
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE held at The Albert Memorial Hall, Ballater on 27th January 2006 at 10.30am

PRESENT

| | |
|-----------------|--------------------|
| Eric Baird | Bruce Luffman |
| Stuart Black | Willie McKenna |
| Duncan Bryden | Eleanor Mackintosh |
| Sally Dowden | Gregor Rimell |
| Basil Dunlop | David Selfridge |
| Douglas Glass | Richard Stroud |
| Angus Gordon | Andrew Thin |
| David Green | Susan Walker |
| Marcus Humphrey | |

IN ATTENDANCE:

| | |
|--------------|-------------|
| Don McKee | Andrew Tait |
| Mary Grier | Pip Mackie |
| Neil Stewart | David Bale |

APOLOGIES:

| | |
|--------------------|-----------------|
| Lucy Grant | Andrew Rafferty |
| Anne MacLean | Joyce Simpson |
| Alastair MacLennan | Sheena Slimon |
| Sandy Park | Bob Wilson |

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, 13th January 2006, held at The Cairngorm Hotel, Aviemore were approved.
4. There were no matters arising.

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

5. Stuart Black declared an interest in Item No. 7 & 8 on the Agenda.
6. Marcus Humphrey declared an interest in Item No. 9 on the Agenda.
7. Aberdeenshire Councillors in Item No. 11 on the Agenda.

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

8. 06/012/CP - No Call-in
9. 06/013/CP - No Call-in
10. 06/014/CP - No Call-in
11. 06/015/CO - No Call-in
12. 06/016/CP - No Call-in
13. 06/017/CP - No Call-in
14. 06/018/CP - No Call-in
15. 06/019/CP - No Call-in
16. 06/020/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

17. The Members wished to make comments to the Local Authorities on the following Planning Application No's 06/012/CP, 06/017/CP & 06/018/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 & GARAGE AT LAND EAST OF CORRIECHULLIE, GRANTOWN ON SPEY (PAPER 1)

18. Stuart Black declared an interest and left the room.
19. Andrew Thin advised the Committee that Ron Laing, Agent for the application, was available to answer any questions.
20. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
21. Members were invited to ask Ron Laing questions. No questions were asked.
22. Andrew Thin thanked Ron Laing.
23. The Committee discussed the application and the following points were raised:
 - a) The proposed materials for the house and style of garage door.
 - b) The inclusion of mature trees in the proposed landscaping.
 - c) The landscaping of the oil tank.
24. The Committee agreed to approve the application subject to the conditions stated in the report with the inclusion of mature trees in the landscaping plan and the suitable landscaping of the oil tank.

REPORT ON CALLED-IN PLANNING APPLICATION FOR NEW ACCESS ROAD TO SERVE DRUM STEADING AT DORBACK, NETHY BRIDGE (PAPER 2)

25. Andrew Thin advised the Committee that Miles Larby, from CKD Galbraith - Agents for the application, had requested to address the Committee. The Committee agreed to the request.
26. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
27. Miles Larby addressed the Committee.
28. Members were invited to ask questions.
29. Andrew Thin thanked Miles Larby.
30. The Committee discussed the application and the following point was raised:
 - a) The possibility of finding a different access to the Drum steading than the one proposed.
31. Gregor Rimell proposed a Motion that the application be refused for the reason stated in the report. This was seconded by Susan Walker.
32. Marcus Humphrey proposed an Amendment that the application be deferred to allow for further discussion to find an alternative access to Drum steading by going around the existing farm steadings. This was seconded by Willie McKenna. The vote was as follows:

| NAME | MOTION | AMENDMENT | ABSTAIN |
|--------------------|-----------|-----------|----------|
| Eric Baird | √ | | |
| Duncan Bryden | √ | | |
| Sally Dowden | √ | | |
| Basil Dunlop | √ | | |
| Douglas Glass | √ | | |
| Angus Gordon | | √ | |
| David Green | √ | | |
| Marcus Humphrey | | √ | |
| Bruce Luffman | √ | | |
| Willie McKenna | | √ | |
| Eleanor Mackintosh | √ | | |
| Gregor Rimell | √ | | |
| David Selfridge | √ | | |
| Richard Stroud | √ | | |
| Andrew Thin | √ | | |
| Susan Walker | √ | | |
| TOTAL | 13 | 3 | 0 |

33. The Committee agreed to refuse the application for the reasons stated in the report.
34. Stuart Black returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR NEW DWELLINGHOUSE & GARAGE AT GALTON, ORDIE, ABOYNE

(PAPER 3)

35. Marcus Humphrey declared an interest and left the room.
36. Andrew Thin advised the Committee that Matthew Merchant, Agent for the application, had requested to address the Committee. The Committee agreed to the request.
37. Mary Grier presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
38. Matthew Merchant addressed the Committee.
39. Members were invited to ask questions.
40. Andrew Thin thanked Matthew Merchant.
41. The Committee discussed the application and the following point was raised:
 - a) The possibility of existing buildings on the farm being suitable to provide living accommodation.
42. The Committee agreed to refuse the application for the reasons stated in the report.
43. Marcus Humphrey returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR MASTERPLAN & CONSTRUCTION OF 75 HOUSES AND ASSOCIATED ROADS, ENGINEERING WORKS, SERVICES & AMENITY GROUND AT Highburnside, Aviemore (PAPER 4)

44. Andrew Thin advised the Committee that Alan Rennie, Agent for the application, and John Gallagher, Ecology Advisor, had requested to address the Committee. The Committee agreed to the request.
45. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report with an amendment to condition No. 31 that a revised design statement should be submitted for the approval of the CNPA prior to any development commencing on site. Also, if the recommendation in the report was agreed a new site plan should be submitted showing the reallocation of the 11 house plots as recommended by the CNPA Natural Heritage Group (NHG).
46. Alan Rennie and John Gallagher addressed the Committee.
47. Members were invited to ask questions.
48. Andrew Thin thanked Alan Rennie and John Gallagher.
49. Mary Grier and David Bale (NHG) responded to points raised by Alan Rennie and John Gallagher.
50. The Committee discussed the application and the following points were raised:
 - a) Concern that the consultation response given by NHG was submitted at a late stage and clarification why the response was received at such a late stage.
 - b) The site plan for the outline planning permission.
 - c) The previous use of the land proposed for development.
 - d) The importance of the Birch wood located in the south-east of the site.
 - e) The potential problems of piecemeal development.
 - f) The seemingly conflicting ecological advice given by NHG and the Applicants Ecology Advisor.
 - g) Clarification of the CNPA monitoring procedures.

- h) Concern about the potential impacts on the rest of the site if the house plots were to be relocated.
- i) Clarification of the situation regarding affordable housing provision for the site.
- j) Concern about the possible shortfall in funding for the maintenance of landscaping/amenity areas, due the site being proposed for development in a piecemeal way.

51. David Green proposed a Motion that the application be approved for the reasons stated in the report but with the removal of condition(s) 3.1, 3.2 and 3.3 (leaving 3.4 and 3.5) and an amendment to condition No. 31 stating that prior to any development taking place on site a detailed design guide, taking into account the ecological impact of the development, be submitted for the approval of the CNPA. This was seconded by Bruce Luffman.

52. Susan Walker proposed an Amendment that the application be deferred to investigate how the 11 house plots could be relocated, as recommended by NHG. This was seconded by Stuart Black.

The vote was as follows:

| NAME | MOTION | AMENDMENT | ABSTAIN |
|--------------------|-----------|-----------|----------|
| Eric Baird | | √ | |
| Stuart Black | | √ | |
| Duncan Bryden | √ | | |
| Sally Dowden | √ | | |
| Basil Dunlop | √ | | |
| Douglas Glass | √ | | |
| Angus Gordon | √ | | |
| David Green | √ | | |
| Marcus Humphrey | √ | | |
| Bruce Luffman | √ | | |
| Willie McKenna | √ | | |
| Eleanor Mackintosh | √ | | |
| Gregor Rimell | √ | | |
| David Selfridge | √ | | |
| Richard Stroud | | √ | |
| Andrew Thin | √ | | |
| Susan Walker | | √ | |
| TOTAL | 13 | 4 | 0 |

53. The Committee agreed to approve the application subject to the conditions stated in the report but with the removal of condition(s) 3.1, 3.2 and 3.3 (leaving 3.4 and 3.5) and an amendment to condition No. 31 stating that prior to any development taking place on site a detailed design guide, taking into account the ecological impact of the development, be submitted for the approval of the CNPA.

CONSULTATION REPORT ON AMENDED APPLICATION TO SCOTTISH EXECUTIVE FOR FORMATION OF WINDFARM COMPRISING 40 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE AT CLASHINDARROCH FOREST, NEAR HUNTLY, ABERDEENSHIRE

(PAPER 5)

54. The Aberdeenshire Councillors declared an interest and left the room.
55. Andrew Tait presented a paper recommending that the Committee approve the response for submission to the Scottish Executive.
56. The Committee discussed the consultation response and the following points were raised:
 - a) That investigations are made as to how far the CNP influence extends outwith the Park boundary.
57. The Committee agreed to approve the consultation response for submission to the Scottish Executive.
58. The Aberdeenshire Councillors returned.

REPORT ON CONSULTATION TO HIGHLAND COUNCIL ON HIGHLAND COUNCIL RENEWABLES POLICY (PAPER 6)

59. Norman Brockie presented a paper recommending that the Committee approve the response for submission to the Highland Council.
60. The Committee discussed the consultation response and the following points were raised:
 - a) Clarification on when the consultation period closed. NB confirmed that the CNPA had been granted an extension.
 - b) The possibility of sending a letter to Highland Council highlighting the fact that no reference had been made to the CNP in the consultation paper.
 - c) 2.2.3 - Highland Council had used the terminology "environmental problems" to describe designated areas which was not the best phrasing.
 - d) 8.29 – The public attitudes only focussed on local opinion, however, the CNPA were interested in national opinion.
 - e) 11.1 – Concern that future scenarios included a possible Biomass plant in Strathspey by the year 2010.
 - f) Reference should be included that the CNP also have interest in applications outwith the boundary which may impact on the Park.
 - g) The possibility of the 4 Local Authorities (Angus, Aberdeenshire, Highland and Moray) in conjunction with the CNPA developing a larger Renewable Energy Strategy.
 - h) Clarification that the consultation paper had assumed that the proposed Transmission Line from Beauly – Denny had been granted approval.
 - i) Reference should be made to the fact that no mention had been made to the possibility of further transmission lines in the future and how they may impact on the CNP.
 - j) Clarification over what status the Strategy would have on planning in the CNP.
61. The Committee agreed to approve the consultation response for submission to the Highland Council with the above additions/amendments.

ANY OTHER BUSINESS

62. David Green raised concern that SNH were not making particular reference to the CNP, as a designated area, in their consultation responses. DG asked if it would

be possible to arrange a discussion between SNH and NHG with a view to providing joint natural heritage advice. This request was noted.

63. Andrew Thin advised that SEPA had issued a consultation paper on Waste Water and Sewerage, which was being looked at by Fiona Munro, Housing Policy Officer. AT advised that it was felt that this paper was not needed to be considered by the full Committee. AT had invited Susan Walker, Bruce Luffman and Duncan Bryden to be involved in the consultation response. However, any Board Member was welcome to be involved in this process.
64. Andrew Tait provided an update on the Appeal against the Enforcement Notice which had been issued for the AHR fence. AT advised that legal representatives for AHR had attended the Court of Session, Edinburgh and lodged a challenge to the upheld Appeal against Enforcement Notice. The section of fence the challenge referred to was in the lane to the side of TESCO's, which was to be removed to allow pedestrian access between Grampian Road and AHR. The Reporter had concluded that no engineering works were required (as stated in the Enforcement Notice) to this section of the removal of the fence. The Reporter had failed to delete the requirement for engineering works from the upheld Appeal and so AHR had challenged it on a technical issue. The Court of Session had agreed to the challenge and so the Reporters Decision/Enforcement Notice was currently suspended. AT advised that it may take several months for the Court of Session to decide the case.
65. Neil Stewart advised the Committee that the Appeal which had been submitted against the refusal of planning permission for a site at Morven Way, Ballater had been dismissed by the Reporter. NS advised that it was important to note that the Reporter had made reference to 2 of the aims of the CNP as material considerations.

DATE OF NEXT MEETING

69. Friday, 10th February 2006, The Ben Mhor Hotel, Grantown on Spey.
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 13:40hrs.