
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held within The Albert Hall, Ballater
on 28th January 2005 at 10.30am

PRESENT

Eric Baird	Eleanor Mackintosh
Duncan Bryden	Alastair MacLennan
Stuart Black	Anne MacLean
Sally Dowden	Sandy Park
Basil Dunlop	Andrew Rafferty
Douglas Glass	Gregor Rimell
Lucy Grant	David Selfridge
David Green	Joyce Simpson
Marcus Humphrey	Richard Stroud
Bruce Luffman	Susan Walker
Willie McKenna	

IN ATTENDANCE:

Don McKee	Andrew Tait
Neil Stewart	Pip Mackie

APOLOGIES:

Angus Gordon	Andrew Thin
Sheena Slimon	Bob Wilson

WELCOME AND APOLOGIES

1. The Vice-Convenor welcomed all present.
2. Apologies were received from Angus Gordon, Sheena Slimon, Andrew Thin and Bob Wilson.

MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting, 14th January 2005, held in Aviemore were approved subject to an amendment to item 43.
4. Bruce Luffman informed the Committee that the application for planning permission which the CNPA had been consulted on (Paper 3, Consultation response for Craiglich Woodlands, Near Tarland, Aboyne), was likely to be determined by Aberdeenshire Council during February.

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

5. Willie McKenna declared an interest in Planning Application No. 05/026/CP.
6. Sally Dowden declared an interest in Planning Application No. 05/026/CP and Item No. 9 on the Agenda (Paper 3).

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

7. 05/014/CP - No Call-in
8. 05/015/CP - The decision was to Call-in this application for the following reason:
 - The development represents the extension of an existing quarry in a location adjacent to the Insh Marshes which is a heavily designated area in terms of nature conservation, and existing tourist based sites. The type and nature of the development proposed therefore raises issues relating to protection of natural heritage interests, landscape impact, impact on existing tourism, and social and economic development. This represents a development which raises issues of significance to the collective aims of the National Park.
9. 05/016/CP - No Call-in
10. 05/017/CP - The decision was to Call-in this application for the following reason:
 - The development is recreation/tourism based and represents further consolidation of an established business which is sited within a National Scenic Area and close to sites designated for their natural heritage interests. The proposal is also related to aiding the social development of young people in the National Park. This therefore raises issues relating to nature conservation, promotion of recreation and tourism and social and economic development all of which are significant to the aims of the National Park.
11. 05/018/CP - The decision was to Call-in this application for the following reason:
 - This development is located in a prominent location at the junction of two primary tourist routes and at the southern entrance to Aviemore. It represents a tourist related

development which is more than small scale in nature and size. The proposal raises issues relating to townscape and landscape impacts, promotion of tourism, and economic development. As such it raises issues of significance to the collective aims of the National Park.

- 12.05/019/CP - No Call-in
- 13.05/020/CP - No Call-in
- 14.05/021/CP - No Call-in
- 15.05/022/CP - No Call-in
- 16.05/023/CP - No Call-in
- 17.05/024/CP - No Call-in
- 18.05/025/CP - No Call-in

Willie McKenna and Sally Dowden declared an interest and left the room.

- 19.05/026/CP - No Call-in
Willie McKenna and Sally Dowden returned.

- 20.05/027/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

21. It was agreed that comments be made to the Local Authorities on Planning Application No's 05/016/CP, 05/021/CP, 05/024/CP, 05/025/CP & 05/026/CP.

22. The Highland Councillors declared an interest and left the room.

23. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/016/CP:

The CNPA has no objection to this minor development but in the interests of conserving and enhancing the natural heritage of the area, the CNPA would wish to bring to the attention of the Council, for their consideration, the existence of designated woodland and capercaillie habitat in the vicinity and that during construction, care should be taken to ensure there is no disturbance to this protected species.

24. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/021/CP:

The CNPA raises no objection to this development. However, it is recognised that the site is prominent in the landscape and in close proximity to the River Spey which carries SCI and SSSI status. In the interests of conserving the natural heritage of the area, the CNPA therefore suggest that the Council seeks to mitigate landscape impacts by ensuring that the colours are appropriate and that the potential for landscaping is investigated. In addition, careful assessment should be made in relation to surface water drainage arrangements and the potential for impacts on the River Spey.

25. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/024/CP:

The CNPA raises no objection to this development, particularly if it helps to sustain the viability and on-going efficient operation of this important tourist-based business. However, the CNPA would wish to ensure that during construction works the natural heritage interests of the River Dulnain SCI are protected and that SEPA and SNH are agreeable to the proposal in terms of pollution to the watercourse, flood risk and nature conservation.

26. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/025/CP:

The CNPA recognises the existence of the change of use permission from 2002 and, in the interests of conserving the cultural heritage of this building and the immediate surroundings, wishes to emphasise the importance of carrying out the required archaeological investigations at the site. In addition, the CNPA suggests that, if acceptable at all, consideration be given to reducing the size and scale of the new build wing and that every effort is made to retain any original external and internal mill workings in the design.

Willie McKenna and Sally Dowden declared an interest and left the room.

27. It was agreed to submit the following comments to Highland Council on Planning Application No. 05/026/CP:

The CNPA raises no objection to the erection of this pony shelter. However, the surrounding woodland in the area is known to contain capercaillie habitats. If this proposal relates to the development or intensification of a commercial pony trekking business, then, in the interests of conserving the natural heritage of the area, the CNPA would hope that any development or intensification of a pony trekking operation should be considered in the light of minimising recreational disturbance to capercaillie habitats.

28. Willie McKenna, Sally Dowden and the Highland Councillors returned.

**REPORT ON CALLED-IN PLANNING APPLICATION FOR THE UPGRADING OF EXISTING WASTE WATER TREATMENT WORKS AT STATION ROAD, NETHY BRIDGE
(Paper 1)**

29. Neil Stewart presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
30. Bruce Luffman, Vice-Convener advised the Committee that the planning officials had received a written request from Scottish Water Solutions, agents for the applicant, to address the Committee. The Committee granted the request.
31. Representatives from Scottish Water Solutions addressed the Committee and questions were invited from the Members.
32. In response to questions, Scottish Water Solutions clarified that the Treatment Works would be relatively easy to extend in the future, as room for expansion

had been accommodated in the present application. SWS confirmed that the trickle system had been chosen as it was the most appropriate method of treatment for the population in the locality and that there was no increased smell associated with this design. SWS clarified that the capacity of the proposed WWTW had been based upon the demand that would be required if there was full occupancy of all residential, second homes, holiday properties and hotels in Nethy Bridge. SWS stated that there were problems associated with building WWTW's not only with too small a capacity but also with too large a capacity for the area and that it was difficult to judge future waste water requirements accurately. SWS confirmed that committed development was classed as developments which already had been granted full planning permission from the planning authority. The proposed increase based on these figures was to include capacity for an extra 77 houses in the Nethy Bridge area.

33. Bruce Luffman thanked Scottish Water Solutions.
34. The Committee discussed the application and following points were raised:
 - a) Would future planning applications be refused in Nethy Bridge once the WWTW was up to the proposed new capacity. Don McKee responded that it would depend on the consultation responses provided by Scottish Water on individual applications.
 - b) The vicious circle that a planning authority would not grant planning permission without capacity in the WWTW but that the WWTW could not be extended without development, being brought forward.
 - c) Could the application be delayed/refused for investigation of different treatment systems which may be easier to extend in the future.
 - d) Could the proposal be conditioned that Scottish Water would have to return during the subsequent investment period. Don McKee advised that this would not be possible.
35. The Committee agreed to approve the paper subject to the conditions stated in the report and a further condition that the applicants provide drawings and information indicating how and where additional expansion of the WWTW to accommodate future development capacity, will be constructed on the site.

REPORT ON CALLED-IN PLANNING APPLICATION FOR FORMATION OF NEW DWELLINGHOUSE AT COULNAKYLE COTTAGE, NETHY BRIDGE (PAPER 2)

36. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
37. The Committee discussed the application and following points were raised:
 - a) The extension appeared to be larger than the original building.
 - b) The possible flood risk of the area. Andrew Tait confirmed that SEPA were satisfied with the proposal but that no flood risk assessment had been carried out for the site.
 - c) A new condition to maintain that the properties are to be kept as two separate dwellings in perpetuity.
 - d) Was the proposal classed as the creation of a new house in the countryside or as a conversion and therefore which Highland Council policy was to be applied.

- e) The possibility of one of the houses being conditioned for occupancy by a local person(s).
38. Don McKee advised that in initial discussions with the CNPA Solicitors they had advised that it could be difficult to condition one of the properties for occupancy by a local person(s). However, this possibility could be discussed in more detail with both the Applicant and CNPA Solicitors.
39. The Committee agreed to defer the application to allow further discussions with the Applicant and to seek more detailed advice from the CNPA Solicitors.

ENFORCEMENT UPDATE REPORT: UNAUTHORISED BOUNDARY FENCE AT AVIEMORE HIGHLAND RESORT, AVIEMORE (Paper 3)

40. Sally Dowden declared an interest and left the room.
41. Andrew Tait presented a paper providing an update on the Fence, erected without authorisation, by Aviemore Highland Resort. AT advised that AHR were looking to resolve issues for some sections of the fence and therefore recommended that the Committee approve the commencement of enforcement action, but delay the issue of any notice for 14 days to allow AHR time to submit a new planning application for the sections of the fence to be retained.
42. Gregor Rimell proposed a Motion that the Committee approve the immediate commencement of enforcement action. This was seconded by Joyce Simpson.
43. Douglas Glass proposed an Amendment to approve the commencement of enforcement action, but to allow the 14 days delay to permit AHR time to lodge a new planning application for the sections of the fence to be retained. This was seconded by Marcus Humphrey.
44. The vote was as follows:

NAME	MOTION	AMENDMENT	ABSTAIN
Eric Baird	√		
Duncan Bryden		√	
Stuart Black	√		
Basil Dunlop	√		
Douglas Glass		√	
Lucy Grant	√		
David Green	√		
Marcus Humphrey		√	
Bruce Luffman		√	
Willie McKenna	√		
Eleanor Mackintosh	√		
Alastair MacLennan	√		
Anne MacLean	√		
Sandy Park	√		
Andrew Rafferty	√		
Gregor Rimell	√		
David Selfridge	√		
Joyce Simpson	√		

Richard Stroud		√	
Susan Walker		√	
TOTAL	14	6	0

45. The Committee agreed to approve the immediate commencement of enforcement action.
46. Sally Dowden returned.

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF FOOTBRIDGE AT SEANN SPIDDAL, A93, GLENSHEE, BRAEMAR
(Paper 4)

47. Andrew Tait presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
48. The Committee discussed the application and following points were made:
- a) The design of the bridge was considered to be good.
 - b) Any possible concerns had been well addressed by the report.
 - c) The introduction of a permanent bridge would provide access to paths in a safer way for walkers/skiers than the metal poles which were currently occupying the site.
49. The Committee agreed to approve the application subject to the conditions stated in the report.

UPDATE AND ROUTE ALTERATION FOR THE BEAULY TO DENNY TRANSMISSION LINE
(Paper 5)

50. Don McKee presented a paper providing an update on the Beauly to Denny Transmission Line and a recommendation for the Committee to approve the response on the proposed SSE preferred route alteration.
51. The Committee felt it was important that the report regarding the possible undergrounding of the Line should be brought to them for discussion. Don McKee confirmed that the report was expected in early February and would be presented to the Committee as soon as it was available.
52. The Committee agreed the response to be submitted to SSE.

ANY OTHER BUSINESS

53. Bruce Luffman informed the Committee that there were now bad weather arrangements in place, to cover Planning Committees, should travel be inadvisable. Audio conferencing equipment was available at both the Grantown and Ballater Offices and would be utilised in these circumstances. He advised that the decision to change the Planning Committee location would hopefully be made the day prior to the Committee and Members would be informed as soon as possible.

54. Basil Dunlop informed the Committee that the CNP had been the subject of the BBC programme "Countryfile" which unfortunately had not been broadcast in Scotland. BD raised concern that there were a few inaccuracies contained in the programme and that no representative from the Park was included. Don McKee advised that Andrew Thin had provided an interview for the programme, but unfortunately, it had not been utilised.

DATE OF NEXT MEETING

55. Friday 11th January, Tomintoul.

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

57. The meeting concluded at 13.15hrs.