
CAIRNGORMS NATIONAL PARK AUTHORITY

DRAFT MINUTES OF THE PLANNING COMMITTEE

held at The Albert Memorial Hall, Ballater
on 22nd September 2006 at 10.30am

PRESENT

Eric Baird
Stuart Black
Duncan Bryden
Nonie Coulthard
Douglas Glass
David Green
Bruce Luffman
Willie McKenna
Eleanor Mackintosh

Anne MacLean
Alastair MacLennan
Andrew Rafferty
Gregor Rimell
David Selfridge
Richard Stroud
Susan Walker
Ross Watson

IN ATTENDANCE:

Don McKee
Neil Stewart

Andrew Tait
Pip Mackie

ELECTION OF CONVENOR AND VICE-CONVENOR

1. Don McKee, Head of Planning, introduced the terms for election for the position of Convenor for the Planning Committee.
2. Don McKee invited nominations for the position of Convenor.
3. Stuart Black proposed David Green. This was seconded by Bruce Luffman.
4. David Green accepted the nomination.
5. There were no other nominations for the position of Convenor.
6. David Green was appointed as Convenor of the Planning Committee.
7. David Green, Convenor, invited nominations for the position of Vice-Convenor.
8. Duncan Bryden nominated Sandy Park. This was seconded by Douglas Glass.
9. Bruce Luffman nominated Susan Walker. This was seconded by Willie McKenna.
10. Susan Walker thanked Members for the nomination but declined to stand for the position.
11. Sandy Park, in his absence, was appointed as Vice-Convenor.

APOLOGIES:

Basil Dunlop	Sandy Park
Lucy Grant	Sheena Slimon
Angus Gordon	Bob Wilson
Marcus	
Humphrey	

WELCOME AND APOLOGIES

12. The Convenor welcomed all present.
13. Apologies were received from the above Members.

MATTERS ARISING FROM THE PREVIOUS MEETING

14. The minutes of the previous meeting, 8th September 2006, held at The Duke of Gordon Hotel, Kingussie were approved.
15. There were no matters arising.

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

16. Anne MacLean declared an interest in Planning Application No. 06/373/CP, due to being a Director of the Albyn Housing Society.
17. Nonie Coulthard declared an interest in Planning Application No. 06/375/CP
18. The Highland Councillors declared an interest in Item No. 10 on the Agenda, due to the Application eventually having to be determined by the Highland Council.

PLANNING APPLICATION CALL-IN DECISIONS (Oral Presentation, Neil Stewart)

- | | |
|-----------------|------------|
| 19. 06/365/CP - | No Call-in |
| 20. 06/366/CP - | No Call-in |
| 21. 06/367/CP - | No Call-in |

22.06/368/CP - The decision was to call-in the application for the following reason :

- Although an amendment to a previous planning application, the development continues to be recreation/tourism based and continues to represent further consolidation of an established business which is sited within a National Scenic Area and close to sites designated for their natural heritage value. The proposals also continue to relate to aiding the social development of young people in the National Park. To be consistent, the proposal continues to raise issues relating to nature conservation, promotion of recreation and tourism and social and economic development, all of which are significant to the collective aims of the National Park.

23.06/369/CP - No Call-in
24.06/370/CP - No Call-in
25.06/371/CP - No Call-in
26.06/372/CP - No Call-in

Anne MacLean declared an interest and left the room.

27.06/373/CP - The decision was to call-in the application for the following reason :

- While the principle of two affordable houses on this site has been established by the existence of an outline planning permission, the proposal continues to represent the provision of affordable but sustainable housing in a countryside area which is in an important location. The proposal therefore continues to raise issues in relation to natural heritage, promotion of sustainable use of natural resources, and social and economic development. As such, the proposal is considered to raise issues of general significance to the collective aims of the National Park.

Anne MacLean returned.

28.06/374/CP - No Statutory Call-in Powers

Nonie Coulthard declared an interest and left the room.

29.06/375/CP - No Call-in
Nonie Coulthard returned.

30.06/376/CP - No Call-in

31.06/377/CP - The decision was to call-in the application for the following reason :

- The proposal represents the erection of a dwellinghouse in a countryside location which is designated as Restricted Countryside in the Badenoch and Strathspey Local Plan. This policy presumes against the development of new houses in such areas unless there is a land management justification. The site is also located within an area carrying several important natural heritage designations. The proposal therefore raises issues in relation to housing in the countryside policy, cumulative impact of housing in the countryside, natural heritage and sustainable design. As such the proposal is considered to raise issues of general significance to the collective aims of the National Park.

32.06/378/CP - No Call-in

33.06/379/CP - No Call-in

34.06/380/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

35. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/366/CP, 06/370/CP, 06/371/CP & 06/376/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.

REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF DWELLINGHOUSE AND ERECTION OF 15M HIGH TURBINE AT GAIRNSHIEL LODGE, BALLATER (PAPER 1)

36. Neil Stewart presented a paper recommending that the Committee refuse the application for the reasons stated in the report.

37. The Committee discussed the application and the following points were raised:

- a) Concern that there was no mention of consultation with Historic Scotland given the proximity of the proposal to the Category 'A' Listed Gairnshiel Bridge.
- b) Clarification of when a domestic wind turbine becomes a commercial turbine.
- c) Clarification if the site was covered by a Tree Preservation Order.
- d) The possibility of asking applicants to supply anemometer readings for sites of proposed wind turbines in future applications.

38. The Committee agreed to refuse the application for the reasons stated in the report. The Planning Officials also agreed to consult with Aberdeenshire Council about the possibility of placing a Tree Preservation Order on the site.

**REPORT ON CONSULTATION RESPONSE TO HIGHLAND COUNCIL ON
ERECTION OF 2X 50M HIGH ANEMOMETRY MASTS AT LAND 4KM
NORTHWEST OF MEALL A' CHOCAIRE, KINGUSSIE
(PAPER 2)**

39. The Highland Councillors declared an interest and left the room.
40. Andrew Tait presented a paper recommending that the Committee approve the consultation response, as detailed in the report, for submission to the Highland Council.
41. The Committee discussed the report and the following points were raised:
- a) Concern that any access route to the sites could have a potentially significant impact on the area.
 - b) Clarification that if an access track were created, would it require planning permission.
 - c) Clarification if the proposed sites for the masts were in the same land ownership as the green area zoned for potentially favourable wind farm developments.
 - d) Questioning as to why the proposed masts were not being located in the green zoned area.
 - e) Concern about the watershed in the area, as the Dulnain watershed enters the Park – require to investigate wider watershed issues not just those in the locality of the application sites.
 - f) Clarification of when the CNPA is consulted on planning applications outwith the Park boundary.
42. The Committee agreed to approve the consultation response as detailed in the report with an additional concern regarding potential for access tracks to the site.
43. The Highland Councillors returned.

**REPORT ON SCOTTISH EXECUTIVE CONSULTATION ON PLANNING ADVICE
NOTE: COMMUNITY ENGAGEMENT 'PLANNING WITH PEOPLE' –
CONSULTATION DRAFT
(PAPER 3)**

44. Don McKee presented a paper recommending that the Committee approve the consultation response, as detailed in the report, for submission to the Scottish Executive.
45. The Committee discussed the report and the following points were raised:
- a) Concern that approximately only half the Local Authorities in Scotland were contributing towards Planning Aid.
 - b) Clarification if the CNPA were currently making contributions towards Planning Aid.
 - c) The lack of guidance and training available from the Scottish Executive for communities regarding negotiating community benefit.
 - d) The possibility of the Scottish Executive publishing draft standards for communities regarding the principles of engagement.
 - e) Concern over the lack of resources provided for Community Councils including secretarial work and computer availability.
 - f) Clarification of the term 'major development proposals'.

- g) The possibility of knowing who owns the land on which an application is being proposed.
 - h) The period for representations to be received on an application should be more flexible to allow for neighbours being on holiday.
46. The Committee agreed to approve the consultation response as detailed in the report with additions covering the need for resources to be made available to Planning Aid so they can assist all communities and that the Scottish Executive should issue advice / guidance to communities on how to secure community benefit from major developments.

ANY OTHER BUSINESS

47. Gregor Rimell advised Members that SEIRU had organised a preliminary meeting regarding the Beaulieu to Denny Pylons at Perth. This would greatly inconvenience local people who would have to travel a great distance during a working day to attend the meeting. He queried whether this meeting could be rescheduled to follow the session already arranged for Aviemore. Don McKee confirmed that the Planning Officials would write to SEIRU to make this request.
48. Gregor Rimell raised the issue of AHR withdrawing the right of public passage through the resort, they had done this by placing a 'doorman' on the entrance road into the complex. Andrew Tait advised that the Reporter's decision to dismiss the appeal had been quashed on legal grounds and was now back with SEIRU for re-determination. Andrew Tait advised that the AHR solicitors had raised new considerations, such as, they no longer considered the entrance road to be a public road as it has a doorman. Andrew Tait confirmed he had spoken to SEIRU and been advised that the CNPA will be consulted regarding this new information. Andrew Tait also confirmed that the CNPA Visitor Group would be internally consulted and that legal guidance would be sought. David Selfridge asked for clarification on when the fence could be considered as permitted development. Don McKee advised that there were three areas in which the fence issue had to be dealt with, these were on the grounds of planning, as a possible rights of way issue and also under access legislation.
49. Susan Walker queried if a letter could be written to the applicants of planning application 06/368/CP raising concern that works had already started at the site. Don McKee confirmed that this could be done.
50. Stuart Black queried if Members should state as to why they were declaring an interest in a planning application and also should the reasons be recorded in the minutes. David Green clarified that Members did not have to give reasons should they not wish to. Don McKee confirmed that where a Member had given a reason for declaring an interest this could be incorporated in to the minutes.
51. Bruce Luffman queried as to why the planning application 06/368/CP was considered to be more than a non-material variation to the original application. Neil Stewart advised that although the development was within the original site boundary the chalets were being constructed 10 metres further forward on the site than originally proposed. Neil Stewart also advised that the re-location also raised issues to trees on the site and the requirement to re-align the road and car parking facilities on the site. Bruce Luffman questioned that by not issuing a Stop Notice on the works, were the Planning Dept. not admitting that the alterations were minor and therefore should be classed as a non-material variation. Don

McKee advised that the proposal had to be properly assessed and brought before the Planning Committee. Don McKee also advised that to issue a Stop Notice on a development which could be potentially favourably supported could be seen as slightly heavy handed – as a Stop Notice had to be accompanied by an Enforcement Notice which would tie up planning resources.

52. David Green informed Members that he had discussed, with Jane Hope and Don McKee, the possibility of introducing CNP planning awards. These awards would be for developments in the built environment which were in the spirit of the CNP. Don McKee informed Members that the scheme could be implemented after the CNPA had produced the Sustainable Design Guidance, which should be published in the first half of 2007, as this would provide a context for the awards. The Committee agreed to the principle of introducing a CNP awards scheme for the built environment.
53. David Selfridge advised that Angus Council had already implemented an awards scheme and that it was possible that the CNP Markers may be included in the shortlist for the awards for this year.
54. Duncan Bryden requested that the Planning Officials help to facilitate applicants of developments into national award schemes such as the one by the Royal Society of Architects.

DATE OF NEXT MEETING

69. Friday, 6th October 2006 at The Village Hall, Braemar.
70. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
71. The meeting concluded at 12:05hrs.