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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held within Duke of Gordon Hotel, Kingussie  
on 13th February 2004 at 10.30am

### PRESENT

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

### IN ATTENDANCE:

Denis Munro  
Neil Stewart  
Gavin Miles

### APOLOGIES:

Mr David Green  
Mr Andrew Thin  
Mr Bob Wilson

### WELCOME AND APOLOGIES

1. The Vice Chairman welcomed all present.
2. Apologies were received from Mr David Green, Mr Andrew Thin and Mr Bob Wilson.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting were approved.

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

4. Lucy Grant declared an interest in Item 60 on the Agenda.
5. Joyce Simpson declared an interest in Item 61 on the Agenda.

6. Stuart Black and Susan Walker declared an interest in Item 46 on the Agenda.

## **PLANNING APPLICATION CALL-IN DECISIONS**

7. 04/044/CP - No Call-in

8. 04/045/CP - No Call-in

Stuart Black and Susan Walker declared an interest and left the room.

9. 04/046/CP - No Call-in

Stuart Black and Susan Walker returned.

10. 04/047/CP - No Call-in

11. 04/048/CP - No Call-in

12. 04/049/CP - The decision was to Call-In this application for the following reason:

- The proposal for a house in this location may be contrary to the Badenoch and Strathspey Local Plan in that the site is situated in an area outwith the settlement boundaries of Nethy Bridge, within an area designated as Restricted Countryside. This may represent further ad-hoc development which encroaches into a countryside area and it may act as a precedent for other similar developments in the immediate locality. The cumulative effect of further residential development in this locality could be detrimental to the natural character and quality of this part of the National Park.

13. 04/050/CP - The decision was to Call-In this application for the following reasons:

- The development of a telecommunications mast has been identified in the agreed Development Control Protocol as one which, by its nature, could be considered to raise issues of general significance to the aims of the Cairngorms National Park. In this instance, the type and location of the development may have visual and landscape impacts when viewed from Newtonmore and the surrounding countryside. The site is also located adjacent to the River Spey, which has Ramsar, SPA, cSAC and SSSI designations. There may be implications for breeding birds and their flight paths in relation to the mast and any related power lines.

14. 04/051/CP - No Call-in

15. 04/052/CP - No Call-in

16. 04/053/CP - No Call-in

17. 04/054/CP - No Call-in

18. 04/055/CP - Withdrawn

19. 04/056/CP - The decision was to Call-In this application for the following reasons:

- The proposal involves works to repair and restore but also formalise a stretch of evolved vehicular track which crosses open

moorland within an area which is part of a National Scenic Area. The route also crosses a small part of the Craig Leek SSSI. The improved routes are to aid access for estate vehicles and for informal recreational uses. As such, there are potential implications in relation to the aims of the National Park and in particular, the first and third aims. These are to conserve and enhance the cultural and natural heritage of the area, and to promote understanding and enjoyment (including in the form of recreation) of the special qualities of the area. In addition works for the formation of vehicle hill tracks are stated, in the agreed Development Control Protocol, as a type which should be considered for call-in.

- 20. 04/057/CP - No Call-in
- 21. 04/058/CP - No Call-in
- 22. 04/059/CP - No Call-in

Lucy Grant declared an interest and left the room.

- 23. 04/060/CP - No Call-in

Lucy Grant returned.

Joyce Simpson declared an interest and left the room.

- 24. 04/061/CP - No Call-in

Joyce Simpson returned.

- 25. 04/062/CP - No Call-in
- 26. 04/063/CP - No Call-in

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

- 27. Richard Stroud and Susan Walker proposed, and the Committee agreed, that Neil Stewart should send positive comments to Aberdeenshire Council for the steps that were being taken to underground electricity cables as part of application 04/054/CP.

- 28. Afternote. The comments which were subsequently sent were as follows:

“In the interests of sustaining the economic and the social development of this rural area and in the interests of safety, the CNPA accepts the principle of this telecommunications mast in this location. Indeed the CNPA wishes to acknowledge the considerable efforts that the applicants and their agents have made in terms of the siting and design of this mast which have significantly mitigated any landscape and visual impacts in this sensitive countryside location.”

## **DECISION ON PLANNING APPLICATION 03/081/CP – INVERCAULD ESTATE, 4 THE KEILOCH, BRAEMAR**

29. Neil Stewart presented a paper recommending that the Committee approve the application subject to Conditions. In the discussion which followed the Members were generally supportive of the proposal but there was concern that the proposed mast would be less acceptable if the surrounding trees were removed. Neil Stewart pointed out that the trees in question were outwith the control of the applicants and it would not be competent therefore to impose a condition requiring the retention of these trees but he had spoken to the Estate who had indicated that they had no intention of removing them. The Committee considered that a more formal arrangement for ensuring the continued presence of the trees was needed and it was agreed that consideration of this application be deferred to a future meeting so that the applicants, and the Estate, could be approached for a commitment in this respect. The most suitable arrangement would be for the applicants to either buy or lease an agreed area of woodland around the site. It was also agreed that as similar issues would arise with mast proposals elsewhere in the Park the draft policy paper which was approved at the previous meeting should be amended to address this issue and also taken into account during pre-application discussions between applicants and planning staff.

### **REVISION OF STANDING ORDERS (Paper 2)**

30. Denis Munro presented the Paper and, in the discussion that followed the following points were agreed:

- That the first sentence of paragraph 10 be amended to make it clear that the objectors are to be given 10 minutes in total.
- That provision be made in paragraph 10 for Community Councils to have a 5 minute speaking opportunity if they wish.
- That the provision for “other parties who are neither applicants nor objectors” be reduced from 10 minutes to 5 minutes speaking time.
- To continue to use the terms Chair and Vice Chair rather than Convener and Vice Convener.

31. There was discussion about the status of Site Visits and whether Members who did not attend site visits would, in consequence, be unable to participate in any subsequent debate and decision. Denis Munro said that during site visits Members were specifically not in “Committee mode” but, rather, were visiting a site to gain familiarity with its characteristics. He did not think, therefore, that non attendance prevented Members from participating in subsequent debate and decision making although it is important that no substantive discussions on a proposal take place at site meetings which should properly be used only to appraise the site. The Committee asked that clarification of this point be sought and reported to a future meeting.

### **PLANNING ENFORCEMENT (Paper 3)**

33. Denis Munro introduced a paper which had been prepared as a general description of the enforcement powers available equally to the CNPA and the constituent local authorities. He referred specifically to the fact that within the planning team there is no provision at present for an Enforcement Officer but the capacity to deal with enforcement issues would be improved after the appointment of a second

Development Control Officer within the next few months. The report recommended that the case for an Enforcement Officer be reviewed at the end of the first year of operation and he thought that if there were a need to address particular problems in the short term it would be possible to rely on the resources and expertise of the constituent local authorities - for which they might make a charge.

34. Page 4 of the report set out the three general principles which would govern the division of responsibility between the CNPA and the local authorities and it would be important to avoid situations where the CNPA and the local authorities were duplicating each others efforts or working at cross-purposes.
35. It was agreed that provision needed to made in the forthcoming local plan for policies relating to enforcement but, as this might take some time, an interim statement should be drafted and brought to a future meeting of the Committee for approval. The interim statement would be publicised to let interested parties know that the CNPA would take firm action against unauthorised development.

#### **ANY OTHER BUSINESS**

36. There was no other business.

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

37. 27th February 2004, The Supper Room, Albert Memorial Hall, Ballater.
38. Committee Members were requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.