
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held within the Braemar Village Hall

on 21st November 2003 at 10.30am

PRESENT

Mr Peter Argyle
Mr Eric Baird
Mr Duncan Bryden
Mr Stuart Black
Ms Sally Dowden
Mr Basil Dunlop
Mr Douglas Glass
Mrs Lucy Grant
Mr Bruce Luffman
Mr William McKenna
Ms Eleanor Mackintosh

Mr Alastair MacLennan
Ms Ann MacLean
Mr Andrew Rafferty
Mr Gregor Rimell
Mr David Selfridge
Mr Robert Severn
Ms Joyce Simpson
Mr Andrew Thin
Ms Susan Walker
Mr Bob Wilson

IN ATTENDANCE:

Denis Munro
Neil Stewart
Norman Brockie
Sandra Middleton

APOLOGIES:

Mr David Green
Mrs Sheena Slimon
Mr Richard Stroud
Mr Angus Gordon

WELCOME AND APOLOGIES

1. The Convenor welcomed all present.

MATTERS ARISING FROM THE PREVIOUS MEETING

2. The minutes of the previous meeting were approved with one amendment to item 8m) application 03/079/CP, Peter Argyle had declared an interest in this application.
3. Item 6 of the previous meeting was addressed by Denis Munro. It was agreed that planning applications submitted by members of the CNPA Planning Committee would not be automatically Called-in but judged, as all others are, in relation to their significance to the 4 aims of the park.

4. Item 7 of the previous meeting was also addressed by Neil Stewart. He explained that due to timescale constraints it may not be possible for the CNPA to Call-in Agricultural or Any other types of Prior Notifications. It was agreed that the situation be clarified when the protocol is reviewed.
5. Neil Stewart advised the Committee that an application Called-in at the previous meeting had now been withdrawn by the applicant, application number 03/079/CP, erection of 14 No. Information Cairns at Invercauld Estate, Ballater. As this application was retrospective it was explained to the Committee that responsibility for enforcement action lies with the relevant Local Authority. The CNPA will only take responsibility for enforcement action where action is required due to a breach of a planning consent issued by the CNPA.
6. The Committee were advised that Items 9 and 11 from the previous meeting were to be addressed elsewhere on the Agenda.
7. Item 14 of the previous meeting was addressed by Denis Munro who advised the Committee that Forestry Notifications will not be reported to the CNPA Planning Committee but this is to be discussed at the review of the protocol. The current intention is that they will be dealt with by the Natural Resources Group within the CNPA and, as such, will be brought before the CNPA Board rather than the CNPA Planning Committee. The Planning and Development Control Group within the CNPA are to be a consultee in this process.
8. Item 15 of the previous meeting was addressed by Denis Munro, he advised the Committee that the CNPA will be a statutory consultee for any windfarm proposals within the CNPA boundary. In cases where a windfarm proposal falls out-with but adjacent to the CNP boundary, the CNPA will be consulted as an 'Interested Party' with one month to respond. It was explained that where the CNPA objects to a proposal as a statutory consultee this will automatically trigger a public inquiry, in cases where the CNPA are only an 'interested party' this will not occur.
9. The Committee were advised that Item 16 of the previous meeting was to be addressed in a later discussion.
10. Basil Dunlop requested that the representative of Aviemore Highland Resort Lands who gave a talk at the previous meeting be approached in relation to the use of the words 'Spey Valley' and 'Speyside' in their brochure to describe the area known as 'Strathspey'. The Convenor agreed to follow this up.
11. It was agreed that clarification be sought over the position of the CNPA as a consultee to other bodies in relation to consents e.g. SEPA for discharge consents etc. and for electricity pylons.

DECLARATION OF INTEREST BY MEMBERS ON ITEMS APPEARING ON THE AGENDA

12. Gregor Rimmell declared an interest in application 03/099/CP as an interested neighbouring party.
13. Duncan Bryden declared an interest in the consultation response on the Glenkirk Windfarm as an interested neighbouring party.
14. Basil Dunlop declared an interest in the consultation response on the Glenkirk Windfarm as a Councillor on the Highland Council Planning Committee.
15. Bob Wilson declared an interest in the consultation response for application number 03/069/CP in his capacity as a Moray Councillor.

16. Doug Glass declared an interest in application number 03/096/CP as a relation of the applicant.
17. SNH had provided a consultation response on application 03/005/CP and as such Susan Walker and Stuart Black declared an interest in the application in their capacity as SNH Board Members. The two members decided to err on the side of caution until it was clarified as to whether or not a declaration of interest is a requirement in this situation.

PROCEDURE FOR MAKING COMMENTS TO LOCAL AUTHORITIES ON PLANNING APPLICATIONS WHICH HAVE NOT BEEN CALLED-IN (Paper 1)

18. Denis Munro presented a paper relating to the procedure for preparing, considering and communicating comments to Local Authorities on planning applications which the CNPA has not Called-in. The Committee were advised that this process may not be welcomed by the Local Authorities in that it may cause issues for their performance indicators. It was agreed that when the decision to make a comment has been made the Local Authority be advised that the CNPA will be commenting. It was decided that this process be addressed at the meeting in December to review the protocol. The paper was Agreed.

PLANNING APPLICATION CALL-IN DECISIONS

19. 03/088/CP – No Call-in
20. 03/089/CP – No Call-in
21. 03/090/CP – No Call-in
22. 03/091/CP – No Call-in
23. 03/092/CP– Anne McLean declared an interest in this application as a member of the Albyn Housing Association. This was done on a precautionary basis as it was unclear which Housing Association is involved with the application.
24. It was explained that the proposal was for a residential development of 28 houses on a site zoned for residential development of up to 20 houses within the Local Plan. The Planning Officer recognised that development of this scale was laid down in the protocol as one which may be of significance to the Park aims. However, he went on to explain that the protocol focuses attention on those applications that are significantly contrary to Structure Plan or Local Plan policies. The Committee were advised that this application did not necessarily fit the criteria for Call-in but that the Committee may wish to submit comments to the Local Authority.
25. Susan Walker raised concern over the Affordable Housing implications of the application and proposed that the Committee Call-in the application. This was seconded by Bruce Luffman.
26. David Selfridge proposed that the Committee follow the recommendation of the Planning Officer and not Call-in the application. This was seconded by Robert Severn.
27. It was explained to the Committee that the Highland Council Structure Plan dictates that 20% of new residential developments must be allocated for Affordable Housing. If the Highland Council were to deviate from this policy there would be a Departure advert and hearing at a later date.
28. On that understanding, Susan Walker withdrew her motion, and Bruce Luffman agreed. It was agreed that the decision for application number 03/092/CP be No Call-in.
29. 03/093/CP – No Call-in
30. 03/094/CP – The Planning Officer informed the Committee that this application is retrospective and raises issues of safety, amenity and noise in a local context but that it

does not raise issues of significance to the Park as a whole. The Recommendation of the Officer was No Call-in. It was explained that enforcement action will only be taken by a Local Authority if their request for a retrospective application is not met. If no application is received or if the retrospective application is refused then the Local Authority can take enforcement action which could require the reinstatement of the land to its former condition.

31. Andrew Rafferty proposed a MOTION to Call-in the application on the grounds that the site is an Industrial Yard in a rural landscape and that this does raise issues of significance to the aims of the Park. This was seconded by Stuart Black.
32. Peter Argyle proposed that the application is localised and does not raise an issue of significance to the collective aims of the Park and, as such, the Committee should follow the recommendation of the Planning Officer. This was seconded by Robert Severn.
33. The resulting vote was;

NAME	MOTION (Call-in)	AMENDMENT (No Call-in)	ABSTAIN
Peter Argyle		✓	
Eric Baird		✓	
Duncan Bryden		✓	
Stuart Black	✓		
Sally Dowden		✓	
Basil Dunlop			✓
Douglas Glass		✓	
Lucy Grant	✓		
Bruce Luffman		✓	
Willie McKenna		✓	
Eleanor Mackintosh	✓		
Alastair MacLennan		✓	
Anne MacLean		✓	
Andrew Rafferty	✓		
Gregor Rimmell			✓
David Selfridge		✓	
Robert Severn		✓	
Joyce Simpson		✓	
Andrew Thin		✓	
Susan Walker		✓	
Bob Wilson		✓	
TOTAL	4	15	2

The Decision of the Committee for application number 03/094/CP was No Call-in, 15 votes to 4.

34. 03/095/CP – No Call-in
35. 03/096/CP – Doug Glass declared an interest in this application. The decision of the Committee was No Call-in.
36. 03/097/CP – The applicant for this application was Aberdeenshire Council and as such those Committee members who are also Aberdeenshire Councillors declared an interest. The decision of the Committee was No Call-in.

37. 03/098/CP – No Call-in
38. 03/099/CP – Gregor Rimmell declared an interest in this application. The decision of the Committee was No Call-in.
39. 03/100/CP – No Call-in
40. 03/101/CP – No Call-in
41. 03/102/CP – No Call-in
42. 03/103/CP – No Call-in
43. 03/104/CP – Bob Wilson proposed a MOTION to Call-in this application due to the proposed roofing material of the garage/flat, it was not seconded. The decision of the Committee was No Call-in.
44. 03/105/CP – No Call-in
45. 03/116/CP – This application was introduced at the Meeting as it had not appeared on the Recommendation Report prior to the meeting due to a technical error. The application is related to applications 03/102/CP, 03/103/CP and 03/105/CP and is a Prior Agricultural Notification for the Erection of a general purpose agricultural store at East Tornahaish, Candacraig, Strathdon. The decision of the Committee was No Call-in.
46. 03/106/CP – No Call-in
47. 03/107/CP– No Call-in
48. 03/108/CP – The decision was to Call-in this application as the following issues needed to be examined in relation to the Park aims; The proposal for a house in this location may be contrary to the Badenoch and Strathspey Local Plan in that the site is zoned as an area on the edge of Newtonmore, where existing semi-natural and amenity woodland is to be safeguarded. The proposal for one house may represent an encroachment into a protected area in an unplanned manner and may act as a precedent for other similar developments in the immediate locality. The cumulative effect of such developments could be detrimental to the natural character, quality, and appearance of the area and be disruptive to the landscape setting of Newtonmore on this side of the town.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

49. It was proposed that comments be submitted to the Highland Council regarding application number 03/104/CP (Highland Council Ref. 0300387FULBS). Those members of the Committee that are also Highland Councillors left the room. Neil Stewart proposed the following comments;

“The development is acceptable in principle. However, bearing in mind the traditional appearance of the existing house, the CNPA suggests that some design amendments be sought to the proposed building. These should include changes to the span of the roof and an increase in the roof pitch. Also, it would be beneficial to have vertical timber linings and a more vertical emphasis to the windows.”

50. There was some discussion over what could be classed as ‘traditional’ and if in fact this was what the CNPA wished to encourage in future developments. Willie McKenna proposed a MOTION that the Planning Officer’s recommended comment not be submitted until the CNPA was clear on its views on this subject. This was seconded by Anne MacLean.
51. Bruce Luffman proposed an AMENDMENT that comments should be submitted to the Local Authority in keeping with the Officer Recommendation. This was seconded by Peter Argyle.

52. The resulting vote was:

NAME	MOTION (Submit No Comments)	AMENDMENT (Submit Comments)	ABSTAIN
Peter Argyle		✓	
Eric Baird	✓		
Duncan Bryden		✓	
Stuart Black			✓
Sally Dowden	✓		
Basil Dunlop			✓
Douglas Glass		✓	
Lucy Grant	✓		
Bruce Luffman		✓	
Willie McKenna	✓		
Eleanor Mackintosh	✓		
Alastair MacLennan	✓		
Anne MacLean	✓		
Andrew Rafferty	✓		
Gregor Rimmell			✓
David Selfridge		✓	
Robert Severn	✓		
Joyce Simpson	✓		
Andrew Thin		✓	
Susan Walker		✓	
Bob Wilson	✓		
TOTAL	11	7	3

The Decision of the Committee was not to submit the comments recommended by the planning Officer to the Local Authority, 11 votes to 7.

53. Bob Wilson proposed that comments be made to the Highland Council in relation to the roofing material for application 03/104/CP (Highland Council Ref. 0300387FULBS).
54. Andrew Rafferty proposed a MOTION that as the development is to incorporate a domestic flat the CNPA should submit comments to the Local Authority proposing that the building should have a slate roof rather than the metal roof proposed by the applicant. This was seconded by Bob Wilson.
55. Willie McKenna proposed an AMENDMENT that no comments should be submitted to the Local Authority until such time as the CNPA is clear on its position over design and materials etc. Robert Severn seconded this.

56. The resulting vote was;

NAME	MOTION (Submit Comments)	AMENDMENT (Submit No Comments)	ABSTAIN
Peter Argyle		✓	
Eric Baird		✓	
Duncan Bryden		✓	
Stuart Black			✓
Sally Dowden		✓	
Basil Dunlop			✓
Douglas Glass		✓	
Lucy Grant		✓	
Bruce Luffman			✓
Willie McKenna		✓	
Eleanor Mackintosh		✓	
Alastair MacLennan		✓	
Anne MacLean		✓	
Andrew Rafferty	✓		
Gregor Rimmell			✓
David Selfridge		✓	
Robert Severn		✓	
Joyce Simpson	✓		
Andrew Thin		✓	
Susan Walker		✓	
Bob Wilson	✓		
TOTAL	3	14	4

The Decision of the Committee was not to submit comments on the roofing materials to the Local Authority, 14 votes to 3.

57. Lucy Grant proposed that comments be made to the Highland Council regarding application number 03/092/CP (Highland Council Ref. 0300379FULBS). Anne MacLean declared an interest and left the room. It was agreed that comments should be submitted to the Highland Council advising them that the CNPA would wish to see the Affordable Housing element of the application integrated into the site rather than located on a separate site in Kincaig. It was also agreed to make note to the Highland Council that the provision for 28 houses is a 40% increase in the number of 20 houses allocated in the Local Plan.

58. The Highland Councillors and Anne MacLean returned at this point.

59. The Convenor proposed, and it was agreed, that in proposing comments on applications which are not to be called-in the committee should in future hear the officials' recommendations first and, thereafter, pick up suggestions from committee members.

SUGGESTED COMMENTS ON APPLICATION NOT CALLED-IN (Paper 2)

60. Neil Stewart brought forward a paper suggesting comments on applications not Called-in by the committee at the previous meeting. Bob Wilson declared an interest in application number 03/069/CP and left the room. The comments on this application were Agreed. Bob Wilson returned.
61. The Aberdeenshire Councillors declared an interest in application 03/085/CP and 03/087/CP and left the room. The comments on this application were Agreed. The Aberdeenshire councillors returned. The Paper was Agreed.

GLENKIRK WINDFARM CONSULTATION (Paper 3)

62. Norman Brockie brought forward a paper detailing a proposed response to a request for a Scoping Opinion under the Environmental Impact Assessment (Scotland) Regulations 1999 on a proposed Windfarm at Glenkirk, Tomatin. Duncan Bryden and those Committee members who are Highland Councillors declared an interest in this paper and left the room. The Paper was Agreed. The members returned.
63. The Committee were informed that the CNPA planning staff are now aware of a number of imminent Windfarm proposals both within the Park boundary and on its periphery. Norman Brockie advised the Committee that he would bring a paper to the next Committee meeting proposing a Draft Interim Planning Policy on Windfarms and other Renewable Energy Sources within the Cairngorms National Park.

DECISION ON PLANNING APPLICATION 03/042/CP (Paper 4)

64. The committee agreed the Planner's recommendation to Approve the application subject to the conditions stated.

DECISION ON PLANNING APPLICATION 03/005/CP (Paper 5)

65. Susan Walker and Stuart Black declared an interest in this application and left the room. The committee agreed the Planner's recommendation to Refuse the application in line with the reasons stated. The members returned.

EXISTING STRUCTURE PLAN POLICIES AND OBJECTIVES WITHIN THE CAIRNGORMS NATIONAL PARK (Paper 6)

66. Norman Brockie brought forward a paper examining existing structure plan policies and objectives within the Cairngorms National Park regarding their possible conflicts with the policies and objectives of the proposed CNP Local Plan.
67. It was noted that the future Planning Bill would most likely abolish the Structure Planning Process out-with the four city regions and. Within the National Parks, the Park Plan will provide the strategic framework for the Local Plan.
68. On the issue of Environmental policies it was noted that the Sandford Principle does not apply to Natura Sites, within which the CNPA would take the same line as existing Local Authority policy. The Paper was Agreed.

Addendum: the CNPA NRG will be researching this topic, whose definitions are somewhat unclear, in the future.

A REVIEW OF STATUTORY AND NON-STATUTORY PLANNING POLICIES AFFECTING THE CAIRNGORMS NATIONAL PARK (Paper 7)

69. Norman Brockie brought forward a paper examining the statutory and non-statutory planning policies affecting the Cairngorms National Park as researched by Roger Howarth. It was noted that priority should be given to formulating policies/guidance where gaps/inconsistencies exist at present. The Paper was Agreed. N Brockie discussed the seven priority topics, the first of which to be addressed would be renewable energy. It was noted that there are areas where there is no policy provision such as sustainable housing and water-use issues.

ANY OTHER BUSINESS

70. David Selfridge queried Item 6 of the previous meeting in relation to those applications already Called-in by the Committee that were submitted by members of the Committee. It was explained that these applications had been Called-in due to their significance to the aims of the National Park and not because they were applied for by members of the committee.

71. Basil Dunlop queried whether or not the CNPA had procedures in place for planning hearings. Denis Munro advised the Committee that procedures would be put in place to reflect the best practice used by Local Authority Planning Committees.

DATE OF NEXT MEETING

72. The Next meeting will be held on 5th December 2003 at Nethy Bridge Community Centre.

73. The meeting concluded at 1pm.