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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Village Hall, Braemar  
on 12th August 2005 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Duncan Bryden  
Sally Dowden  
Basil Dunlop  
Douglas Glass  
David Green  
Bruce Luffman  
Willie McKenna

Anne McLean  
Alastair MacLennan  
Sandy Park  
David Selfridge  
Joyce Simpson  
Sheena Slimon  
Richard Stroud  
Andrew Thin  
Susan Walker

### IN ATTENDANCE:

Don McKee  
Mary Grier

Andrew Tait  
Pip Mackie

### APOLOGIES:

Angus Gordon  
Lucy Grant  
Marcus Humphrey  
Eleanor Mackintosh

Andrew Rafferty  
Gregor Rimell  
Bob Wilson

### WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Lucy Grant, Marcus Humphrey, Eleanor Mackintosh, Andrew Rafferty, Gregor Rimell & Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 29th July 2005, held at The Lecht Ski Centre were approved subject to amendments to Items 50, replace the word "refused" with "declined"; after the words "The Convenor informed Members that he had just been informed..." the inclusion of "...although the applicant had previously advised that they did not wish to speak..."; Item 59, to include "This was seconded by Richard Stroud".
4. There were no matters arising.

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

5. Sally Dowden declared an interest in Planning Application No. 05/360/CP and Item 7 on the Agenda.

## **PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Mary Grier)**

6. 05/346/CP - No Call-in  
7. 05/347/CP - No Call-in  
8. 05/348/CP - No Call-in
9. 05/349/CP - The decision was to Call-in this application for the following reason:
- The development represents the formation of a residential unit in an area that is identified in the Badenoch and Strathspey Local Plan (1997) as a Restricted Countryside Area. The proposal therefore raises issues in relation to housing in the countryside and it could also set a precedent for further development of this nature in the vicinity. As such the proposed development is viewed as being of general significance to the aims of the National Park.
10. 05/350/CP - No Call-in  
11. 05/351/CP - No Call-in  
12. 05/352/CP - No Call-in  
13. 05/353/CP - No Call-in  
14. 05/354/CP - No Call-in  
15. 05/355/CP - No Call-in
16. 05/356/CP &  
05/357/CP - The decision was to Call-in these applications for the following reason:
- The development proposal involves the demolition of a commercial facility within the village of Braemar and it is therefore of general significance to the aims of the National Park, and in particular the fourth aim, to promote sustainable economic development in the area's communities.
17. 05/358/CP - No Call-in  
18. 05/359/CP - No Call-in

19.05/360/CP - Sally Dowden declared an interest and left the room.  
The decision was to Call-in the application for the following reason:

- The development proposal relates to a substantial recreation facility within the Aviemore Highlands Resort area and in close proximity to Craigellachie Nature Reserve. The proposed development by reason of its nature, scale and location is considered to be of general significance to the aims of the National Park, in particular to the preservation of the natural heritage of the area, the promotion of the enjoyment of the area by the general public, and the social and economic development of the area.

Sally Dowden returned.

20.05/361/CP - No Call-in

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

21. It was agreed that the planning officers submit comments to the Local Authorities on Planning Application No's 05/348/CP, 05/352/CP & 05/355/CP.

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR THE ERECTION OF COVERED KART TRACK AT SITE OF FORMER DRY SKI SLOPE, AVIEMORE CENTRE, AVIEMORE (PAPER 1)**

22. Sally Dowden declared an interest and left the room.
23. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
24. The Committee discussed the application and the following points were raised:
- a) That a letter should be sent to the Applicant stating that information that had been requested 18 months ago was still not forthcoming and that this situation was not good enough.
  - b) Clarification about the reasons for refusal.
  - c) Concern that the application could not be fully assessed whilst requested information had not been submitted by the Applicant.
  - d) The possibility of adding an Advice Note to the Decision Notice intimating that the refusal of this permission shows no presumption to the refusal of future applications.
  - e) The suggestion of the inclusion of an ice rink in any new proposal.
  - f) The possibility of deferring the application for a further period to allow the Applicant to make the submissions which had previously been requested.
25. Bruce Luffman proposed a Motion to refuse the application for the reasons stated in the report. This was seconded by Douglas Glass.

26. Basil Dunlop proposed an Amendment that the application should be deferred for a further period to allow the Applicants to make the submissions previously requested. This was seconded by Willie McKenna.

The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Stuart Black	√		
Duncan Bryden	√		
Basil Dunlop		√	
Douglas Glass	√		
David Green	√		
Bruce Luffman	√		
Willie McKenna		√	
Anne MacLean	√		
Alastair MacLennan		√	
Sandy Park	√		
David Selfridge		√	
Joyce Simpson	√		
Sheena Slimon	√		
Richard Stroud	√		
Andrew Thin	√		
Susan Walker	√		
<b>TOTAL</b>	<b>13</b>	<b>4</b>	<b>0</b>

27. The Committee agreed to refuse the application for the reasons stated in the report and the inclusion of an Advice Note to the Decision Notice stating that the refusal of this permission shows no presumption to the refusal of future applications.

### ANY OTHER BUSINESS

28. Andrew Tait informed Members that the Applicants for the appeal against the Aviemore Fence had submitted a proposal to landscape 1 ½ metres either side of the fence, with indigenous species, for the fences entire length. He advised that if Members wished they could accept this proposal and withdraw, or vary the Enforcement Notice, however, the Enforcement Notice had been issued for a range of reasons, not just landscape concerns. AT advised that Members should let the Enforcement Notice stand and await the Reporters decision. Members agreed to let the Enforcement Notice stand and await the Reporters decision.

29. Joyce Simpson raised concern that other areas in the Strath may have wished for an Ice Rink to be built in their community, however, they were dissuaded from applying for planning permission as they were informed that this facility would be available within Aviemore. As this now appeared not to be the case, could this issue be investigated in the CNPA Local Plan and the possibility of funding be discussed with the CNPA Economic & Social Development Group. Don McKee confirmed that these issues could be investigated.

30. Richard Stroud stated that Curling was part of the cultural heritage of the Park and could the CNPA possibly discuss funding issues for this activity with SportScotland.
31. Sandy Park raised the issue of the proposed Pylons entering the CNP.
32. Andrew Thin informed members that as yet no planning application had been submitted for this development. AT advised Members of the CNPA's statements in March and September 2004 advising that the CNPA would prefer if the route was completely outwith the Park and that the issue of undergrounding must be thoroughly investigated. AT advised that once an application had been submitted CNPA staff would need time to carefully assess the proposal and arrange site visits etc., therefore, it would probably be towards the end of the year before a paper was brought before the Committee. AT advised that although the CNPA was not a statutory consultee, dialogue was ongoing between the CNPA and various groups including the Applicants, Local Authorities and Campaign Groups. AT advised that until a planning application had been submitted for the development and a paper brought forward to the Committee, the CNPA could not comment upon the proposal as if a Public Local Inquiry were held in the future the CNPA's consultation procedure could be rigorously assessed.

#### **DATE OF NEXT MEETING**

69. Friday 26<sup>th</sup> August, 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 11:55hrs.