

CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Duke of Gordon Hotel, Kingussie
on 13th September 2013 at 12.45pm

Members Present

Peter Argyle (Vice Convener)

Duncan Bryden

Angela Douglas

Dave Fallows

Katrina Farquhar

Jeanette Gaul

Kate Howie

Gregor Hutcheon

John Latham

Bill Lobban

Eleanor Mackintosh (Convener)

Mary McCafferty

Willie McKenna

Brian Wood

In Attendance:

Murray Ferguson, Director of Planning & Rural Development

Don McKee, Head of Major Projects & Housing

Katherine Donnachie, Planning Officer, Development Management

Fiona Murphy, Planning Officer, Development Management

Fiona Oldroyd, Planning Support Officer

Frances Thin, CNPA Landscape Officer

Lee Murphy, CNPA Legal Adviser, Partner from Harper Macleod LLP Solicitors

Fred McIntosh, Development Support Officer, TEC Services, Highland Council

Apologies:

Fiona Murdoch

Martin Price

Gordon Riddler

Gregor Rimell

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Agenda Items 1 & 2:

Welcome & Apologies

1. The Convenor welcomed all present.
2. Apologies were received from the above Members.

Agenda Item 3:

Minutes & Matters Arising from the Previous Meeting

3. The minutes of the previous meeting, 2013, held at Glenmore Lodge, Glenmore were approved with subject to the following amendment:
 - Para. 20 c): Inclusion of ‘...on the provisional inventory.’
 - Para. 30: Inclusion of: ‘The meeting had previously been scheduled to be held in Glenlivet. However, with the Kingussie housing application (2013/0190/MS) due to be on the agenda, the meeting was moved to within the Kingussie community.’
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
 - Action Point at Para. 23: All outstanding matters were currently with the Applicant.
 - Action Point at Para. 27: The issue of 3D views and design of developments to be raised at the next Developers Forum.
 - Action Point at Para. 29: The conditions attached to Balavil had been investigated and no Section 75 Planning Obligation had been attached to the previous permission in line with Scottish Government policy.

Agenda Item 4:

Declaration of Interest by Members on Items Appearing on the Agenda

6. Duncan Bryden declared an interest in:
 - Item No. 9 (Paper 6) - Direct interest – Member of local Community Council that had already lodged an objection to the application with Highland Council.
7. Dave Fallows declared an interest in:
 - Item No. 9 (Paper 6) - Direct interest – Member of the Highland Council Planning Committee.

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8. Bill Lobban declared an interest in:
 - Item No. 9 (Paper 6) - Direct interest – Member of the Highland Council Planning Committee

Agenda Item 5:

Report on Called-In Planning Application:

Matters Specified in Conditions 1, 2, 5, 10, 11, 16, 18, 27 & 29 of Permission In Principle 09/048/CP relating to Submission of Revised Master Plan, Supporting Information and Details of Formation of Construction Haul Road to A86 Trunk Road, Phase I Housing Layout for 37 Serviced Private Plots and 18 Affordable Dwellings, Trunk Road Access, Site Roads, Drainage, Landscaping and Waste Management; and Variation of Condition 4 to Permit Access from Dunbarry Terrace/Road and Kerrow Drive Network

**At Land to North and East And West Of Dunbarry Terrace and Kerrow Drive, Kingussie
(Paper 1) (2013/0190/MS)**

9. The Convener advised that Members had attended a site visit that morning.
10. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Applicant / Agent – Gary Johnston, Alan Ogilvie. Also in attendance: Russell Gibb of Cameron & Ross; Michael Summers & Michael Scott of Waterman Group; Keith Wood of Highland Landscape Design; Amy Mitchell, Ecologist & Arboriculturist.
 - Representatives of the Community Council – Ailsa Schofield
11. The Committee agreed to the requests.
12. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to a revised landscape plan, a revised Master Plan and Design Code and the conditions stated in the report.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Clarification of why there would be no access to the haul road for non construction traffic. Katherine Donnachie advised that it was so that residents could not access the future phases of development from Dunbarry Road. As the Roads Authority felt that Dunbarry Road could not take any further increase in traffic, apart from the houses proposed in phase I.
 - b) Traffic calming measures on Dunbarry Road being unsuitable for use in adverse weather conditions and therefore the haul road being a viable alternative. Fred McIntosh advised that the traffic calming measures were in place to control vehicle speeds and that it would be a safer environment for all road users in all conditions as far as possible.

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- c) Clarification of the order of the proposed development. Katherine Donnachie advised that the upgrading of the Dunbarry Road junction, 20 mph speed limit and the construction of haul road had to be in place prior to the commencement of the housing development. All traffic calming is required before houses can be occupied and construction road needed before works can start on site
- d) The enforcement measures to ensure all construction traffic uses the haul road. Katherine Donnachie advised that the Developers would be obliged to tell the Contractors to use the haul road and Kingussie residents would be aware of the requirement for construction traffic to use the haul road and inform the CNPA Enforcement Officer of any breaches.
- e) Clarification if a survey of traffic speed had been carried out on Garraline Terrace & East Terrace. Fred McIntosh confirmed that a survey had not taken place.
- f) Concern that 20mph zone could only be introduced where existing speeds averaged 24mph or less and therefore the condition could be impossible to fulfil and could be appealed. Fred McIntosh advised that that a traffic calming zone could not be introduced where speeds averaged greater than 24 mph, but that a 20mph zone could be introduced where average speeds were in the order of 28mph. The nature of Garraline Terrace & East Terrace by its nature encourages lower traffic speed and the 20 mph zone would reinforce this.
- g) Concern that the 20 mph would be difficult to enforce without extra traffic calming measures. Fred McIntosh stated that the advice given included information received from the Highland Council Road Safety team, who had great experience in traffic speed and calming measures.
- h) Concern that there was no requirement for Contractors personal vehicles to use the haul road to access the site. Katherine Donnachie advised that this could be incorporated in Condition 4.
- i) The lack of a carbon reduction plan for the development. Katherine Donnachie advised that a specific plan had not been submitted. However, the Applicant had been referred to the principles of the CNPA Sustainable Design Guide and there was reference to these in the Design Code. She advised that the current application showed the inclusion of photovoltaic panels and that the Applicant could be required to submit further information for the development and how these targets would be achieved in future phases.
- j) A carbon reduction plan including reference to water management, movement of earth materials, construction of housing and demonstrating how it would be reduced over forthcoming phases. Katherine Donnachie advised that some of the information regarding water management was covered in the Construction Method Statement (CMS) and this could be raised with the Applicant.

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14. Gary Johnston & Alan Ogilvie were invited to address the Committee. The presentation covered the following points:
- The process since the Planning Permission in Principle was granted.
 - Meetings held with the Community, Consultees and Planning Officials.
 - The serious approach taken by the Applicant towards the development.
 - Reduction in number of houses from 300 to nearer 150.
 - Access issues – the proposed pedestrian, traffic improvement measures, the haul road and area of land to be offered to the Community / Roads Authority to preclude through access.
 - Landscape Setting – views from Ruthven Barracks, the surrounding woods, planting to be carried out in Phase I.
 - Layout & Design.
15. The Committee were invited to ask questions of the speakers and the following points were raised:
- a) Clarification if a 20 mph limit was being proposed or a 'Twenty's Plenty' scheme which is an advisory scheme and not enforceable. Fred McIntosh responded that it was a 20 mph limit being proposed and the understanding was that this would have the support of the community.
 - b) There being no idea of current average traffic speeds on East Terrace or Garraline Terrace, due to no speed survey having been carried out. If a survey was carried out and speeds found to be in excess of 28mph, then a 20 mph limit restriction cannot be introduced without additional traffic calming measures and therefore the condition could be unenforceable and could be appealed. Fred McIntosh confirmed that 20 mph limit was being proposed and the Roads Authority were confident they could be imposed, subject to public consultation. Katherine Donnachie advised that the wording in Condition 2 could be amended from '20 mph zones' to 20 mph restrictions'. Fred McIntosh concurred that traffic calming measures may be difficult to introduce to East Terrace and Garraline Terrace given the limited width of the road. However, they could be introduced and he hoped the Applicant would be in support of this.
 - c) Who has the right of way going up / coming down the Terrace. Fred McIntosh advised that priority would be indicated by signage and road markings, as at present. Alan Ogilvie advised that the build outs would be on the side of the road for the traffic coming down the hill and therefore they would have to give way. He advised that these should also be visible for Snow Plough operators.
 - d) The number of representations received on the application. Gary Johnston responded that Community views were taken seriously, with Dunbarry Road appearing to be the main issue. The proposals being an improvement on the current situation, even with the additional 55 houses being built. The land being offered to the Community after development had finished, to preclude access to Dunbarry Road from future phases, with all associated costs being covered by the Applicant.

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The Applicants trying to address as many issues raised as possible and to the satisfaction of the Roads Authority, Transport Scotland and the CNPA.

- e) The Affordable Housing being grouped together and had consideration been given to spacing it out throughout the development? Gary Johnston responded that the level of Affordable Housing was above the level currently required by the Scottish Government. He advised that Affordable Housing would be incorporated throughout the different phases of development. However, Affordable Housing providers were looking for compact deliverability. The Applicants were currently in discussion with Highland Council regarding inclusion on the Affordable Housing list.
- f) Clarification why Condition 4 regarding access from Dunbarry Terrace/Road should be lifted. Gary Johnston responded that it had always been preferred that the condition should not be attached to the permission. It was also to enable Phase I of the development to have greater integration with the Community, by not having to travel as far to access Kingussie. The previous Badenoch & Strathspey Local Plan showing access being taken from Dunbarry Terrace/Road. The Applicants working within the guidelines of the CNPA Local Plan and interpreting the rules to fit the development. Alan Ogilvie advised that development economics came into it regarding the servicing requirement and the Phase I Affordable Housing no longer being affordable and therefore would not be taken on by a housing provider.
- g) Clarification if the serviced plots would have a finished standard of road network. Gary Johnston confirmed that all residents would have a finished, adopted standard road outside their house. He advised that the haul road was in place for the development of Phase I, after which it would be developed from the main road up as a principal road into the remainder of the development.
- h) Emergency vehicle access along the haul road. Gary Johnston advised that emergency vehicles would be able to access the site along the haul road.
- i) The Affordable Housing having provision for high speed Broadband and home working. Alan Ogilvie responded that some types of home working could potentially be accommodated in accordance with Highland Council guidelines. Gary Johnston advised that provision would be made for high speed Broadband, but the Applicants could not bring this service to the area.
- j) The responsibility of the Developer to ensure that all Contractors use the haul road to access the site. Gary Johnston advised that it was not an unusual condition and would be incorporated in any contracts awarded. He advised that the Developer would also monitor the use of the haul road. Alan Ogilvie advised that it could be incorporated in the conditions of sale (for self build plots) that all Contractors vehicles use the haul road.
- k) The road capacity of Dunbarry Road and how this is assessed. Michael Summers responded that surveys were carried out in accordance with advice received from Highland Council Roads Authority and Transport Scotland. The junction was surveyed to determine existing traffic flow, including peak times, the vehicle generation of the proposed development was then taken (using similar sized

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operational developments) and input into agreed modelling software which assessed the type of junction (in this case, priority). This was then assessed against ratio flow to capacity criteria. The operational capacity for a standard priority junction was 85% - the worst case level at the Dunbarry Road junction was 19% and therefore lots of spare capacity was available. This information had been submitted to Highland Council, Transport Scotland and a Roads Safety Engineer who all accepted and agreed the junction worked in capacity terms and was an improvement in safety terms.

- l) The level of traffic usage at the moment of Dunbarry Road and the predicted level of usage once the development was in place. Michael Summers advised the surveys were taken in February 2013 and included morning and evening surveys for a period of 3 hours each time. The morning survey had shown a total of 20 vehicles entering Dunbarry Road and 63 vehicles coming out. The evening survey had shown a total of 66 vehicles entering Dunbarry Road and 35 vehicles coming out. The increased usage was predicted to be in the morning, an additional 8 vehicles entering Dunbarry Road and 23 vehicles coming out and in the evening 23 vehicles entering Dunbarry Road and 15 vehicles coming out. The worst case scenario indicated 1 extra vehicle every 2 minutes.
 - m) Querying the time of year that the traffic survey was carried out. Michael Summers advised that the timing was agreed with Highland Council, due to the timescale for the submission of the supporting documents. However, the level of traffic could be trebled and it would still be within capacity for the junction.
 - n) If any provision had been made for a recycling area. It was confirmed this had been assessed by Highland Council at Outline Planning Permission stage. Highland Council felt the development would be best served by an increase in the existing recycling area and the Developers would make a contribution towards this increase, this issue was covered in the Section 75 Legal Agreement.
16. Ailsa Schofield, representative of Kingussie Community Council, was invited to address the Committee. The presentation covered the following points:
- Accepting the principle of development, but concern over the level of housing being proposed and the potential for increase in the future.
 - Agreement that the Affordable Housing is required, but concern that a reasonable proportion will not be allocated to local people.
 - Support for the area designated for economic and community land to be covered by planning conditions, to stop it becoming a further housing site.
 - Concern about the timing of buffer planting for existing residents and a request (should the application be granted) that this be carried out prior to the commencement of construction.
 - Urging the retention of Condition 4.
 - Dunbarry Road being unsuitable to carry further traffic flow and the unenforceability of the proposed 20 mph limit.

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- The number of representations objecting to the use of access from Dunbarry Road.
 - The Committee site visit missing the number of children walking to School and commuter traffic using Dunbarry Road.
 - The CNP Local Plan showing that any access to the site be taken from the A86 – this must be adhered to.
 - Access from Dunbarry Road having significant cost savings to the Developer. The Committee needing to assess if this is a material consideration. The possibility, if approved, of it setting a precedent for future developments.
 - Access should be taken from the A86 and the development progressed up the hill, thereby removing all access issues.
 - The requirement for all construction traffic to use the haul road.
 - Dunbarry Road junction improvements and the additional required land being under the ownership of a third party.
 - The owner of the additional land required for the Dunbarry Road junction not being prepared to release the land for improvements, believing that access to any development should be taken from the A86.
17. Clarification was sought from the Planning Officer on the last point (bullet point 14) raised in the presentation. Katherine Donnachie advised that via the Agent, the CNPA had a lawyer's letter confirming agreement to the improvements. The letter referred to by the Community Council was new information. Eleanor Mackintosh advised that the Committee would proceed on what was held by the CNPA, as this was not the forum to discuss personal circumstances.
18. Clarification was sought if questions were allowed to be put to the owner of the land at Dunbarry Road junction. Eleanor Mackintosh stated that they were not.
19. Katherine Donnachie advised that, after discussion with the CNPA Legal Advisor, there was a recommended planning condition that no works should take place on site until after the junction improvements had taken place. If the junction improvements could not happen, the development could not commence.
20. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) The views of residents in the Kingussie Community who had not made a representation on the application and therefore perhaps either supported the application or were ambivalent to it. Ailsa Schofield responded that a number of residents had objected to the previous application (which had been withdrawn) and had wrongly believed that their representation would be carried forward to the current application. The number of representations referred to was 62.
21. The Convener thanked the speaker.

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22. Lee Murphy, CNPA Legal Advisor, addressed the Committee on the following points:
- a) The recommended planning condition that no works should take place on site until after the junction improvements had taken place. If the junction improvements could not happen, the development could not commence. Any new information presented to the Committee regarding the purchase of land at the junction would still be covered by this condition.
23. The Committee discussed the application and the following points were raised:
- a) If the Applicant could not reach a conclusion with the owner of the Dunbarry Road junction land, would the condition still be a reasonable planning condition. Lee Murphy responded that as the condition was proposed on the basis of information provided by the Developer, then it would be a reasonable planning condition in the circumstances.
 - b) The high level of Affordable Housing proposed in Phase 1 and the levels in future phases of development. Katherine Donnachie advised that the S75 sets out the requirement for Affordable Housing and states that if over provision is made in previous phases a reduced number can be provided in subsequent phases, but the overall level for the development must be 25%.
 - c) The access proposed from Dunbarry Road not being suitable.
 - d) If vehicular access to the development was taken via the haul road, it would encourage pedestrians / cyclists to use Dunbarry Road, which would be welcomed. It would also meet targets within the Highland Council Local Transport Strategy.
 - e) The potential for gridlock at Dunbarry Road, if access were taken from it.
 - f) The Transport Assessment not appearing to take account of traffic flow after the build outs were in place on Dunbarry Road.
 - g) The possibility of Dunbarry Road being used for access to Phase 1, then once Phase 2 was built the Dunbarry Road access being closed and all access taken from the haul road. Katherine Donnachie advised that this could be problematic given the proposed layout and the access to the Affordable Housing being taken from Kerrow Drive. It was also not what the Applicants had applied for.
 - h) The conflict between the number of representations objecting to the Dunbarry Road access and Highland Council, Transport Scotland and the Agent's Roads Engineers professional view that access could be taken. Should the application be refused and subsequently appealed, the Scottish Government Reporters potentially taking a similar view to the findings of the professional Engineers.
 - i) The need for the landscape and water management to be maintained legally in perpetuity. Katherine Donnachie advised that the water management plan was covered in Condition 10, the plan had to be agreed with various professional bodies and then written confirmation received from the appropriate authorities that they would adopt and maintain the proposed arrangements.
 - j) The need for the water management to cater for any future storm events.

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- k) The need for residents to be made aware at the outset of permitted boundary treatments.
- l) The requirement for the Affordable Housing, in future phases of development, to be dispersed throughout the proposed housing.
- m) The requirement for the development to be carbon neutral and the Developers to provide a plan to show how this would be achieved.
- n) The amount of work undertaken by the Applicant in bringing the application forward.
- o) A requirement for services to be undergrounded. Katherine Donnachie advised that the terms of the Outline Planning Permission also apply to this application and this issue was covered in the previous permission.
- p) A strong recommendation being given by the Planning Officials, supported by Roads Engineers and various other professionals regarding the application.
- q) The need for Condition 4 to be tightened regarding all construction vehicles.
- r) The need for the Applicant to ensure Phase 1 is developed in accordance with the planning conditions, as subsequent Phases will rely on its success.
- s) The traffic safety aspect focussing on the junction. However, it is the whole of Dunbarry Road which is the problem.
- t) The need to ensure that the landscape buffer planting is delivered and the timescale for delivery. Frances Thin, CNPA Landscape Advisor, stated that the planting would be carried out after the ground shaping works were undertaken.
- u) The protection of in-curtilage planting. Frances Thin advised that this was an important part of the development and reference was made to this in the Landscape & Management plan that the Applicant would have to produce.
- v) The possibility of the site being covered by a Tree Preservation Order to protect the in-curtilage planting. Katherine Donnachie advised that the Conditions stated the planting should be maintained and this would have to be monitored by the CNPA Enforcement Officer.
- w) Clarification that Condition 21 removed the permitted development rights regarding boundary treatments. Katherine Donnachie confirmed it did.
- x) The need for lighting in the development to be of minimal impact. Katherine Donnachie advised that a lighting plan was required to be submitted under the Outline Planning Permission.
- y) Would the haul road be reinstated should Phases 2 & 3 not proceed. Katherine Donnachie advised that it may be onerous to require that this happen.

24. The Committee paused for a comfort break.

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25. Bill Lobban proposed a Motion that the application be Refused for the following reason:
The application be refused and that Condition 4 of the existing Planning Permission in Principle 09/048/CP remain on the grounds that the proposed development is contrary to Policy 16(g) (Design Standards for Development) of the Cairngorms National Park Local Plan as it fails to demonstrate that the use of Dunbarry Road will protect the amenity enjoyed by residents of Dunbarry Road and its associated road network.
26. The Motion was seconded by Dave Fallows.
27. Duncan Bryden proposed an Amendment that the application be Approved subject to a revised landscape plan, a revised Master Plan including a strategic Carbon Reduction Plan and Design Code and the conditions stated in the report, subject to the following amendments:
- Condition 2: The amendment of the word ‘zones’ to ‘restrictions’.
 - Condition 8: The inclusion of a legally binding agreement for the management and maintenance of the landscaping.
 - Condition 10: ‘...and shall include written confirmation from the relevant statutory authorities (Scottish Water & Highland Council) and include a legally binding agreement to adopt and thereafter maintain the approved sustainable urban drainage solution in all time coming.’
 - Condition 21: A requirement for the Applicant to inform purchasers of the boundary treatment specifications.
 - Additional Condition: Requiring a construction management plan to detail the measures the Developer will take to ensure that all construction vehicles access the development via the haul road.
28. The Amendment was seconded by Brian Wood.

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29. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Duncan Bryden		√	
Angela Douglas	√		
Dave Fallows	√		
Katrina Farquhar	√		
Jeanette Gaul		√	
Kate Howie	√		
Gregor Hutcheon		√	
John Latham	√		
Bill Lobban	√		
Eleanor Mackintosh		√	
Mary McCafferty	√		
Willie McKenna	√		
Brian Wood		√	
TOTAL	8	6	0

30. The Committee agreed to refuse the application for the following reason:

The application be refused and that Condition 4 of the existing Planning Permission in Principle 09/048/CP remain on the grounds that the proposed development is contrary to Policy 16(g) (Design Standards for Development) of the Cairngorms National Park Local Plan as it fails to demonstrate that the use of Dunbarry Road will protect the amenity enjoyed by residents of Dunbarry Road and its associated road network.

31. **Action Points arising:** None.

Agenda Item 6:

Report on Called-In Planning Application:

Small Scale Run of River Hydro Scheme

At Land 430M North West of Former Kilbo Bothy, Glen Prosen

(Paper 2) (2013/0125/DET)

32. Fiona Oldroyd presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

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33. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of how the materials proposed for the Turbine House will fit in with the rural location. Frances Thin confirmed that it would be constructed of concrete, but the front elevation was to be faced with stone. The Turbine House would also be set into the land form to reduce its visual impact.
 - b) Proposal of an additional condition that in the event of the permanent cessation of energy production that the structures above ground be removed.
34. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendment:
- Additional Condition: In the event of the permanent cessation of energy production that the structures above ground be removed.
35. **Action Points arising:** None.

Agenda Item 7:

Report on Called-In Planning Application: Installation of an Off Grid Micro Hydro Scheme At Hydro Scheme, Fealar Lodge, Glenferbate (Paper 3) (2013/0192/DET)

36. The Convener informed Members that a request to answer questions had been received, within the given timescale, from:
- Applicant / Agent – Andrew Mellor, Agent
37. The Committee agreed to the request.
38. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report , including an additional point in relation to Condition 2 as follows: 'Detailed mitigation measures in relation to protected species as outlined in the report dated 13 August 2013 by Ann-Marie MacMaster'.
39. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The inclusion of 'woodland planting *or natural regeneration*' in Condition 5.
 - b) The amendment of the word 'fencing' to 'protection' in Condition 6.
 - c) The application was in a remote location and it was possible that walkers' experience of the area would be affected to some degree by the new structures. Was there a possibility of the Turbine House being underground? Frances Thin commented that the main impact was on landscape character and not visual impact,

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thereby the aim was to have a building which fitted with other structures already on the Estate.

40. The Committee were invited to ask questions of the Agent. No points were raised.
41. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendment:
- Condition 5: The inclusion of 'woodland planting *or natural regeneration*'.
 - Condition 6: The amendment to '...including *protection* appropriate to the grazing threats...'
 - Additional Condition: In the event of the permanent cessation of energy production that the structures above ground be removed.
42. **Action Points arising:** None.
43. Jeanette Gaul left the meeting.

Agenda Item 8:

Report on Called-In Planning Application:

Construction of a Two Storey Building for the Training of Army Cadets and Air Force Cadets including Car Parking, Pathways, Landscaping, Flagpoles and Services

At Land to the South of Dalfaber Drive and East of the Bowling Club, Dalfaber, Aviemore

(Paper 4) (2013/0209/DET)

44. The Convener informed Members that a request to address the Committee had been received, within the given timescale, from:
- Applicant / Agent – Derek Harris, Agent
 - Representatives of Aviemore Community Council. It was noted that no representatives were present at the meeting.
45. The Committee agreed to the requests.
46. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) The development being welcomed by the Community Council.

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- b) The possibility of other Community groups utilising the building. The Agent confirmed there would be opportunities for other groups to use the building.
- c) Welcoming the significant design changes made by the Applicant through negotiations with the CNPA Planning Officials.
- d) The possibility of fencing off the informal path to the rear of the building, to encourage children to use a safer alternative access. The applicant offered to accommodate such changes.
- e) Confirmation that the upstairs of the building will not be used for private office space.
- f) Advertising required that the building is available for other Community group use.

48. No questions were asked of the Agent.

49. The Convener thanked the Agent.

50. The Committee agreed to approve the application subject to the conditions stated in the report.

51. **Action Points arising:** None.

52. Eleanor Mackintosh queried if Members were content to suspend Standing Orders, due to numbers falling below quorum of 10 Members (9 Members would be present due to declarations of interest) to deal with the final paper.

53. Members confirmed that they were content to suspend Standing Orders.

Agenda Item 9:

Report on Consultation Response to Highland Council:

Erection of Wind Farm Comprising 20 Turbines (110 Metres Max Blade Tip Height) and Associated Infrastructure, Access Tracks and 3 Borrow Pits At Land to East of Beinn Bhreac, Glen Kyllachy, By Tomatin (Paper 5)

54. Duncan Bryden, Dave Fallows & Bill Lobban declared an interest and left the room.

55. Katherine Donnachie presented a report on the consultation and recommended that the Committee agree a response of no objection be submitted to Highland Council.

56. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Clarification of the distance between the existing Wind Farm and the A9. Katherine Donnachie advised it was approximately 4 km and the new turbines would be slightly further away.

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- b) Clarification of the difference between intensifying turbines and significantly increasing the impact of the Wind Farm. Frances Thin advised that the proposed turbines would increase the number of turbines that are seen but not significantly widening the area of landscape affected. The visual impact and impact on landscape character had also been assessed.
- c) The requirement for a comment that Highland Council look at the issue of the intensified impact of the Wind Farm.

57. The Committee agreed that the response of no objection be submitted, with a comment that CNPA had considered the issue of intensification of the impact and recommend that Highland Council also consider this issue.

58. **Action Points arising:** The response to be submitted to Highland Council.

59. Duncan Bryden, Dave Fallows & Bill Lobban returned.

60. Eleanor Mackintosh advised that Standing Orders were reinstated.

61. Kate Howie left the meeting.

Agenda Item 10:

Any Other Business

62. Peter Argyle commented on the amount of time that was taken in Committee considering the detailed wording of conditions. He suggested that should Members wish amendments to be made to conditions that they are notified to Planning Officials prior to the meeting. This would then give the Planning Officials time to prepare wording for potential amendments.

63. Eleanor Mackintosh reminded Members that if they had any queries regarding Planning Papers, they were actively encouraged to contact CNPA Staff to discuss these prior to the Committee meeting. Murray Ferguson confirmed that this was welcomed, but Members were also encouraged to ask any relevant questions at Committee meetings.

64. **Action Points arising:** None.

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Agenda Item 11:

Date of Next Meeting

65. Friday 11th October 2013 at The Lonach Hall, Strathdon.
66. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
67. The public business of the meeting concluded at 16.25.