
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at The Retreat, Glen Esk,
on Friday, 12 June 2009 at 10.30am

PRESENT

Eric Baird
Stuart Black
Geva Blackett
Duncan Bryden
Lucy Grant
David Green
Drew Hendry
Marcus Humphrey
Bob Kinnaird
Mary McCafferty

Willie McKenna
Eleanor Mackintosh
Ian Mackintosh
Anne MacLean
Alastair MacLennan
Fiona Murdoch
Andrew Rafferty
Richard Stroud
Susan Walker

IN ATTENDANCE:

Andrew Tait
Derek Manson

Bruce Luffman
Julie Millman

APOLOGIES:

Peter Argyle
Gregor Rimell

Jaci Douglas
Dave Fallows

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

1. The Convenor welcomed all present and introduced Derek Manson, Planning Officer. He informed the Committee that Robert Grant was off work for a little longer and for the Committee's good wishes for a good recovery to be passed on to Robert.
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, 29 May 2009, held at Lecht Ski Centre were approved subject to amendments to include the word "strategically" in Para 41, to re-word Item 65n to say "The potential for a sympathetic restoration of the building including an extension in a sympathetic style and to Item 66 "The Reporters' original

reasons for refusal was an important consideration for resisting the proposal and the independent structural survey had shown the potential for some restoration rather than the need for a complete rebuild. Under Item 86, replace 'call in' with the words 'in addition to'.

4. There were no matters arising.

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

5. Fiona Murdoch declared an interest in Planning Application No. 09/178/CP.
6. Andrew Rafferty declared an indirect interest in Planning Application No. 09/161/CP.
7. Marcus Humphrey and Richard Stroud as Aberdeenshire Councillors declared an indirect interest in Planning Application No. 09/175/CP.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, by Andrew Tait, Planning Officer)**

- | | |
|-----------------|---|
| 8. 09/157/CP - | No Call-in |
| 9. 09/158/CP - | No Call-in |
| 10. 09/159/CP - | No Call-in |
| 11. 09/160/CP - | No Call-in |
| 12. 09/161/CP - | No Call-in |
| 13. 09/162/CP - | No Call-in |
| 14. 09/163/CP - | The decision was to call-in the application for the following reason : |
| | <ul style="list-style-type: none">• The proposal involves the erection of a 15 metre high telecoms mast in an area adjacent to a range of environmental designations. The proposal raises a range of issues with regard to natural heritage, landscape in particular and also in relation to the social and economic development of the area. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park. |
| 15. 09/164/CP - | No Call-in |
| 16. 09/165/CP - | No Call-in |
| 17. 09/166/CP - | No Call-in |
| 18. 09/167/CP - | No Call-in |
| 19. 09/168/CP - | No Call-in |
| 20. 09/169/CP - | No Call-in |
| 21. 09/170/CP - | No Call-in |
| 22. 09/171/CP - | No Call-in |
| 23. 09/172/CP - | No Call-in |
| 24. 09/173/CP - | No Call-in |
| 25. 09/174/CP - | The decision was to call-in the application for the following reason : |
| | <ul style="list-style-type: none">• The proposal involves the renovation/replacement of an existing bridge of distinctive design that crosses the River Feshie. The age |

and character of the bridge are such that it is of importance to the cultural heritage of the Park. There are a high number of environmental designations covering the area and the bridge facilitates a number of walking routes in the area. Consequently, the proposal raises issues of general significance for the collective aims of the Cairngorms National Park.

- 26. 09/175/CP - No Call-in
- 27. 09/176/CP - No Call-in
- 28. 09/177/CP - No Call-in
Fiona Murdoch declared an interest and left the room
- 29. 09/178/CP - No Call-in
Fiona Murdoch returned
- 30. 09/179/CP - No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

- 31. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/158/CP, 09/161/CP, 09/170/CP, 09/176/CP & 09/178/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 CNPA PLANNING ENFORCEMENT CHARTER (PAPER I)

- 32. Bruce Luffman (Monitoring Enforcement Officer) presented a paper recommending that members of the Planning Committee accept the Planning Enforcement Charter as set out in Appendix I of this report and note the review of conditions in Decision Notices and a future discussion on delegation of enforcement procedures.
- 33. Amendments to the previous paper and the various changes to the Appendix were outlined to members.
- 34. The Convenor invited members to ask any questions.
- 35. Members made the following requests/suggestions:
 - a) Page 3, Item 10 of the Paper – Clarification was sought that this part of the recommendation did not mean that conditions on the Decision Notice were to be different than those conditions on the application that is determined and agreed at the Committee. This was not the intention but a recommendation for a review of the way that conditions are written for approval on planning applications and subsequently on Decision Notices
 - b) 1.2 – Have regard for more ways of interacting with the public eg Service points.
 - c) Under explanation of Call-in on Page 2 of the Appendix, there is a need to refer to the aims of the Park.
 - d) 2.1 – Suggestion that the 'criminal offence' issue is brought into the introduction; alteration to the final part of 2.2 and bring the confidentiality issue in 3.5 to more prominence. It was noted that much of this is subject to Scottish Government guidance and the CNPA are committed to follow that guidance
 - e) 3.9 - It was accepted that the sentence should stop at 'prioritised'
 - f) 3.13 - – Agreed to soften the sentence and advise that the persons involved should seek redress through their own legal channels

- g) The map of the Park area should clearly define the boundaries of the 4 local authorities and possibly the 5th one; Highland Perthshire.
- h) Need to involve the Community Councils more as a consultee and that the CNPA Monitoring & Enforcement Officer should speak to them about his role and the role of the public in the process.
- i) There was general agreement by the Committee on the need for a robust Charter.
- j) The Convenor asked that members send any further comments to Bruce Luffman to assist in his final compilation of the Charter.

36. The Convenor advised members that planning conditions and the review of decision notices would be considered by the Committee as a separate item in the future and recommended acceptance of the paper subject to amendment of points raised by members on the content and engagement with Community Councils on a variety of points in terms of planning with a summary leaflet.

**AGENDA ITEM 7:
ANY OTHER BUSINESS**

- 37. Duncan Bryden brought members' attention to an informal discussion session following the meeting.
- 38. This was a paper regarding application 08/443/CP for outline Planning Permission for the Nursing Home at Burnside, Aviemore. Andrew Tait, presented the paper on behalf of Hilary MacBean and asked the committee to authorise an amendment to the resolution of 29th May 2009, Item 2, Paper 7) to grant planning permission for the above named development. The applicant had requested the Committee to agree an upfront payment of the bus shelter subsidy which would simplify the process and avoid the need for a legal agreement covering payment in sections. The bus shelter being provided by planning condition. The members agreed to this subject to legal advisor approval and an additional condition that the electronic interactive display referred to was a universally accessible.

**AGENDA ITEM 8:
DATE OF NEXT MEETING**

- 39. Friday, 26 June 2009, 10.30 am, The Albert Hall, Ballater.
- 40. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.
- 41. The meeting concluded at 11:50hrs.