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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** UPDATE REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT

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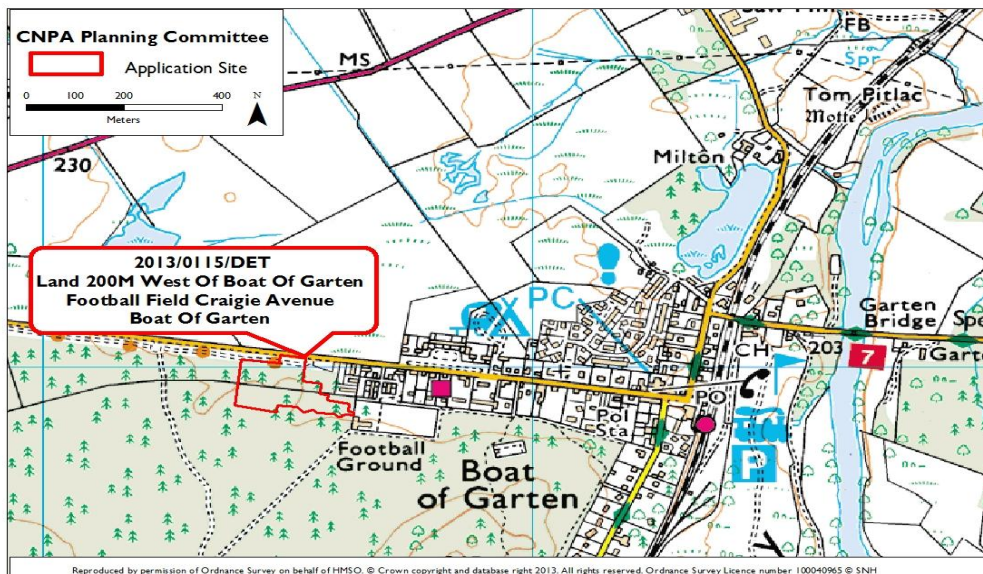
**DEVELOPMENT PROPOSED:** PLANNING PERMISSION FOR THE ERECTION OF 30 HOUSES, 2 HOUSE PLOTS, ASSOCIATED ROADS AND FOOTWAYS ON LAND 200 METRES WEST OF BOAT OF GARTEN FOOTBALL FIELD

**REFERENCE:** 2013/0113/DET

**APPLICANT:** DAVALL DEVELOPMENTS, AVIEMORE

**DATE CALLED-IN:** 15 APRIL 2013

**CONSIDERED:** 21 JUNE 2013



**Fig. 1 - Location Plan Grid reference: 293490 818950**

### PURPOSE OF REPORT

1. The purpose of this report is to update members on progress with this application which was considered at the June 2013 meeting of the CNPA Planning Committee. At this time it was agreed to delegate the application to

officers to approve subject to conditions and to the following matters being resolved:

(1) An appropriate legal agreement being concluded with landowners, developers and the CNPA to ensure that the complete package of mitigation measures of riverside dog walking provision, management of woodlands outside site and screening (both temporary during establishment of vegetated screening and provision of permanent vegetation screening) are implemented before occupation of the first house on the site

(2) Provision of a revised landscape plan to show suitable planting within the site (including where possible retention of some existing trees) and management and maintenance of sufficient woodland around the site to minimise the risk of windblow and ensure that an appropriate woodland setting is retained. Full details of maintenance and implementation of landscaping to be provided.

2. The full report, appendices and minutes of the meeting are available on the following web link: <http://cairngorms.co.uk/park-authority/planning/planning-papers?meetingID=844>

## UPDATE

3. Following the Committee decision the applicant's agents were advised of the requirement for points 1 and 2 of the Committee decision to be resolved before consent was issued. Progress on these two points is summarised below.

### Legal Agreement:

4. The applicants and their solicitors sought to explore alternatives to a Section 75 legal agreement to achieve the desired outcome of securing mitigation on land out with the applicants' control and provided a draft document in December 2013 which was not considered to meet the requirements of the Committee decision.
5. In January 2014 the applicants agreed to the preparation of a Section 75 legal agreement. Following provision of title deeds and agreement on costings, a finalised draft was provided by the CNPA solicitors (building on earlier work by the applicants' solicitors) in March 2013. Discussion is ongoing on the final detail of this agreement and it is anticipated that finalisation and thereafter signature by all interested parties (developer, landowner and CNPT) is imminent

### Landscape Plans

6. Initial landscape information was submitted in November 2013. Following ongoing discussion with CNPA staff, the applicants and their agents, revised

satisfactory plans and maintenance/management agreements were agreed at the beginning of April 2014.

7. During the time period when the legal agreement and landscape plans were being discussed progress has been made on the provision of information to discharge the “suspensive” planning conditions which will be attached to the decision notice when it is issued. Satisfactory information to address the majority of the suspensive conditions has now been agreed so that when any decision notice is issued the developers should be able to start on site quickly.

#### Conclusion

8. In conclusion, progress has now been made on the outstanding matters with this application, with the landscape information agreed and Section 75 legal agreement moving towards finalisation and signature, following which the decision notice will be issued.

**Katherine Donnachie**

**24 April 2013**

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