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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR INFORMATION

**Title:** UPDATE ON CONCLUSION OF SECTION 75 LEGAL AGREEMENTS ON APPLICATIONS 2014/0390/DET AND 2015/0154/DET

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#### **Purpose**

To update and inform the Committee on the progress of two applications that the Planning Committee have approved subject to the conclusion of legal agreements.

#### **Background**

1. At the meeting on 18 September 2015, the CNPA Planning Committee approved two planning applications subject to conditions and the conclusion of legal agreements. Those applications were:
  - A. 2014/0390/DET, the erection of five houses at Coylumbridge, Aviemore. Approved subject to conditions and a contribution to affordable housing.
  - B. 2015/0154/DET, Application under Section 42 to vary Condition 2 (rate of extraction) (approved under ref: 05/015/CP (05/00008/FULBS)) seeking an uplift in the rate of annual extraction from 50,000T to 150,000T. Approved subject to conditions and securing of a suitable reinstatement bond.
2. Under the CNPA planning service's procedures for the review of applications following Committee decisions, officers would normally have taken a report back to Planning Committee on these applications in March 2016. At the time, we considered this would be unnecessary as through liaison with our legal adviser, Peter Ferguson of Harper MacLeod, we expected the agreements to be signed before that meeting. The S75 agreements have not yet been concluded.
3. We still expect the agreements to be signed soon, but given that we were wrong in our assessment before March and that the agreements are not yet secured, we will now table reconsideration of the applications at the June Planning Committee meeting. If the agreements are concluded before that meeting, the decision notices will issued without return to Planning Committee.

**Gavin Miles**

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