CAIRNGORMS NATIONAL PARK AUTHORITY

APPROVED MINUTES OF THE PLANNING COMMITTEE held at Albert Hall, Ballater on 19 December 2014 at 11.00am

Present

Peter Argyle (Deputy Convenor) Duncan Bryden Paul Easto Gregor Hutcheon John Latham Gregor Rimell Bill Lobban Eleanor Mackintosh (Convenor) Willie McKenna Fiona Murdoch Gordon Riddler Brian Wood

In Attendance:

Murray Ferguson, Director of Planning & Rural Development Simon Harrison, Head of Planning Katherine Donnachie, Planning Officer, Development Management Fiona Murphy, Planning Officer, Development Management Peter Ferguson, CNPA Legal Advisor, Harper MacLeod LLP Alix Harkness, Clerk to the Board Dee Straw, Planning Administration and Systems Officer Matthew Hawkins, Landscape and Ecology Manager Pete Crane, Head of Visitor Services David Clyne, Outdoor Access Manager

Apologies:

Katrina Farquhar Jeanette Gaul Kate Howie Angela Douglas Mary McCafferty Dave Fallows

Agenda Items I & 2: Welcome & Apologies

- 1. The Convenor welcomed all present and advised that a successful site visit to Pannanich Road, Ballater had taken place prior to the Planning Committee meeting.
- 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, 21 November 2014, held at Community Hall, Boat of Garten were approved subject to the following amendments:

- At Para. 28: the addition of 'the Planning Committee commended the work of the Pearls in Peril Project'.
- 4. There were no matters arising.
- 5. The Convenor provided an update on the Action Points from the previous meeting:
 - Action Point at Para. II: Covering letter with Local Development Plan had been submitted.

Agenda Item 4: Declaration of Interest by Members on Items Appearing on the Agenda

- 6. Peter Argyle declared an interest in:
 - Item No. 5 Direct interest Is an Aberdeenshire Councillor and a Marr Area Committee representative who sold the land to the Applicant.
- 7. Gordon Riddler declared an interest in:
 - Item No. 5
 Indirect interest As stated on the Register of Interests on Category 4: Resident of Invercauld Park which is adjacent to the site (as stated on the Register of Interests on Category 4) but has taken particular care only to listen to people's view of the proposed development and has sought advice from relevant officers.
- 8. John Latham declared an interest in:
 - Item No. 5 Direct interest Is an Aberdeenshire Councillor
- 9. Paul Easto declared an interest in:
 - Item No. 5 Direct interest As close relatives live adjacent to the site.
- 10. Duncan Bryden declared an interest in:
 - Item No. 11 Direct interest Was involved in the short-listing and judging of the competition that this resulted in.
- II. Eleanor Mackintosh declared an interest in:
 - Item No. 6 Direct interest Has a non-financial interest in the development of the Distillery and was involved in land negotiation for a separate piece of land.
- 12. Simon Harrison declared an interest in:
 - Item No. 7 Indirect interest Is a resident of Seafield Avenue in Grantown-on-Spey and has played no part in the processing and determination of this application.
- 13. The Convenor advised the Committee that as a result of the unexpected apologies from members who were unable to attend the meeting due to the severe weather conditions, and the interests declared by Members the Committee find themselves below quorum requirements for Agenda Item 5. The Convenor suggested they had an option to suspend Standing Orders.
- 14. The Committee sought advice from Peter Ferguson, CNPA Legal Advisor. Peter's main points were:
 - As per Planning Committee Standing Orders the quorum is 10 Members present;
 - As a result of those having declared a direct interest in Item 5, this leaves a total of 9 Members;

- If the motion to suspend the Standing Orders is taken, the 12 Members present could take part in the vote;
- However, those Members who have declared an interest may wish to decide whether they want to participate in the vote to suspend Standing Orders;
- The CNPA would be safe from challenge should they decide to take the motion to suspend Standing Orders and to suspend Standing Orders at this point in a Planning Committee meeting is acceptable.
- 15. Fiona Murdoch put forward a motion to suspend Standing Orders for the meeting. This was seconded by Gregor Rimell.
- 16. The Convenor noted the Committee's competence to suspend the Standing Order and asked Peter Ferguson to explain a further issue. Peter Ferguson advised:
 - The Standing Orders provides a clause which enables the Planning Committee to suspend them but there is room for interpretation about the nature of the majority required;
 - Where a Member has declared an interest in Item 5, it is entirely up to that individual to decide whether they feel it is appropriate for them to take part in suspending the Standing Orders.
- 17. Following a discussion the Planning Committee agreed that the suspension of the Standing Orders is a separate issue which should have no bearing on the planning application. The Members who had declared an interest all agreed that they were content to take part. The Committee unanimously agreed to suspend Standing Orders for Item 5.
- 18. The Convenor advised that Standing Orders were suspended for item 5.
- 19. Paul Easto, Peter Argyle and John Latham left the room.

Agenda Item 5:

Report on Called-in Planning Application:

Erection of New Bus Depot to include Staff Welfare Facilities, Manager's Office, Fuel Pump and Bus Washing Facility and Erection of 1.8m High Fence and Gates

At Land At Pannanich Road, Ballater, Aberdeenshire (2014/0201/DET) (Detailed Planning Permission)

- 20. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Objector Phil Swan
 - Objector John Burrows
- 21. The Convenor advised Members that in addition the following people were available to answer questions:
 - Agent Jennifer Kennedy of Andrew Cowie Construction
 - Other Interested Parties Joe May, Aberdeenshire Council Environmental Health Officer
- 22. The Committee agreed to the requests.
- 23. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 24. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Does the 1.8 metre fencing surround all of the site? Fiona Murphy advised that it does;

- b) Clarification as to what the surfacing of the car park would be. Fiona advised that hard standing materials would be used;
- c) Who is responsible for the site, Stagecoach or Bluebird Limited? If there is an issue who is it best to approach? Fiona advised the application is limited to the site and this is not something that the Planning Authority can answer as consent will be granted for the land not the party applying.
- d) The land outside the site boundary, who should be contacted for the surrounding area for example the screening at back of application site? Fiona confirmed that this is the responsibility of owner of that site.
- e) Clarification that there is no planning condition proposed for land outside the red boundary of the site. Fiona agreed that this was correct.
- f) Is the application site an allocated site for development? Fiona advised that is in neither the current Local Plan, nor the proposed Local Development Plan.
- 25. Phil Swan and Mr John Burrows were invited to address the Committee and covered the following points:
 - The suitability of the site was given little or no consideration of public opinion, nor was the location of it and the proposed use of the land;
 - As a result of the public meeting in April 2014, Stagecoach did not respond to the community's concerns they just went ahead with the proposal;
 - Stagecoach had not released any of the sites for public consultation;
 - Concerns with Environmental Health and noise for residents;
 - The application has stirred significant public interest with 80% of the public's comments being in opposition of the development;
 - Plea to the Committee to defer the application for a month while the applicant works with community;
 - Reference to Schedule 2 Bad Neighbour Development on page 82 of the 2011 Town & Country Planning, Scotland Act;
 - Concern regarding the proposed development being situated on a flood plain and had sufficient mitigation measures been put in place;
 - The risk of the river level increasing as a result of global warming;
 - The current difficulty for residents and businesses in securing insurance against flooding;
 - Suggestion that an alternative site is found that does not impact on floodplains and which has full community involvement and backing.
- 26. The Convenor thanked the speakers. The Committee discussed the application and the following points were raised:
 - a) The inconvenience that the lighting could have on surrounding neighbours. Fiona advised that this was covered by condition 13 of the report. Concern that the lights going on and off might be more annoying for residents. Fiona advised that the lighting is necessary for reasons of safety. The Agent, Jennifer Kennedy advised that through the night the lights would be lit once an hour when a bus arrives.
 - b) What level of disturbance might the development make? Can an equivalent be described? Mr May advised that it would be similar as to standing next to diesel engines, moving buses and lorries. Would the sound be likely to travel far? Mr May advised that noise is noise and that he was unable to answer the question further.
 - c) Could anything else be done to mitigate against noise? Mr May advised that apart from limiting the time of operation, only good management of the bus depot could help. He added that sound barriers such as acoustic fencing and a gate, could make a difference.

- d) In reference to paragraph 41 of the report, Mr May suggest that they have not raised an objection around the noise of the development. Can reassurance be given that it can be managed? Mr May advised that from an Environmental Health point of view it could. Are there powers that can be evoked once development is in situ should be it cause further nuisance? Mr May warned that once the land use changes to develop a bus depot, this would be taken into account in determining the level of nuisance.
- e) Suggestion made to remove the development site to a place with no houses, an impacts assessment on noise to be carried out and the suggestion of the access point moved elsewhere onto Craigview Road next to the Industrial Estate was given as an example. Mr May advised that it was not an unreasonable proposal and added that he hadn't looked into it.
- f) In Ballater the radon levels through rainfall is 18 times higher than the national average and in winter this is worse on those who smoke. Had this been considered? Mr May advised that the construction standards take this into account and mitigation is built in.
- g) When the depot was in centre of the village there were no objections. However, as it is proposed to be moved why is there now objections? How different will its operations be? Jennifer Kennedy advised that there would be no change to the bus service. The main difference occurs when the buses are being washed with the, washing occurring between the hours 7am and 6pm
- Had alternative access points to the site been considered? Jennifer Kennedy advised that the Aberdeenshire Council Roads Department didn't deem an access from Craigview Road as a suitable access point.
- i) If the Applicant had purchased the site from Aberdenshire Council, could they then go back and seek permission to change the access point? Jennifer Kennedy advised that this would be for the applicant to consider that for themselves.
- j) Could the applicant be given more time to look in to how access to the site can be from Craigview Road? Fiona advised that there is an obligation to consider the application as it stands. Had the Aberdeenshire Council Roads Department come back and said the current access point was not suitable this may have been investigated further. However, as they had not, it had not been deemed necessary
- k) Is the site a Greenfield site? Fiona advised that it is not a Greenfield site; it is a vacant site within the settlement boundary. Had it been a Greenfield site then SEPA may not have withdrawn their objection.
- Concern about flooding and methodology used and a request to have the flood risk assessment re-visited. Fiona advised that CNPA is obliged to take advice from Statutory Consultees and they are content.
- m) Is the site allocated for any purpose and within settlement boundary? Fiona advised that it was not.
- n) In relation to Natura 2000, could it be advised that the development did not pose a negative impact? Matthew Hawkins, CNPA Landscape and Ecology Manager advised that it was felt that the road acted as a barrier and there would not be an issue for the otters.
- o) With regards to 44c of the Report, were Planning Officers confident with this risk? Fiona advised that this risk was to be managed under condition 3.
- p) Is the Aberdeenshire Council Flood Risk Assessment a material consideration for the Planning Authority? Fiona advised that it is.
- q) The existing trees, are they all outside the site boundary? Fiona agreed that they were.

- r) Does the owner own the land outwith the application boundary? Fiona advised that they own only the land within it.
- s) With reference to condition 2 and condition 7, is hard standing materials acceptable where flooding issues are concerned? Fiona advised that different surfaces would be required and that Statutory Consultees on flooding were content with the proposals.
- 27. As the Statutory Consultees appeared to be satisfied with the proposals, Duncan Bryden put forward a **Motion to Approve** the application subject to the exploration of acoustic fencing as a separate condition. Bill Lobban seconded this motion.
- 28. Gordon Riddler put forward an **Amendment to Defer** the application until the next Planning Committee meeting to allow the flood risk assessment to be reviewed. This was seconded by Brian Wood.
- 29. The Planning Committee had a short comfort break at this point.
- 30. The vote was as follows:

Name	Motion	Amendment	Abstain
Duncan Bryden			
Gregor Hutcheon			
Bill Lobban			
Eleanor Macintosh			
Willie McKenna			
Fiona Murdoch			
Gordon Riddler			
Gregor Rimell			
Brian Wood			
Total	7	2	0

31. The Committee agreed to approve the application subject to the conditions stated in the report with the addition of a further condition around the exploration of acoustic fencing.

32. Action Points arising:

Fiona Murphy to create the condition around acoustic fencing.

- 33. Paul Easto, Peter Argyle and John Latham returned to the meeting at this point.
- 34. The Convenor left the room for the discussion on Item 6. The Deputy Convenor managed the meeting for Item 6.

Agenda Item 6:

Report on Called-in Planning Application: New processing building (including additional distillery facilities) replacement bio plant alterations to evaporator and associated plant and landscaping

At Glenlivet Distillery, Glenlivet, Ballindalloch, Moray

(2014/0232/DET) (Detailed Planning Permission)

- 35. The Deputy Convenor informed Members that the following people were present to answer questions:
 - Agent Mark Fresson
 - Applicant Ewen Fraser, Alan Winchestor and Stewart McCartney (Engineer)
 - Moray Council Roads Department Mr Richard Gerring & Mr James Killeen

- 36. The Committee agreed to the requests.
- 37. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to a legal agreement and the conditions stated in the report. Katherine highlighted that a Habitat Regulations Assessment had been undertaken and was attached as Appendix I. She also added the following points:
 - Apologies for the late circulation of Appendix 4 containing a representation which had been fully considered in preparation of the Committee report it had been an oversight that it was not attached originally;
- 38. The Committee were invited to ask the Planning Officer points of clarification, and the following were raised:
 - a) During the temporary construction phase, would the noise at the site be addressed with an Informative? Katherine advised that the planning conditions included a Condition for construction noise and that this was stronger than an Informative;
 - b) Clarity around the last sentence of paragraph 62 requirement "to make a contribution towards improvement... <u>once</u> production begins..." Whereas in conditions I and 2, it states "<u>before</u> production begins" Katherine agreed that at paragraph 62 it should say before and not once;
 - c) In relation to paragraph 64, is this a requirement or is there only a chance that it may be delivered? Katherine advised that it is requirement;
 - d) Concern around when Phase 2 may start? If Phase 2 was to never start, would that then result in no road improvements? Phase I may result in more traffic for distillery. Katherine confirmed that if Phase 2 doesn't happen, there will not be any contribution to the B class road.
 - e) Concern may never get the road improvements and the reasons for delaying them. Katherine advised that it is proportionate and acceptable. Mr Gerring advised that from their point of view it is an acceptable situation. During the construction, any damage made by the construction will be made good. A traffic management plan will appraise the state of the road currently; determine whether the road is in an acceptable condition. Written commitment from the Applicant has been received regarding contribution for phase 2.
 - f) Why wait until Phase 2 to improve the road condition? Mr Gerring advised that the Applicant would not be taking the bi-product from other distilleries therefore there would be some reduction in HGVs until phase 2 proceeded. Is this deemed acceptable and the best possible way? Mr Gerring advised that it was.
 - g) In reference to paragraph 100 of the Report with regard to the financial contribution, how is cost worked out? Could Moray Council be trusted to seek the financial contribution timely? Mr Gerring advised that the starting position was not to recommend the application for approval – however, with a Section 56 agreement, Mr Gerring could see no obstacles to the Council progressing with the works as soon as the money is received.
- 39. The Deputy Convenor thanked the speakers.
- 40. The Committee discussed the application and the following points were raised:
 - a) While expressing support for the principle of the development, some concern was expressed that it was a missed opportunity to create something really special. Was this the case? Katherine advised that the design of the building is appropriate and is a significant improvement on current situation. Katherine added that the landscape and habitat improvements for wading birds make the industrial proposal look good in the landscape. Matthew Hawkins advised that he was comfortable with the proposal as it fits in the landscape and goes a long way to helping us to meet our aspirations and biodiversity targets.

- b) Concern from residents regarding increased noise and light and querying why the lights need to be on all day and night. The Applicant has been slow to respond to these concerns of the residents. Katherine advised that the environmental statement details what will be done. She added that Moray Council Environmental Health is satisfied with the measures being taken. Katherine added that the Applicant is looking at using a combination of LED lightening, low level lighting and down facing lighting. Every effort is being made not just in the new building but in the existing complex too.
- c) Concern around the improvements to the roads only beginning from Phase 2 and the risk that Phase 2 may never happen.
- 41. The Committee agreed to approve the application the conditions stated in the report.
- 42. The Deputy Convenor commended staff for their hard work on the Glenlivet Distillery application which resulted in the determination of it being achieved in 20 weeks. He advised that the Scottish average is 34 weeks for such a major application.

43. Action Points arising: None.

44. The Convenor returned to the meeting at this point and the meeting adjourned for lunch.

Agenda Item 7:

Report on Called-In Planning Application:

Construction of Care Home (Class 8) with associated external areas, gardens, car parking, bin stores, cycle stores, vehicle and pedestrian access and boundary treatments

At Development Northwest Of Seafield Court, Seafield Avenue, Grantown-onspey, Highland

(2014/0296/DET) (Detailed Planning Permission)

- 45. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Agent Douglas McGhee of GH Johnston supported by the Developer and the Architect to answer questions
 - Objector Dr Gordon Bulloch

46. The Committee agreed to the requests.

- 47. Fiona Murphy presented a paper recommending that the Committee approve the application, subject to the conditions stated in the report.
- 48. Dr Bulloch was invited to address the Committee. The presentation covered the following points:
 - In principle support, objections which can be implemented through conditions;
 - Development has 22 car parking spaces and 3 drop-off spaces which doubles as disabled parking is inadequate;
 - Grant House is half this development size and has twice as many car parking spaces
 - The Applicant's Transport Consultant has misreported that there is a lunch club and allows private drop-offs at the day care service at Grant house. Grant house has no lunch club and day care arrive and leave by private bus;
 - Roads and transports guidelines seek minimal requirements not maximum requirements;

- Would the Applicant be willing to put extra parking requirements if required, to avoid on street parking and across neighbours driveways?
- At Paragraph 68, it states that Scottish Water have deemed that the water treatment works is sufficient to accommodate the development. Would prefer this to be a planning condition where satisfying Scottish Water requirements must be applied.
- CNPA Natural Heritage officer had advised that the construction of the development should take place outside bird breeding season, could this be added?
- 49. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) With regards to disabled spaces, if the Applicant were prepared to increase numbers of spaces, how many more would be required? Dr Bulloch advised that is the use of the disabled spaces doubling as drop-off points that is his concern. He could not say how many more would be required.
- 50. Fiona Murphy answered some of the points raised by the speaker:
 - Scottish Water had not objected to the application but not provided a response within the timescale. The issue water-supply works was not a Planning Authority issue.
 - In relation to works taking place out with the bird breeding season, informative number 2 in connection to construction works already covers this aspect.
- 51. The Committee were invited to ask questions of the agent Douglas McGee and the following points were raised:
 - a) Could more parking spaces be accommodated whilst allowing room for manoeuvres? Mr McGee advised that he would have to review the plans – however, he felt that there was the capacity to fit in another 4 to 6 spaces.
- 52. The Convenor thanked the speakers.
- 53. The Committee discussed the application and the following points were raised:
 - a) In relation to paragraph 17 of the Report, the traffic congestion in that area is terrible and the Highland Council should be looking into it. Has anything been done to ease it? Fiona advised that a traffic statement had been compiled;
 - b) Applicant to be commended and hope to see extra parking spaces for the overflow;
 - c) Content with the informative to safeguard the birds during the breeding season;
 - d) This was a very good application which had helped the Planning Officers deal with it in timely fashion;
 - e) A further condition was required relating to additional car-parking spaces;
 - f) Commendation to the objector whose comments were positive, providing options and ideas that can be responded to.
- 54. The Committee agreed to approve the application subject to the conditions stated in the report with the addition of a further condition around the need to provide more carparking spaces.

55. Action Points arising: Fiona Murphy to work up the condition relating to additional car-parking spaces.

Agenda Item 8:

Report on Called-in Planning Application:

Installation Of A Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline - Re-Application

At Field 200M North West Of Inchgrundle, Invermark, Glen Esk (2014/0205/DET) (Detailed Planning Permission)

- 56. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from:
 - Agent Jamie Wallace of Highland Eco Design
- 57. The Committee agreed to the request.
- 58. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 59. Jamie Wallace was invited to address the Committee. The presentation covered the following points:
 - Hydro potential first looked at and there were 7 potential schemes; not all were suitable 3 planning permission applications were being sought for sites that were deemed most appropriate.
 - The 3 Hydro Schemes will provide diversification to help keep jobs secure and provide long term sustainability.
- 60. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) What is the grid connection from this site and the others? Mr Wallace advised that this was still being explored. He added that it could either connect with National Grid or they could consider transmitting the power back down to the estate buildings.
 - b) Would cables or poles be used to transport the electricity? Mr Wallace advised that cables would be used.
 - c) In terms of the design of the Intake, the proposal is to stone- clad elements of the pipe bridge. Would the view of it from the core path not still be rather stark? Mr Wallace advised that it would all be timber clad to hide the steel structure making it resemble a footbridge.
- 61. The Convenor thanked the speaker.
- 62. The Committee agreed to approve the application subject to the conditions stated in the report.
- 63. Action Points arising: None

Agenda Item 9:

Report on Called-in Planning Application: Installation of a Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline - Re-Application At Field 800M North Of Auchronie, Glen Esk

(2014/0206/DET) (Detailed Planning Permission)

- 64. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 65. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Query as to why in the previous application an informative to add an interpretive panel was present? Fiona advised that this was because the development was situated near to a path. Fiona agreed that she would be happy to add this informative if it was felt by the Committee to be necessary. The Committee discussed this and agreed that it was not necessary;
- b) The previous application had a condition related to noise whereas this one doesn't, why was this? Fiona advised that this was based on the advice of the Environmental Health department.
- c) To maximise the peace of the countryside, it would be helpful if noise reduction could take place. Fiona agreed to add this as an Informative;
- d) In the Intake house, had mitigation measures been put in place for safeguarding otters? Matthew Hawkins advised that the inflow pipe would be protected by a grill and the outflow pipe is protected too. He added that details of this had already been received.
- 66. The Committee agreed to approve the application subject to the conditions stated in the report with the addition of an Informative around noise level reduction.

67. Action Points arising:

Fiona Murphy to add an Informative around noise level reduction to the decision notice.

Agenda Item 10:

Report on Called-In Application:

Installation Of A Micro-Hydro Electric Turbine including intake, Turbine House and Buried Pipeline - Re-Application

At Land 80M North Of Shepherd's Cottage, Invermark, Glen Esk (2014/0207/DET) (Detailed Planning Permission)

- 68. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 69. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) What mitigation measures were in place for ensuring shingle banks for breeding waders? Matthew Hawkins advised that compensation planting would take place to make sure that it doesn't overshadow, as they don't like the shade.
- 70. The Committee agreed to approve the application subject to the conditions stated in the report with the addition of an Informative around noise level reduction.

71. Action Points arising: around noise level reduction to the decision notice

72. Duncan Bryden left the room at this point.

Agenda Item 11: Report on Called-In Application: Installation of Viewpoint Feature with Cowled Seats, Path and Minor Lay-by Improvements At Site To The North West Of Allargue House, Corgarff, Strathdon, Aberdeenshire

(2014/0320/DET) (Detailed Planning Permission)

- 73. The Convenor informed Members that no request to address the Committee had been received from applicant.
- 74. Fiona Murphy presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 75. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Concern from several members that the proposed development is unsightly and does not sit well in this high quality landscape.
 - b) From a safety aspect, would headlights of cars cause glare or reflection problems? Fiona advised that the structures would have a matt finish so there shouldn't be a safety concern.
- 76. Pete Crane was invited to explain to the Committee the background to the development. His main points were:
 - The design was as a result of a competition judged by leading architects in their field;
 - The applicant was prepared to reduce the number of structures if required
 - With regards to visibility, tests had been undertaken on site and the structures do not show up at a long distance
 - They have been designed to replicate the existing "standing stone" structure that was installed as an interpretive feature some time ago.
- 77. The Committee discussed the application and the following points were raised:
 - a) How would they age in 20 to 25 years time? Pete advised that they should not age and that they should remain the same during their expected life of 25 years;
 - b) Are the structures sitting in rough grass? Pete advised that this was the case and that better access to the existing stone and the new structures would be created enabling a more open feel to the site. He added that they are also proposing minor upgrading by way of granite steps to make it more of a stopping point;
 - c) Had engineering testing be carried out? Pete said that they had;
 - d) On the other sites was the same design intended? Pete advised that two structures were intended as a result of competitions but the individual designs would be developed for each site.
 - e) Some Members considered that the concept was good and this specific proposal had significant landscape and design merit and was an important project reflecting Scottish Government investment in the Park.
- 78. Peter Argyle put forward a Motion to Refuse the application on landscape and design grounds as it was felt to be an inappropriate set of structures for the setting. Gordon Riddler seconded this motion.
- 79. Eleanor Mackintosh put forward an Amendment to Approve 2014/0320/DET as per the Planning Officers recommendation. This was seconded by Gregor Hutcheon.

80. The Vote was as follows:

Name	Motion	Amendment	Abstain
Peter Argyle			
Paul Easto			
Gregor Hutcheon			
John Latham			
Bill Lobban			
Eleanor Macintosh			
Willie McKenna			
Fiona Murdoch			
Gordon Riddler			
Gregor Rimell			
Brian Wood			
Total	7	4	0

None.

81. The Committee agreed to refuse the application.

82. Action Points arising:

83. Duncan Bryden returned to the meeting at this point.

Agenda Item 12:

Report on Called-In Application: Installation of Replacement Chairlift At Glenshee Chairlift, Braemar, Aberdeenshire (2014/0309/DET) (Detailed Planning Permission)

- 84. Katherine Donnachie presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 85. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) Could a photographic history of the chairlift be added? Katherine agreed to add it as an informative;
 - b) Would the ski centre be open in the summer? Katherine advised that it would.
- 86. The Committee discussed the application and the following comments were made:
 - a) It was great to see reinvestment in Glenshee;
 - b) Recognised the development as an excellent opportunity for tourism.
- 87. The Committee agreed to approve the application subject to the conditions stated in the report with the addition of an Informative around the photographic history of the chairlift being added.

88. Action Points arising: Katherine to include the Informative about photographs for historical purposes to be included in the decision notice.

Agenda Item 13: Report on Called-In Application: Construction of a new aggregate path 857m long and 2m width south west of Aviemore as part of the Speyside Way Extension At Land To North And South of The Cottage, Easter Kinakyle, Aviemore (2014/0242/DET) (Detailed Planning Permission)

- 89. The Convenor informed Members that a request to address the Committee had been received, within the given timescale, from John Grierson of Aviemore Community Council however, as a result of the Met Office Weather warning he had decided not to attend the meeting.
- 90. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 91. The Committee were invited to ask points of clarification:
 - a) Clarification as to what would be in place at the road crossing section in terms of barriers for cyclists. Simon advised that the Roads Department were happy with the proposals described in the paper. Some concern was raised as the road is a 60 miles per hour road. Murray Swapp (Agent) advised that there would be a "Give Way" sign for the public, two sets of warning signage on either side of the crossing point on both sides of the road for cars. It would be a staggered barrier at one side only as the other side doubles up as Scottish Water access point;
 - b) Query regarding why a new path was being proposed? Murray Swapp advised that this as a result of negotiations with Kinrara Estate and was necessary to maintain positive relations.
- 92. The Committee agreed to approve the application subject to the conditions stated in the report.
- 93. Action Points arising: None.

Agenda Item 14:

Report on Called-In Application:

Construct a 2m width 1581m long aggregate path between Mid Kinrara drive and Dalraddy as part of the Speyside Way Extension At Land 50M North East of I Railway Cottages, Dalraddy, Aviemore (2014/0240/DET) (Detailed Planning Permission)

- 94. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 95. The Committee were invited to ask points of clarification:
 - a) Why was the proposal tackling a steep bank instead of using the existing road? Murray Swapp advised that this was a negotiated settlement with the Estate. David Clyne added that while it was recognised as a short steep section it was deemed suitable for its purpose.
- 96. The Committee agreed to approve the application subject to the conditions stated in the report.
- 97. Action Points arising: None.

Agenda Item 15: Report on Called-In Application: Construct a bridge; boardwalk and 1.5km long, 2m width new path section south of the railway in woodland east of Kincraig as part of the Speyside Way Extension At Land 70M North West of Speybank, Kincraig

(2014/0241/DET) (Detailed Planning Permission)

- 98. Simon Harrison presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
- 99. The Committee were invited to ask points of clarification:
 - a) Was the path suitable for horses? Murray Swapp confirmed that it was.
- 100. The Committee agreed to approve the application subject to the conditions stated in the report.

None.

101. Action Points arising:

Agenda Item 16: Any Other Business

- 102. Murray Ferguson advised that the Scottish Government had written to CNPA on day of Committee meeting to extend the period of time they have to consider the Local Development Plan. He advised that they had requested a 56 day period to consider it – i.e. to end of January. He reminded the Committee that originally they had hoped to adopt the Local Development Plan in February 2015 – however, he warned that officers would now need to reconsider that timetable and the implications on some outstanding applications.
- 103.Simon Harrison provided the Committee with an update on the ongoing Appeals at Craggan, near Grantown. He advised that the site visit had taken place and the Applicant had also submitted an Appeal with regards to enforcement. Simon added that the Reporter would consider both the enforcement and planning decision together and, as a result, this may take longer.
- 104.Simon Harrison advised the Committee that a new Prior Notification process had come into force for Private Ways and Tracks through new Scottish Government Regulations. He advised that at the recent protocol meeting with the five Local Authorities he was seeking agreement on how the respective planning authorities could work well together.
- 105.Simon Harrison commended staff for their hard work on the Glenlivet Distillery application which resulted in the determination of it being achieved in 20 weeks. He advised that the Scottish average is 34 weeks for such a major application. The Deputy Convenor congratulated the staff for this achievement.
- 106.Simon Harrison advised that he had emailed the Scottish Government Planning Performance update around Members and that a full report with future plans for service improvement would be brought to the Planning Committee in March 2015.

107. Action Points arising: None.

Agenda Item 10: Date of Next Meeting

108. Friday 16 January 2015 at Community Hall, Boat of Garten.

- 109. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.
- 110. The public business of the meeting concluded at 15.05.