
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Gordon Hotel, Tomintoul on Thursday 20th March 2008 at 10.30am

PRESENT

Eric Baird	Mary McCafferty
Stuart Black	Willie McKenna
Geva Blackett	Eleanor Mackintosh
Duncan Bryden	Ian Mackintosh
Nonie Coulthard	Anne MacLean
Jaci Douglas	Alastair MacLennan
Dave Fallows	Fiona Murdoch
Lucy Grant	Sandy Park
David Green	Andrew Rafferty
Bob Kinnaird	Susan Walker
Bruce Luffman	Ross Watson

IN ATTENDANCE:

Don McKee	Mary Grier
Iram Mohammed	Pip Mackie

APOLOGIES:

Drew Hendry
Marcus Humphrey
Richard Stroud

AGENDA ITEM NO.s 1 & 2: WELCOME AND APOLOGIES

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

AGENDA ITEM NO. 3: MINUTES OF PREVIOUS MEETING AND MATTERS ARISING

3. The minutes of the previous meeting, 7th March 2008, held at The Community Centre, Nethy Bridge were approved with amendments to the following items:
 - a) paragraph 3b – remove the words ‘..too many..’.
 - b) paragraph 35 – in the vote sheet, the total of the ‘Abstain’ column was amended to 1.

- c) paragraph 55 – the decision reflected the need for close community involvement in the restoration plans from an early stage.
 - d) paragraph 99 – Duncan Bryden asked Members for nominees for Planning Vice Convener.
4. There were no matters arising.

**AGENDA ITEM NO. 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON
THE AGENDA**

- 5. Alastair MacLennan declared an interest in Planning Application No.'s 08/088/CP, 08/092/CP, 08/093/CP, 08/094/CP & 08/095/CP.
- 6. Dave Fallows declared an interest in Planning Application No. 08/100/CP.

**AGENDA ITEM NO. 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Iram Mohammed)**

- 7. 08/078/CP - No Call-in
- 8. 08/079CP - The decision was to call-in the application for the following reason :
 - The proposed change of use would appear to result in the potential loss of visitor accommodation. This raises issues in relation to social and economic dev and promoting enjoyment of the park. Consequently, the proposal raises issues of general significance to the collective aims of the Park.
- 9. 08/080/CP - No Call-in
- 10. 08/081/CP - No Call-in
- 11. 08/082/CP - No Call-in
- 12. 08/083/CP - No Call-in
- 13. 08/084/CP - The decision was to call-in the application for the following reason :
 - This is essentially a revised application for the scaling down of the proposal. Although the principle has been established, the application raises issues in relation to the conservation and enhancement of the natural and cultural heritage and the social and economic development of the area. As such it raises issues of general significance to the collective aims of the Park, therefore, in terms of consistence recommend call in.
- 14. 08/085/CP - No Call-in

- 15.08/086/CP - The decision was to call-in the application for the following reason :
- The proposal is linked to a current application which is pending a decision by the CNPA, and constitutes a residential use in a countryside area where development of this nature may require adequate justification in terms of land management purposes. This may have a potential to establish a precedent for similar developments in the National Park, which cumulatively may raise issues of general significance to the collective aims of the Park.
- 16.08/087/CP - No Call-in
- 17.08/088/CP - Alastair MacLennan declared an interest and left the room.
No Call-in
Alastair MacLennan returned.
- 18.08/089/CP - No Call-in
- 19.08/090/CP - No Call-in
- 20.08/091/CP - No Call-in
- 21.08/092/CP - Alastair MacLennan declared an interest and left the room.
No Call-in
- 22.08/093/CP - No Call-in
- 23.08/094/CP - No Call-in
- 24.08/095/CP - No Call-in
Alastair MacLennan returned.
- 25.08/096/CP - No Call-in
- 26.08/097/CP - The decision was to call-in the application for the following reason :
- Although the site is allocated in the B&S Local Plan for new housing, the history of the site and the potential effect of piecemeal development in that area requires a co-ordinated approach and exploration of key issues including that of affordable housing. In light of this combination of factors, it is considered that the proposal may raise issues of significance to the collective aims of the Park.
- 27.08/098/CP - No Call-in
- 28.08/099/CP - No Call-in
- 29.08/100/CP - Dave Fallows declared an interest and left the room.
No Call-in
Dave Fallows returned.

AGENDA ITEM NO. 6:

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

30. The Members wished to make comments to the Local Authorities on the following Planning Application No's 08/078/CP, 08/081/CP, 08/089/CP, 08/091/CP, 08/092/CP, 08/093/CP, 08/098/CP & 08/100/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 NO. 7:

VERBAL UPDATE ON:

ERECTION OF 4180SQM (45000SQFT) SUPERMARKET & CAR PARK, AVIEMORE HIGHLAND RESORT, LAND AT GRAMPIAN ROAD, AVIEMORE (04/120/CP) & MIXED USE MASTERPLAN DEVELOPMENT, AVIEMORE HIGHLAND RESORT, AVIEMORE (07/445/CP)

31. Don McKee advised Members that he had included this item on the agenda as there was a need to update Members and seek agreement to some changes to the original terms of approval following ongoing discussions between the relevant parties since the resolutions were taken on 14 and 28 December 2007. He apologised for circulating revised terms of approval for 04/120/CP and 07/445/CP by e mail the previous day, but discussions with various parties had been ongoing. There were spare copies available for anyone who had not seen them and he would take Members through the various issues. He reminded members that the substantive decisions on 5 applications relating to the AHR site had been taken on 14 December 2007 and the precise terms of these approvals with regard to legal agreements and conditions had been taken on 28 December 2007. Since then CNPA and Highland Councillor officers and solicitors had been in discussion with AHR representatives on the precise terms of any new legal agreement and there had been further legal advice on some of the proposed conditions. He emphasised that CNPA and Highland Council have been making a serious effort with AHR to resolve any outstanding issues and allow the release of all planning permissions, and that CNPA has devoted a significant level of resource to this end and is committed to a successful AHR. He stated that since the original resolutions CNPA had issued the decision notices for the two Tulloch housing applications and for the reserved matters for the 30000sqft supermarket, and that this left those for the outline planning permissions for the 45000sqft supermarket and the AHR masterplan. He informed Members that Highland Council had concluded following analysis of the Traffic Impact Assessment that the larger supermarket would not in itself trigger the need for the North - South link road in the resort in pure traffic terms, but once operational there is every prospect that other development very soon could require the link. Don McKee informed Members that AHR had agreed to sign a Heads of Agreement undertaking to work with others on completing a Section 75 Agreement that will incorporate measures for the link as per the Highland Council resolution of December 2007. These Heads would also include a process for the provision of access to land fronting Grampian Road, currently contained within Condition 2 of 07/445/CP

AHR masterplan. He explained that CNPA solicitors had advised that this would be proper and place this issue on a more defined and sound footing and this provision should move from Condition 2 to the S75. He also advised Members that any permission issued for AHR masterplan would not "kick in" until work commenced on its implementation and AHR would have 5 years in total to do this. This means that Condition 10 of 07/445/CP AHR masterplan in relation to the "fence" would have to be reworded so that it states *prior to commencement of development* rather than *within 30 days of the permission*. Condition 20 of 07/445/CP included the phrase at no cost to the community and solicitors had advised that this was not appropriate. A revised form of wording was suggested that still left CNPA with control over the type, location, timescale and arrangements for delivery of community space. Finally he asked Members to approve the revised terms of approval for 04/120/CP and 07/445/CP and to accept that once the Heads of Agreement were signed CNPA would issue the former.

32. Members discussed the revised conditions and the following points were made:
- a) If the planning permission would have any implications for the legal case regarding the access issue for the fence and if the amended condition was consistent with the current action being taken under the CNPA's access remit.
 - b) Whether the removal of the fence prior to the commencement of development would have any implication for Decision Notices which had been previously issued.
 - c) The timescale for the removal of the fence.
 - d) The triggers to be monitored in order to assess the need for the link road to be constructed.
 - e) The previously signed Section 75 Legal Agreement for an Aviemore Masterplan.
 - f) Clarification of which applications were covered by the term 'prior to the commencement of development'.
 - g) The roads department requiring a Traffic Impact Assessment on an annual basis.
 - h) Clarification of the timescale involved in issuing the planning permissions in relation to the Heads of Agreement and Section 75 Legal Agreement.
 - i) Potential for the Heads of Agreement not to be signed.
 - j) The problems encountered due to the barrier in place on the existing road.
33. The revised terms of approval for 04/120/CP and 07/445/CP were accepted subject to the following revisions:

04/120/CP a) replace *fixed timescale* with *6 months*

07/445/CP Condition 10. 3rd line insert *AHR* before *masterplan*

ANY OTHER BUSINESS

34. Duncan Bryden informed Members that Iram Mohammed was leaving the CNPA Planning Office to start a new job in Glasgow, he wished her good luck for the future on behalf of all the Board Members.
35. Duncan Bryden advised Members that before the next Planning Committee there would be an informal discussion regarding the Local Plan. A revised "Living & Working" section had been issued this morning and Members should provide feedback to Karen Major and Alison Lax, the Local Plan / Policy Officers as soon as possible so it could inform the subsequent discussion and the meeting of the Working Group that was meeting on 31st March 2008.
36. Andrew Rafferty raised concern that there appeared to be a development taking place for an animal feed supplies at Clury Croft, on the road between Balnaan and Carrbridge. The neighbours had apparently been informed that no planning permission was required because the development was taking place on a croft. Andrew Rafferty asked if the Planning Officials could investigate this apparent unauthorised development.
37. Bruce Luffman advised that he had recently attended a meeting with Christine Gore and Robert Gray of Aberdeenshire Council regarding the Aberdeen City and Shire Structure Plan. The Scottish Government had apparently raised concern that the CNP had been excluded from the Structure Plan. The Planning Officials agreed to liaise with Aberdeenshire Council on this matter.

DATE OF NEXT MEETING

38. Friday, 4th April 2008 at The Albert Hall, Ballater.
39. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
40. The meeting concluded at 11:55hrs.