
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Village Hall, Kincaig
on 24th August 2007 at 10.30am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Geva Blackett	Anne MacLean
Duncan Bryden	Alastair MacLennan
Nonie Coulthard	Sandy Park
Basil Dunlop	Andrew Rafferty
Angus Gordon	David Selfridge
Lucy Grant	Sheena Slimon
David Green	Richard Stroud
Marcus Humphrey (arrived late)	Susan Walker
Bob Kinnaird	Ross Watson
Bruce Luffman	Bob Wilson
Mary McCafferty	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

APOLOGIES:

Bruce Luffman

WELCOME AND APOLOGIES

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

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 10th August 2007, held at The Village Hall, Laggan were approved with amendments to the following:
 - para. 3 – the date was amended from 27th August 2007 to 27th July 2007.
 - para. 23 – the inclusion of water removal from the Spey, particularly the head waters and around the Spey Dam.
 - para. 31 – it was agreed to remove this paragraph, as Anne MacLean informed Members she did not speak on this issue.

4. David Green advised that the Galton appeal decision and the CNPA submission had recently been circulated round Members. David Green stated that there was an intention to write to SEIRU regarding this appeal decision and if Members had any views on this appeal decision to inform Don McKee for inclusion.
5. David Green informed Members that there was a possibility of holding a Question and Answer session in the Badenoch & Strathspey area of the Park with regard to the current Local Plan consultation (due to close on 28th September 2007). David Green advised that it was important to convey what the Board wished to achieve with housing.
6. David Green informed Members that Scottish Water had agreed to hold a general briefing session on water issues and a chance to see the broader framework in which planning applications sit.
7. Duncan Bryden requested that SEPA also be involved with this briefing session.
8. Don McKee agreed to arrange the briefing session with Scottish Water and SEPA.
9. David Green raised the issue of various information gathering public meetings which were being held for potential wind farm developments which could come before the Planning Committee. David Green advised that Board Members must take care if attending these meetings not to prejudice themselves for future discussions. David Green stated that although it may appear unhelpful, Board Members must be careful – this approach was necessary whether the development was within or outwith the Park boundary, as there was potential for the CNPA to be consulted on any nearby wind farm development which fell outwith the Park.
10. Don McKee confirmed that this was the case.

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

11. Lucy Grant declared an interest in Item No. 7 and Item No. 9 on the Agenda, however as Item No. 9 was just to discuss potential areas of investigation she did not feel it was significant enough to leave the room.
12. Willie McKenna declared an interest in Item No. 8 on the Agenda.

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

- | | |
|----------------|------------|
| 13.07/310/CP - | No Call-in |
| 14.07/311/CP - | No Call-in |
| 15.07/312/CP - | No Call-in |
| 16.07/313/CP - | No Call-in |
| 17.07/314/CP - | No Call-in |
| 18.07/315/CP - | No Call-in |

19.07/316/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of six residential units for holiday letting purposes in a Restricted Countryside Policy Area which is also within a National Scenic Area. The proposal will also involve the removal of trees on the site. The development raises issues in relation to sustainable housing development in the countryside, provision of tourist accommodation, conservation of natural and cultural heritage and impact on National Scenic Area qualities. As such, the proposal is considered to raise issues of general significance to the collective aims of the National Park.

20. Marcus Humphrey arrived at the meeting.

21.07/317/CP - No Call-in
22.07/318/CP - No Call-in
23.07/319/CP - No Call-in
24.07/320/CP - No Call-in
25.07/321/CP - No Call-in
26.07/322/CP - No Call-in
27.07/323/CP - No Call-in
28.07/324/CP - No Call-in
29.07/325/CP - No Call-in
30.07/326/CP - No Call-in
31.07/327/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

32. The Members wished to make comments to the Local Authorities on the following Planning Application No's 07/313/CP, 07/320/CP & 07/326/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 APPLICATIONS FOR ERECTION OF BOREHOLE COMPOUND, FORMATION OF ACCESS TRACK & ASSOCIATED WORKS, INSTALLATION OF CLEAR WATER TANK & ASSOCIATED WORKS, USE OF LAND FOR DEPOSITING OF EXCESS INERT MATERIAL AND CONSTRUCTION OF ACCESS TRACK & ASSOCIATED WORKS AT LAGGAN WATER TREATMENT WORKS, LAGGAN (PAPER 1)

33. Lucy Grant declared an interest and left the room.

34. David Green advised that the applications had been held back for determination from the Planning Committee on 27th July 2007 so that the representee, Caroline Hunt, could attend.

35. David Green advised that requests to address the Committee had been received from, Caroline Hunt, representee and Dr. Karen Massie, representative from Laggan Community Association. The Committee agreed to the requests.
36. David Green also informed Members that Sharon Green and other representatives from Scottish Water Solutions and Malcolm Grant, agent for the landowner, were available to answer any questions Members may have.
37. The Committee paused to read a letter of representation, which had been received within the permitted timescales.

38. Neil Stewart presented a paper recommending that the Committee approve the applications subject to the conditions stated in the report.
39. The Committee asked Neil Stewart questions regarding the applications and the following points were raised:
 - a) Clarification of the gradient of the northern access track
 - b) The landscaping proposals for the existing water treatment works which were to be abandoned, and conditions on this in the previous CNPA planning permission.

40. Caroline Hunt, representee, addressed the Committee.
41. The Committee asked Caroline Hunt questions and the following points were raised:
 - a) The direction the flood waters originated from.
 - b) The potential for flash flooding in the general area.
 - c) Clarification of the culverts through the access track.
 - d) The deterioration of the banks of the Gergask burn.
 - e) The previous flooding of the property, Linreoch.

42. Neil Stewart circulated photos of the erosion of the banks of the Gergask burn, as contained in the submitted Flood Risk Assessment.

43. Karen Massie, representative for Laggan Community Association, addressed the Committee.
44. The Committee asked Karen Massie questions and the following point was raised:
 - a) When the Laggan Community expected the water to be switched on.

45. The Committee were invited to ask questions of Sharon Green and other representatives for Scottish Water Solutions and Malcolm Grant, agent for the landowner, and the following points were raised:
 - a) Would Scottish Water be prepared to fund the creation of culverts through the access track. Stuart Davies, representative of Scottish Water Solutions, responded that they were prepared to carry out a review of other factors in the area not related to Scottish Water's development. However, it was not within Scottish Waters remit to divert flooding and that as culverts go both ways, they could potentially make the situation worse.
 - b) Clarification of who was responsible for the maintenance of the burn. It was confirmed that the landowner was responsible.
 - c) Had any lessons been learnt from this experience and, with hindsight, how would works of this nature be carried out in the future.
 - d) The previous flooding of the property, Linreoch in 1989.

- e) The raised access track to the compound.
- f) The possibility for the Gergask burn, when in spate, to divert sooner if the compound were not in situ.
- g) The possibility of lowering the west bank of the Gergask burn to allow flooding westwards and prevent the water heading east towards Linreoch.
- h) The re-instatement of the existing water treatment works and who was responsible for carrying out the works.
- i) Clarification that if the Gergask burn did not flood to the west, why a raised access track was necessary in this location.
- j) Clarification about who was responsible for flood prevention issues.

46. The Committee discussed the applications and the following points were raised:

- a) The many possibilities for why Linreoch had flooded.
- b) The urgent need for the residents of Laggan to have potable water.
- c) The possibility for flood prevention measures to be applied to the Gergask burn and also to the run off from Gergask Avenue and the school playground.
- d) Welcoming the fact that the technical flood information had been submitted since the deferral of the applications in Marcch.
- e) Welcoming the offer from Scottish Water to carry out a further review of other practical factors in the area which may be contributing to increased flood risk and the possibility of an additional condition covering this issue.
- f) The fact that there was only a small window in the year when any flooding works could be done to the Gergask burn and that SNH and SEPA should be consulted before any works were carried out.
- g) The possibility of an additional condition requiring the lowering of the west bank of the Gergask burn to allow the dissipation of water.

47. Eric Baird wished it to be noted that, he hoped that all parties, including the applicants, would learn lessons from this development and that similar situations would not arise again in the National Park.

48. The Committee agreed to approve the applications subject to the conditions stated in the report and with an additional condition requiring that the existing Water Treatment Works be removed or re-used. The Planning Officers were also asked to encourage all parties to consider other flood mitigation measures in the area.

49. Lucy Grant returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF CYCLEWAY AT ADJACENT TO B970 & C38, INVERDRUIE TO GLENMORE ROAD, AVIEMORE (PAPER 2)

50. Willie McKenna declared an interest and left the room.

51. David Green advised that Fran Pothecary, CNPA Access Officer and Keith Duncan, representative from SNH were available to answer any questions Members may have.

52. Don McKee presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

53. The Committee discussed the application and the following points were raised:
- a) The word 'should' that had been used in the Advice Note regarding the construction materials and the possibility of amending it to 'must'.
 - b) The possibility of including a maintenance condition, also incorporating any signage.
 - c) The importance of sourcing the construction materials locally.
 - d) The re-instatement work that had already been carried out.
54. The Committee sought clarification from Keith Duncan, representative from SNH, on the following issues:
- a) The study that had been carried out to determine the route of the track.
 - b) How the track would be constructed through wet / boggy areas.
 - c) How the effectiveness of the signage would be monitored and the methods for doing this work.
55. The Committee sought clarification from Fran Pothecary, CNPA Access Officer, on the following issue:
- a) The standards to which the track would be constructed to allow access for as many users as possible. Fran Pothecary confirmed that the track would be constructed to the 'BT Countryside for All' standards.
56. The Committee agreed to approve the application subject to the conditions stated in the report and with an additional condition covering maintenance of the track and signage.
57. Willie McKenna returned.
58. Marcus Humphrey left the meeting.

**REPORT ON BEAULY – DENNY 400KV TRANSMISSION LINE:
NEWTONMORE LOCAL SESSION OF THE PUBLIC LOCAL INQUIRY
UNDERGROUNDING OF OVERHEAD LINE – ROUTE OPTIONS
(PAPER 3)**

59. Don McKee presented a paper recommending that the Committee agree, without prejudice to its previously stated position, to support the principle of the potential route options, including selective undergrounding as shown in Maps A, B & C for consideration at the forthcoming Newtonmore Local Session of the Beauly – Denny PLI as stated in the report.
60. The Committee discussed the report and the following points were raised:
- a) Clarification of why there was no proposal for undergrounding the line through Glen Shirra. Don McKee confirmed that the CNPA Natural Heritage Group, the Highland Council and SNH had considered options which balanced the most straightforward route to bury the cable whilst maximising landscape benefits.
 - b) The rationale behind the proposed undergrounding routes.
 - c) Why undergrounding had not been proposed from the CNP boundary.
 - d) Clarification that the CNPA's stated position was to not have any part of the line running through the Park.

- e) Concern that by considering undergrounding options, the CNPA's case was being weakened. Don McKee confirmed that by considering the proposed undergrounding, Members were not prejudicing the CNPA's position.
 - f) The need for natural heritage issues to be taken forward strongly.
61. The Committee agreed, without prejudice to its previously stated position, to support the principle of the potential route options, including selective undergrounding as shown in Maps A, B & C for consideration at the forthcoming Newtonmore Local Session of the Beauly – Denny PLI as stated in the report.

ANY OTHER BUSINESS

62. Sheena Slimon requested that the Planning Officials clarify the CNPA's position with regards the letters that had recently appeared in the Strathspey and Badenoch Herald regarding housing developments in Laggan, particularly with regard to the Riding School at Balgowan (07/262/CP). Neil Stewart informed Members that applications were considered against the current Highland Council policy. Applications the CNPA had previously called-in were for proposals which lay within the Restricted Countryside area where housing was not normally supported unless there was a land management justification. The application for the Riding School at Balgowan lay within the Fragile Countryside area, where housing could potentially be supported. Neil Stewart advised that comments had been made to the Highland Council regarding the Riding School application, these were:

Members of the CNPA Planning Committee have raised concerns that the equestrian sand school which has already been constructed, may be in use for commercial purposes and not solely for private use as described in the application. The CNPA Planning Committee therefore consider that this matter be fully investigated in the course of assessing the application, and that all associated issues, including the potential traffic implications if used on a commercial basis, are comprehensively assessed. The CNPA also suggest in the event of the granting of planning permission that consideration should be given to restricting the use of the sand school to private purposes, as stated in the application details.

The CNPA Planning Committee also consider, given the retrospective nature of one aspect of the application i.e. the equestrian sand school, that it may have been more appropriate for two separate applications to have been made.

Finally, given the somewhat elevated and exposed nature of the subject site, it is necessary to ensure in the event of consideration being given to the granting of planning permission that appropriate levels of screening are provided in order to minimise the visual impact of the proposed development.

DATE OF NEXT MEETING

69. Friday, 7th September 2007 at The Lecht Ski Centre, Strathdon.
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 13:15hrs.