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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE held at Tall nan Ros, Kingussie, on 18<sup>th</sup> September 2009 at 10.30am

### PRESENT

Eric Baird  
Stuart Black  
Duncan Bryden  
Jaci Douglas  
Dave Fallows  
Lucy Grant  
David Green  
Drew Hendry  
Bob Kinnaird  
Mary McCafferty

Willie McKenna  
Eleanor Mackintosh  
Ian Mackintosh  
Anne MacLean  
Alastair MacLennan  
Fiona Murdoch  
Andrew Rafferty  
Gregor Rimell  
Richard Stroud  
Susan Walker

### IN ATTENDANCE:

Don McKee (Left meeting after Paper 4)  
Mary Grier  
Robert Grant

Bill Stewart  
Andrew Tait (Left meeting after Paper 4)  
Marie Duncan

### APOLOGIES:

Peter Argyle  
Marcus Humphrey

Geva Blackett

**AGENDA ITEMS 1 & 2:  
WELCOME AND APOLOGIES**

1. The Convenor welcomed all present.
2. Apologies were received from the above Members and Duncan Bryden advised members David Green would be attending the meeting later.
3. Duncan Bryden advised members that Don McKee (Head of Planning) would be presenting Paper 4 (Item 9) first.

**AGENDA ITEM 3:  
MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING**

4. The minutes of the previous meeting 4<sup>th</sup> September 09 held at Boat of Garten Community Hall were approved subject to removing Stuart Blacks name from declaration of interest.
5. There were no matters arising.

**AGENDA ITEM 4:  
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE AGENDA**

6. Fiona Murdoch declared an interest in Item No. 8 & 10 on the Agenda because she is an anti-windfarm campaigner and may therefore be perceived by the public as having an interest which predisposes the member toward one side of a decision.
7. Lucy Grant declared an indirect interest in Item No. 8 & 10 on the Agenda because she is a member of Laggan Community Association although not party to the objection.

**AGENDA ITEM 5:  
PLANNING APPLICATION CALL-IN DECISIONS  
(Oral Presentation, Andrew Tait)**

8. 09/279/CP - No Call-in
9. 09/280/CP - No Statutory Call-in Powers
10. 09/281/CP - No Call-in
11. 09/282/CP - No Call-in
12. 09/283/CP - No Call-in
13. 09/284/CP - No Call-in
14. 09/285/CP - No Call-in
15. 09/286/CP - No Call-in
16. 09/287/CP - No Call-in
17. 09/288/CP - No Call-in
18. 09/289/CP - No Call-in
19. 09/290/CP - No Call-in

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

20. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/280/CP & 09/284/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.

**AGENDA ITEM 6:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION OF DOMESTIC MICRO-HYDRO TURBINE AND ASSOCIATED WORKS AT SITE NORTH WEST OF MILLTOWN ALLARGUE ESTATE CORGAFF STRATHDON  
(PAPER 4)**

21. Don McKee (Head of Planning) presented a paper on behalf of Hilary MacBean (Planning Officer) recommending that the Committee approve the application for the reasons stated in the report and the revised addendum.
22. Don McKee advised Committee that Condition 10 in addendum is to be revised to add 'and regularly cleaned' after each use of the word 'open'
23. The Committee discussed the application and the following points were raised:
  - a) Agreement that the application is a good proposal.
  - b) Acknowledgment that all concerns have been addressed.
24. The Committee agreed to approve the application subject to conditions.

**AGENDA ITEM 7:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR INSTALLATION OF 4 BOREHOLES FOR GROUND WATER ABSTRACTION AND CONSTRUCTION OF 4 WELL HEAD CHAMBERS, ACCESS TRACK AND ASSOCIATED SITE WORKS AT LAND BETWEEN THE B9152 AND THE RIVER SPEY, AVIEMORE (PAPER 1)**

25. Duncan Bryden informed Members that Roger Knight & Mr Alan Williams (Spey Fishery Board) had requested to address the Committee and that Tim Muir (Scottish Water Solutions) was available for questions. The Committee agreed to the requests.
26. Duncan Bryden advised Committee that an overview of the Spey Fishery Board presentation had been circulated.
  
27. Robert Grant (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
28. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification of the drawing number & flood storage scheme on Page 7 - Par 14.
  - b) Clarification of measuring effect on flow level on Page 8 - Para 23.
  - c) Clarification of the percentage of water to go back into the Spey from extracted amount.
  - d) Clarification of the reason for Condition 10 and rewording to reflect reason.
  - e) Bill Stewart (Planning Manager) suggested rewording of Condition 10 - "Details of the cessation of the water abstraction from Loch Einich shall be submitted to and agreed in writing with CNPA as Planning Authority, within six months of the date of this consent. Thereafter, the agreed cessation process shall be implemented and completed within six months of the Badenoch and Strathspey Water Supply scheme becoming operational, unless otherwise agreed in writing with CNPA as the Planning Authority"
  - f) Concerns on the flooding of the well head chamber.
  - g) Clarification on direct & indirect impacts on Para 23.
  - h) The Development Plan Context.
  - i) Confirmation of how long monitoring will continue after construction and who would undertake monitoring.
  - j) Clarification on erosion & flooding surveys within the environmental statement.
  - k) The impact during construction and effect of cessation of abstraction on Loch Einich.
29. The Committee were invited to ask questions of Tim Muir (Agent) and the following points were raised:
  - a) Clarification of water movement and flow.
  - b) Impact on returning flow and connection to Spey.
  - c) Clarification of Net extraction.
  - d) Clarification on the capacity of the work and reduction levels.
  - e) Estimating effects on managing & balancing demand.
  - f) The history of leakage within the distribution system.
  - g) Concerns on the effect on river level upstream above the river Druie.
  - h) Clarification of the current flow extracted and percentage of annual flow.

- i) The impact on Rothiemurchus fish farm.
  - j) Concerns on additional flooding to Spey tributaries.
  - k) The need for water supply and options appraisals.
  - l) Best Practise and the use of Grey Water Systems.
  - m) The repair on pipes and impact.
  - n) The possibility of extracting from Loch Einich and gravity feeding.
30. Roger Knight, addressed the Committee.
31. The Committee were invited to ask questions of the Roger Knight & Mr Alan Williams and the following points were raised:
- a) Inclusion of a condition taking account of possibility of reducing extraction from the Spey Dam.
  - b) Concerns on the increase on capacity compared to Loch Einich.
  - c) Clarification on Envirocentre investigation on impact.
  - d) Issues regarding returning site to natural state.
  - e) Concerns on the flow reduction and decreased activity and salmon movement.
  - f) Clarification of the number of abstractions within the CNPA boundary.
32. Duncan Bryden thanked the speakers.
33. The Committee discussed the application and the following points were raised:
- a) Guidance on the interaction of the planning decisions with SEPA's responsibilities and a member's suggestion of having guidance prepared.
  - b) The need for further clarification on leakage issues and water levels.
  - c) Exploring different solutions.
  - d) The potential for abstracting water from Spey Dam.
  - e) Clarification that Rio Tinto Alcan own Spey Dam so the dam is outside the control of the applicant.
  - f) The need to assess whether the Spey has enough capacity to support existing and potential new abstractions.
  - g) The Spey Catchment Management Plan steering group was seeking in due course to develop an assessment of hydrological and ecological carrying capacity of Spey catchment.
  - h) The benefits of the boreholes in allowing the Einich catchment to return to natural conditions.
34. Susan Walker proposed a motion to approve the application recommended by the planner including the rewording of Condition 10 to cover the need to produce and implement a plan to the satisfaction of the CNPA to allow the appropriate reinstatement of the infrastructure associated with the Loch Einich supply and pipework. This was seconded by Gregor Rimmel.
35. Alistair MacLennan proposed an amendment to defer the application for further information. This was seconded by Dave Fallows.

36. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird	✓		
Stuart Black	✓		
Duncan Bryden	✓		
Jaci Douglas		✓	
Dave Fallows		✓	
Lucy Grant		✓	
Drew Hendry	✓		
Bob Kinnaird	✓		
Mary McCafferty		✓	
Willie McKenna	✓		
Eleanor Mackintosh		✓	
Ian Mackintosh		✓	
Anne MacLean	✓		
Alastair MacLennan		✓	
Fiona Murdoch		✓	
Andrew Rafferty	✓		
Gregor Rimell	✓		
Richard Stroud	✓		
Susan Walker	✓		
<b>TOTAL</b>	<b>11</b>	<b>8</b>	<b>0</b>

37. The Committee agreed to approve the application subject to the conditions stated in the report and the rewording of Condition 10.

The Committee paused for lunch at 12.30pm

Andrew Rafferty left the meeting.

The Committee reconvened at 13:15hrs

David Green arrived at the meeting.

**AGENDA ITEM 8:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF CHILDREN'S MINI-FUN RIDE AT LANDMARK CARRBRIDGE, FOR LANDMARK FOREST ADVENTURE PARK (PAPER 2)**

38. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
39. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification on design & style of ride and consideration of themes more sympathetic to the location & character.
  - b) Clarification of bat presence on site.
  - c) The importance of Landmarks success.
  - d) Care not to micro manage the operational aspects.
  - e) Consideration of using alternative materials boundary fence and queuing platform.
  - f) Removing the word 'recommended' from Advice Note B to make it more robust.
40. The Committee discussed the application and the following points were raised:
  - a) The inclusion of a condition to ensure that appropriate materials & colours are used on the queuing stand and boundary fence.
41. The Committee agreed to approve the application subject to the conditions stated in the report with an extra condition to cover materials used on fence & queuing stand and an advice note to encourage the applicants to consider adopting the train element of the ride to reflect the forest setting.

Fiona Murdoch declared an interest and left the room.

Mary McCafferty left the meeting.

**AGENDA ITEM 9:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR EXTRACTION AND PROCESSING OF AGGREGATE TO USE IN THE CONSTRUCTION OF UPGRADING AND NEW TRACKS FOR THE BEAULY - DENNY OVERHEAD LINE AT LAND AT FEAGOUR FOREST 1.1KM SOUTHWEST OF FEAGOUR KINLOCH LAGGAN, NEWTONMORE (PAPER 3)**

42. Duncan Bryden advised members a late letter of representation has been circulated and that Mr Ian Spowart and Mr Richard Cook from Scottish Hydro Electric Transmission Ltd (Applicant) were available for questions.
43. Duncan Bryden reminded members that the Beauly-Denny over head line application has not yet been decided and that CNPA determination of this application is not an endorsement of proposal and the formal objection of the CNPA has already been expressed in a public local inquiry.
44. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification of working hours on week days and weekend.
  - b) Concerns on the impact on peat during abstraction.
  - c) The position of the quarry and the impact on the skyline.
  - d) Clarification of rock blasting and crushing operations.
  - e) Concerns on the secure storage of the blasting materials.
  - f) Clarification on distance the materials will travel from site.
  - g) Clarification of Glasgow University Archaeology Study consideration when choosing the site.
45. The Committee discussed the application and the following points were raised:
  - a) Concerns the site is near local Laggan beauty spot.
  - b) Concerns with the dangers of the access point and visibility.
  - c) The impact of blasting & signage on tourism in the area.
  - d) Clarification of alternative sites and logistics.

- e) Noise level concerns.
- f) Issues regarding replacing aggregate and the impact on layers and clarification of the restoration plan.
- g) The advantages of having the quarry close to the proposed Beauly-Denny overhead line site.
- h) The possibility of a noise mitigation plan and inclusion of bunding round the boundary.
- i) Re-planting instead of re-seeding.

46. Dave Fallows proposed a motion to refuse the application. This was seconded by Gregor Rimmel.

47. Lucy Grant proposed an amendment to go with planners recommendation with condition to include adjusting working hours, noise mitigation plan and bunding. This was seconded by Alistair MacLennan.

48. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		✓	
Stuart Black	✓		
Duncan Bryden		✓	
Jaci Douglas	✓		
Dave Fallows	✓		
Lucy Grant		✓	
David Green		✓	
Drew Hendry		✓	
Bob Kinnaird		✓	
Willie McKenna		✓	
Eleanor Mackintosh		✓	
Ian Mackintosh	✓		
Anne MacLean		✓	
Alastair MacLennan		✓	
Gregor Rimell	✓		
Richard Stroud		✓	
Susan Walker		✓	
<b>TOTAL</b>	<b>5</b>	<b>12</b>	<b>0</b>

49. The Committee agreed to approve the application subject to the conditions stated in the report and an additional condition.

Drew Hendry & Ian Mackintosh left the meeting.

**AGENDA ITEM 10:  
 REPORT ON CALLED-IN PLANNING APPLICATION FOR EXTRACTION AND PART PROCESSING OF AGGREGATE TO USE IN THE CONSTRUCTION OF UPGRADING AND NEW TRACKS FOR THE BEAULY-DENNY OVERHEAD LINE AT LAND AT CRATHIE AND 900M WEST OF COUL FARM HOUSE LAGGAN NEWTONMORE  
 (PAPER 5)**

- 50. Duncan Bryden advised members a late letter of representation has been circulated and that Mr Ian Spowart and Mr Richard Cook from Scottish Hydro Electric Transmission Ltd (Applicant) were available for questions.
- 51. Duncan Bryden reiterated to members the CNPAs position with application is the same as in Paper 3.
- 52. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

53. Mary Grier advised members duplication in Condition 4 is to be omitted.
54. The Committee discussed the application and the following points were raised:
  - a) Clarification if extraction will be permanent.
  - b) Confirmation that archaeological sites will be protected.
  - c) The inclusion of noise mitigation plan.
  - d) Changes to working hours on a Saturday morning.
55. The Committee agreed to approve the application subject to the conditions stated in the report and including a condition to include Saturday working hours and a noise mitigation plan.

**AGENDA ITEM 11:  
ANY OTHER BUSINESS**

56. Duncan Bryden reminded members of the pending training event on sustainable design and Robert Grant (Planning Officer) agreed to circulate another e-mail with possible dates in November 2009.
57. Duncan Bryden advised members a sheet had been circulated on behalf of Alison Lax, Planning Officer (Local Plan / Policy) to sign if Supplementary Guidance Papers were required to be sent earlier than proposed.
58. Duncan Bryden informed members they will be advised of a future Planning Aid talk.

**AGENDA ITEM 12:  
DATE OF NEXT MEETING**

59. Friday 10.30am 2<sup>nd</sup> October at Mar Lodge, Braemar.
60. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
61. The meeting concluded at 14:20hrs.