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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## MINUTES OF THE BOARD MEETING held at The Community Centre, Nethy Bridge on Friday 1<sup>st</sup> July 2005 at 1.30pm

### PRESENT

Eric Baird	Alastair MacLennan
Stuart Black (part of meeting)	William McKenna
Duncan Bryden	Sandy Park
Sally Dowden	Gregor Rimell
Basil Dunlop	David Selfridge
Douglas Glass	Joyce Simpson
Angus Gordon	Sheena Slimon
Lucy Grant	Richard Stroud
David Green	Andrew Thin
Bruce Luffman	Susan Walker
Eleanor Mackintosh	
Anne MacLean	

### In Attendance:

Jane Hope	David Cameron
Murray Ferguson	Nick Halfhide
Andrew Harper	Don McKee
Fiona Newcombe	Fran Potheary
John Thorne	Hamish Trench

### Apologies:

Bob Wilson  
Andrew Rafferty  
Marcus Humphrey

### Welcome and Introduction

1. The Convenor welcomed everyone to the meeting, and sought the Board's agreement to some changes in the order of the agenda items.

### Minutes of Last Meeting – approval

2. The minutes of the previous meeting (3<sup>rd</sup> June 2005) were approved with one minor change, namely that in paragraph 9(a) the reference to the mornings Planning Committee

should be expanded to include an explanation of the relevant decisions made by that Planning Committee.

## **Matters Arising**

3. The following points were raised:
  - a) Paragraph 7(a) was in hand
  - b) Further to AOCB, it was reported that the CNPA team in the Highland Cross had raised over £500.

## **Operational Plan 2005/06 Quarter 1 Update (Paper 6)**

4. David Cameron introduced the paper which reported on progress to date with delivery of the 2005/06 Operational Plan actions. He noted that progress on 17 of the 20 goals was broadly in line with the intentions set out in the Operational Plan. The remaining three goals had been identified as affected by some changes to timetable and/or intended delivery plans, but all three of the goals were expected to be delivered prior to the end of the year. He also noted that there would be a report to the Finance Committee on the expenditure associated with the Operational Plan; and that there was further work to do in embedding risk analysis in the reporting on the Operational Plan. Finally, he drew attention to the slightly revised format being used to report on Operational Plan progress and invited members to offer their views on this.
5. In discussion the following points were made:
  - a) Paragraph 13 of the paper referred to some delays in a number of pieces of work being undertaken in relation to housing. The Heriott Watt Report was largely complete, and the delays were in the studies investigating the potential for landowners and for crofts to meet local housing needs. This would not affect the timetable for the Local Plan. There was a delay in getting population projection figures which would not be available for the National Park area until early 2006. Meanwhile the CNPA were investigating whether local authority housing projection figures could be used to generate the necessary information for the Park area. It was envisaged that this would not cause a delay for the Local Plan.
  - b) Further to paragraph 14, it was reported that the appointment of the Education and Inclusion Manager would follow the process of advertisement which would start the following week.
  - c) With respect to the National Park Plan it was noted that the Panel on Joined up Government (which brought together Chief Executives and Chairs of the Public Agencies in the Park) had been delayed simply in the interests of ensuring that such a meeting was only called once there was something substantial to discuss. This was now planned for September. It was essential that the other public sector agencies were properly engaged in the process of developing the National Park Plan, however, it was equally important that such a group should not meet without a clear reason for doing so.
  - d) Some of the project work contributing to improving the access infrastructure in the Park had been delayed. This was for a number of reasons, including in some cases a shortage of suitably qualified contractors to build paths. The situation had improved recently, and the issue was therefore one of delay rather than non delivery.

6. **The Board noted with approval the progress in delivering the first quarter of the Operational Plan 2005/06.**

### **Cairngorms Youth Apprenticeship Scheme: Increasing Training Opportunities for Young People in the Park (paper 2)**

- 7 John Thorne introduced the paper which reported on work over the previous year to develop a local youth apprenticeship scheme, and outlined plans for further work. He summarised by drawing attention to the way in which this work had brought together a wide range of organisations, all with the aim of seeking to increase the number of young people who could find work and develop a career within the National Park. This was a long term project, involving many different partners. A Board Paper later in the year would provide more detail on funding for the proposals likely to emerge from this project, however the CNPA was unlikely to be a major funder. The Land Based Business Training Project, currently run by the CNPA, would be considered as a possible model for the administration of a Youth Apprenticeship Scheme.

- 8 **Action:**

- a) **A paper to be brought to the Board later in 2005 on funding details for proposals emerging from the project**

- 9 In discussion the following points were made:

- a) Raising awareness of training and vocational opportunities for young people was a major issue which should be addressed as part of this project. Not only would it be important to think about how best to communicate with young people on the available opportunities, but also with parents, who were often inclined to favour university education rather than vocational training
- b) Parental concepts of success were often geared to academic success, rather than vocational training. There were moves nationally to broaden everyone's concept of career success. In respect of the proposed Cairngorms Youth Apprenticeship Scheme, it would be important to involve schools, and give them an understanding of the project. Contacts with Education Authorities would be important (and it was noted that they were already involved) but direct contacts with Head Teachers to talk about the drivers behind this project might well be helpful.
- c) It would be essential to stay in touch with employers and identify their needs. In the area of outdoor pursuits, employers were increasingly setting store on awards from governing bodies rather than on SVQ's, and this needed to be factored in.
- d) Improving up take of training might focus on ways of overcoming barriers. In some cases this might be, for example, the barrier of travelling to work/training. In other cases the barrier might be the attitude of parents to vocational versus academic training and development.
- e) Employers found it useful if recruits were already trained and certificated in areas such as health and safety.
- f) Work placements were an essential part of vocational training, but it was important to recognise that this placed a burden on the employing company and the project need to consider the possibility of financial support to the employer in these cases.

- g) The paper was welcomed, and clearly reflected a lot of work which had involved coordinating a very large number of different organisations.
- h) It was essential that employers had some input into what was really needed by the market. Umbrella organisations such as business associations, and The Cairngorms Chamber of Commerce may well have access to existing skills audits. *[check with Sally Dowden about this point]*
- i) Further to paragraph 11 it was noted that Highland Council ran a scheme which trainees were moved around a number of different employers.
- j) In raising awareness, it was important to link in to the careers officers from the Enterprise Companies, whose job was to engage with Schools on career opportunities.
- k) If bursaries were to be made available, these should cover not just travel to college or place of work, but also travel further field to see other places. Part of training and development was widening an individual's appreciation of the world around them.

**10 The Board noted with approval the paper and the progress made to date.**

### **Strategic Environmental Assessment and Sustainability Appraisal – Update (Paper 3)**

11 Hamish Trench introduced the paper which updated members following a paper in February 2005, on progress with Developing an Approach to Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA), and carrying out assessment on the Park and Local Plans.

12 In discussion the following points were made:

- a) It was noted that whilst the Sustainability Appraisal was not a statutory requirement, it should contain reference to all the aims and visions of the Park in the report
- b) This was a complex area at a strategic level. It would be essential to have access to sound science for future monitoring purposes.
- c) The SEA and the SA are partly driven by statutory requirements and partly by what the CNPA would wish to do anyway, given its philosophy of openness, transparency, and basing policy on evidence. There would consequently be various different audiences for these reports and it would be important to think through how to communicate the essence of this work in an accessible and understandable way.

**13 The Board noted with approval progress with this work.**

*[Stuart Black joined the meeting]*

### **Briefing on Cairngorm Mountain Funicular and the Visitor Management Plan (“closed system”) (Paper 5)**

14 Jane Hope introduced the paper which was for information, following a request by the Board. The Convenor pointed out that the paper was not seeking a decision, but noted that various organisations, and therefore various Board Members had an interest in the

issue, namely members of Highland Council, members of SNH and a member involved with the charitable trust which owned Cairngorm Mountain Ltd.

15 In discussion the following points were made:

- a) Paragraph 11 of the paper referred to a condition in the Visitor Management Plan (VMP) which referred to ‘permanence’ of the closed system which could be construed as offering little scope for change. However, the same condition clearly referred to the possibility of a review of the Visitor Management Plan.
- b) There was a relationship between the funicular and the closed system in the sense that the more popular the funicular, the more pressure there would be on the closed system. It seemed that the time was possibly right to have a review. Any review must involve everyone, and must be comprehensive, and must be a review which looked at everyone’s interests.
- c) In promoting understanding and enjoyment of the environment arguably you have to introduce people to it. The closed system did not do that.
- d) A system of permits was used in other parts of the world with similar facilities in the midst of a sensitive and protected environment. Careful monitoring would be required to assess whether or not such a system would work in the circumstances of Cairngorm Mountain.
- e) Visitor behaviour was crucial to putting in place an effective system, and there was a body of existing work which deserved further study.
- f) It was crucial to define the Cairngorms experience and tie that into an interpretive plan with clear outcomes. This was something which the CNPA had a clear interest in, and may be able to help with.
- g) Any changes to the VMP clearly had to be directed towards greater protection for the NATURA designated sites. This had to be an outcome of any review and therefore born in mind during the review even though one of the drivers for the review would be the dissatisfaction expressed by visitors because they were unable to leave the top station and walk outside.
- h) It was important to bear in mind the funicular was a successful visitor attraction which also successfully protected the fragile environment. The question was whether the attraction could be made even better in both respects; and it was important that any review to answer this question was based on sound evidence. There was undoubtedly pressure from many sides to move quickly to change the existing closed system, but there was serious danger of getting it wrong. The aim was to get a better visitor experience and care was needed to ensure that was indeed the outcome, and not a complete withdrawal of access rights as a result of making ill thought through changes.
- i) It was not possible to teach people about conservation from an enclosed box. The current closed system inevitably led to the public being confused. The CNPA needed to make sure that any review was responding to the public – what they were saying, and what they were doing. It was important to move carefully on this sensitive issue, and to make sure that clear messages were being communicated to the public about this issue conservation as well as enjoyment.
- j) It was important to move carefully; any changes to the current system would need to be accompanied by careful impact monitoring.
- k) It was clear from the map attached to the paper that paths existed near the summit of Cairngorm. It would be important to find out how much of the discontent recorded from the Cairngorm Mountain feedback forms filled out by the public

arose from people who were likely to use these existing paths. Clearly if the figure was high then dealing with the discontent might be relatively easy and the debate would need to focus on people's behaviour, and how much assurance one could get that people would stay on the paths. If it was proved that people wandered off the paths and caused damaged there would then be a very clear case for prohibiting access.

- 16 The Convenor summed up the discussion as follows:
- a) Responsibility for the section 50 agreement and associated Visitor Management Plan laid clearly with Highland Council and SNH. The CNPA had an advisor role.
  - b) The possibility of a review of the VMP appeared to implicit in its wording. There was no indication of timing written in to the VMP, but the review at around the five year point might be sensible.
  - c) It was important to reflect on what was meant by a 'review' the intent must be to improve the Visitor Management Plan (inline with the wording of VMP as set out at paragraph 11) this must include improving the protection of the designated site, and the key aim would also be improving the visitor experience.
  - d) There seems to be a general feeling that now was the time to consider a timetable and the parameters for a review. Any review would need to be based on good evidence and the Park Authority may have a role in making sure that the necessary information was generated.
  - e) Implicit in what had been discussed was that any review needed to take account of all four aims of the National Park (noting that the National Park had not existed when the VMP had been put in place).

**17 The Board noted the paper and the associated discussion.**

**Park Plan Update (Paper 4)**

- 18 Nick Halfhide introduced the paper which updated members on the development of the Park Plan, State of the Park Report and associated work. In discussion the following points were made:
- a) Paragraphs 8 to 10 referred to a report on research into public investment in the Park. This was proving more complex than originally envisaged. A wide range of public bodies was involved, whose boundaries were not coterminous with those of the Park. The information was being collected under a number of activity headings, and this could be manipulated in a number ways to answer a number of different questions, for example how much money had been spent on footpaths. However there was a limit to how this information could be used, and presenting it in terms of, for example, the level of investment in each of the four aims, would probably not be possible at the moment. A lot more work was required to get the level of sophistication in the analysis that we would ideally want, and now that the National Park was in place we would be working with partners to ensure that in the future this sort of information could be more easily collated. The fundamental question underpinning this work was 'do public agencies know exactly what they are getting in return for their investment'.
  - b) The State of the Park Report was not yet available on the website in its entirety; there was just a list of contents which would enable people to review this and then

ask for those sections which they wished to see. We had not yet provided for discussion on the website itself; at this stage of the State of the Park Report the aim was to ensure that the facts were right and the interpretation was right. It was a relatively specialised audience and a targeted consultation. A much wider debate, that might prompt the more sophisticated website discussion option would be more appropriate for the draft National Park Plan itself.

- c) Paragraph 11 referred to meetings with partners. These would initially flush out the complex and controversial issues, which would then be brought forward to discussion at a high level, probably at the panel on Joined up Government which it was hoped to meet in September. The Scottish Executive might need to become involved if there were serious conflicts between policies of different organisations.

## **19 The Board noted the update with approval**

### **Procedures for Upholding and Managing Outdoor Access Rights (Paper 1)**

20 Fran Potheary introduced the paper which set out the procedures to be followed when using the enforcement and exemption powers that are conferred upon the National Park Authority under the Land Reform (Scotland) Act 2003. In discussion the following points were made:

- a) The Paper was commended as being very clearly laid out and presented.
- b) In relation to paragraph 13 the question was asked as to whether there was any issue for the CNPA in respect of liability if the Park Authority had to carry out measures required by a notice itself and would cover costs. Given that this would be very much a last resort, the CNPA would have been in consultation with legal advisers at this point and would address any issues of liability arising then.
- c) The two National Park Authorities retained a place on the National Access Forum. This had been filled on behalf of both Park Authorities by Kristin Scott. However, following Kristin's departure, it remained to be discussed with Loch Lomond and The Trossachs National Park Authority which officer would take the lead on the National Access Forum.
- d) In respect of paragraph 21, it was possible that several events may take place back to back which raised the question of duration. Judgements would need to be made on a case by case basis, bearing in mind that the principle of the legislation was to make sure that exemptions from access rights were of limited duration.
- e) In respect to paragraph 20, there had been discussion with the other local authorities on the matter of the costs associated with exemptions from access rights being born by the landowner. Once again, this would need to be considered on a case by case basis as it would not always be obvious which party should bear these costs.
- f) The Park Authority was working on template for recording enforcement actions taken. This would be superseded in due course by an electronic system. It was noted that it would be useful for Board Members to know about enforcement actions. There was some discussion in relation to paragraph 32 and the possibility of the CNPA seeking the co-operation of ranger services on the ground in dealing with access enquiries. In theory this co-operation could be with all ranger services, but in practice it was felt it was more straightforward to liaise just with the four local authority ranger services, because of their relatively wide coverage.

- g) Although there was no formal right of appeal as such, under section 28 of the Act an application could be made for a sheriff's determination of the existence and extent of an access right.
  - h) Paragraph 12 referred to obstructions to access. Structures such as kissing gates, and styles could be regarded as obstructions, even though in another sense they were providing for access. A number of enquiries had already been received; in each case a fundamental question was why those structures were there.
  - i) Paragraph 15 concerned reinstatement and the question was asked how this referred damage which had not been deliberate. Section 23 of the Act was quite specific and referred only to cases where land managers had not restored damage following an action they had undertaken, usually ploughing or other activities associated with good husbandry. These were, in effect, acts of omission. Section 23 did not refer to cases where the damage was by a third party; there was no duty on a local authority to order reinstatement in such cases.
  - j) Annex 3 did not appear to provide for blanket provisions which might be desirable in cases concerning protection of the natural heritage, for example because of nesting by a rare bird. It was noted that Section 26 of the Act provided SNH with specific powers to put up signs regarding protection of the natural heritage. Disturbance of nesting birds would in any event be illegal.
- 21 The Convenor summed up the discussion by noting three points that had emerged:
- a) Further thought was needed concerning potential liability of the CNPA in cases where they carried out measures;
  - b) Further thought was required on the involvement of ranger services and whether this should just be local authorities or should be more inclusive;
  - c) Clarity was needed on whether the right mechanisms were in place or preventing disturbance of the natural heritage.
- 22 **The Board agreed the recommendations of the paper as follows:**
- a) **Noted the duty placed on the Cairngorms National Park Authority to uphold access rights and powers available to enforce and manage access rights;**
  - b) **Approved the delegation of responsibility for decision making in respect of section 14, 15 and 23 to the Head of Visitor Services and Recreation;**
  - c) **Approved the delegation of responsibility for decision making in respect of section 11 orders of up to five days to the Head of Visitor Services and Recreation;**
  - d) **Noted that the Board would take decisions on section 11 orders of between 6 days and 2 years;**
  - e) **Approved the procedures outlined in annexes 1 to 3 as the basis for dealing with case work associated with upholding and managing access rights subject to review after 18 months.**
  - f) **A further recommendation was added by the Board, mainly that the recommended delegation of responsibility to the Head of Visitor Services and Recreation was to include this post of the Chief Executive.**  
*[David Selfridge departed]*



## **Brand Management Committee Update (Paper 7)**

23 Andrew Harper introduced the paper which updated the Board on the progress of the Brand Management Committee in implementing the use of the Cairngorms brand. In discussion the following points were made:

- a) One of the criteria for tourism businesses using the brand would be a commitment to achieving within one year bronze level (at least) of the Green Tourism Business Scheme (or equivalent scheme). This was felt to be consistent with the Park Authority's commitment to raising environmental standards within the sector. It was noted that there were some reservations expressed by the industry about this scheme, and that VisitScotland were reviewing the scheme with a view to improving and promoting its take up. The CNPA was keen to work with VisitScotland to ensure that these improvements were brought about urgently.
- b) The brand was the copy right of the CNPA. It was being made clear when permission for brand use was granted that criteria may be amended in the future. Monitoring was essential so that criteria could be modified in the light of experience, in order to maintain the quality associated with the brand.
- c) The update was for information; there was no requirement for the Board to ratify the decisions of the Committee, to whom decisions had been delegated by the Board in February.
- d) Use of the Sustainable Tourism European Charter mark by businesses at some point in the future would not be inconsistent with the use of the brand. Consideration at a European level is being given to how individual businesses could indicate compliance with the Charter principles. This is likely to build upon local accreditation arrangements rather than introducing a separate scheme.
- e) The next meeting of the Brand Committee would be looking at a timetable for rolling out the brand to other sectors. This was likely to depend on whether or not there were existing schemes for the non tourism sectors. VisitScotland had agreed to use the Cairngorms National Park as a pilot for developing concordats in cases where there was not an existing accreditation scheme.
- f) A number of decisions had already been taken on granting permission to use the brand. Numbers were likely to increase once active promotion of the brand started. Promotion of awareness would be through a range of networks such as Chamber of Commerce, Business Associations, Community Councils, Park Life etc. The CNPA was discussing with VisitScotland how they might also promote awareness. More thinking was also needed on how to publicise more generally to the public what the brand stood for.

***[David Green departed]***

- g) Many sets of guidelines were in existence on various sectors of activity, and while this was not the same thing as accreditation, they did represent sets of nationally recognised standards, and the Brand Committee might consider tapping into these.

24 **The Board noted the paper and progress made.**

## **Date of Next Meeting**

25 Friday 12<sup>th</sup> August, Braemar