferty.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. There were no matters arising.
4. The minutes of the previous meeting were approved.

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

5. Eleanor Mackintosh declared an interest in Planning Application No. 04/219/CP.
6. Anne MacLean declared an interest in Planning Application No. 04/227/CP.
7. Sally Dowden declared an interest in Planning Application No. 04/230/CP.

PLANNING APPLICATION CALL-IN DECISIONS

8. 04/212/CP - No Call-in
 9. 04/213/CP &
04/214/CP - The decision was to Call-in these applications for the following reason:
 - The proposal is for the conversion and extension of the Monaltrie Hotel which is a listed building sited in a prominent position within the Ballater Conservation Area. The nature and scale of the development and its proximity to the River Dee, a SAC candidate, results in a proposal that may raise issues of general significance to the collective aims of the National Park.
 10. 04/215/CP - No Call-in
 11. 04/216/CP - No Call-in
 12. 04/217/CP - No Call-in
 13. 04/218/CP - No Call-in
- Eleanor Mackintosh declared an interest and left the room.
14. 04/219/CP - No Call-in
- Eleanor Mackintosh returned.
15. 04/220/CP - No Call-in
 16. 04/221/CP - No Call-in
 17. 04/222/CP - No Call-in
 18. 04/223/CP - No Call-in
 19. 04/224/CP - No Call-in
20. 04/225/CP - The decision was to Call-in this application for the following reason:
 - The proposal for 2 chalets and access is outside the existing cluster of buildings at Boultenstone, in a sensitive location, within an area of woodland and appears to be recreation based. As such, the proposal may raise issues of general significance to the collective aims of the National Park.
21. 04/226/CP - No Call-in

Anne MacLean declared an interest and left the room.

22. 04/227/CP - No Call-in

Anne MacLean returned.

23. 04/228/CP - No Call-in

24. 04/229/CP - The decision was to Call-in this application for the following reason:

- The proposal represents a new house in open countryside which may not be justified in terms of land management purposes. This may have the potential to establish a precedent for similar developments in the Park, which cumulatively may raise issues of general significance to the collective aims of the Park.

Sally Dowden declared an interest and left the room.

25. 04/230/CP - No Call-in

Sally Dowden returned.

26. 04/231/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

27. It was agreed that comments be made to the Local Authorities on applications 04/216/CP, 04/221/CP, 04/227/CP & 04/231/CP.

28. The Highland Councillors declared an interest in applications 04/216/CP, 04/221/CP & 04/227/CP and left the room.

29. The Committee agreed to submit the following comments to the Highland Council on application 04/216/CP;

The scale, height and design of the house should be more in-keeping with houses on either side of the site.

30. The Committee agreed to submit the following comments to the Highland Council on application 04/221/CP;

Would comment that the existing welcome signs are removed when the new one's are erected.

31. The Committee agreed to submit the following comments to the Highland Council on application 04/227/CP;

No objection but would re-iterate previous comments:

“The affordable housing element being provided on-site rather than off-site, and they (the Committee) would hope that the layout of the development could be designed/amended to integrate the affordable houses within the other houses to create a mixed residential proposal.”

32. The Highland Councillors returned.

33. The Aberdeenshire Councillors declared an interest in application 04/231/CP and left the room. The Committee agreed to submit the following comments to Aberdeenshire Council;

Timing of works should avoid disturbance to Capercaille's during the breeding season.

34. The Aberdeenshire Councillors returned.

DECISION ON CALLED-IN APPLICATION 04/141/CP FOR A SECOND POWER SUPPLY TO THE TELECOMMUNICATIONS MAST AT TOM A BURICH, ROUGHPARK, STRATHDON (Paper 1)

35. Neil Stewart presented a paper recommending that the Committee note the proposal and raise no objections. NS advised the committee that this proposal has been submitted under the Electricity Act 1989. As there are now to be 2 users of the mast, retrospective consent is required for the existing overhead line. The only new works will be the undergrounding of a second power supply from the end of the existing overhead line to the mast.

36. Richard Stroud raised concerns about the visual impact of the existing line as seen from the A944 and suggested that the part of the existing overhead line, which is visible from the road, could be undergrounded at the same time as the new works are being carried out.

37. NS advised that undergrounding the end of the existing line would be technically difficult, requiring a 3 to 4 metre trench. The Transformer pole would have to remain above ground and there would be associated above ground equipment e.g. cabins.

38. David Green commented that by undergrounding the end of the existing line a high standard would be set for the whole National Park.

39. Peter Argyle suggested that no objections be raised to the proposal but to make comment that as much of the existing line should be undergrounded as possible.

40. Comments were agreed to be submitted which would state that the Committee has no objections to the proposal but it would be preferable to underground as much of the existing overhead line as possible to reduce the visual impact when viewed from the A944. The principle of under-grounding lines within the CNPA should be one which is always considered as a first option.

DECISION ON CALLED-IN APPLICATION 03/052/CP FOR CONSTRUCTION OF FOOTBRIDGE AT ALLT DHAIDH MOR BURN, MAR LODGE ESTATE (Paper 2)

41. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated.
42. Richard Stroud raised concern that the replacement bridge could only accommodate pedestrians and therefore any vehicles attempting to access the land could lead to the fording of the burn. He asked if a condition could be imposed restricting vehicular access beyond the burn.
43. NS advised that to impose such a condition may not be competent in terms of reasonableness and enforceability. Emergency services vehicles may require access to the land further to the west. NS will, however, seek clarification from the Estate on the fording issue.
44. Duncan Bryden asked if the old bridge is to be removed and the vehicle track re-instated.
45. NS advised that conditions could be included to incorporate these points.
46. Sue Walker advised that proper management of the proposal needs to be agreed between SNH and Mar Lodge Estate.
47. Bob Wilson recommended that the proposal be supported as health and safety issues may arise if the bridge is not built.
48. The application was agreed subject to the conditions stated in the report, plus additional ones relating to the removal of the old bridge and reinstatement of the redundant length of existing track.

DECISION ON CALLED-IN APPLICATION 04/076/CP FOR TEMPORARY SITING OF ACCOMMODATION UNITS AT LAIRIG GHRU, MAR LODGE ESTATE (Paper 3)

49. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated.
50. The Committee sought clarification on details of the scheme including helicopter routes, toilet and grey water arrangements. NS advised on these details.
51. Sue Walker raised concern over the condition that the re-instatement of the site should be carried out within a 2 month time period from the works end. She indicated that this may not be practical due to the time of year the re-instatement would be taking place and advised that the condition could be amended to include “or as agreed by the CNPA”. Sue Walker also asked if a condition could be imposed requiring a method statement to be submitted.
52. NS advised that conditions could be amended to reflect these points.
53. David Green pointed out that the design of the portacabin could be looked at for future proposals.
54. Richard Stroud queried if there were any alternatives to the portacabin accommodation and Basil Dunlop asked if it could be ensured that workers would not take their dogs onto the site.
55. NS advised that the alternatives to the units were either the use of tents or for workers to walk in every day to the site. He also advised that the issue of dogs is a management

issue but that the Estate could be advised of the concern in a covering letter. This letter could also make reference to the design issue.

56. The application was approved subject to the conditions stated in the report, amendments to include details of generator/oil storage facility, condition 5 regarding the time scale, and an additional condition regarding the method statement.

DECISION ON CALLED-IN APPLICATION 04/087/CP FOR ALTERATIONS TO AND EXTENSION OF STEADING AT ROAD END, BALLIEWARD, GRANTOWN-ON-SPEY (Paper 4)

57. Andrew Thin advised the Committee that Les Hunter, the agent for the application, wished to address the Committee.
58. The Committee agreed to this request.
59. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated.
60. Les Hunter addressed the Committee and questions were invited from the Members.
61. David Green enquired as to the material being used for the perimeter fencing.
62. Les Hunter advised that post and wire fencing had already been constructed.
63. NS advised that if the fencing were taken down it would have to be replaced by dry stone dyking.
64. The Committee welcomed the efforts that the applicant and their agents had made in accommodating some of the committee's concerns and approved the application subject to the conditions stated in the report.

SCOTTISH PLANNING POLICY (SPP) PLANNING FOR RURAL DEVELOPMENT: PUBLIC CONSULTATION (Paper 5)

65. Denis Munro presented an amended paper which takes account of the Committee's previous comments.
66. Bruce Luffman commented that bearing in mind 40% of the National Park is covered by designations, a more flexible/innovative approach to allocating land for development should be considered in Paragraph 3.
67. Sue Walker commented that, under paragraph 7, an amendment should be made to ensure that mechanisms are provided to ensure that affordable housing is provided for the long term/ in perpetuity. SW also noted that a previous paragraph relating to sustainable design/energy efficiency should be reinstated.
68. Richard Stroud noted that Paragraph 8, line 2, should read, "Registered 'Social' Landlords."
69. Basil Dunlop commented that Paragraph 8 should suggest that Forestry Commission Sites remote from existing communities/services/infrastructure may not be appropriate for affordable housing sites.
70. Following discussion the above amendments were agreed.

**SCOTTISH PLANNING POLICY (SPP) 17 PLANNING FOR TRANSPORT:
CONSULTATION ON DRAFT (Paper 6)**

71. Denis Munro presented a paper and sought approval of recommendations 1 and 2.
72. Susan Walker proposed a motion that recommendation 1 be amended to include reference to consultation with the CNPA. This was seconded by Bruce Luffman.
73. Basil Dunlop proposed that this amendment should be included in recommendation 2; this was seconded by Sheena Slimon.

The vote was as follows;

NAME	MOTION (Inclusion in Recommendation 1)	AMENDMENT (Inclusion in Recommendation 2)	ABSTAIN
Peter Argyle		✓	
Eric Baird	✓		
Duncan Bryden	✓		
Stuart Black		✓	
Sally Dowden	✓		
Basil Dunlop		✓	
Douglas Glass		✓	
Angus Gordon		✓	
Lucy Grant	✓		
David Green	✓		
Bruce Luffman	✓		
Willie McKenna		✓	
Eleanor Mackintosh	✓		
Alastair MacLennan	✓		
Anne MacLean	✓		
Gregor Rimmell		✓	
David Selfridge	✓		
Robert Severn		✓	
Joyce Simpson	✓		
Sheena Slimon		✓	
Richard Stroud	✓		
Andrew Thin		✓	
Susan Walker	✓		
Bob Wilson	✓		
TOTAL	14	10	0

74. The motion was supported 14 votes to 10 and as such the decision was to include the amendment in recommendation 1.
75. The Paper was subsequently agreed on this basis.

ANY OTHER BUSINESS

76. Duncan Bryden asked about the current situation regarding the applications, called-in by the CNPA for various developments at the Aviemore Highland Resort (AHR). This request was made in the context of recent articles in the press.
77. For clarification Andrew Thin advised the Committee that the developer of the AHR had issued press statements expressing significant concern about the fact that the CNPA has called-in the applications, and that this was going to cause considerable delays to the development. Andrew Thin invited Planning Officer Neil Stewart to advise the Committee of the current situation.
78. Neil Stewart advised that The Highland Council had requested further information from the applicants on three of the called-in AHR applications, prior to the CNPA calling them in. NS informed the Committee that this request for information has been reiterated to the applicant and that additional information has also been requested from them on their proposals. NS told the Committee that a letter has been received from the applicant stating that the information will be submitted as soon as possible. He advised the Committee that until the information is received the application cannot be progressed towards determination.
79. Head of Communications for the CNPA, Daniel Alexander, advised that a briefing statement has been prepared and that this will be circulated widely.
80. After some discussion, the Committee agreed that the briefing statement should be circulated as widely as possible, and that Andrew Thin should consider sending a letter to the developer regarding the situation.
81. Sue Walker raised the issue of the Standards Commission and the fact that guidance has now been received which allows the Committee to provide comments and consultation responses on planning applications not Called-in by the CNPA. She considered that this should be publicised.
82. Chief Executive Jane Hope agreed to write to the Local Authorities regarding this matter and Daniel Alexander is to consider ways in which to advise the press of this situation.

DATE OF NEXT MEETING

83. Friday 21st May, Dinnet Village Hall, Dinnet.
84. Andrew Thin advised that both he and Peter Argyle will be absent from the next Planning Committee and therefore Eric Baird is to stand in as Chairman.
85. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.