
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE BOARD MEETING held at The Community Hall, Boat of Garten on Friday 18th January 2008 at 10.30am

PRESENT

Eric Baird	Mary McCafferty
Stuart Black	Eleanor Mackintosh
Geva Blackett	Anne MacLean
Duncan Bryden	Alastair MacLennan
Nonie Coulthard	William McKenna
Lucy Grant	Fiona Murdoch
David Green (Convenor)	Sandy Park
Drew Hendry	Andrew Rafferty
Bob Kinnaird	Susan Walker

In Attendance:

Fiona Chalmers	Andy Rinning
Murray Ferguson	Fran Scott
Bob Grant	Adam Streeter Smith
Jane Hope	Hamish Trench
Patricia Methven	Francoise van Buuren
Claire Ross	

Apologies:

Jaci Douglas	Ian Mackintosh
David Fallows	Richard Stroud
Bruce Luffman	Ross Watson
Marcus Humphrey	

Welcome

1. The Convener welcomed everyone to the Boat of Garten Community Hall, and in particular, welcomed Hamish Trench to his first Board meeting as head of the Natural Heritage and Land Management Group.

Minutes of Last Meeting – approval

2. The Minutes of the last meeting (30th November 2007) were approved, with one change: the recommendation at paragraph 9(a) to be amended to reflect the point made at paragraph 8(e) so that this read as follows “agrees the principle of pooling CNPA funding with LEADER resources and delegating authority to make funding decisions to the LEADER Local Action Group; that the LAG should be invited to consider the possibility of adopting a name which reflected the Cairngorms National Park; and that use of the Cairngorms National Park Brand be investigated as a way of emphasising the association of the Grant Scheme with the Cairngorms National Park.”

Matters Arising

3. Three points were raised as follows:
 - a) Paragraph 7(a): The news that SNH funding would transfer to Local Authorities was noted; CNPA staff were in discussion with SNH about the transfer of the Grant Aid function for Ranger Services from SNH to the CNPA subject to any settlement not reducing the overall level of public support for ranger services in the National Park. It was hoped that the transfer intentions would be clarified in the SNH Ranger Review under way.
 - b) Paragraph 15: Progress with the Aviemore fence was reported. CNPA solicitors were in the process of drafting a Section 14 notice to serve further to the Board’s discussion on the 11th January.
 - c) Paragraph 16: It was noted that the nursery in Kingussie had closed.

Declarations of Interest

4. Lucy Grant and Alastair MacLennan noted that they had proposed core paths running through their farms, but this did warrant their leaving the discussion on Paper 1.

Approval to Consult on Draft Core Path Plan (Paper 1)

5. Bob Grant introduced the paper noting that this was a major piece of work which had been considered by the Board on three occasions over the last two years. The current paper sought approval to complete the draft Core Paths Plan and carry out a formal public consultation as the next stage in the process. Bob noted that while statutory process was extremely important, it was essential that this did not become the focus of attention and detract from the strategic objective in the National Park Plan of having a high quality, well promoted network of paths in the Cairngorms that could provide a range of benefits for all. Developing the network would involve building some new paths, upgrading and repairing others, and putting in place good promotion and visitor information, removing barriers and ensuring that the network linked up and was managed as a whole. As a result of the public consultations, the resulting draft Core Paths Plan was much more strategic in its approach, providing a genuine network across the whole Park. As part of the process, and recognising that the issue of designation of the River Spey as a possible core path was a key issue, the Convener and Deputy Convener had met with representatives of the Angling and Canoeing communities. It had been clear from that meeting that a major challenge going forward, regardless of

designation or otherwise as a core path, would be improved information and communication to the public.

6. In discussion the following points were made:

- a) On the issue of designation of the River Spey, it was clear that the status quo was not sustainable. The strong resistance in some quarters to the designation of the River Spey seemed to result from the existing tensions rather than the fact of designation as a core path per se. The way forward recommended at Paragraph 22 had the advantage of making the River Spey a priority for addressing the issue of conflicting interests that already existed regardless of the Core Path Plan process. Canoeists already had a right of access under the legislation; making the river a core path made no difference to that, but did send a signal about priority for management of resources.
- b) The paper was complimented as comprehensive.
- c) It was noted that the Cairngorms Local Outdoor Access Forum (CLOAF) had dealt in depth with the issue of the Core Path Plan through a series of workshops and meetings. It was comfortable with the process of consultation which lay behind the Core Path Plan; it had been “real” consultation, with changes made as a result to deliver a more strategically based plan. The process had been carried out well and it was clear why changes had been made. The CLOAF was also comfortable with the recommendations. In particular, it had noted that the River Spey was so important it was impossible to argue that the core path network would be sufficient without it. The River Dee was seen as having a different scale of recreational use and the issues that arose could be dealt with in a different way.
- d) A counter view was expressed in relation to the designation of the River Spey. It was noted that it was possible to manage the path without it being a core path; designation would simply have the effect of increasing use.
- e) The proposed Core Path Plan for Moray Local Authority did not designate the River Spey itself, but made the access to the River Spey part of the Core Path Plan. This did not seem to represent a completely joined up approach with core paths in one area simply stopping at an administrative boundary. A more strategic overview was needed if the whole concept of a core path network in Scotland was to be realised. This had been noted on a previous occasion and the CNPA had written to the Scottish Government following the Board’s last discussion highlighting this issue. In practice the CNPA had to work with the system as set up which included national guidance and a requirement that solutions were found locally. While this made a certain amount of sense, there clearly needed to be some “joining up” when the 34 Core Path Plans were considered by Ministers. Only when Ministers had all the plans in front of them would they be able to take this complete overview.
- f) A question was asked about one particular path and why it was not included in the Core Path Plan.
- g) The Core Path Plan represented an opportunity for a coordinated approach across the whole of Scotland. It had to be remembered that this was the first stab at this completely new initiative, and there would be more planned in the future. Six out of ten people who visited the Cairngorms National Park came to enjoy low level walking. This represented a huge economic driver and an issue on

which the Cairngorms National Park Authority could make a real difference. The CNPA had spent two years on developing the Core Path Plan and it was now time to start implementing it.

- h) In respect of paragraph 8, the comment was made that adding more lines on the map was not a good idea.
- i) In respect of paragraphs 33 and 34 there was some discussion about funding and where this would be found. Paragraph 33 gave an estimate of the total cost for delivering a high quality and well promoted core paths network across the Park over the next five years, for which it was suggested that approximately 43% would be contributed from the CNPA. The 43% estimate was based on experience over the previous three years of what CNPA had generally been contributing. Other funders included the Local Enterprise Companies, European Funds and Local Authorities. The challenge for the CNPA was to “sell” the Core Path Plan on the basis of a wide range of economic and social benefits to the public. The soon to be established Park-wide Trust would be crucial in attracting these funders, and the Trust’s Business Plan would address further the issue of deployment of funds. Paragraph 34 referred to the need for maintenance of core paths; attracting funding for this would also be a challenge. The estimate of the CNPA contributions could only be an estimate at this stage and it would be important to tap into a range of other funding streams, including the public, private and voluntary sector. It was noted that the SRDP had a role via the Land Management Contract in providing a source of funding for paths. There could be no guarantee of funding at any particular level, but inclusion in the Core Path Plan signified paths at the top of the priority list.
- j) There was some discussion about public liability. It was noted that a paper had previously been put to the Board based on legal advice. That advice had been promoted more widely. It reiterated that the exposure of land managers to liabilities was no greater than on a non core path; each case would be judged on its merits.
- k) It was suggested, and agreed, that the next public consultation was an opportunity to reiterate the pros and cons, and current line of thinking, on the remaining big issues such as finance, liability, etc. This might help to get the message out more widely that these issues have been considered.
- l) There was some discussion about commercial operations involving access and the question of liabilities. It was noted that during the passage of the Land Reform Legislation, the conclusion had been reached that activities should be covered by the Right of Access if they could be carried out on a non commercial basis. Provided these were carried out responsibly, they could take place – this was the issue rather than whether the activity was commercial. The legislation gave no facility to charge directly for access although it was possible to charge for specific facilities, e.g. car parking. The Outdoor Access Code was therefore key for setting what constituted responsible behaviour. Potential conflicts between different groups of users, such as riders and walkers, would be governed by judgement on what constituted responsible behaviour. Education and communication and understanding by all parties was key to potential conflicts being minimised. It was noted that the Spey User Group was very effective from that point of view, bringing together various users with differing points of view and providing the opportunity to exchange views and information.

- m) The argument that land managers had the opportunity to make money through the right of access and the availability of grants was a false one. The benefit to land managers came through the new legislation creating a better way of managing walkers, with the core path network tending to focus peoples activities on paths.
 - n) In response to a question on paragraph 27, it was confirmed that the securities issues had been thoroughly explored and documented, and the decision was taken in full knowledge of the issues. It was also pointed out that access rights still applied to the paths even if not in the core path network. The security issue arose from the additional promotion that was implicit in the inclusion of the Core Path Plan.
7. Summing up the discussion to date the Convener commended the work of the Access Team in managing the process to arrive at this stage, and on a very good paper. It was noted that Bob Grant sat on the National Access Forum on behalf of both National Park Authorities and would raise the strategic issues which were concerning the Board (lines on the map, finance, liability, maintenance, and lack of a joined up approach at boundaries between Access Authorities). In this respect it was also noted that it was worth making the point that it would be sensible if all Access Authorities consulted at the same time on their plans. It was also suggested that the CNPA should liaise with neighbouring access authorities to comment on each other's plans.
8. If the Board were content to approve consultation on the draft Core Paths Plan in front of them, the next step would be a formal consultation of 12 weeks which would be used to try and resolve any remaining issues. If some objections remained unresolvable, this would trigger a public local enquiry. While this was potentially resource intensive, it was noted that the PLI could be by written submission which would make it less expensive and time consuming. The consultation would be conducted by the CNPA in the same way as the previous round of consultation. Everyone who had responded to the earlier consultation would be given the invitation to respond again. Land managers would specifically be contacted. There would be a series of meetings throughout the National Park area.
9. **The Board agreed the recommendations of the paper as follows:**
- a) **Note the advice received from the Local Outdoor Access Forum (Annex 2 in the paper);**
 - b) **Note the feedback received during the consultation on the Interim Draft Core Paths Plan;**
 - c) **Approve the revised aim and objectives for the Draft Core Paths Plan (Annex 4 in the paper);**
 - d) **Approve the proposed changes to the network for public consultation (as described in paragraphs 14 to 16);**
 - e) **Consider the options for inclusion of waterways within the core paths network and approve inclusion of the River Spey (Option 1);**
 - f) **Give approval to undertake a formal consultation on the Draft Core Paths Plan;**
 - g) **Agreed that the consultation paper at (f) should make clear the context in which this consultation was taking place and flag up the remaining big issues**

and the arguments for and against these (lines on the map, finance, liability, maintenance).

Scotland Rural Development Programme – Communications and Support in the Cairngorms National Park (Paper 2)

10. Hamish Trench and Fiona Chalmers introduced the paper which sought approval for a programme of SRDP (Scottish Rural Development Programme) communications and support, including the role of land management support officers. The information Paper 5 set out the background to Paper 2 which specifically sought approval for expenditure by the CNPA on two fixed term posts intended to help ensure high quality applications for applicants and for the National Park. The launch of the SRDP in early 2008 provided a significant opportunity to contribute to the delivery of the National Park Plan. However, to realise the potential for this funding programme in the National Park, it was suggested that the CNPA should take a proactive role in stimulating high quality applications and supporting land managers and others in adapting to the new system. There were various reasons, as set out in Paragraph 4, why the national process might not deliver the full potential that the SRDP offered for the Cairngorms National Park. Everyone had to work with the system as it was and ensure that maximum advantage was made of the programme.
11. The proposal for two fixed term land management support officer posts was an opportunity to support land managers, an opportunity to lever as much out of the National Programme into the National Park as possible, and an opportunity to be proactive in using the SRDP funds to help deliver the National Park Plan. Discussions with the Scottish Government had indicated they were keen to look at this as a model for the rest of the country and they would be interested in taking part in the evaluation process. The proposal was being brought to the Board in advance of the agreement to the new Corporate Plan simply because this was an opportunity which could not be missed. It was important, if this opportunity was to be taken, to have the proposed officers in place early in the SRDP process. Further efforts would be made to attract additional funding, possibly from the LEADER funding, once this was possible. It was noted that while the proposal sought approval for expenditure in financial year 2008/09, there would also be an implication for future years, albeit this might be moderated by any additional funding that could be attracted.
12. In discussion the following points were made:
 - a) It was very disappointing after all the work that the CNPA had put into discussions with the Scottish Executive, that the National Parks were not considered RPAC areas in their own right. The consequence for the Cairngorms was that the National Park was covered by three separate areas that would be considering SRDP applications.
 - b) There was some discussion about the number of posts and their duration. On balance it was felt that two posts were needed to get adequate coverage of the whole National Park, and the duration had to be sufficient to enable the post to have an effect before any evaluation was carried out but not so long that the project became too open ended. Two posts for two years appeared to be the favoured option, but staff should consider this further bearing in mind the

principles just articulated. The important issue was to ensure that this was seen as a fixed term project with review at defined points to measure progress. This in turn implied clarity of objectives and outcomes. If monitoring revealed success, the CNPA should be looking for other agencies to support the continuation of the posts.

- c) The posts should be focused on working principally with commercial advisors not to duplicate their work with clients, but to develop the capacity of those advisors to help deliver the National Park Plan while also helping applicants put together successful applications.
- d) In reality it was likely that land managers would to some extent be speaking to the project officers direct, and the system would not necessarily work as expected with project officers dealing only with advisors. Good communication and understanding of the role of the project officers was crucial.
- e) The new SRDP scheme was complex and differed from previous schemes. The assessment procedure for approval was also complex. These were all reasons why the proposed officers could bring benefits to the applicants and the National Park as a whole. Because of these reasons the benefits would be most obvious in the early years of the SRDP process when there would be the most confusion and the least amount of experience.
- f) The benefits were difficult to quantify. This might be possible in the light of experience as the project unfolded. Some of the many benefits were purely qualitative in the sense of developing a better and closer working relationship between the Park Authority and land managers, and the widening of opportunities once these posts were in place and operating, to develop other opportunities.
- g) There were opportunities to join up the work of other agencies, not just the rural agencies (SNH, FCS, SEPA, etc.) who were part of the core process, but other agencies as well who were on the face of it more peripheral. For example, HIE had already offered to give some business advice to help with a particular application which would bring economic benefits to the area. The proposed project officers were an opportunity to make more of those sorts of linkages. It was also an opportunity to draw on other sources of funding such as LEADER, in conjunction with RDC (Rural Development Contracts).
- h) In relation to paragraph 24 and helping to deliver a Park for All, the statement at paragraph 24 was somewhat glib and needed further definition if the proposed posts were indeed going to provide benefits under this heading.
- i) The proposal provided a good opportunity for the Cairngorms National Park Authority and was welcome.
- j) The structures involved in the delivery of the SRDP were complex. National priorities had been regionalised and the regional priorities and decisions on applications depended on making linkages with a range of other plans at the local level. The CNPA had secured references to the Cairngorms National Park Plan in these regional priorities. The capacity was there to make connections to the relevant community planning partnerships, but this would not happen automatically. This was another potential role for the proposed support officers.
- k) The job descriptions of the two proposed posts were still to be drafted, and it was important in doing this to have a clear sense of the outcomes expected. It was clearly important that the post holders would have the ability to engage with

land managers, be able to understand the issues, and be able to make connections as described. They would also need to be able to work with other organisations to bring packages together. These needed to be capable and skilled individuals and it was important that they were given a clear sense that their jobs depended on their success.

- l) The proposed posts clearly focused on some real opportunities. However, it was important to recognise there were also some risks. One of these was flagged up at paragraph 16 and should not be taken too lightly. Officers were urged to put considerable effort into managing the risks highlighted at paragraph 16.
- m) The evaluation programme needed to build in the qualitative change that was envisaged (collaboration; benefits on a landscape scale).
- n) The impact on commercial advisors was unlikely to be a problem as the proposed project officers were likely to mean that the work of commercial advisors was more productive, with more applications approved.
- o) The SRDP was widely acknowledged to be complex and difficult. It was right that the National Park Authority should be trying to do all it could to make sure that the scheme succeeded, and not be blamed for its failings.
- p) Monitoring of this project was crucial. There needed to be clear measures of success; job descriptions needed to be clear and the duration of the project likewise.
- q) Many Members expressed disappointment and frustration that the Cairngorms National Park was not a single RPAC area. It would be important to use the monitoring process to demonstrate that there was a good argument for a single RPAC for the Cairngorms National Park.

13. In summing up the Convenor acknowledged the general agreement to the proposal, and a general welcome for the CNPA taking the initiative and being proactive. The monitoring process would be key with a clear sense of success measures including financial benefits. Job descriptions needed to be equally clear, related to those measures of success, and the post holders needed to be extremely competent and skilled. Timing was crucial with the major benefits arising from these project officers being effective as early as possible in the SRDP bidding process. There was general agreement that two officers for an initial period of two years was about right, but with monitoring and review periods carefully specified.

14. The Board agreed the recommendations of the paper as follows:

- a) Approved the proposed SRDP communications and support programme including two fixed term Land Management Support Officer posts;**
- b) In order to allow recruitment of the posts to proceed, the board approved the expenditure of £80,000 for the year 2008/09 to deliver the programme of communications and support proposed.**

The CNPA's Race Equality Scheme (Paper 3)

15. Fran Scott and Claire Ross introduced the paper which sought the Board's endorsement of the CNPA's draft Race Equality Scheme, including an action plan.

16. In discussion the following points were made:

- a) There were some minor changes in terminology suggested, notably on page 4 the use of the word “ethnic” rather than “ethnic minority”; on page 9 the phrase “usual suspects” and “excluded groups” were unnecessarily pejorative and jargon related. It was agreed these should be revisited.
- b) The first report on the Disability Equality Scheme previously agreed by the Board, had been produced and was already on the website. The work by Officers was commended.
- c) The scheme was a statutory requirement. It was not a comment on whether the CNPA were doing well or badly. The point was that no organisation, including the CNPA, could afford to be complacent, not least because discrimination was sometimes quite inadvertent and unintentional.

17. The Board endorsed the CNPA’s Race Equality Scheme, and noted the actions required including impact assessment and monitoring.

AOCB

18. Hamish Trench reported that following further discussion, Management Team had concluded that responsibility for Cultural Heritage matters should sit within the group previously referred to as Natural Heritage and Land Management. This would provide the opportunity to take a more integrated and holistic approach across the natural and cultural heritage boundaries, many of which were rather artificial. As a result the group would change its name to Heritage and Land Management Group. Hamish was currently discussing with partners how we might jointly fund and support a post focused on the cultural heritage of the Cairngorms National Park.

Date of Next Meeting

19. 20th March 2008 at the Richmond Memorial Hall, Tomintoul (tbc). There would be a Board training day on the 25th January 2008.