

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**MINUTES OF THE PLANNING COMMITTEE**

held at The Community Hall, Boat of Garten  
on 16<sup>th</sup> September 2011 at 10.30am

**PRESENT**

Duncan Bryden  
Angela Douglas  
Jaci Douglas  
Katrina Farquhar  
David Green  
Marcus Humphrey  
Gregor Hutcheon

Eleanor Mackintosh  
Ian Mackintosh  
Mary McCafferty  
Willie McKenna  
Gordon Riddler  
Gregor Rimell  
Brian Wood

**IN ATTENDANCE:**

Don McKee  
Andrew Tait

Robert Grant  
Julie Millman

**APOLOGIES:**

Peter Argyle  
Dave Fallows  
Kate Howie  
Allan Wright

**AGENDA ITEMS 1 & 2:**

**WELCOME AND APOLOGIES**

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

## APPROVED COMMITTEE MINUTES

### **AGENDA ITEM 3:**

#### **MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

3. The minutes of the previous meeting, 19 August 2011, held at The Grant Arms Hotel, Grantown on Spey were approved.
4. There were no matters arising.
5. The Convener provided an update on the Action Points from the previous meeting:
  - Action Point at Para. 5: The first meeting took place on 5 September with useful discussion and the next meeting of the Aviemore Design Framework task/finish group will be in October, perhaps in Aviemore.
  - Action Point at Para. 13: An advice note would be attached to the decision notice – this would be discussed later in the Agenda.
  - Action Point at Para 18: Feedback has been given to the Liaison Group regarding the concern at the retrospective nature of some of the works associated with the Beauldy Denny Transmission line.
  - Action Point at Para 27: Action point completed.
  - Action Point at Para 38: Bruce Luffman, Monitoring and Enforcement Officer, had held discussions with Local Authorities on the issue of temporary roadside signage. Bruce Luffman to circulate a note to members regarding this issue.
  - Action Point Para 50-51: The minute of the confidential part of the meeting was circulated to Members who paused to read it. Members agreed the contents of the minute with an amendment, to change the penultimate word to 'are'. The minute was collected from the Members.

### **AGENDA ITEM 4:**

#### **OUTCOME OF ELECTRONIC CALL-IN**

6. The content of the Outcome of the Electronic Call-in held on 2<sup>nd</sup> September 2011 was noted.

## APPROVED COMMITTEE MINUTES

### **AGENDA ITEM 5:**

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

7. Gregor Rimell declared a direct interest in Item No. 8 (Paper 3) on the Agenda, due to being a Highland Councillor and the applicant seeking leasing arrangement with Highland Council.
8. Katrina Farquhar declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to being a friend of the owner of Lecht Ski Centre.

### **AGENDA ITEM 6:**

#### **REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 1 NO. NORDTANK 150KW 32.5M (HUB) HEIGHT WIND TURBINE AT THE LECHT SKI CENTRE, CORGARFF, STRATHDON (PAPER 1) (11/157/CP)**

9. Katrina Farquhar declared an interest and left the room.
10. The Convener informed Members that the applicant, Mr James MacIntosh was available to answer any questions.
11. Members' attention was drawn to additional visuals which would be referred to by the Planning Officer during his presentation.
12. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report together with an additional condition requiring interpretation of the environmental benefits of the turbine for the ski centre building, once the turbine has been in operation for 6 months.
13. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification if the mitigation referred to in Para. 44 of the paper was confined to the footprint area of the turbine and, if it was, could the mitigation be extended outside this area. Andrew Tait said there was potential for this and confirmed that the ecologist had requested that enhancement for this area be looked at.
  - b) Clarification of whether or not the access road to the turbine would be permanent. Andrew Tait suggested that this question could be directed to the Applicant.
  - c) Consideration of the wider site balance of tourist population, operational needs and benefits of generally tidying the site.
  - d) The possibility of tree planting along the road by the workshops to hide snowploughs, etc. Andrew Tait agreed this was a possibility. However, Members should bear in mind the difficult conditions and length of time for tree growth.
  - e) Visibility of the turbine from the approach road affecting wildness aspect. Andrew Tait pointed out that the view was relatively limited for a short stretch from the

## APPROVED COMMITTEE MINUTES

Gairnshiel Road but not prominent. It would be quite visible on the approach to the ski centre. However this view also included the existing ski infrastructure.

- f) The grey colour proposed for the turbine. Andrew Tait confirmed that the colour would be carefully considered and a compromise would be agreed to fit in with the backdrop in summer and winter.
14. The Committee were invited to ask questions of the applicant and the following points were raised:
- a) How the application fitted in with the overall site alongside other proposals and activities and how they could be balanced with quality issues for visitors and workers. The applicant responded that the turf and vegetation would be taken and stored separately and would be replaced on top of the hardcore once construction completed. A small track would be retained for maintenance vehicle access.
  - b) Confirmation that the vegetation works would extend to landscape edging. The applicant confirmed it would and that this would be done by themselves rather than contractors.
  - c) If there were other renewable or sustainable factors being taken into account or if the turbine was a stand alone renewable. The applicant responded that all available renewable systems were considered (including solar roof panels - which were not a viable option) and that the electricity line from Strathdon was not capable of increased capacity. It was stressed that the only other option would be going back to a generator which was not considered to be very 'green'.
15. Duncan Bryden thanked the applicant.
16. The Committee discussed the application and the following points were raised:
- a) Request for the incorporation in the report of the context in terms of pushing forward business viability and the options in terms of the amount of electricity or mitigating renewable means.
  - b) Request for a condition to be included regarding mitigation for the impact of the track, that the vegetation is put to one side, cared for by the applicant and put back to ensure re-vegetation.
  - c) Comment was made that had the ski tows not already been highly visible on the skyline, a different view might have been taken as to whether or not the application would be approved.
17. The Committee agreed to approve the application subject to the conditions stated in the report, together with an additional condition regarding interpretation and an adjustment to Condition 5 that includes more explicit instruction with regard to the reinstatement.
18. **Action Points arising:** Andrew Tait to include an additional Condition regarding interpretation and adjust condition 5.
19. Katrina Farquhar returned.

## APPROVED COMMITTEE MINUTES

**AGENDA ITEM 7:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR USE OF LAND  
FOR SITING 12 MOBILE WOODEN HUTS  
(ROTATIONAL BASIS WITHIN TWO DESIGNATED SITES)  
AT OUTDOOR EDUCATION CENTRE, FESHIE BRIDGE, KINGUSSIE  
(PAPER 2) (2011/0194/DET)**

20. The Convener informed Members that there were no speakers and no additional material.
21. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
22. The Convenor pointed out that it was unfortunate that the application was retrospective.
23. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification of the term 'rotational', and the relocation area. Robert Grant explained that the rotation concept was to cut down on soil compaction issues and that Highland Council Forestry and CNPA internal consultees intimated that the preferred option would be to relocate the huts outwith the woodland onto the green car parking areas should soil compaction become an issue.
  - b) Confirmation that the huts will be moved manually rather than by machine. Robert Grant agreed this was the case.
24. The Committee agreed to approve the application subject to the conditions stated in the report.
25. **Action Points arising:**                      None.

**AGENDA ITEM 8:  
UPDATE REPORT ON PREVIOUSLY DETERMINED PLANNING  
APPLICATION FOR CHANGE OF USE OF BUILDING TO RETAIL AND  
RESIDENTIAL  
AT WALTZING WATERS, MAIN STREET, NEWTONMORE  
(PAPER 3) (11/179/CP)**

26. Gregor Rimell declared an interest and left the room
27. The Convenor explained that this application was previously considered by Planning Committee on 19 August 2011. However a number of issues had since arisen. Don McKee, Head of Planning, presented the report due to Mary Grier being on annual leave.
28. Don McKee presented an update paper recommending that the Committee approve the application subject to conditions stated in the report.

## APPROVED COMMITTEE MINUTES

29. As an update to the report, Don McKee informed Members that work had taken place on the site although a decision notice had not yet been issued. A temporary Stop Notice was served by the Monitoring and Enforcement Officer on 14 September which would be effective until 11 October, giving time to resolve the situation and take account of any decision made today. Discussion had taken place with the applicant and agent who wished the Committee to continue to consider their request in Appendix 2 of the report, but the applicant had now agreed to pay developer contributions and had submitted details of compliance for the suspensive Condition No.'s 4, 5 7, 9 and 10 which covered harling, access, cycle parking, pedestrian access, walls and boundaries for housing, landscaping scheme and proposed a change to the retail elevations.
30. A variety of plans had recently been submitted which would render the application acceptable and comply with the conditions of the decision notice if it were issued.
31. It was recommended that Condition 13 be reworded as follows: *'Measures for the prevention of water discharge onto or from the public road shall be submitted to and agreed by the CNPA acting as planning authority in consultation with Highland Council TEC Services and the agreed measures shall be implemented prior to occupation of the development.'*
32. The Committee were invited to ask the Head of Planning points of clarification, the following were raised:
- a) Concern that there had been a lot of movement since the paper was circulated and clarification of any conditions required by CNPA that the applicant didn't wish to comply with. Don McKee responded that the applicant was trying to maintain his request as per Appendix 2 of the report but was being pragmatic in the knowledge that the decision may go with the officer recommendation thus enabling him to continue with the work already started. The applicant had come to an arrangement with the Co-op and Highland Council with regard to handover dates, which explained his urgency of starting works on site without permission.
  - b) Confirmation that the conditions will be adhered to. Don McKee said that after careful consideration, suggestions were made to the applicant and after discussion with the Monitoring and Enforcement Officer it is proposed to vary Condition 13, as set out above. The applicant had submitted details to discharge conditions which would allow for the development to proceed more or less in the form agreed at the meeting in August.
  - c) Issues regarding the purchase of trees and landscaping material. Don McKee confirmed that a landscaping scheme and schedule of planting had been received the day before Committee but couldn't confirm how much of the landscaping materials the applicant had already purchased. CNPA Landscape Officer had agreed that the scheme was broadly acceptable subject to relatively modest changes.
  - d) Arrangements for HGV's accessing the site and unloading. Don McKee advised that there was provision for vehicle access, which although not separate from customer parking, was off-street and Highland Council were happy with the arrangements.



## APPROVED COMMITTEE MINUTES

39. Duncan Bryden advised that there was an opportunity for the applicant to reconsider their position on Policy 21 and SPG on Housing Development in Rural Groups. It was pointed out that as there seemed to be an obvious breakdown of communication on this issue it may well be that an amended application might be presented by the applicant in the future.
40. The Committee agreed to refuse the application for the reasons stated in the report.
41. **Action Points arising:** None

### **AGENDA ITEM 10 ANY OTHER BUSINESS**

42. The Convenor advised that copies of the Main Issues Report and Draft Park Plan had been circulated to Members.
43. The Convenor referred to the hearing, which had recently taken place in Carrbridge, regarding two large wind farm proposals to the north of the National Park, Glenkirk and Tom nan Clach. The Hearing had concluded and the outcome from the Reporter was currently awaited – no timescale given for this.
44. Don McKee gave an update on the housing application at Boat of Garten (08/272/CP). The application had been deferred in January and had been scheduled for determination at the Planning Committee on 14 October 2011. In order for the application to be determined at the October meeting, the applicant was required to submit information regarding capercaillie mitigation measures by 6 September 2011, as of today's date no information had been received on this issue. However, the applicant has stated that they are working on resolving outstanding matters and have advised that the information will definitely be with CNPA to allow the application to go to the 11 November Planning Committee. The Convenor asked Members to note that the application had been delayed despite the Planning Officials best endeavours. However, the application would go to 11 November Planning Committee irrespective of whether or not the required information had been received. Due to the level of public interest in the application, the venue of the Planning Committee may be moved from Grantown on Spey to Boat of Garten.
45. Don McKee gave an update on the TESCO grocery store, Aviemore application and stated that in light of recent publicity it was felt appropriate to comment on the gross misreporting of the situation regarding the Park Authority. The application had been called in at the end of June 2011, since when a number of consultations had been carried out. Architect and Design Scotland (A&DS) Design Review Panel had considered the application on 23 August and had made a number of comments: the formal report had only just been received this week. The applicant had been asked to consider issues raised by A&DS and in some of the other consultation responses. Contrary to what was reported by the press, the CNPA had not been in discussions with the applicant as the report from A&DS had not been formally received until a few days ago. The applicant

## APPROVED COMMITTEE MINUTES

had emailed late on 15<sup>th</sup> September requesting a meeting to discuss the contents of that report. To reiterate, there had been no dialogue with the applicant nor had the applicant been seeking a dialogue until that point. The CNPA were misrepresented as the press had focussed solely on one particular ecological issue. It was emphasised that ecology was just one of a range of items needing to be addressed in the proposed discussion which will include siting, design, drainage, etc. Don McKee advised that there could be no discussion on a live case at this meeting of the Committee but assured Members that the application was being dealt with as professionally and expeditiously as possible and that hopefully CNPA could have discussions with the applicant and make progress that could be incorporated into a report to a meeting possibly in November.

46. Don McKee confirmed it was TESCO's own ecologist that had identified the importance of the site and explained there had been some pre-application discussion with the applicants where suggestion had been made that they carry out a range of work for the site in accordance with conditions on the outline permission, and in that context, they were required to prepare an ecological report which was to be shared with CNPA prior to the submission of the detailed application. That report highlighted the species which was the focus of press interest and the CNPA highlighted works that the applicant might like to undertake with regard to dealing with the ecological issues which they had identified.
47. The Convenor advised Members that the Audit Scotland report which was featured in the media recently is available electronically. Don McKee proposed to email a summary and a link to the document but confirmed that not all of it was relevant to the National Park although there were issues for all involved with planning in the public sector. There were recommendations for Scottish Government, various agencies, 32 councils and the 2 National Park Authorities collectively with regard to making planning more effective. Importantly it recognised that speed of determining applications wasn't the sole factor but that the quality of outcome is also effective.
48. **Action Points arising:** Don McKee to email summary and link to Audit Scotland report.
49. The Convenor advised Members that after the lunch break there would be a presentation by Mr Jason Drummond of Green Highland regarding small scale hydro schemes.

### **AGENDA ITEM 10**

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

50. Friday 14 October 2011 at The Community Hall, Boat of Garten.
51. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
52. The public business of the meeting concluded at 11.55 a.m.