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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at The Albert Memorial Hall on 13<sup>th</sup> July 2007 at 10.30am

### PRESENT

|                 |                    |
|-----------------|--------------------|
| Eric Baird      | Eleanor Mackintosh |
| Stuart Black    | Anne MacLean       |
| Basil Dunlop    | Alastair MacLennan |
| Angus Gordon    | Sandy Park         |
| Lucy Grant      | Andrew Rafferty    |
| Bob Kinnaird    | David Selfridge    |
| Bruce Luffman   | Richard Stroud     |
| Mary McCafferty | Susan Walker       |

### IN ATTENDANCE:

|            |                |
|------------|----------------|
| Don McKee  | Andrew Tait    |
| Mary Grier | Wendy Mitchell |

### APOLOGIES:

|                 |                |
|-----------------|----------------|
| Geva Blackett   | Willie McKenna |
| Duncan Bryden   | Sheena Slimon  |
| Nonie Coulthard | Ross Watson    |
| David Green     | Bob Wilson     |
| Marcus Humphrey |                |

### WELCOME AND APOLOGIES

1. The Vice – Convenor of the Board, Eric Baird, welcomed all present.
2. Apologies were received from the above Members.

### MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 29<sup>th</sup> June 2007, held at the Community Centre, Nethy Bridge were approved with amendments to paragraph 72 to state that while discussing the application, the issue of land use justification was raised and that some members felt that there was a land use reason justified for this application. Members also felt that there should be a further amendment to Paragraph 72 e) to state that there were two planning policies relevant to the

application, one relating to steading conversions and one relating to housing in restricted countryside.

4. There were no matters arising.

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

5. Andrew Rafferty declared an interest in Planning Application No. 07/260/CP & 07/261/CP.

6. Anne McLean declared an interest in Planning Application No. 07/266/CP.

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

7. 07/259/CP - No Call-in

Andrew Rafferty declared an interest and left the room.

8. 07/260/CP - No Call-in

9. 07/261/CP - No Call-in

Andrew Rafferty returned.

10. 07/262/CP - No Call-in

11. 07/263/CP - The decision was to call-in the application for the following reason :

- The proposed development involves the creation of a large pond, and due to the nature of the proposal and the significant scale of the proposed pond, the landscape and natural heritage implications need to be addressed in more detail. The proposal is therefore considered to be of general significance to the aims of the National Park.

12. 07/264/CP - No Call-in

13. 07/265/CP - No Call-in

Anne McLean declared an interest and left the room.

14. 07/266/CP - No Call-in

Anne McLean returned.

15. 07/267/CP - No Call-in

16. 07/268/CP - No Call-in

17. 07/269/CP - No Call-in

18. 07/270/CP - No Call-in

19. 07/271/CP - The decision was to call-in the application for the following reason :

- The application represents new housing in a Restricted Countryside Area, where there is a presumption against new housing unless there is a land management justification. The proposal therefore raises issues in relation to housing in the countryside, the cumulative impact of houses in such areas, and potential landscape and visual impacts. As such the

proposal is seen as raising issues of general significance to the collective aims of the National Park.

- 20.07/272/CP - No Call-in
- 21.07/273/CP - No Call-in
- 22.07/274/CP - No Call-in
- 23.07/275/CP - No Call-in
- 24.07/276/CP - No Call-in
- 25.07/277/CP - No Call-in

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

26. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/262/CP, 07/265/CP, 07/266/CP, 07/267/CP, 07/268/CP, 07/269/CP, 07/270/CP, 07/276/CP & 07/277/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.

## **ANY OTHER BUSINESS**

- 27. Eric Baird advised the Committee that Mary Grier had an item to raise under AOB.
- 28. Mary Grier presented to the Committee proposed conditions for application 07/019/CP which the committee agreed to approve at the 29<sup>th</sup> June Committee. The Committee paused to read the proposed conditions.
- 29. The Committee asked Mary Grier questions on the following points:
  - a) Whether the wording for condition No. 2 was standard wording for this type of condition. Mary Grier responded by advising the committee that this was standard wording for this type of condition.
  - b) That in condition No. 11, there was no reference to moving the footprint of the house back with regards to a flood risk from the adjacent burn. Mary Grier responded by advising the committee that there was little room available on the site to allow for this.
  - c) Concern was raised regarding flooding issues resulting from any bridge building works on the site. Mary Grier responded by advising the Committee that a bridge had already been constructed within the previous planning permission.
  - d) That there was no mention of roofing materials within Condition No. 6. Mary Grier responded by advising the Committee that the condition could be amended with the inclusion of stating that the roofing materials should be of slate.
  - e) The possibility of using an occupancy condition to ensure that the house is occupied by those with a land management justification.
- 30. The Committee discussed the differences of an occupancy condition and a Section 75 Agreement and the consequences of both.
- 31. The Committee agreed the list of conditions with an amendment to condition No. 6 to state that the roofing material should be of slate and with the addition of an occupancy condition to the effect that the "dwelling hereby permitted shall only be occupied by the applicants or someone employed or last employed in a land based business within the National Park".

32. Eric Baird advised the Committee that Andrew Tait had an item to raise under AOB relating to a consultation response for two anemometer masts to the North of Kingussie.
33. Highland Councillors declared an interest and left the room.
34. Andrew Tait conducted a presentation on the proposal recommending that members endorse the consultation response.
35. Andrew Tait advised the Committee that this consultation response was identical in content to the consultation response to previous proposals in nearby locations.
36. The Committee discussed the response and the following points were raised:
  - a) That it should be added to the response that materials should be flown in by helicopter rather than over land, thus reducing unsightly tracks on the ground.
  - b) If materials are to be taken over land that it should be strongly suggested that any marks caused by vehicles be reinstated.
  - c) The extension to the time limit for this anemometer mast compared to previous applications.
  - d) Industry standards for time limits for anemometer masts.
  - e) The need to be consistent with the consultation responses for this with previous responses.
37. The Committee agreed to endorse the consultation response with the addition of requesting that the materials be flown in by helicopter rather than over land and for Andrew Tait to enquire as to the time limits for anemometer masts.
  
38. Eric Baird advised the Committee that he had an item to raise regarding issues raised during previous meetings that he felt required more discussion and perhaps additional training including; Sustainability, design and Section 75 Agreements.
39. Don McKee responded by advising the Committee that there were a number of training sessions being put forward by the Scottish Executive and the CNPA solicitors regarding these issues and he proposed them for sometime in the Autumn to coincide with new Members joining the Board.
40. A number of Members also wished to have training on development contributions. Don McKee responded by advising the committee that this would be possible.
41. Eric Baird reminded the committee that any issues they were unsure about could be also discussed by contacting the planning team.
  
42. Richard Stroud raised an item regarding Planning Enforcement. Don McKee responded by advising the Committee that enforcement had been subject to discussion with the four local authorities and he was aware that a report should be brought before Members in the near future.
  
43. David Selfridge raised an issue regarding retrospective permissions and whether fines can be brought in for retrospective applications after the new legislation comes in. Don McKee responded by advising the Committee that an extra planning fee could be demanded for these types of applications.

44. Don McKee raised an item regarding the Laggan Water Treatment Works applications. He advised the Committee that they were due to come before the Committee at the end of July, however due to the principal objector not being available for that date; the applications were scheduled for the 24<sup>th</sup> August Committee.
45. Basil Dunlop raised an item regarding low flying aircraft in the National Park and wanted to know if there was anything the National Park could do about varying the flying route of these aircraft in the National Park. Don McKee responded by advising that there could be but it wasn't a planning issue.

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

69. Friday 27<sup>th</sup> July 2007, at The Albert Memorial Hall, 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 11:50hrs.