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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE PLANNING COMMITTEE

held at The Village Hall, Newtonmore  
on 27<sup>th</sup> May 2011 at 10.00am

### PRESENT

Peter Argyle	Mary McCafferty
Duncan Bryden	Willie McKenna
Angela Douglas	Gordon Riddler
Jaci Douglas	Gregor Rimell
Dave Fallows	Brian Wood
David Green	Allan Wright
Eleanor Mackintosh	

### IN ATTENDANCE:

Don McKee	Robert Grant	Frances Thin
Mary Grier	Pip Mackie	Bruce Luffman
Andrew Tait	Murray Ferguson	

### APOLOGIES:

Katrina Farquhar	Gregor Hutcheon
Kate Howie	Bob Kinnaird
Marcus Humphrey	Ian Mackintosh

### AGENDA ITEMS 1 & 2:

#### WELCOME AND APOLOGIES

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

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

3. The minutes of the previous meeting, 1<sup>st</sup> April 2011, held at The Community Hall, Boat of Garten were approved with an amendment to Paragraph 26 to reflect that there were no speakers on the application.
4. There were no matters arising.
5. Duncan Bryden provided an update on the Action Points from the previous meeting:
  - **Action Point at Para. 18:**  
Alison Lax, CNPA Strategic Policy Officer, was following this up as part of a wider workstream on Renewable Energy.
  - **Action Point at Para. 29:**  
A letter had been sent expressing disappointment at the retrospective nature of the application.
  - **Action Point at Para. 35:**  
The CNPA Landscape Officer was still investigating the potential for transparencies to be produced from the wireframe and photomontages to assess how the Wind Farm developments actually compared once constructed.
  - **Action Points at Para. 104:**
    - An email was sent to Members on 3<sup>rd</sup> May regarding the proposed Masterplan for Tomintoul.
    - An update paper had been scheduled for the Planning Meeting on 24<sup>th</sup> June providing a progress report on the Aviemore Design Framework.
    - The SPG consultation period had been extended and had subsequently closed.
    - Gordon Riddler confirmed that the local Board Members had met and been fully informed of the context of the 'No Objection' position to the proposed Burnside Wind Farm Cluster and this had been agreed and submitted to Aberdeenshire Council.

**AGENDA ITEM 4:  
OUTCOME OF ELECTRONIC CALL-IN**

6. The content of the Outcomes of the Electronic Call-in held on 1<sup>st</sup> April, 15<sup>th</sup> April, 28<sup>th</sup> April & 13<sup>th</sup> May 2011 were noted.

**AGENDA ITEM 5:  
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING  
ON THE AGENDA**

7. Mary McCafferty declared a direct interest in Item No. 6 (Paper 1) on the Agenda, due to the Applicant being a family member.
8. Dave Fallows declared a direct interest in Item No. 7 (Paper 2) on the Agenda, due to being a Member of the Highland Council (Inverness, Nairn & Badenoch & Strathspey) Planning Committee who would be submitting their own response to the consultation.
9. David Green declared an indirect interest in Item No. 9 (Paper 4) & Item No. 15 (Paper 10) on the Agenda, due to being a Board Member of SAC who were mentioned in the report. However, he had no involvement with the planning application.
10. Gordon Riddler declared an indirect interest in Item No. 10 (Paper 5) & Item No. 11 (Paper 6) on the Agenda, due to being a director of Ballater Royal Deeside Ltd who were working with COAT to improve the route. However, he had no involvement with the planning application.
11. Duncan Bryden declared an indirect interest in Item No. 14 (Paper 9) on the Agenda, he advised that he was currently carrying out consultancy work for Forestry Commission Scotland, but had no involvement with the planning application.
12. Angela Douglas declared an indirect interest in Item No. 14 on the Agenda, she advised that she was currently involved with work at a national level for the Forestry Commission Scotland, but had no involvement with the planning application.

**AGENDA ITEM 6:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION  
OF QUAD BIKE TRACK AND USE OF LAND FOR QUAD BIKING AND  
PAINTBALLING  
AT LAND ON PARKHEAD CROFT ADJOINING CURR WOOD, DULNAIN  
BRIDGE  
(PAPER 1) (10/392/CP)**

13. Mary McCafferty declared an interest and left the room.
14. Duncan Bryden informed Members that a request had been made to address the Committee from –
  - The Applicant: David McCafferty (available for questions)
  - Objector(s): Bob Kemp representing the RAF Benevolent Fund
  - Others: Archie MacNab, on behalf of the Applicant
15. The Committee agreed to the requests.
16. Andrew Tait presented a paper recommending that the Committee refuse the application for the reasons stated in the report.
17. Bruce Luffman informed Members how the planning application had come to be submitted.
18. He advised that on 26<sup>th</sup> February 2010 he had first noticed a Digger on the site but due to the level of snow on the ground had not been able to investigate at that point. On 17<sup>th</sup> May 2010 he received a phone call from a concerned resident advising that track excavation works had taken place on the site. On 21<sup>st</sup> May 2010 he had visited and taken photos of the site.
19. On 25<sup>th</sup> May 2010, he wrote to both the Applicant to highlight his concerns and Highland Council, Kingussie, to ascertain if they had any previous knowledge of development on the site. At this point, the Forestry Commission was also informed and an Officer visited the site but was unable to verify the extent of the felling that had taken place – the Applicant was told to cease felling operations without permission and the Applicant has adhered to this advice. Highland Council responded that they had issued a letter to the Applicant on 2<sup>nd</sup> October 2009 which confirmed that he could use the land at his croft for up to 28 days a year under the temporary buildings and uses class of the general permitted development order. However, any demand for a permanent facility would result in the need for a planning application, but if an engineered track was formed a planning application would be required and biking must cease.

20. He visited a neighbour of the site on two occasions in June and July 2010 and advised that they should keep a log of their concerns and actions on the croft. The Police had been called on one occasion and had visited the Applicant. A Highland Council Environmental Health Officer also advised the neighbour to keep a log of nuisance on the croft and they have continued to record instances to date.
21. Several meetings had taken place during June and July 2010 and the Applicant had advised that he had purchased paintball equipment to operate under the 28 day rule to see if a future operation would be viable. As this did not require any engineering works, Highland Council wrote to the Applicant confirming that was permitted. However, should the operation become permanent or operate for more than 28 days) they would need to submit a planning application.
22. On 8<sup>th</sup> September 2010 Bruce Luffman attended a meeting with the Applicant, the Scottish Auto Cycle Union (SACU) and other local residents associated with running quad and mini moto bikes. Bruce Luffman supported the SACU's advice for the need for a noise assessment to support any planning application. However, the SACU declined to become involved further as the SACU does not involve itself with commercial ventures but they suggested that a smaller track for children using electric quads may be a way forward. Following this meeting, the Applicant reduced the extent of the track by approximately 20% and reinstated the damaged area – no trees have yet been planted. The Applicant also advised at this point that using a much smaller track and electric quads was not a viable option.
23. Following the submission of the planning application in November 2010, Bruce Luffman stated he had made a number of visits to the Applicant and one visit to the neighbour to attempt to address the problems and answer planning concerns.
24. Bruce Luffman advised that his latest involvement with both the Applicant and neighbour was after Police had visited the site on two occasions due to reports of quad bikes being used on open land and issues about alleged damage occurring to the Neighbours property. This brought the situation up to date.
25. Andrew Tait advised that a further letter had been recently received from the Community Council echoing the comments previously submitted.
26. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) That the paintballing operation (for 28 days per year) could take place without the need for planning permission. Andrew Tait confirmed that this was the case.
  - b) The use of a quad bike on open croft land and if the use was legitimate e.g. being used in the normally accepted way of working agricultural land. Bruce Luffman advised that the quad bike activity on the croft had taken place in a neighbouring field to the site and had been described as excessive.

27. The Committee discussed the application and the following points were raised:
- a) The need for facilities of this type in the area, particularly for young people to benefit from.
  - b) The potential to defer the application to allow further investigation in to issues such as noise.
  - c) A site visit was proposed to assess the setting of the proposal, the proximity of the development to neighbours, if this development could be located in a village environment and potential impacts on the woodland.
  - d) The requirement for balance between the natural environment and economic development.
28. David McCafferty (Applicant) & Archie McNab (Supporter), answered questions from the Committee. The Committee were invited to ask questions and the following points were raised:
- a) If the Applicant would be willing to submit further noise assessment information. The Applicant replied that the high cost of carrying out a full noise assessment (quoted at £2000 - £9000) was prohibitive of any assessment being carried out. Bruce Luffman confirmed that the cost figures had come from the SACU who had experience in these matters. The Applicant advised that he had bought a hand held noise meter (which the CNPA had subsequently purchased from the Applicant), but for carrying out a full noise assessment further information was required. Bruce Luffman advised that new technical guidance had just been issued from the Scottish Government regarding noise and this was where the cost implications arose. Don McKee advised that the CNPA relied on advice given from Local Authority Environmental Health Officers, who were responsible for issues relating to noise. Noise had to be assessed in a rigorous and scientific manner, it could not be subjective – costs incurred arose from the production of an independent report carried out in accordance with the accepted methodology. Don McKee advised that there were cost implications associated with starting any business and these were not planning concerns. However, noise and the effect of noise was a planning consideration and therefore the advice given from Environmental Health Officer was that the information submitted was not sufficient to carry out a full noise assessment of the proposal.
  - b) Archie McNab stated that the quad biking was not to be a commercial activity, it was only the paintballing which was to be a commercial enterprise. Don McKee stated that if the activity operated for more than 28 days it would require planning permission. He confirmed that the engineered track would require planning permission whether it was to be operated as a commercial activity or not, as the track had an impact.

- c) Concerns raised by the Environmental Health Officer regarding dust and the willingness of the Applicant to address this issue. Andrew Tait confirmed that the information required regarding dust was to protect the amenity of neighbouring properties. Archie McNab stated that the Applicant had purchased a water bowser in order to dampen the track in dry weather and keep dust to a minimum.
29. Bob Kemp, Representee, addressed the Committee. The presentation covered the following points:
- The neighbour to the proposal requiring a secluded and peaceful environment to live in due to a medical condition.
  - Concern from the neighbour regarding the proximity of the proposed paintballing operation and the lack of screening between the development site and the boundary fence of his property.
30. Duncan Bryden thanked the speakers.
31. The Committee discussed the application and the following points were raised:
- a) The application having both support and opposition.
  - b) The noise assessment requested being that required for industrial noise affecting mixed residential / industrial areas and if this level of noise assessment was appropriate. Andrew Tait advised that this was the noise assessment level requested by the Environmental Health Officer and the CNPA were guided by their advice.
  - c) The application not complying with various policies within the CNP Local Plan.
  - d) A request to omit the word 'existing' in Reason I for Refusal. This was agreed.
32. Jaci Douglas proposed a Motion to Defer the application for a Site Visit to take place. This was seconded by Dave Fallows.
33. Peter Argyle proposed an Amendment to Refuse the application for the reasons in the Planning Report with the omission of the word 'existing' from the first sentence in Reason I for Refusal. This was seconded by Angela Douglas.

34. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Duncan Bryden		√	
Angela Douglas		√	
Jaci Douglas	√		
Dave Fallows	√		
David Green		√	
Eleanor Mackintosh		√	
Willie McKenna	√		
Gordon Riddler		√	
Gregor Rimell		√	
Brian Wood		√	
Allan Wright		√	
<b>TOTAL</b>	<b>3</b>	<b>9</b>	<b>0</b>

35. The Committee agreed to refuse the application for the reasons stated in the report, with the omission of the word 'existing' from the first sentence in Reason I for refusal.
36. Duncan Bryden stated that the CNPA were supportive of economic development and opportunities for young people in the Park. However, developments had to be located in the right place and be respectful of the other values that drive the rest of the Park economy.
37. **Action Points arising:** The CNPA Monitoring & Enforcement Officer to take the necessary action, should it be required, to have the use ceased and the area restored generally in character with surroundings.
38. Mary McCafferty returned.



**AGENDA ITEM 7:  
REPORT ON CONSULTATION RESPONSE TO SCOTTISH GOVERNMENT  
FOR CONSTRUCTION OF 31 TURBINE WIND FARM  
AT ALLT DUINE, KINCRAIG  
(PAPER 2)**

39. Dave Fallows declared an interest and left the room.
40. Duncan Bryden advised Members that due to the application being for 31 Wind Turbines and being over 50 mega watts the application was due to be determined by the Scottish Government.
41. Andrew Tait presented a paper recommending that the Committee approve the consultation response for submission to the Scottish Government.
42. Andrew Tait clarified that although the access tracks and sub-station compound were located within the CNP Boundary, all of the turbines were located outwith the Park. A number of clarifications / corrections were made with regard to the sub station access and borrow pits.
43. Frances Thin, CNPA Landscape Officer, addressed the Committee regarding the landscape impact that the proposed development would have on the CNP.
44. Andrew Tait informed Members that further information had been received yesterday, by both SNH and the CNPA regarding Eagles. However, there had not been sufficient time to assess the further submission.
45. Andrew Tait advised that although discussion regarding community benefit had taken place between the Planning Gain Service Officers and Highland Council, this information was not to be included in the consultation response to the Scottish Government. However, should the proposal be found to be acceptable the Planning Gain Service would continue to work with Highland Council to ensure a community benefit fund was in place and this would be reflected in Paragraph 115.
46. Andrew Tait advised of an amendment to Paragraph 121 to state that Golden Eagle were a species protected under the European Habitats Directive.
47. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) Clarification that Representees were not able to address the Planning Committee on responses to consultations. Duncan Bryden confirmed that this was the case, as the CNPA were not determining the application, Representees should make their submissions to the determining planning authority, in this instance, the Scottish Government.

48. The Committee discussed the application and the following points were raised:
- a) The application being located within a preferred Wind Farm development area under the Highland Council 2006 policy. Unfairness placed on the Developers at being encouraged to look at this site under the Highland Council 2006 policy and then the policy framework moving on in the form of the Draft Supplementary Guidance for Onshore Wind Energy (2011). Andrew Tait confirmed that the policy framework had moved on, the Draft Supplementary Guidance was a material consideration and reflected newer Scottish Government guidance regarding renewable energy. He advised that the Highland Council 2006 policy made only limited reference to the CNP setting or landscape and visual impact of renewable energy developments.
  - b) Clarification that both policy documents were material planning considerations and that a balance had to be struck between the two documents. Don McKee stated that the CNPA had objected to certain aspects of the Highland Council 2006 policy, particularly the lack of recognition given to National Parks throughout the document and the Monadhliath's being preferred area for Wind Farm development.
  - c) The increased volume of Wind Farm applications coming forward since 2006.
  - d) The report being thorough and competent.
  - e) The photomontages failing to accurately capture the visual impact of Wind Farm development once constructed.
  - f) The potential to strengthen the objection by making more reference to the prominence to the access track. Frances Thin confirmed that the response clearly identified that the access track was not acceptable under Policy 6 (Landscape).
49. The Committee agreed to approve the consultation response for submission to the Scottish Government with further emphasis being placed upon the CNPA's previous objection to certain aspects of Highland Council's Renewable Energy Policy (2006).
50. **Action Points arising:** The consultation response to be submitted to the Scottish Government with the following amendments:
- Paragraph 115 - Should the proposal be found to be acceptable the Planning Gain Service would continue to work with Highland Council to ensure a community benefit fund was in place.
  - Paragraph 121 - To state that Golden Eagle were a species protected under the European Habitats Directive.
  - Recommendation 4: Further emphasis being placed upon the CNPA's previous objection to certain aspects of Highland Council's Renewable Energy Policy (2006).
51. Dave Fallows returned.

52. The Committee paused for a break at 11.30am.
53. The Committee reconvened at 11.35am.

**AGENDA ITEM 8:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 3 STOREY BUILDING COMPRISING OF 12 NO APARTMENTS, NEW ACCESS AND ASSOCIATED CAR PARKING AT THE AVIEMORE CENTRE, GRAMPIAN ROAD, AVIEMORE (PAPER 3) (11/052/CP)**

54. Duncan Bryden informed Members that the application had been withdrawn from the live register of planning applications by the Applicant prior to the meeting.
55. **Action Points arising:** None.

**AGENDA ITEM 9:**

**REPORT ON CALLED-IN PLANNING APPLICATION FOR REMOVAL OF EXISTING DISUSED FARMHOUSE AND REDUNDANT OUTBUILDINGS & ERECTION OF NEW DWELLING HOUSE FOR AN ESTATE EMPLOYEE ON THE SITE OF THE OUTBUILDINGS AT CORARNSTILBEG FARMHOUSE, KINGUSSIE (PAPER 4) (10/455/CP)**

56. Duncan Bryden informed Members that a request had been made to address the Committee from –
  - The Applicant's Agent: Bob Reid & Nick Groves-Raines
57. The Committee agreed to the requests.
58. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. She advised that the Agent had recently submitted an updated mitigation plan regarding the bat roost in the rear elevation of the existing farmhouse. However, there had not been sufficient time to consult with SNH on the proposal and as the Applicant was currently out of the country it would also require their authorisation. Therefore, should the application be approved the Decision Notice would be withheld until the mitigation plan had been agreed. If any changes were necessary they would be brought back before the Planning Committee.

59. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification if an unwelcoming sign was still located at the first gate on the access track to the proposed site.
  - b) The requirement for a condition covering the specification of the new path, cattle grid and signage. Mary Grier confirmed that this could be included.
  - c) The energy source for the proposed dwelling. Mary Grier advised that a ground source heat pump was proposed, along with various energy efficiency measures which had been included in the design statement.
60. Bob Reid & Nick Groves-Raines, Agent, addressed the Committee. The presentation covered the following points:
- The application complying with Policy 22 of the CNP Local Plan as there was a requirement for a land manager on site 24 hours a day to deal with deer management, forestry, visitor management (public and invited) and farm management.
  - Being satisfied with the condition regarding access, path specification and signage.
  - The design of the proposed dwelling reflecting the local vernacular.
  - The sustainability credentials of the proposed dwelling including a ground source heat pump.
61. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) The inclusion of the portico on the front elevation of the building. Nick Groves-Raines advised that it was a painted timber door casing with a lead capped roof and was intended to give gravitas and provide a visual distinction between the front and rear elevations.
  - b) The potential for the retention of the existing farmhouse. Nick Groves-Raines stated that the building was uninhabitable and could not be used as a dwelling. However, the intention was to retain the rear elevation for the bat roost. Mary Grier advised that the retention of the existing building would potentially conflict with the visual setting of the new building and that the CNPA, in the course of a previous application, had accepted the principle of the dwelling being demolished.
  - c) If the farmhouse was not to be retained the possibility of liaising with the Highland Folk Museum, Newtonmore who may be interested in some of the contents. Bob Reid confirmed that there would be no problem with the Folk Museum accessing any surplus contents.
  - d) Clarification of the large number of chimney pots on the proposed dwelling. It was confirmed that some of the chimney pots were false.

62. Duncan Bryden thanked the speakers.
63. The Committee discussed the application and the following points were raised:
- a) The proposed mitigation measures for the bat roost.
  - b) The removal of Condition 5 regarding the portico.
  - c) The pleasing design of the dwelling being in a courtyard setting and reflecting large country houses in the area.
64. The Committee agreed to approve the application subject to the conditions stated in the report with the following amendments –
- Removal of Condition 5 from the planning permission.
  - Inclusion of a Condition covering the specification of the new path, cattle grid and signage.
65. **Action Points arising:** The Decision Notice to be withheld until the proposed mitigation measures regarding the bat roost have been agreed.

**AGENDA ITEM 10:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
FOOTBRIDGE (I)  
AT LAND AT BRIDGE OF GAIRN, BALLATER  
(PAPER 5) (11/038/CP)**

66. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
67. The Committee discussed the application and the following points were raised:
- a) Clarification that at Paragraph 42 the proposed bridge was to cross a drainage channel and not the River Gairn. Mary Grier confirmed this was the case.
68. The Committee agreed to approve the application subject to the conditions stated in the report.
69. **Action Points arising:** None.

**AGENDA ITEM 11:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
BRIDGE (H)  
AT LAND AT BRIDGE OF GAIRN, BALLATER  
(PAPER 6) (11/039/CP)**

70. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
71. Mary Grier advised that since the Planning Report had been issued an amended site plan had been submitted moving the path to access the bridge, this meant that no land raising would be required and it was hoped this would address the concerns raised by SEPA. She advised that the CNPA were currently awaiting SEPA's response on this amended proposal and any Decision Notice would be withheld until SEPA had confirmed they were content with these new arrangements and withdrew their objection.
72. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
  - a) If the bridge could be located in front of the existing water pipe therefore effectively screening it from view in the direction of the A93. Mary Grier stated that due to the location of the water pipe being on the outer edge of the existing abutments, the bridge was unable to be positioned in front of the water pipe.
  - b) The consultation response from the Community Council raising concern about encouraging more walkers to the area. Confirmation that the location of the bridge was close to a fishing pool and agricultural land which were already well used by walkers and any way to get pedestrians off walking along the very busy A93 was to be encouraged.
73. The Committee agreed to approve the application subject to the conditions stated in the report.
74. **Action Points arising:** The Decision Notice to be withheld until SEPA had removed their outstanding objection.

**AGENDA ITEM 12:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
SHOOTING LODGE  
(RESUBMISSION OF REFUSAL APPLICATION 09/351/CP (09/254/PIPBS)  
AT LAND 2300 METRES SOUTH OF PIPERS CROFT, LAGGAN  
(PAPER 7) (11/080/CP)**

75. Mary Grier presented a paper recommending that the Committee refuse the application subject to the reasons stated in the report.
76. The Committee discussed the application and the following points were raised:
- a) A property being used for business purposes being more likely to have increased traffic movements than a private residential property.
  - b) Aspects of the development being positive, including the intimated design.
  - c) Lack of compliance with various policies including the objection by the roads authority.
  - d) The CNPA being supportive of new Shooting Lodges in the area but they must also show evidence of their need and comply with policy.
77. The Committee agreed to refuse the application for the reasons stated in the report.
78. **Action Points arising:** None.

**AGENDA ITEM 13:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF  
DWELLINGHOUSE  
AT TOMINTOUL CROFT, BRAEMAR  
(PAPER 8) (11/024/CP)**

79. Duncan Bryden informed Members that a request had been made to address the Committee from –
- The Applicant: Callum Innes (available for questions)
80. The Committee agreed to the request.
81. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report. The Decision Notice would be withheld until the existing croft house had been listed by Historic Scotland.

82. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Thanks to the Applicant for not implementing previously granted planning permissions which would have destroyed the internal fabric of the existing building.
  - b) How the croft house is to be restored and conserved.
  - c) How water was to be sourced for the dwelling as there was no Scottish Water connection.
  - d) The Applicants plans for tree removal on the site and replacing of previously felled trees.
  - e) The possibility of the new dwelling being tied to the existing croft house. Don McKee responded that should the new dwelling be tied to the existing house it would lose the 0% VAT rating.
83. The Committee were invited to ask questions of Callum Innes, Applicant and the following points were raised:
- a) Plans for tree removal on the site and replacing of previously felled trees. The Applicant confirmed that many of the trees on site had been felled due to wind blow, a tree survey had been undertaken and identified the trees to be removed and suitable replacement species. The Applicant hoped to use the wood from the felled trees in the construction of the outbuildings.
  - b) Utilities provided to the site. The Applicant confirmed that the existing water supply had failed both on quality and quantity. A new supply had been sourced from within the Morrone SSSI, and had been subject to a detailed methodology statement which had been agreed in conjunction with SNH. He advised that an electricity source was located nearby and would be undergrounded to the property, including the removal of 2 wooden electricity poles.
  - c) The internal conservation of the existing property. The upstairs of the property would be closed off and not lived in, the box beds and hanging lum were to be retained and the property essentially becoming a 1 bed roomed bothy.
84. Duncan Bryden thanked the speaker.
85. Duncan Bryden said that the Planning Committee would wish to commend the Applicant for coming forward with such a well conceived proposal that allowed the retention of the existing building.
86. The Committee agreed to approve the application subject to the conditions stated in the report.
87. **Action Points arising:** The Decision Notice to be withheld until Historic Scotland had listed the existing croft house.



**AGENDA ITEM 14:  
REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMALISING  
60M OF ALL ABILITIES PATH; CONSTRUCT NEW TIMBER VIEWING  
PLATFORM; UPGRADING OF EXISTING STEPS AND PATHS  
AT GREEN LOCHAN (LOCHAN UAINE), RYVOAN PASS, GLENMORE  
FOREST PARK, AVIEMORE  
(PAPER 9) (11/059/CP)**

88. Robert Grant presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
89. The Committee were invited to ask the Planning Officer points of clarification. No points were raised.
90. The Committee agreed to approve the application subject to the conditions stated in the report.
91. **Action Points arising:** None.

**AGENDA ITEM 15:  
REPORT ON REQUEST TO VARY TERMS OF RESOLUTION FOR SECTION  
75 LEGAL AGREEMENT FOR ERECTION OF HOUSE AT LAGGAN CROFT,  
KINGUSSIE  
(PAPER 10) (10/106/CP)**

92. Andrew Tait presented a report on a request to vary the terms of resolution for the Section 75 Agreement/Planning Obligation to be revised to the effect that the disposal of the house is not restricted, but occupancy remain restricted to persons engaged in work on the croft as described by the applicant, and with a 12 week cascade mechanism for disposal of the house in event of default on a mortgage.
93. The Committee were invited to ask the Planning Officer points of clarification. No questions were raised.
94. The Committee agreed the request to vary the terms of resolution for the Section 75 Agreement/Planning Obligation to be revised to the effect that the disposal of the house is not restricted, but occupancy remain restricted to persons engaged in work on the croft as described by the applicant, and with a 12 week cascade mechanism for disposal of the house in event of default on a mortgage.
95. **Action Points arising:** None.

**AGENDA ITEM 16:  
REPORT ON PLANNING COMMITTEE SITE VISITS 28 APRIL 2011  
(PAPER 11)**

96. Don McKee presented a report on the Planning Committee site visits held on 28<sup>th</sup> April 2011.
97. Don McKee advised that he had looked at the Board calendar of meetings and proposed that on the days of Planning Committee for July, August & September any business could be concluded in the morning allowing the afternoons to be kept free for various talks etc. on some of the issues raised on the site visits.
98. The Committee discussed the possible of topics for discussion / places to visit for the dates identified, the following were raised:
  - a) Advice on new Building Regulations and how these affect planning decisions.
  - b) The need for information and examples to be available which the public can be directed towards regarding good design, setting etc. The potential for this to be included as a section on the CNPA website.
  - c) A possible design award as a way of promoting good design and making people aware of what was happening in the CNP. Don McKee advised that this issue had been raised at a recent CNPA Management Team meeting, along with Sustainable Design Guidance and the CNP Local Plan which would provide support to such a scheme. He advised that further information would be brought to the Planning Committee in June on this issue.
  - d) The possibility of a category being added to an established design award specifically for the CNP. It was agreed that further discussion needed to take place on this matter.
  - e) The role of the Monitoring & Enforcement Officer and the effect their involvement and negotiation skills can have on achieving a satisfactory outcome for all parties.
  - f) A visit to a micro hydro scheme and other Renewable Energy schemes. Don McKee advised that he would circulate information to Members on micro hydro schemes in the near future.
  - g) The possibility of Stuart Robertson, Aberdeenshire Council Planning Gain Officer, giving a presentation to Members including examples of what results have been achieved due to Planning Gain involvement. Don McKee advised that Stuart Robertson was due to retire shortly, but he would contact him.
  - h) Assessment of Wind Farm photomontages, including the same viewpoint taken under different weather conditions.

99. **Action Points arising:**

- Don McKee to circulate information to Members on micro hydro schemes.
- Don McKee to contact Stuart Robertson to arrange a presentation for Members on Planning Gain.

**AGENDA ITEM 17:**

**ANY OTHER BUSINESS**

100. Duncan Bryden introduced Lee Murphy, from Harper McLeod, the CNPA Legal Advisors who had come to observe proceedings.
101. Duncan Bryden informed Members that Planning Awareness Workshops were due to be held on 4<sup>th</sup> June at Nethy Bridge & Newtonmore and 11<sup>th</sup> June at Braemar & Blair Atholl. He advised that if any of the local Members wished to attend they would be welcome.
102. Jaci Douglas raised the issue of wildness and for staff to ensure that the language used when describing wildness should be as inclusive as possible to reflect our Park for All. As people experience wildness on a purely personal level and each individual's experience is different.
103. Jaci Douglas & Dave Fallows left the meeting.
104. Murray Ferguson informed Members that Di Alexander had been appointed as the new CNPA Affordable Housing Officer, he was due to take up his post in July.
105. **Action Points arising:** None.

**AGENDA ITEM 18:**

**DATE OF NEXT MEETING**

106. Friday 24<sup>th</sup> June 2011 at The Duke of Gordon Hotel, Kingussie.
107. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
108. The meeting concluded at 1.15pm.