
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at Albert Hall, Ballater on 9th January 2009, at 10.30am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Geva Blackett	Ian Mackintosh
Duncan Bryden	Anne MacLean
Jaci Douglas	Alastair MacLennan
David Green	Andrew Rafferty
Drew Hendry	Gregor Rimell
Marcus Humphrey	Richard Stroud
Bruce Luffman	Susan Walker
Mary McCafferty	

IN ATTENDANCE:

Don McKee	Andrew Tait
Mary Grier	Hilary MacBean
Marie Duncan	Julie Millman

APOLOGIES:

Dave Fallows	Lucy Grant
Fiona Murdoch	Bob Kinnaird

AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present and wished all a Happy New Year. Gregor Rimell (Highland Councillor for the Strathspey and Badenoch ward) was introduced and welcomed as a new board member.
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, 24th December 2008, held at the CNPA offices in Ballater and Grantown on Spey were approved subject to amendment of removing of Mary McCaffertys name from those present.
4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

5. Andrew Rafferty declared an indirect interest in Planning Application 08/438/CP.
6. Marcus Humphrey & Bruce Luffman declared an interest in Planning Application No. 09/001/CP.
7. David Green declared an indirect interest in Item No. 6 on the Agenda.
8. Willie McKenna declared an indirect interest in Item No.7 on the Agenda
9. Jaci Douglas and Anne MacLean declared an interest in Item No.10 on the Agenda.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Andrew Tait)**

- 10.08/434/CP - No Call-in
11.08/435/CP - No Call-in
12.08/436/CP - No Call-in
13.08/437/CP - No Call-in
14.08/438/CP - The decision was to call-in the application for the following reason :

- The proposal involves the conversion of traditional steading buildings and the relocation of an existing farm enterprise to an adjacent location. The proposed development raises issues with regard to building conversion and design, landscape impact and issues in relation to social and economic development. The site is also within and adjacent to a number of environmental designations. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.

- 15.08/439/CP - No Call-in
16.08/440/CP - No Call-in
17.08/441/CP - No Call-in
18.08/442/CP - No Call-in

19.08/443/CP - The decision was to call-in the application for the following reason :

- The proposal is for a large nursing home on land that is allocated by the Badenoch and Strathspey Local Plan as amenity woodland immediately adjacent to the A9. The proposal raises issues with regard planning policy in the existing local plan, landscape issues and also issues with regard to the social and economic development of the local community. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.

Marcus Humphrey and Bruce Luffman declared an interest and left the room.

20.09/001/CP -

No Call-in

Marcus Humphrey and Bruce Luffman returned.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

21. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/435/CP, 08/439/CP, 08/442/CP & 09/001/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.

AGENDA ITEM 6:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF A DWELLING HOUSE AND THE ERECTION OF AN AGRICULTURAL BUILDING ON SITE TO THE NORTH OF MAINS GLENCARVIE, STRATHDON. (PAPER 1)

22. Duncan Bryden advised members of an additional letter from the applicant and on an extract from the Section 75 agreement which was circulated at the applicants request.

23. Mary Grier, Planning Officer, presented a paper recommending that the Committee approve the application subject to the completion of the S.75 legal agreement previously required in May 2008.

24. Duncan Bryden informed members that the Applicants (Mr & Mrs Taylor) were present but did not wish to answer questions. He also advised members to focus their considerations on the 2 strands of the S.75 agreement relevant to this case rather than a wider S.75 discussion.

25. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Concerns over the S. 75 and development of policy.
- b) Concerns over the potential restriction of inheritance.

- c) Clarification of the letter from the National Farmers Union (NFU) and implications.
 - d) The possibility of amending the terms of a S. 75 agreement in the future.
 - e) Clarification of whether or not criteria alone would meet the terms of the policy.
 - f) The possibility of the objective being achieved without the 2 strands.
 - g) Potential Board meeting to discuss concerns may be arranged.
26. The Committee discussed the application and the following points were raised:
- a) Clause 4:1 of the Section 75 regarding farming.
 - b) The difference between Local Authorities in their approach to the use of S. 75's.
 - c) The issue of S. 75 not being an achievable contract.
 - d) Consideration of consistency in approach across the CNP when using S.75's.
 - e) Concerns that S. 75 is not working within the Park with regards to agreements not being completed.
 - f) The issue of CNPA encouraging rural business rather than restricting it.
 - g) Confirmation of compliance with policy.
 - h) Clarification of practise taking the 2 strand approach in S.75's.
 - i) Issue of looking into history of S. 75 and the guidance and protocol notes required for a future debate on the issue.
 - j) Clarification of S.75 references in the CNP Deposit Local Plan.
 - k) Discussion on the benefits S.75 involvement in preventing sporadic development that is not linked with development needs.
 - l) The impact on S.75 agreed on previous applications if amendments are made in the current case.
 - m) Concern regarding ad hoc changes to the CNPA's procedures regarding the use of S.75's.
27. Bruce Luffman proposed a motion to grant outline planning permission subject to an occupancy condition and no section 75 agreement. This was seconded by Alistair MacLennan.
28. Susan Walker proposed an amendment to approve the application subject to completion of the Section 75 legal agreement as recommended in the report. This was seconded by Drew Hendry.
29. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black		√	
Geva Blackett	√		
Duncan Bryden		√	
Jaci Douglas		√	
David Green		√	
Drew Hendry		√	
Marcus Humphrey	√		
Bruce Luffman	√		
Mary McCafferty		√	
Willie McKenna	√		
Eleanor Mackintosh	√		
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan	√		
Andrew Rafferty	√		
Gregor Rimell		√	
Richard Stroud		√	
Susan Walker		√	
TOTAL	8	11	0

30.The Committee agreed to approve the application subject to the recommendations stated in the report.

31.Duncan Bryden advised members that a discussion on Section 75 would be scheduled.

AGENDA ITEM 7:

**REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF A FOREST ACCESS TRACK ON LAND 1.5KM NORTH OF ROTHMURCHUS, AVIEMORE.
(PAPER 2)**

32.Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application for the reasons stated in the report.

33.Mary Grier recommended that an additional condition be included regarding track edge reinstatement.

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

- a) Clarification on Paragraph 6 and the benefit of reference to Forestry Commission Scotland’s Guidance with regards to the conditions.
- b) Clarification on Paragraph 2 on the construction process for the proposed new track within the winter months.

- c) Concerns over the most appropriate season to begin construction to avoid damage and the need to contact the Heritage & Land Management for specific advice on this.
 - d) Clarification on red squirrel protection in relation to the suggested months for construction.
 - e) Clarification of wood ant nest which was identified and procedures to be put in place to avoid damage during construction.
 - f) Concerns that further wood ant nests will exist and the implications for the construction process and the need to protect the nests. Agreed to address the issue through an advice note.
 - g) Confirmation that temporary warning signs would be removed from the site afterwards.
 - h) Clarification on the best practice for tree felling around protected trees.
 - i) The inclusion of some extra conditions regarding signage of works and edge reinstatement.
35. The Committee agreed to approve the application subject to the conditions stated in the report. Members agreed to delegate amending conditions to Mary Grier.

AGENDA ITEM 8:

**REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING HOUSE AND ERECTION OF REPLACEMENT HOUSE AND GARAGE AT FESHIE COTTAGE, FESHIE BRIDGE
(PAPER 3)**

36. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
37. Duncan Bryden advised members Leslie Hunter (Architect) was present but did not wish to address the Committee formally but was available for questions.
38. The Committee discussed the application and the following points were raised:
- a) Members agreed this application was an excellent replacement.
39. David Green congratulated Leslie Hunter on what had been achieved on this application.
40. The Committee agreed to approve the application subject to the conditions stated in the report.

AGENDA ITEM 9:

**REPORT ON CALLED-IN PLANNING APPLICATION ERECTION OF BUILDING AS ANIMAL FEED AND EQUIPMENT SHOP, SITING OF STORAGE CONTAINER AND ALTERATIONS TO ACCESS AT LAND ADJACENT TO PUBLIC ROAD AT CLURY CROFT, DULNAIN BRIDGE.
(PAPER 4)**

41. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application for the reasons stated in the report.
42. The Committee discussed the application and the following points were raised:
- a) Clarification of the actual type & appearance of the building up for approval in the application.
 - b) Concerns over the lack of drawings and plans.
 - c) Concerns over the failure rate of similar business and the implications if this fails.
 - d) Applying a condition in case of failure with regards to the future use of the building and grounds.
 - e) Concerns over the lack of amenities for staff and customers.
 - f) Concerns over the use of portaloo and its appearance.
 - g) Clarification on the need for the container and concerns over the appearance.
 - h) The possibility of making the building larger so no container is needed.
 - i) In the event that the building will have amenities, drainage or heating another application will be submitted.
 - j) Specifications of proposed external colour finishes.
 - k) Clarification on the range of items sold within the business and concerns over the displacement of established businesses in Grantown on Spey and surrounding areas.
 - l) The inclusion of a condition to tidy and improve the appearance of the site.
 - m) Concerns over accessibility and road safety with regards to heavy road traffic and pedestrian use.
 - n) The support for general principle of the proposal.
43. The Committee agreed to defer the application subject to further information to be submitted from the Applicant.
- Jaci Douglas and Anne MacLean declared an interest and left the room.

AGENDA ITEM 10:

REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND AS TRAINING AREA FOR MOUNTAIN BIKING INCLUDING CONSTRUCTION OF TRAILS AND JUMPS AT FREE CHURCH WOOD, GRANTOWN ON SPEY (PAPER 5)

44. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
45. Duncan Bryden advised members that Piers Voysey (Agent) and Basil Dunlop (Chairman of the Anagach Woods Trust) was present but did not wish to address the Committee formally but were available for questions.

46. Hilary MacBean stated that there was a formal objection from Trunk Roads, therefore a notification to Scottish Government is necessary and it is not possible to grant permission today.
47. The Committee discussed the application and the following points were raised:
- a) The proposal meeting objective of the Local Plan.
 - b) Concerns over overuse of trunk road layby for parking.
 - c) Notification to the Scottish Government over the conflict of use of layby's.
48. The Committee agreed to refuse the application for the reasons stated in the report.
49. The Committee were invited to ask questions of Piers Voysey and the following points were raised:
- a) Clarification of numbers of potential users for the site.
 - b) Concerns over leakage onto more sensitive areas of the forest.
 - c) Concerns on Health & Safety issues and the use of signs.
 - d) Clarification of use of interpretation panels and communication within the group of users regarding Health & Safety.
 - e) The need to seek advice on access officers.
50. The Committee agreed to be minded to Grant Full Planning Permission for the use of land as training area for mountain biking, including construction of trails and jumps at Free Church Wood, Grantown-on-Spey, subject to a Notification of the application to the Scottish Government in terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 and subject to conditions
51. Duncan Bryden thanked Piers Voysey.
Jaci Douglas and Anne MacLean returned.

**AGENDA ITEM 11:
REPORT ON CALLED-IN PLANNING APPLICATION ERECTION FOR
CONSTRUCTION OF PASSING PLACE AT U220, 250M SOUTH EAST OF SPEY DAM,
LAGGAN, NEWTONMORE
(PAPER 6)**

52. Hilary MacBean, (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
53. Duncan Bryden advised members an approved application would only go ahead on the presumption that the Beauldy-Denny electricity transmission line receives consent (condition 2)
54. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of the application causing conflict with the CNPA's position on Pylons within the park.
 - b) Clarification of conditions 1 and 2.
 - c) The possibility of refusing application based on CNPA's aims
 - d) The possibility of deferring the application

- e) Clarification on the due process of the application.
55. Gregor Rimell advised members that he had been asked on behalf of the Laggan Community Association to report their overall strong objections and request that it be refused to the board.
 56. Don McKee informed members that no consultation response had been received back from the Laggan Community Association stating this objection.
 57. Don McKee advised members that they should treat the application based on its merits as it was technically competent .A refusal must be substantive in planning terms.
 58. The Committee agreed to approve the application subject to the conditions stated in the report.

AGENDA ITEM 13 ANY OTHER BUSINESS

REPORT ON TIMETABLE FOR LOCAL PLAN INQUIRY (PAPER 7)

59. Duncan Bryden advised members a short paper had been circulated to members for information.
60. Don McKee gave an overview of Paper 7, Timetable for Local Plan Inquiry on behalf of Murray Ferguson, Head of Visitor Services and Recreation.
61. Don McKee advised members that within the past few days the Reporters Unit had found 2 reporters who are available from May 09 bringing the date for the Local Plan Inquiry forward from August 09 to May 09.
62. Don McKee advised members he would be communicating updates to relevant and interested parties with details after confirmation with reporters.
63. Duncan Bryden informed members Bruce Luffman is leaving the board to take up position as Monitoring & Planning Enforcement Officer on the 16th February 2009.

AGENDA ITEM 14 DATE OF NEXT MEETING

64. Friday 23TH January 2009 at 10:30am, Community Hall, Boat of Garten
65. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
66. The meeting concluded at 13:10hrs.