
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Cairngorm Hotel, Aviemore
on 28th May 2010 at 10.30am

PRESENT

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

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

IN ATTENDANCE:

Mary Grier
Don McKee
Pip Mackie

Bill Stewart
Andrew Tait

APOLOGIES:

Drew Hendry
Marcus Humphrey

Fiona Murdoch
Andrew Rafferty

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

1. The Convenor welcomed all present and reminded Members that at the conclusion of the meeting a Site Visit would commence to look at the proposed development site at An Camas Mor, Aviemore (09/155/CP).
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, 14th May 2010, held at The Grant Arms Hotel, Grantown on Spey were approved.
4. There were no matters arising.

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

5. Gregor Rimell declared a direct interest in Planning Application No. 10/132/CP, due to being a Highland Council nominee to the Grantown Museum Board.
6. Willie McKenna declared a direct interest in Planning Application No. 10/153/CP, due to having a community interest in the application.
7. The Highland Councillors (Stuart Black, Jaci Douglas, Dave Fallows & Gregor Rimell) declared a direct interest in Planning Application No. 10/153/CP, due to applicant being Highland Council.
8. Eric Baird declared a direct interest in Planning Application No. 10/155/CP, due to the applicant being his employer.
9. David Green declared an indirect interest in Item No. 8 (Paper 3) on the Agenda, due to his previous role of chairman of the Crofters Commission.

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

- | | |
|-----------------|---|
| 10. 10/131/CP - | No Call-in |
| | Gregor Rimell declared an interest and left the room. |
| 11. 10/132/CP - | No Call-in |
| | Gregor Rimell returned. |
| 12. 10/133/CP - | No Call-in |
| 13. 10/134/CP - | No Call-in |
| 14. 10/135/CP - | No Call-in |
| 15. 10/136/CP - | No Call-in |
| 16. 10/137/CP - | No Call-in |
| 17. 10/138/CP - | No Call-in |
| 18. 10/139/CP - | No Call-in |
| 19. 10/140/CP - | No Call-in |
| 20. 10/141/CP - | No Call-in |
| 21. 10/142/CP - | No Call-in |
| 22. 10/143/CP - | No Call-in |
| 23. 10/144/CP - | No Call-in |
| 24. 10/145/CP - | No Call-in |
| 25. 10/146/CP - | No Call-in |
| 26. 10/147/CP - | No Call-in |
| 27. 10/148/CP - | No Call-in |
| 28. 10/149/CP - | No Call-in |
| 29. 10/150/CP - | No Call-in |
| 30. 10/151/CP - | No Call-in |
| 31. 10/152/CP - | No Call-in |

Stuart Black, Jaci Douglas, Dave Fallows, Willie McKenna and Gregor Rimell declared an interest and left the room.

32. 10/153/CP -

The decision was to call-in the application for the following reason :

- The application for outline planning permission was previously called in and this application is considered to be of linked significance. The proposal raises issues in relation to impacts on natural heritage, the wider social and economic development of Aviemore, integration of existing and proposed uses and facilities at the location. It is therefore considered to be of significance for the future development of Aviemore and of general significance to the collective aims of the Cairngorms National Park.

Stuart Black, Jaci Douglas, Dave Fallows, Willie McKenna and Gregor Rimell returned.

33. 10/154/CP -

No Call-in

Eric Baird declared an interest and left the room.

34. 10/155/CP -

No Call-in

Eric Baird returned.

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

35. The Members wished to make comments to the Local Authorities on the following Planning Application No's 10/132/CP, 10/133/CP, 10/135/CP, 10/136/CP, 10/137/CP, 10/139/CP, 10/140/CP, 10/143/CP, 10/144/CP, 10/145/CP, 10/146/CP, 10/147/CP, 10/151/CP & 10/154/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 ERECTION OF REPLACEMENT CLUB HUT AT BRAEDOWNIE FARM, GLEN CLOVA (09/039/CP) (PAPER 1)

36. Duncan Bryden informed Members that Tony Viveash, the Applicant's representative, was available to answer any questions Members may have.
37. Andrew Tait presented a paper recommending that the Committee approve the application for the reasons stated in the report and additional conditions covering a bat survey of the existing building; sediment control; pollution prevention measures; maintenance and emptying of the secondary treatment works; Condition 5 should also include reference to surface water drainage measures. The inclusion of an Advice Note directing the applicant to SEPA's website for regulatory information was also recommended.
38. The Committee were invited to ask the Planning Officer points of clarification. No questions were asked.
39. The Committee were invited to ask questions of the Applicant's representative. No questions were asked.
40. The Committee agreed to approve the application subject to the conditions stated in the report and the addition of the Advice Note and conditions covering a bat survey of the existing building; sediment control; pollution prevention measures; maintenance and emptying of the secondary treatment works; Condition 5 should also include reference to surface water drainage measures.

**AGENDA ITEM 7:
REPORT ON CALLED-IN PLANNING APPLICATION FOR TEMPORARY USE
OF GROUND FOR SITING 10 PRE-FABRICATED TIMBER WIGWAM TENTS
(REVISED APPLICATION) AT BADAGUISH OUTDOOR CENTRE,
GLENMORE, AVIEMORE
(10/107/CP) (PAPER 2)**

41. Mary Grier presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
42. The Committee were invited to ask the Planning Officer points of clarification, the following was raised:
 - a) Whether the proposed structures were classed as a caravan under planning law.
43. The Committee agreed to approve the application subject to the conditions stated in the report.

**AGENDA ITEM 8:
UPDATE REPORT ON SECTION 75 LEGAL AGREEMENT ON ERECTION OF
CROFT HOUSE AT LAND 50M SOUTH WEST OF GRIANAN, STRONE
ROAD, NEWTONMORE
(06/485/CP) (PAPER 3)**

44. Don McKee presented a paper recommending that the Committee agree to the request for removal of the Section 75 Agreement in this specific case because of the unusual circumstances in exchange for a formal personal undertaking signed by the applicants and that also agree to the CNPA working with Scottish Government, mortgage lenders and others to resolve issues in relation to Section 75 Agreements and funding for croft and similar houses and report back to the Planning Committee with the outcome of this process as soon as possible. Don McKee stated that as yet there was no confirmation from the Bank that they were able to lend against the property.
45. Don McKee informed Members that Scottish Government have scheduled a meeting to take place in June to discuss Section 75 Legal Agreements. The meeting would include representatives from the CNPA, Loch Lomond & The Trossachs National Park, Jim McKinnon (Chief Planner), the Council of Mortgage Lenders and other interested rural authorities.
46. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
 - a) The possibility of deferral, in order for the meeting in June to take place prior to making a decision.
 - b) The Scottish Government meeting in June and the timescale of discussions
 - c) The lawyers view on the precedence of accepting a personal undertaking from the Applicant.
 - d) Clarification of the term 'dispone', as used in the personal undertaking.
 - e) The need to include Affordable Housing providers in the Section 75 discussions.
 - f) Clarification of the Planning Authority's powers in pursuing a case, should the Applicant not adhere to the personal undertaking and the associated cost implications.
 - g) Clarification of the legal expenses referred to in Section 9 of Appendix I.
47. The Committee discussed the application and the following points were raised:
 - a) A personal undertaking not having the same legal standing as a Section 75 agreement.

- b) Acknowledgement of the work undertaken by the Planning Officials regarding the situation.
 - c) Concern about the recommendation and the cost implications of pursuing a case in the event of the Applicant not adhering to the personal undertaking.
 - d) Concern about the principle and that the removal of the Section 75 agreement would set a national precedent and could potentially extend into mechanisms for securing Affordable Housing.
 - e) The possibility of deferring a decision to allow for further discussion to take place.
 - f) The timescale of the national meeting making deferment untenable.
 - g) The personal undertaking being made in a public forum.
48. Dave Fallows proposed a Motion to approve the removal of the Section 75 Legal Agreement as per the recommendation. This was seconded by Gregor Rimell.
49. Peter Argyle proposed an Amendment to defer any decision to allow for further discussion to take place at a national level and await national guidance on the matter. This was seconded by Richard Stroud.
50. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Peter Argyle		√	
Eric Baird		√	
Stuart Black	√		
Geva Blackett	√		
Duncan Bryden	√		
Jaci Douglas	√		
Dave Fallows	√		
Lucy Grant	√		
David Green	√		
Bob Kinnaird	√		
Mary McCafferty	√		
Willie McKenna	√		
Eleanor Mackintosh		√	
Ian Mackintosh	√		
Anne MacLean		√	
Alastair MacLennan	√		
Gregor Rimell	√		
Richard Stroud		√	
Susan Walker		√	
TOTAL	13	6	0

51. The Committee agreed to the request for removal of the Section 75 Agreement in this specific case because of the unusual circumstances in exchange for a formal personal undertaking signed by the applicants and also agreed to the CNPA working with Scottish Government, mortgage lenders and others to resolve issues in relation to Section 75 Agreements and funding for croft and similar houses and report back to the Planning Committee with the outcome of this process as soon as possible.

**AGENDA ITEM 9:
ANY OTHER BUSINESS**

52. Jaci Douglas expressed concern about the reduction of the number of photos in the planning Call-in presentation.
53. Don McKee informed Members that the decision was taken to reduce the number of photos so that Planning Officials did not have to travel so frequently to outlying areas, thus saving on time and fuel costs. He stated that Planning Officials would look at the situation and re-address the balance of photos in future presentations.
54. Members also raised strong concerns regarding the number of retrospective applications which had recently been submitted in the Park area. Sue Walker suggested that an article in the press stating the importance of applying for planning permission prior to carrying out any development would help raise the prominence of the issue in a public forum.

**AGENDA ITEM 10:
DATE OF NEXT MEETING**

55. Friday 11th June 2010 at The Community Hall, Boat of Garten at 10:00am.
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 11:00am.