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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Albert Memorial Hall, Ballater  
on Friday, 26<sup>th</sup> June 2009 at 10.30am

### PRESENT

Peter Argyle  
Eric Baird  
Stuart Black  
Geva Blackett  
Duncan Bryden  
Jaci Douglas  
Dave Fallows  
Lucy Grant  
Drew Hendry  
Bob Kinnaird

Mary McCafferty  
Willie McKenna  
Eleanor Mackintosh  
Ian Mackintosh  
Anne MacLean  
Alastair MacLennan  
Fiona Murdoch  
Gregor Rimell  
Richard Stroud  
Susan Walker

### IN ATTENDANCE:

Don McKee  
Derek Manson  
Andrew Tait

Hilary MacBean  
Mary Grier  
Julie Millman

### APOLOGIES:

David Green  
Andrew Rafferty

Marcus Humphrey

### AGENDA ITEMS 1 & 2: WELCOME AND APOLOGIES

1. The Convenor welcomed all present.
2. Apologies were received from the above Members with an explanation that some members may arrive later due to an email advising that the meeting may begin at 11am .

### AGENDA ITEM 3: MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 12 June 2009 , held at The Retreat, Glenesk were discussed and the following amendments were approved. Page 2, Para 3 – amend wording to include that the independent structural survey had shown the potential for some restoration rather than the need for a complete rebuild. (This wording also to be amended in Para 66 of the minute of the meeting held at Lecht on 29 May 2009.) Page 2, Para 7, remove Sue Walker’s name. Page 3 Para 25 – amend the call in reason to include reference to the age and character of the bridge and it’s cultural heritage. Page 4, remove the word “mileage” from the last line on Item 36. Amend Para 37 to form two sentences and items 38-40 to run as the same item. Page 5 Para 4- take out the last word “display”.
4. There were no matters arising.

**AGENDA ITEM 4:  
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING  
ON THE AGENDA**

5. Dave Fallows declared an interest in Planning Application No. 09/194/CP.
6. Gregor Rimell declared an interest in Planning Application No. 09/199/CP.
7. Don McKee declared an indirect interest in Planning Application No. 09/193/CP.
8. Lucy Grant declared an interest in Item No. 7 on the Agenda.
9. Mary McCafferty declared an indirect interest in Item No. 6 on the Agenda.

**AGENDA ITEM 5:  
PLANNING APPLICATION CALL-IN DECISIONS  
(Oral Presentation, Derek Manson )**

Peter Argyle arrived at the meeting.

- |                 |            |
|-----------------|------------|
| 10. 09/180/CP - | No Call-in |
| 11. 09/181/CP - | No Call-in |
| 12. 09/182/CP - | No Call-in |
| 13. 09/183/CP - | No Call-in |
| 14. 09/184/CP - | No Call-in |
| 15. 09/185/CP - | No Call-in |
| 16. 09/186/CP - | No Call-in |
| 17. 09/187/CP - | No Call-in |
| 18. 09/188/CP - | No Call-in |
| 19. 09/189/CP - | No Call-in |

Geva Blackett arrived at the meeting

- |                 |  |
|-----------------|--|
| 20. 09/190/CP - | The decision was to call-in the application for the following reason : |
|-----------------|--|

- This proposal is to extend the approved Outline planning consent by two years on an application that was determined by the CNPA and it is felt that this application is of linked significance to the previous application. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the Cairngorms National Park.

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|-----------------|------------|
| 21. 09/191/CP - | No Call-in |
|-----------------|------------|

22. 09/192/CP - No Call-in

23. 09/193/CP - No Call-in

Dave Fallows declared an interest and left the room

24. 09/194/CP - The decision was to call-in the application for the following reason :

- This proposal is to install a footbridge across the River Don which will link the local communities with the community hall. The proposal raises a range of issues with regard to natural heritage, cultural heritage and promoting understanding and enjoyment of the area. Consequently, the proposal raises issues of significance for the collective aims of the Cairngorms National Park.

Dave Fallows returned.

25. 09/195/CP - No Call-in

26. 09/196/CP - No Call-in

27. 09/197/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of a children's mini-fun ride within the grounds of Landmark Forest Adventure Park in Carrbridge. The proposal raises a number of issues with regard to trees, landscape, red squirrel and wood ant habitats. Consequently, the proposal raises issues of significance for the collective aims of the Cairngorms National Park.

28. 09/198/CP - No Call-in

Gregor Rimell declared an interest and left the room.

29. 09/199/CP

30. Mary McCafferty proposed a motion to call in the application because of the area and the museum aspect and its significance to the aims of the Cairngorms National Park. This was seconded by Dave Fallows.

31. Lucy Grant proposed an amendment that the application is not called in due to the application not being significant to the aims of the Cairngorms National Park but that comments should be submitted by the Planning Officer. This was seconded by Peter Argyle.

32. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Eric Baird		√	
Stuart Black		√	
Geva Blackett		√	
Duncan Bryden		√	
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant		√	
Drew Hendry	√		
Bob Kinnaird		√	
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh	√		
Ian Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan		√	
Fiona Murchoch		√	
Richard Stroud		√	
Susan Walker		√	
<b>TOTAL</b>	<b>6</b>	<b>13</b>	<b>0</b>

33. The Committee agreed not to call in application 09/199/CP as it was not seen as significant to the aims of the Cairngorms National Park.  
Gregor Rimmel returned.

#### **COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE**

34. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/180/CP, 09/184/CP, 09/185/CP & 09/186/CP, 09/187/CP, 09/188/CP, 09/189/CP, 09/198/CP and 09/199/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 6: REPORT ON CALLED-IN PLANNING APPLICATION FOR FULL PLANNING PERMISSION FOR AN EXTENSION OF THE TIME LIMIT ON PLANNING CONSENT 03/46/FULBS AT BROOMHILL QUARRY, DULNAIN BRIDGE FOR HQC LTD, INVERNESS (PAPER 1)**

35. Duncan Bryden informed Members that Ernest Emmett, Representee, had requested to address the Committee. The Committee agreed to the request.
36. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report and subject to the

completion of a Section 75 legal agreement requiring a restoration plan and the payment of a bond.

37. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Whether the bond could form part of the conditions and be paid up-front.
  - b) Whether restoration was required as part of the conditions on the previous application.
  - c) Concerns about the apparent lack of information from Highland Council regarding whether or not a restoration plan had been agreed in connection with the previous application.
  - d) Whether to take into account prior application conditions not being adhered to and whether the application could be refused on grounds of who the applicant is.
  - e) Clarification of main outline of the extraction site, site boundary, final workings and height of quarry.
  - f) Clarification on CNPA capability to monitor and measure the blasts.
  - g) Satisfaction that 10 metre cordon is adequate to protect the Twinflower colony.
  - h) Is access track in Curr Wood part of application.
38. Representee, Mr Emmett, acting on behalf of the owner of Curr Wood, the adjoining land, addressed the Committee.
39. The Committee were invited to ask questions of the speaker and the following points were raised:
  - a) Clarification of twinflower location.
  - b) Clarification that an existing quarry track is outside red line area of application.
  - c) Clarification of other areas in the Cairngorms where twinflower exists.
40. Duncan Bryden thanked the speaker.
41. The Committee discussed the application and the following points were raised:
  - a) The possibility of including monitoring requirements in Condition 14 and to remove the word 'less' as in "10 metres or less"
  - b) Impact of proposal on twinflower.
  - c) Question of CNPA ability to enforce conditions.
  - d) Would Section 75 legal agreement add strength to conditions and enforcement
  - e) Issues of people walking by when blasting taking place.
  - f) Whether CNPA recommended conditions would be used by a Reporter in the event of a planning decision being appealed.
  - g) Queries re the location of the remainder of the 25 twinflower colonies at sites in Curr Wood outwith the area of application.
  - h) The need to ensure a restoration plan is in place and is enforceable.
  - i) Comments that Section 75 legal agreement is about restoration of the site but restoration of the twinflower would not be possible.
42. Gregor Rimell proposed a motion to approve the application as recommended by the planner with a Section 75 legal agreement requiring a restoration plan and bond and amendments to Condition 14 regarding monitoring and access. This was seconded by Geva Blackett.
43. Dave Fallows proposed an amendment to defer the application in order to establish if a restoration plan had been submitted and could be enforced in connection with the planning application granted by Highland Council in 2003. This was seconded by Stuart Black.
44. The vote was as follows.

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle	√		
Eric Baird	√		
Stuart Black		√	
Geva Blackett	√		
Duncan Bryden	√		
Jaci Douglas		√	
Dave Fallows		√	
Lucy Grant	√		
Drew Hendry	√		
Bob Kinnaird		√	
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan		√	
Fiona Murchoch	√		
Gregor Rimell	√		
Richard Stroud	√		
Susan Walker	√		
<b>TOTAL</b>	<b>13</b>	<b>7</b>	<b>0</b>

45. The Committee agreed to approve the application in favour of the motion and for the reasons stated in the report.

Lucy Grant declared an interest and left the room.

**AGENDA ITEM 7:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR FULL PLANNING  
PERMISSION TO VARY CONDITION ON 04/379/CP TO EXTEND THE  
PERIOD OF TIME FOR THE SITING OF A CARAVAN AT LAGGAN HOTEL,  
LAGGAN by NEWTONMORE  
(PAPER 2)**

46. Mary Grier (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

a) Clarification of Condition 1 and whether the date in the condition could be amended to say up to October 2010 or to point of occupancy of the house whichever is earlier.

b) Clarification of whether the applicant could apply for a further extension of time.

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

a) Amend the wording of Condition 1 to refer to October 2010 or to point of occupancy of the house, whichever is earlier.

49. The Committee agreed to approve the application subject to the conditions stated in the report and the amendment to the conditions as noted above.

Lucy Grant returned.

**AGENDA ITEM 8:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
REPLACEMENT DWELLING HOUSE AND RETENTION OF EXISTING  
HOUSE AS ANCILLARY ACCOMMODATION AT KNOCK COTTAGE,  
STREET OF KINCARDINE  
(PAPER 3)**

50. Hilary MacBean (Planning Officer) presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
51. The Committee were advised that the Applicants and Agents were present to answer any questions but had not requested to address the Committee.
52. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) What guarantee was there that the old house would be retained and restored.
  - b) Concerns that the old property would become a holiday let.
  - c) Whether a Section 75 legal agreement would be required.
  - d) Clarification of whether the building of the new house and the restoration of the cottage could be done in parallel to each other.
  - e) Clarification of Condition 2 and the possibility of an additional condition ensuring the original cottage could not be disposed separately.
53. The Committee were invited to ask the Applicants/Agents points of clarification, the following were raised:
  - a) Practicality of the building and restoration work being carried out in parallel.
  - b) Possibility of the timescale being reduced to 2 years.
54. The Committee discussed the application and the following points were raised:
  - a) Problems of restoration whilst building the new house as old house would be in use.
  - b) As part of Condition 4, the need to insert the words, Prior to the commencement of any works on the existing “and proposed buildings“, full details.....
  - c) Whether to add an early start date for the restoration works. Proposal to add a condition that the two properties be tied together and that the cottage could not be disposed separately.
55. The Committee agreed to approve the application subject to the conditions stated in the report and the condition that the cottage could not be used as a holiday let, shall not be disposed of separately to the new house and full details of the restoration to be submitted prior to the start of any works on the new and old building. It was decided that Condition 5, requiring completion of the restoration works within 3 years, was acceptable as recommended.

**AGENDA ITEM  
ANY OTHER BUSINESS**

56. Duncan Bryden informed members of the notification of the decision by Reporters on the Freshwater appeal. The Reporters upheld the recommendation to refuse the application. Duncan Bryden thanked the planning officer for their work on this application.
57. Don McKee gave an update to members on the Aviemore Community School application and referred to information awaited from the applicant on ecological surveys and loss of landscape and woodland.

58. Geva Blackett apologised for her late arrival. This was because she was under the impression that the meeting was deferred to 11am.

**AGENDA ITEM**

**DATE OF NEXT MEETING**

59. Friday, 10<sup>th</sup> July 2009, 10.30 am, at Village Hall, Braemar.

60. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

61. The meeting concluded at 13.00 hrs.