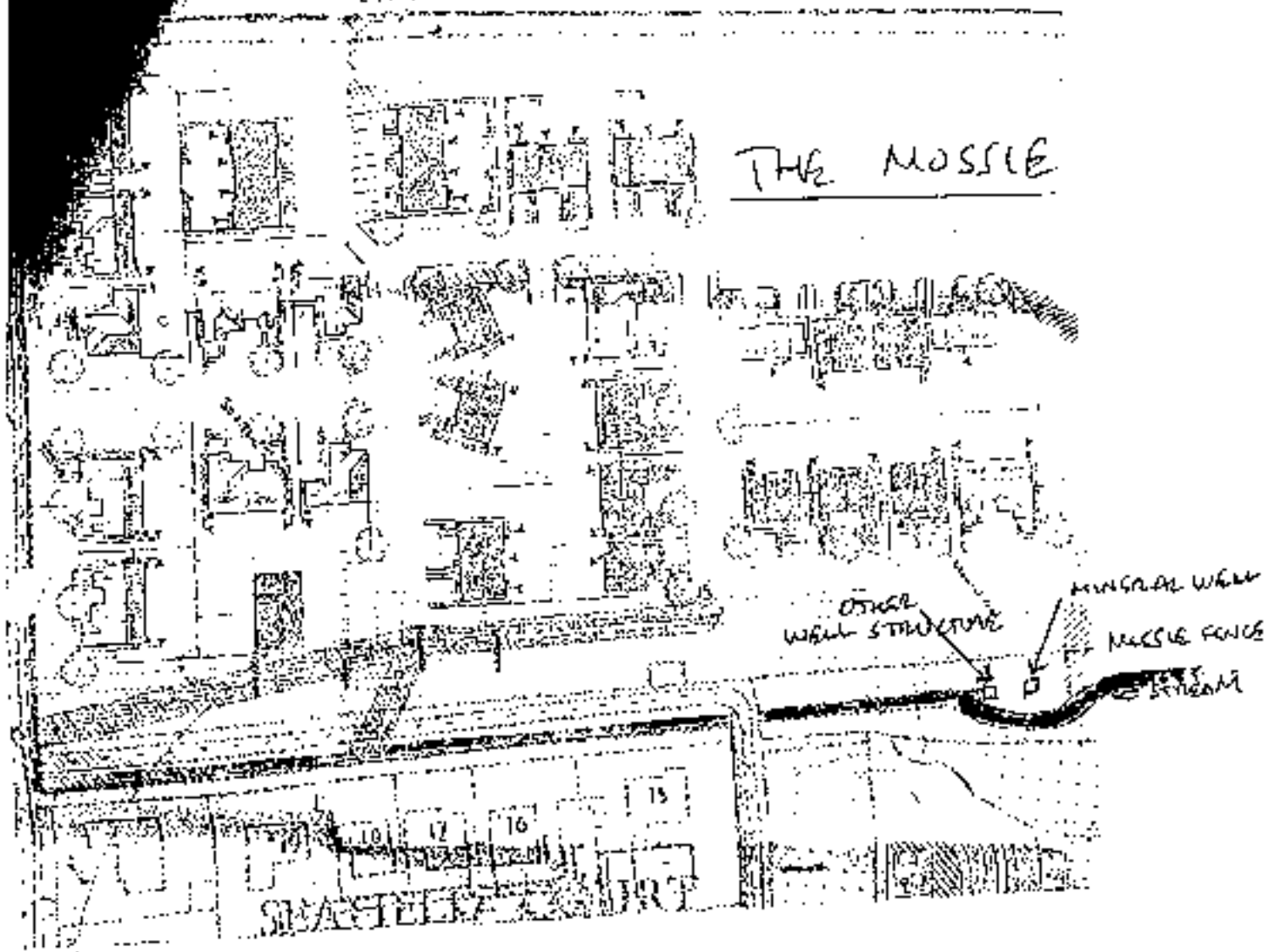




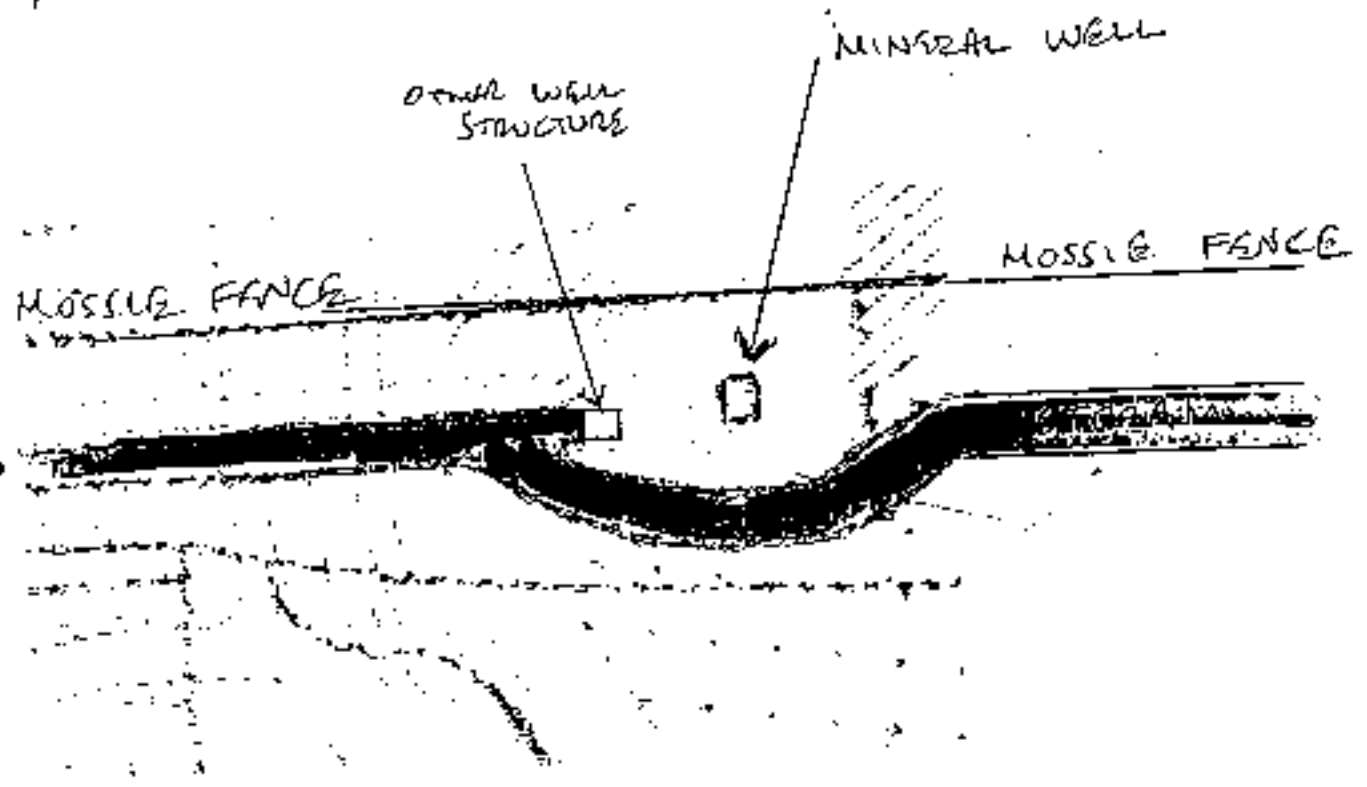
CAMP SITE

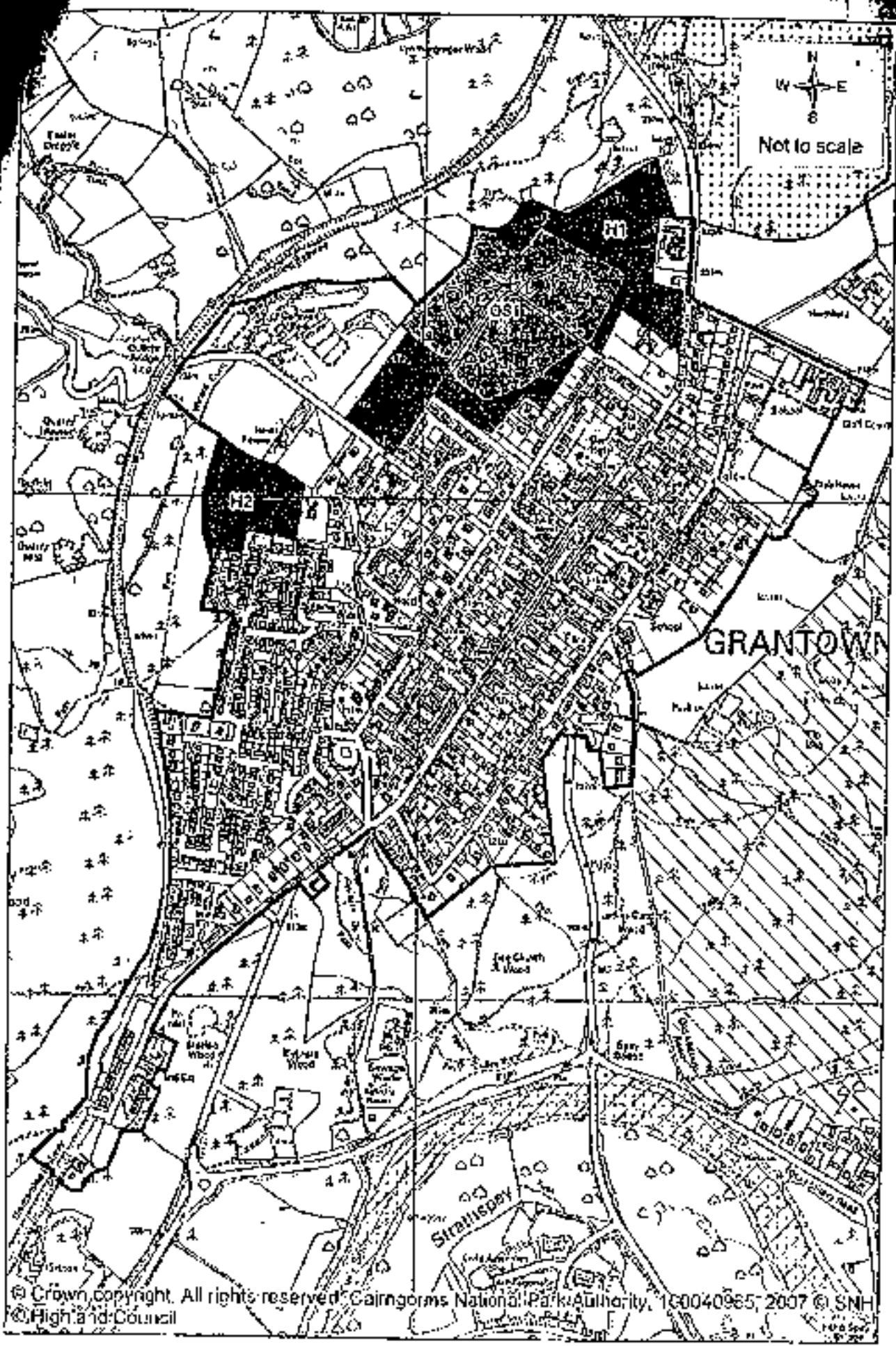
THE MOSSIE



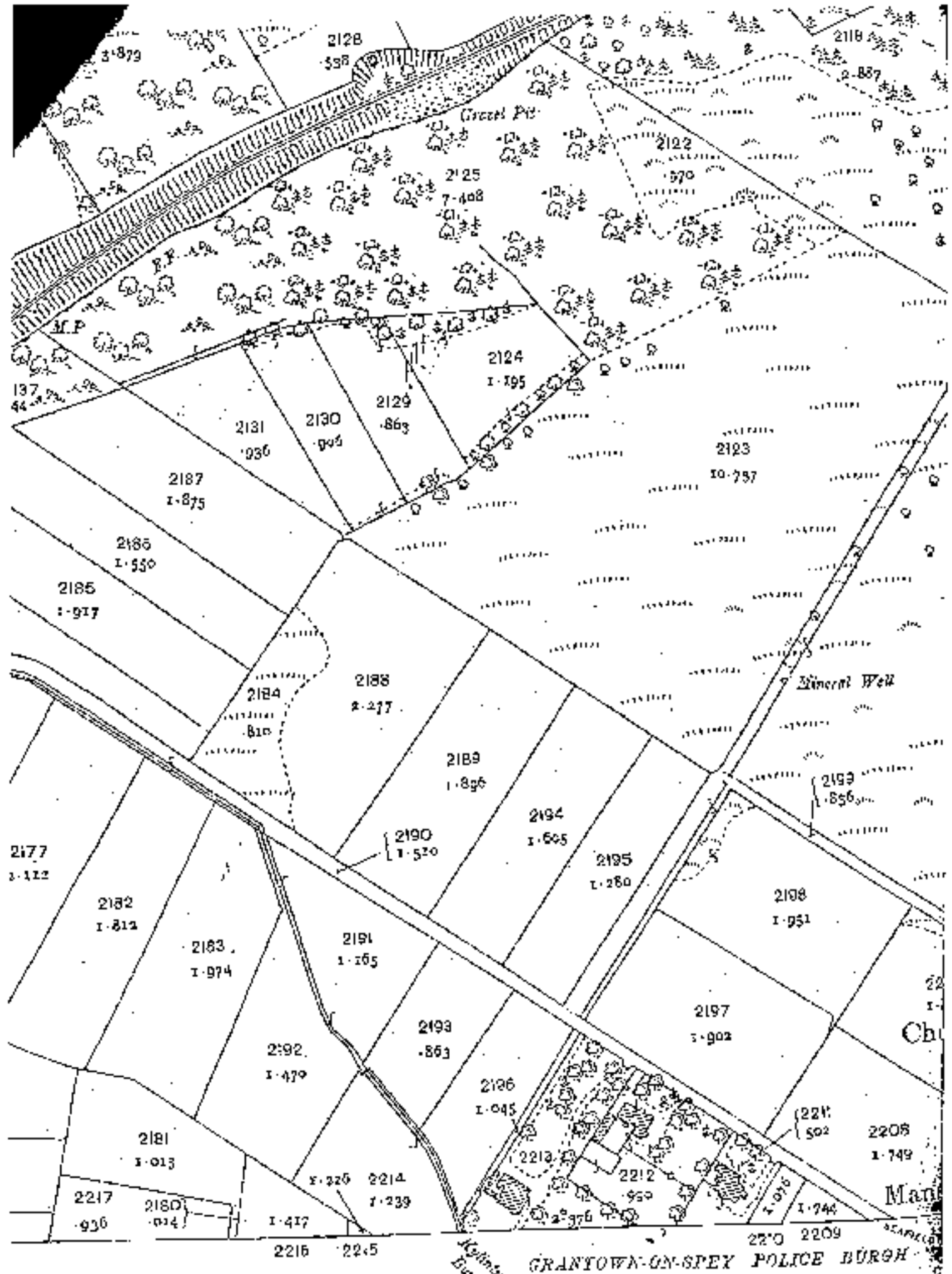
Type F 2 Storey

THE MOSSIE





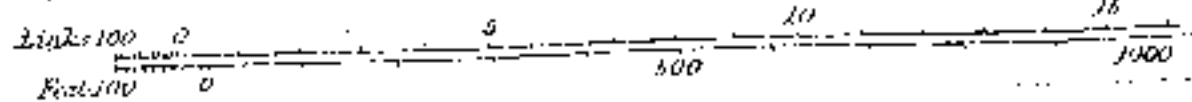
Granttown-on-Spey



Surveyed in 1867. Revised in 1905-6
 Reprint 30138

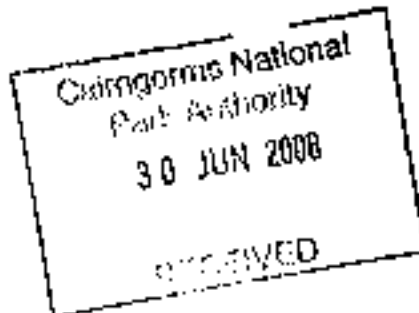
GRANTOWN-ON-SPEY POLICE BURGH

Scale 2 1/2" = 100 yds



*Kelsey Tainsh MBE
Monzievaird, 12B Woodside Avenue, Grantown-on-Spey, PH26 3JR*

Mary Grier
CNPA
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB



27th June 2008

**ST COLUMBA'S WELL - ST. CAROLINE'S WELL - MOSSIE MINERAL WELL
CULTURAL HERITAGE - PROPOSED MUIR HOMES DEVELOPMENT**

Reference:

A. My Mineral Well letter dated 8th June 2008.

Further to my letter at reference A, please note the following update on my research into the Grantown-on-Spey ancient Mineral Well.

Introduction

On Monday 23rd June 2008 at their request, I took the Grantown-on-Spey historian Mr George Dixon, and local amateur historian Mr Bill Sadler, to see the Grantown-on-Spey ancient Mineral Well. Mr George Dixon was absolutely delighted to see it, for he had previously been unable to locate the Mineral Well, since he was a young boy.

As a result of Mr George Dixon's and my own research, I think that the CNPA Board Members need to pay particular attention to the following; Historical Religious and Cultural Heritage information on well's in the vicinity of Grantown-on-Spey.

St Columba's Well Glenbeg

Mr George Dixon advised me that he was informed by Miss Elizabeth (1872 – 1970) and Miss Carol, the two daughters of John Smith the Factor (from 1863 to 1909) of Strathspey who lived in Inverallan House that; *they had fond memories as children of going up the Glenbeg Burn in the 1870's to 1880's to picnic at the St Columba's Well.*

Mr George Dixon also highlighted that the ordained minister the Reverend William Thompson [the son of John Grant Thompson the wood manager of Strathspey, a productive (major source of estate income), powerful and much respected estate administrator], was taken to St Columba's Well by the estate rabbit catcher, and as a result has recorded and sketched out in a 1914 Note Book, details of the St Columba's Well in Glenbeg.

Mr George Dixon made a transcript of this 1914 notebook and has a drawn copy of the sketch, which he will try to locate for me. However, I have little doubt that with further research, through Church and Historical records, St Columba's Well can be found.

So on the 26th June 2008 I went with Mr George Dixon to the area (see enclosed map - approx Map Reference: 013277), where he believes the St Columba's Well is located. Whilst this first visit was unproductive, there is marsh ground near the Glenbeg Burn and a reasonably steep hill above this marsh ground. It therefore might be wise to ask local farmers for further advice, once Mr George Dixon's transcript and drawn copy has been located.

What is perhaps more important is that St Columba's Well is the most Easterly recorded point of St Columba's missionary journey's through the Highland's in 6th Century AD.

I suggest that this research should become a major priority of the CNPA, for St Columba's Well could become a major tourist attraction, of pilgrimage proportions.

St. Caroline's Well

As you will see from the enclosed extract from The Grantown Supplement dated March 22nd 1913, St. Caroline's Well was also considered to be a very important asset to Grantown-on-Spey as a Health and Summer resort.

Importantly, St. Caroline is the Saint of the Parish of Inverallan.

Unfortunately Mr George Dixon does not know the location of St. Caroline's Well, but once again, I have no doubt that through diligent research, and with the help of the community, it can be relocated.

Formulation Grantown-on-Spey Amenities - Communities - Sub Committee Wells

I understand from Mr George Dixon that Grantown-on-Spey Town Council in effect formed the:

Amenities Committee 1911.

Sub Committee for Wells 1912.

Grantown-on-Spey Wells Committee 1913 - Mineral Well

Please note the enclosed extracts from:

The Grantown Supplement dated December 13th 1913 which outlines that; The Convener of the Wells Committee was not present, but Mr Anderson said he thought there was a proposal to put some pipes in the ditch at the Mineral Well to carry past the other water.

The Grantown Supplement dated January 25th 1913 which outlines that; The Mineral Wells and Gardening Competition were also reported on. The report concluded with a grateful acknowledgement of their indebtedness to the estate trustees for the continued liberty and privileges enjoyed by residents and visitors to the district.

Historical & Cultural Heritage Update

Mr George Dixon advised that as a young boy he visited the mineral well:

Sat on wooden benches' installed by the Grantown-on-Spey Amenities Committee, which had metal commemoration plaques (*from which George learned to read his first words by tracing his fingers around the lettering*), with a message embossed like brail upon them, which ended with the following wording;

Please use but do not abuse.

That Sir James Grant of Grant on behalf of the Amenities Committee for Grantown (Note; the town was renamed Grantown-on-Spey in 1898) had protected the view over the mossie and the wooded slopes beyond, from destruction.

Also note Mr Alex Cameron highlights the Dowager Countess Caroline (1830 – 1911) comments that; *the air, the scenery and the freedom extended by her ladyship through the estate, is an asset the value of which the people of Struthsney do not fully realise.*

Use of Concrete Construction

That the concrete construction in the mineral well, was commensurate with that of concrete used in Scotland around 1870. Moreover, that when Mr George Dixon carried out research on Sir Robert McAlpine (born 1847 - 1934), for McAlpine & Son's approximately 30 years ago, he found that this form of concrete was used by Scottish engineer's to build bridges, cottages and railway property, as well as houses at a later date in Grantown-on-Spey. Of which there is still evidence of 2 concrete houses with a wall and chimney stack made of concrete, in a close off the High Street at/near House No: 116.

The Grantown Supplement Saturday, 8th & 22nd October 1904

Please find the attached hand written extracts from The Grantown Supplement dated Saturday, 8th & 22nd October 1904, which Mr George Dixon gave me, which outlines in a letter written by Mr Alex Cameron in Japan to Provost Anderson, his desire for economic regeneration, by upgrading the mineral well; *to health resort status, to bring more visitors to the district and thereby causing a greater influx of money of money to the locality.*

The extract from a letter by Mr Peter Smith from Leeds, also highlights the following; *and beneficial effect of its mineral well into more prominent notice.*

Grantown-on-Spey Economic Regeneration – Mineral Well

It is quite obvious that if this Mineral Well could be restored, and the surrounding environment and historic view retained, it could become a key ingredient in the economic regeneration of Grantown-on-Spey.

Proposed Grantown-on-Spey Wells and Mineral Wells Restoration and Walk

Please also note that in the enclosed extracts of the 1867 Ordinance Survey Map, Revised in 1903 – 4 Reprint 30 / 38 that there are Wells marked near Wester Dreggie and by the Ian Charles Cottage Hospital. There is also Figgat's Well which is situated near the lay-by where the children swim on the River Spey road, by the Kylvtra Burn.

There is no doubt in my mind that there is a fantastic opportunity to create a historical walk connecting these and other wells in this area, which thereby could become a major attraction to visitors and tourists, on an international scale, for years to come.

Location of the Mineral Well - Cairngorms National Park Offices - The Square

It is therefore of paramount importance that the CNPA take into serious consideration that the location of the Mineral Well is within 250 Meters of the historic Inverellan Church, and 450 meters of the CNPA offices and The Square, all of which are under historic preservation order's.

The Mineral Well is an ideal medium through which visitors could easily access a show-piece achievement of CNPA cultural heritage restoration aims, which will help contribute to the economic regeneration of Strathspey.

This Mineral Well could become an important; historical show-piece, and must see focal point, for all international visitors and vacationers, to the CNP.

Historical Religious and Cultural Heritage Conclusion & Recommendations

The ancient Mineral Well, and other historic wells in the Grantown-on-Spey area and their historic surrounding environments and view's are of; colossal historical, religious and cultural heritage importance to Scotland, and are all deserving of urgent further research, preservation, restoration and regeneration.

I suggest that any plans for a decision to be made on the proposed Muir Homes development, should immediately be delayed, until such time as adequate research and consultation, and any subsequent requirements from local and public authorities, and not least the local community, are completed.

I suggest that it would be prudent for the CNPA to contact Mr George Dixon at the earliest opportunity, to confirm our findings, and request Mr George Dixon to carry out further research, in a consultancy, and/or other appropriate position.

I also believe that the CNPA has a duty to inform the relevant Scottish academic institutions, and Members of the Scottish Parliament, with details of these wells.

Yours most sincerely

A large black rectangular redaction box covering the signature and name of the author.

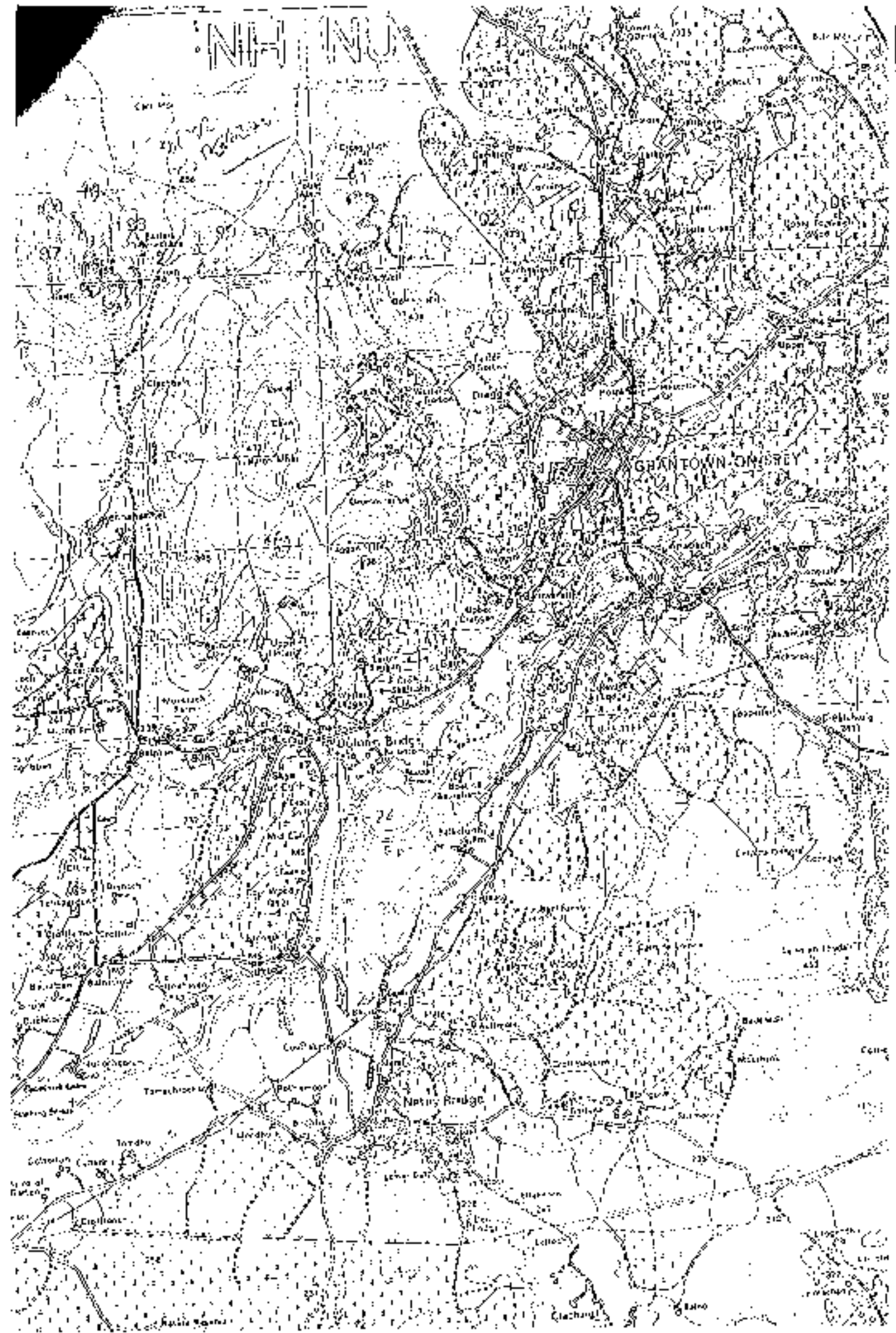
Enclosures:

1. Extract from Ordnance Survey Map Cairngorm Sheet 36.
2. Extract from The Grantown Supplement dated March 13th 1913
3. Extract from The Grantown Supplement dated December 22nd 1913
4. Extract from The Grantown Supplement dated January 25th 1913.
5. Mr George Dixon extracts from: The Grantown Supplement Saturday, 8th & 22nd October 1904.
6. 2 x Extracts of the 1867 Ordnance Survey Map, Revised in 1903 - 4 Reprint 30 / 38

Copy to:

Mr Jim Beveridge, Chairman Grantown-on-Spey & Vicinity Community Council.
Historic Scotland.
The Royal Commission on the Ancient and Historical Monuments of Scotland.
Kingussie: The Highland Council Planning and Development Service.

1:250,000



Amalgams Committee

A meeting of the Amalgams Committee was held in the Victoria Institution on Monday evening when Provost Grant presided and there were present: Bailie Richardson, Cameron Macpherson, Mr. S. J. P. A. M.P., Grant, G. Anderson, W. Forsyth, and P. Stewart.

The minutes having been read Provost Grant in the absence of Mr Cameron submitted a report of the work done by the Advertising Committee. The report showed that in addition to advertising undertaken directly by the Committee the scheme adopted in conjunction with the Highland Railway Company enabled them to obtain an advertisement of the town in so prominent daily and weekly papers in June and July in 1913. This was considered very satisfactory as was also the number of applications received by the clerk in answer to the Committee's advertisements.

The Provost said that there was undoubted advantage in such advertising but that in the present state of their finances it might be well to rest on their oars for a year.

Mr A. M.P. Grant, Convener of the Amalgams Sub-Committee, reported on the work done to the walks and bridges in the village, and that they had been well attended to, be thought, and were never in better condition. Some things set repaired seeing to but he thought they had money to hand which would go far towards covering the expense.

M. G. Anderson, reported on the result of the Ardquhan competition. The Convener of the Walls Committee was not present but M. Anderson said he thought there was a proposal to put some pipes in the ditch at the mineral well to carry out the other water.

The reporter reported that the assessments were slowly being paid and that they stand about the same as

Meeting

The Provost thought there was only a public meeting at the first. Several members said there had always been an annual public meeting. Mr Anderson thought the annual public meeting had been given over. Councilor Macpherson said that a public meeting should be called early in January. For such a meeting it would be very necessary to have a proper and complete financial statement.

It was a record that a meeting should be called to be held in seven days. It was suggested that a list of all who did not pay the voluntary assessment should be published but the matter was held over.

Mr M. P. Grant thought the best way to collect the assessments was for members of the committee each to take a district and call personally on the householders.

The other members did not care for this and it was agreed to engage a collector.

A letter from Mr Geo. Harvey, Rosshall, was read. The letter stated that he had brought before the County Road Board the desirability of having a foot path on the west side of Dalrain Bridge road from Woodlands Terrace to the end of the wood at Inverhall to look into the matter.

Janet. The path on the east side had been argued in the road plan to the growing demands of wheeled traffic requiring full width. The Road Board would not entertain the proposal to form a path but were willing to consider favourably meeting payment of half the cost of the extra burgul portion if the local people would bear the cost of the other half. The contractor of the new burying ground was in a position to give a favourable estimate for the work and the opportunity should not be allowed to pass without making an effort to carry out what would be a great public convenience and a desirable local improvement.

The meeting expressed appreciation of Mr Harvey's services but strongly condemned the action of the Road Board in appropriating the path. The Provost said it had been done in a day and seven, held that a path on the other side would not be as serviceable as the path now partly destroyed on this side. The road ought to have been widened on the side there was an path on. It was particularly desirable they held, that the path be on the present side since that was the side of the new cemetery.

Provost Grant, Mr A. M.P. Grant, and Mr G. Anderson, were appointed to look into the matter.

We talk so much and we think so much trouble we have with things that we may half persuade ourselves that if everything were just right we could get on easily. In the fact is that there is more than half of our business which grows out of our own fault, our failures, and are not due to the fault of any other people at all.

CHRISTMAS.

Trails are usually he traveled to take of itself. It does not call for half the explanation, apologies, and Jewish antics that are allowed upon it by those who are fearful to will appear when they do it. There are many ways a great part of their days in trying to please their lives to others—their company, their love, their respect, and so on, the more readily and the more they should be understood by somebody, or some labor, or some trouble upon them. The fact is that for most of us it is a failure to do much excepting with us are trying to do our best day by day, to do it as we see the other side, we are in a way, and in consequence, and have a great deal to do with the case of itself.

MEAT SUBJECT.

Let every farm of me may be to be beginning at 10, and every section the best as its class; then let every one of those lives leave the care of those of some kind, those for other things, and let each of those things be a subject to itself.

COAST GUARD.

A bar of about 24, long and 3 1/2 in. in diameter would naturally be regarded as a simple piece and unlikely that the pressure of human finger would have not the slightest effect, yet that it is not the case is demonstrated when the eye cannot see it. A bar, however, at the end, can really be a model by the pressure of a finger. This pressure is less slight for a single finger, but the instrument is usually used in a number of the other up the finger would be abraded enough to realize our own at the consequences that follow even on a daily employment of it.

EXPERIMENT WITH WATER.

Nothing, before breakfast, is said to be very good time for thinking. There are exceptions. Then, again, there are many people who can think better at night, who have never tried the experiment of putting the thoughts to rest, since before breakfast.

WATERBURY SOCIETY.

Society for their needs re-organized.



Season - 1913-14.



PRIVATE GREETING

Christmas Cards



Amalgamated Committee.

The monthly meeting of the Amalgamated Committee was held in the Institute on Monday evening when the following members were present:—Mr Alex. Cameron, president; Provost Grant; Councilors A. M. Birmingham, D. Fraser, and D. McPherson; Messrs And. McPherson Grant, G. Anderson, A. M. McPherson, W. S. Beale, and G. Myron.

The minutes having been read and approved the President intimated donations from the Dramatic Society and Glee Party. He expressed the thanks of the committee to these societies for their generous help and said the Committee recognized that the members had worked hard during the winter in the interior and for the good of the town. One pound given by the Glee party had been specially earmarked for the improvement of St. Carolines well. Mr Cameron, Convener of advertising committee reported that they had held several meetings and decided of the following:—They had agreed to enter into a joint scheme with several other health and holiday resorts whereby a six-colour large poster would be exhibited at many of the principal railway stations in Scotland and England. The poster would also be exhibited next year in a slightly extra charge. Enquiries from advertising plates would be accepted during the season at a number of stations in Scotland. A carefully considered scheme had been arranged whereby a liberal supply of these illustrated booklets would be distributed to the best advantage. They intended to again co-operate with the Highland Railway Company in their advertising scheme and to insert a full page advertisement in the Railway Company's Guide. They would also advertise in the "Glasgow Herald," "Hush Weekly," and the "Advertiser." The Committee, the report stated, were duly alive to the fact that the almost rivalry and the keenest competition existed between Health and Summer resorts, and in advertising the best interest of the town and community were being jealously protected.

The report having been adopted it was agreed that before erecting finger posts directing to St. Caroline's Well the sum allocated for the purpose should be utilized in improving the well.

Mr Cameron stated that the returns for the past three months again showed Glasgow to have for that period the lowest rainfall of any inland town. It was agreed that the meteorological records taking should be resumed in June.

Complaint was made of the destruction of several trees, etc., and it was agreed to offer a reward for information which would lead to a conviction of any one guilty of such destruction.

It was intimated that Mr Miller had again offered £7 to be awarded in prizes for the best kept garden. Several felt that the competition was unsatisfactory last year and at a discussion it was agreed to suggest to Mr Miller that the money be applied for some other purpose.

The LIBRARY

Reading for the Winter Months At Reduced Rates.

- Arsene Lupin—Maurice Leblanc
- Ayesha—H. Rider Haggard
- Alice Paige—R. W. Chambers
- Account Rendered—R. F. Benson
- Adrian Savage—Lucas Malet
- Author's Quest—Mrs A. M. Sedgwick
- Anderson, The—R. Macnaughton
- Burning Daylight—Jack London
- Bride's Mirror—Margaret B. Saunders
- Unsubscribed the Great—M. Hewlett
- Heart Offering, The—S. J. Duncanson
- Barkers, The—E. H. L. Watson
- Cherry, The—Alice Perrin
- Case of Richard Moynall, Mrs H. Ward
- Claret Botsy—Olivia L. Burdick
- Desert Vulture, The—Frank Saville
- Dweller on the Threshold—R. Elstob
- Quartermaster House Jack Reilly, Trevor
- Dawn of All—R. H. Benson
- David Bean—Morley Roberts
- Destined, with Tomoka—U. L. Silberbad
- Diary of Dreams—G. B. Murkin
- Quoter's Daughter—Eden Philpotts
- Dominella of France—W. J. Fegitt
- Qwest and the Deep Sea—H. Macnaughton
- Early Victorian—S. G. Tallentyre
- Excerption, The—Olivier Onions
- Eldred Soot, The—Archibald Marshall
- Beet—G. Nesbit
- Fruitful Vine, The—Robert Hichens
- Fortune Hunters, The—Violet Jacob
- Frank Barnett—D. V. A. Smith
- Fiddler, The—Mrs J. O. Arnold
- Geoffrey Chaucer—John Bennett
- Golden Silence—C. & A. Willmott
- Green Patch—Barbara Von Harter
- Green House—R. W. Chambers
- Greatest With in World, E. T. Thurston
- Glory of Chanting Wing, W. J. Locke
- Gaius Jones—Arthur H. Adams
- Garden of Resurrection, E. T. Thurston
- Gravito—John Stevens
- Grant's Deputy—Harold Bindley
- Howard's Kid—E. M. Forster
- Household—Maxwell Smart
- Honor of Saravalle—Richard Bagot
- Jiminy Sherrin—Bertrand Russel
- Jub Secretary—Mrs Wilfred Ward
- Kinsmen's Day—Mary Grosvenor
- Lady Barbara—J. C. Smith
- Lady Molly of Scotland Yard—Oray
- Lancers' Banners, The—Mrs Sidgwick
- Light, The—Ada Lovelace
- Lord Iphigania—A. & R. Dent
- Lord Balthazar—Henry Graham
- Lovers—Maud River
- Laws Englishman—Warwick Deeping
- Ladies Whom Bright Eyes, Har-See
- Master Christopher, Mrs De La Pasture
- Members of the Family, Owen Wister

- Lost Valley, The—Alg. Blackwood
- Let the Root fall in—Frank Darby
- Land of Promises—Stanley P. H.
- Long Roll, The—Mary Johnston
- Lonely Love's, The—H. W. C.
- Calico Jack—H. W. C. Newte Newte
- Desert Venture—Frank Saville
- In Search of Egeria—W. L. Courtney
- Inevitable Marriage—Dorothea Gorard
- Juggernaut—R. F. Benson
- John Veenny—E. A. Vachell
- Jan Olander—Mrs Helen Howden
- June Princess—Constance Swardley
- Master and Maid—J. Allen Harzer
- Mrs Skiffington—Cosmo Hamilton
- My Lady of Aros, by John Brandane
- My Lady of Shadow—John Oxenham
- Mystery of a Bungalow—W. Chesney
- Napoleon's love story—W. Gaszowski
- Nature's Comedian—W. E. Norris
- Nature's Vagabond—Cosmo Hamilton
- Nest of the Sparrowhawk—Oray
- New Christmas—Percy White
- New Chronicles of Rebecca—K. Wiggin
- New June—Henry Newson
- New Religion, by Martin Parsons
- Night Riders, The—R. Egwell Cullum
- Nine Days' Wonder—H. M. Croker
- Nobody's Fault, by Nona Syrett
- Northern Lights, by Sir Gilbert Parker
- No. 101—Wyand Dorey
- Nun, The, by Rene Bazan
- Newmarket Square—R. H. Cooper
- New Madras—H. G. Wells
- Now Other Gods—R. H. Benson
- Old as the World—J. W. B. Jones
- Opal Fire—Mrs Campbell Prace
- Old Allegiance, The, by Hubert Wales
- Old Boston Graham—G. H. Lorimer
- Old Knowledge, The, by Stephen Baynes
- One Immortality—H. Stirling Hall
- Open Country—Maurice Howett
- Orchard Child, The, by Mrs H. H. H. H. H.
- Our Lady of the Beeches—Van Hutten
- Our Lady's Love—J. S. Clouston
- Out of Our Time—Mrs Wilford Ward
- Madcap June of Youth—C. A. D. Scot
- Whigmals—Henry Stenhouse
- First Love—Marie Van Vorst
- Unknown God, The—Petrus Weale
- Quest—Henry Sydney Robinson
- Quater John—John Unwin
- Quartermaster, The—G. A. Birmingham
- Quartermaster—J. D. Smith
- Quaymaster, The—Arnold Bennett
- Quartermaster—O and A. Williamson
- Quartermaster and Mrs Vickers—Hubert Wales
- Mr Apollo—Barbara Madox Kueffer
- Sign of the Prophet—by I. H. Naylor
- Satan Woman—Rita
- Satan the Jester, by William J. Locke
- St. John's Conscience—A. Quilno Church
- Starry Morning—Lady Napier
- Story of Anna Hazme—C. A. D. Scot
- Spradella—E. Marion Crawford
- Strongest of all things, by E. M. Albanese
- Stubble before the Wind—Mrs C. Prace
- Studies in Waves—Mrs Belle Lowndes
- Surprising Husband—Richard Marsh
- Susan—Ernest Olden
- Susan Woved and Susan Wou—do.
- Suspicious of Birmingham—M. Gray
- Sweets of Office, by Violet Tweedale
- Sword of Azazel, by R. F. Parrest
- Ten Master—Mrs F. E. Peony
- The Outcomes—E. F. Benson
- The Settler—Ralph Connor
- The Tyrant—Mrs De La Pasture
- Three Brothers—Eden Philpotts

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Amenities Meeting

A meeting of ratepayers, called for the purpose of electing an Amenities Committee for the ensuing year, was held in the Institute on Monday. Mr A. Cameron presided over a fairly good attendance.

The chairman submitted a lengthy report of work done by the Committee during the year which stated that they were sensible of and appreciated the support of that part of the community which had shown appreciation of the work done yet they thought there was, among a section of the ratepayers considerable misconception regarding the work of the Committee. Not a few regarded the expenditure on advertising of little benefit to them and thought the burden should be borne by shopkeepers and hotels. Voluntary assessment did not seem to be a popular means of collecting revenue yet all who were interested in the prosperity of the burgh ought to support the committee. The money in advertising had been most judiciously spent, although it was difficult to reckon the actual result they had evidence that no parties who applied for lists had taken quarters in the burgh, as compared with 54 the previous year. A new system of advertising in conjunction with the Highland Railway had proved most satisfactory. A liberal supply of the illustrated leaflets had been given to various advertising agencies and tourist companies.

Various improvements had been carried out including the planting of trees at several points, the making of a new path from Blantyre to General Wade's Road; the repairing and improving of several paths and roads in the vicinity, and the maintenance of stiles, seats, and signposts. The meteorological observations taken by Mr Kain proved most interesting while the record of the rainfall taken by Mr Duncan showed that Grantown had a lower rainfall during 1912 than any other inland district in Scotland. The mineral wells and the gardening competition were also reported on. The report concluded with a grateful acknowledgement of their indebtedness to the estate trustees for the continued liberty and privileges enjoyed by the residents and visitors to the district.

The financial report showed that the total assessment was £68 7s. 7d. of which £37 19s. had been collected. On the year's expenditure there was a deficit of over £13, but against this, as was pointed out, the committee had in hand a supply of illustrated leaflets sufficient for two years.

testimony to the value of Mr Cameron's services and, on being strongly urged to do so he consented to hold office for another year.

Provost Grant declined re-election as vice-convenor. Mr J. S. Grant was urged to accept this post but declined. Ultimately Provost Grant withdrew his resignation.

Mr J. S. Grant resigned the convenorship of the advertising committee and some difficulty was experienced in getting a successor. Ultimately Mr Cameron offered to undertake the work provided Ex-Provost M.P. Grant take his place as convenor of the Amenities Committee. This was agreed.

U.N.S.R. Re-union.

The annual re-union of the station alack was held at the Grantown station on Friday of last week and took the form of a supper and dance. The hall was tastefully decorated for the occasion. Dining commenced at 9 p.m. and continued till 11.30, when the company adjourned to the supper room, there to partake of the sumptuous repast prepared for the guests. Mr Cruickshank in his usual jovial manner presided and in a few remarks welcomed the friends present. Numerous toasts were honoured and songs were contributed by Miss McDonald, Government House, and Mr Cruickshank. Votes of thanks were called for the chairman and others and were heartily responded to. Dancing was then resumed and continued to an early hour next morning. Miss Grant, Mrs Anderson and others had charge of the refreshments which were served to the satisfaction of all. The whole proceedings were a great success and terminated with the singing of "Auld Lang Syne."

Aviemore

Mr Stratton Clulow, the popular manager of the Grand Hotel, Avicdeen, has been appointed manager of the Station Hotel, Aviemore.

Bromdale Notes.

On Sunday the Earl and Countess of Seafield attended divine service in the Parish Church, Rev. F. S. Cargill officiating. The annual social gathering of the Parish Church Sunday School was

Farmers Club Meeting

There was a large and representative attendance of members at the annual meeting of the Strathgarry Farmers Club held in the Palace Hotel, Grantown, on Monday. Mr C. Grant Smith, Inver, presided, and the other members present were—Messrs Grant, Dalbrack; Grant, Carr-Bridges; Stewart, Dalbrack; Grant, Dalbrack; Robertson, Tulloch-griffin; Grant, Carrvick; Grant, Achnessack; Allan, Ballincomb; Clark, Ballincomb; Bannan, Cromdale Mains; Calder, Tombrain; Gillet, Aulchurn; Botha, Cromdale; D. and J. McDougall, Groggan; Brown, Heathfield; Ross, Dalbrack; Stewart, Craigvick; Innes, Dalbrack; McCannan, Groggan; McAnch, Groggan; Major Cunningham, Carr; McAlloch, Kishinuddy; Grant, P.O. Cromdale; Mcintosh, Achnessack; P. Cruickshank, Grantown; A. M.P. Grant, do.; A. Tulloch, do.; J. Mann, do.; G. R. Hastlow, do.; Donaldson, do.; W. H. Stuart, do.; Dow, Dalbrack; Grant, Ballincomb; McQueen, Dalbrack; McDonald, Carr; Shaw, Aulchurn; Murray, Cromdale; Finlayson, Achnessack; P. Calder, Dalbrack; McDonald, Carrvick; P. A. Grant, Galloway; McDonald, Ochlogorra; Mackintosh, Dalbrack; Grant, Dalbrack; Cameron, Lismore; McDonald, Grantvick; and McDonald, Achnessack. An attendance of Mr W. McDonald, Inver, presided.

The Chairman at the outset expressed his pleasure at seeing such a large attendance. He stated that that year they had raised a 4 per cent for the first time. From that report they would see that the finances of the Club at the end of the year were exactly the same as at the end of 1911. The most gratifying feature was the increase in members' subscriptions. They had seen a large accession to the membership during the past year, and he hoped there would be a still further increase in the future, because that was the proper source of income they should depend upon. The drawings for the year were slightly in excess, but that was due to the bad weather which was experienced at the time. The outlay, however, showed an increase, which was a sign of progress. The expenses of the club had increased, but he thought that had been caused by the surrounding of the ground with fences which he thought everybody would agree was a great improvement. There was a sum of £225 11s at the credit of the Club at the end of the year as against £208 7s 8d the previous year. On the whole, therefore, the past year had been a very satisfactory one—applause.

The report was unanimously approved of. It was unanimously agreed that the festive market day be changed from the Wednesday preceding the term week to the Tuesday evening to Wednesday being the day of the shopkeepers' weekly half-holiday.

The Chairman stated that it was proposed to him a motion approved of by the Board of Agriculture for the service of manes belonging to members of the Club. They had applied to get the Club approved of by the Board as a club for the promotion of heavy horse breeding, and he hoped they would do so, as it was what they would be eligible for the grant given by the Board.

OFFICE-BEARERS.

The following were re-elected office-bearers: Chairman, The Earl of Seafield; president, M. J. Grant Smith; vice-president, Mr Peter Grant, Carr-Bridges.

It was intimated that the following gentlemen retired from the membership of the Managing Committee—Dalbrack—Mr McAlloch, Kishinuddy; Abernethy—Mr McAlloch, Groggan; Inverchattan—Mr W. McDonald, Lismore; Cromdale—Mr McQueen, Dalbrack; and the following were appointed to their steads—Ness—Mr Grant, Dalbrack; Cameron, Cromdale; Calder, Tombrain; McQueen, Lethendry; and Grant, Knockbarrow.

APPOINTMENT OF SECRETARY.

regarding the m and it had been found, Fraser & Co's, Edinburgh, Scotland as the proved of that Mr Fraser and Co. the site of the station, the needed for the attended.

Mr Grant, Edinburgh on the party called.

The Chairman— a number of the members of this Mr Burgess, O into we are the names. Would into between the Mr Grant, O practically between Mr Hastlow, P further action in by Messrs M act by the Club. them, to send out was a very well attended.

Mr Gillies, Aul chiding for the sales, in the Mr Grant, K although they Station to-morrow.

The Chairman— ing approval of (about) Show son to the songs in the Black Dc would write then inactivity of pro attending the sale

Mr Robertson, very much again for the better for the number of buyers were that buyers some of the us from a rather per cent sale is more from Cromdale as more buyers to their purpose. He was being said a Mr Burgess said a Mr Robertson.

A number (the here if they's applause).

Mr McAlloch, heard a good deal of he was of 200 of sentiment's hat because tak hundreds of years here that might they were. We support, there w whether the call also were held b supported Mr Mc

Mr Gillies said law their attend prices which b signed a request, ing upon them b promising to be they were not it was a ge they had pledged they should act customers. He had stuck to sell (applause).

Mr Hastlow & McDonald, Fraser the present site of Mr Grant, K Mr Robertson, the matter be le advice appointed

Saturday, October 8, 1904

5, 6, 1-3]

Correspondence.

The following extracts from a letter written to Provost Anderson by Mr A [lex.] Cameron, Kobe, Japan, will be found of interest:-

"I have a great belief in the 'Old Mineral Well'; at very little expense the water could easily be conveyed to a Pump Room in that most desirable stance opposite the County Buildings [i.e., the Court House]. Naturally it will be brought forward as a strong argument against the scheme that report pumps, etc., have been put up over the well and all to no purpose but then, the matter was never taken up on a proper basis. If now taken up in a thorough and practical way I shall be only too willing to extend it my support.

To form a public company in, I am convinced, the only practical way of taking the matter properly in hand, and shareholders must not look upon this scheme altogether in the light of a directly remunerative investment. Their dividends will come directly in the enhanced popularity of Grantown as a health resort, bringing more visitors to the district and thereby causing a greater influx of money to the locality.

I am very pleased to see that the Town Council have at last wakened up to the wisdom of advertising the attraction of the town as a summer resort, and gladly send you herewith a small contribution (£2 2/- [i.e. = £100 + in 2008 money]) towards the relative expenses. The idea is a good one, but you must not go into it in a half-hearted way. I would suggest that the house-holders of Durlmain Bridge, Nethy Bridge, and surrounding districts, be asked to co-operate with you in the matter, as what benefits these districts, directly or indirectly, benefits the Grantown shopkeepers.

The Isle of Skye, through judicious advertising, is for many perhaps the most popular holiday resort in the British Isles, and if the Grantown community would only take a leaf out of their boots, I am confident the result would more than compensate. The days are past when a merchant can sit

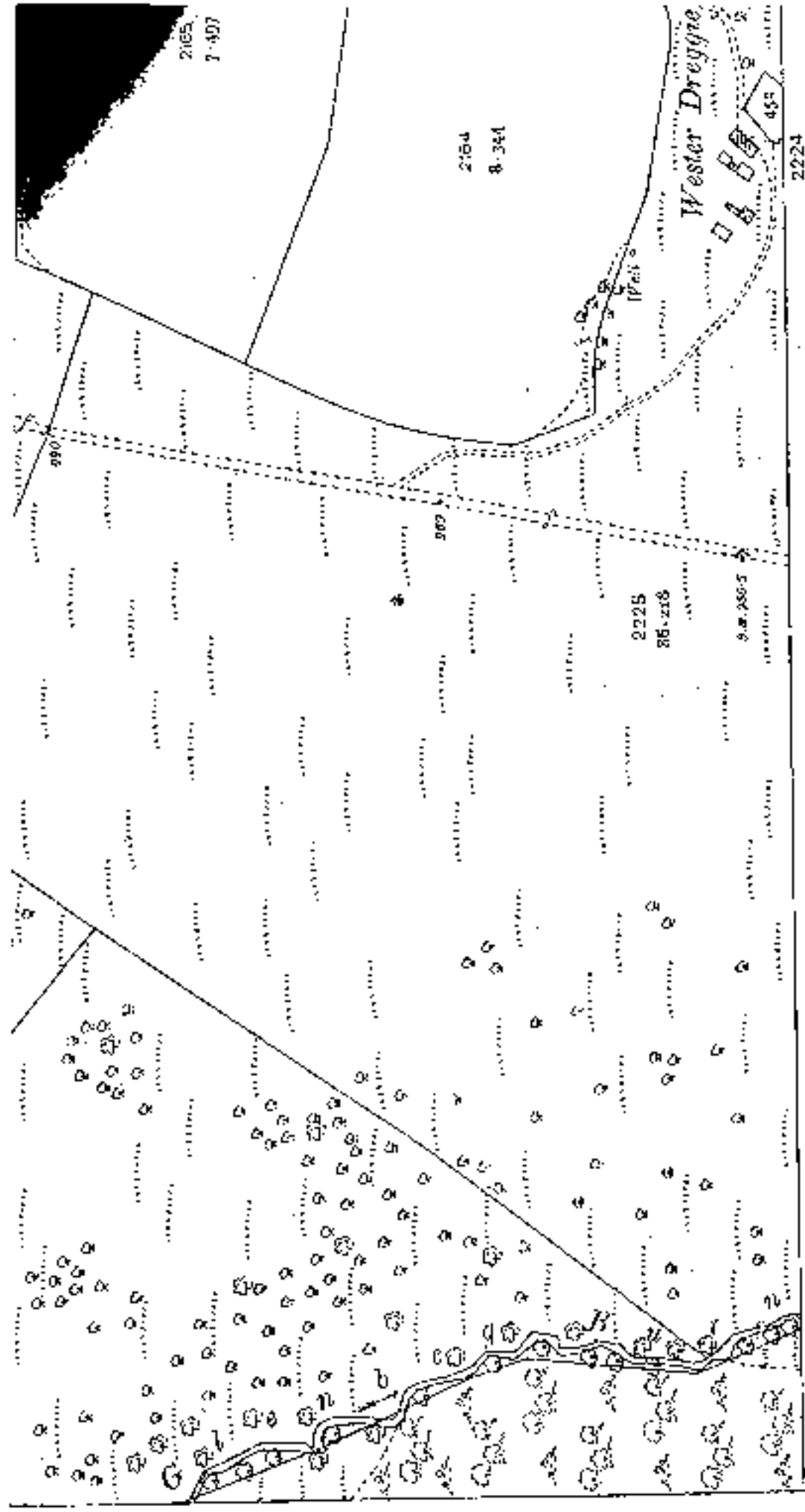
at his desk or stay behind his counter and wait till business comes to him; he must of necessity hustle for it, and just in the same way, must the people of Grantown in these modern times. Unless they find themselves alive to the fact that the visitors' comforts and enjoyments must be catered for, they will get up some fine morning to find that the visitors have practically disappeared and gone elsewhere."

The letter concludes as follows:-

"I have travelled a good bit these last few years, and have seen a good deal of the world, but I know of no lovelier spot than the beautiful banks of the Spey. The air, the scenery and the freedom extended by her Ladyship [Dowager Countess Caroline, 1830-1911] through the Estate, is an asset the value of which the people of Strathspies do not fully realise."

[The issue of 22nd October 1904 included a letter from Peter Smith, Leeds, urging:]

"... Cannot a committee be appointed to do something of this kind ["judicious, advertising"] for Grantown, so as to bring its beautiful scenery of mountain, loch, and river, its bracing air and the beneficial effect of its Mineral Well into more prominent notice? Then and then only is there any chance of the town becoming more popular; and eventually, who can tell, but that it might be known as the Hartogate of the north."



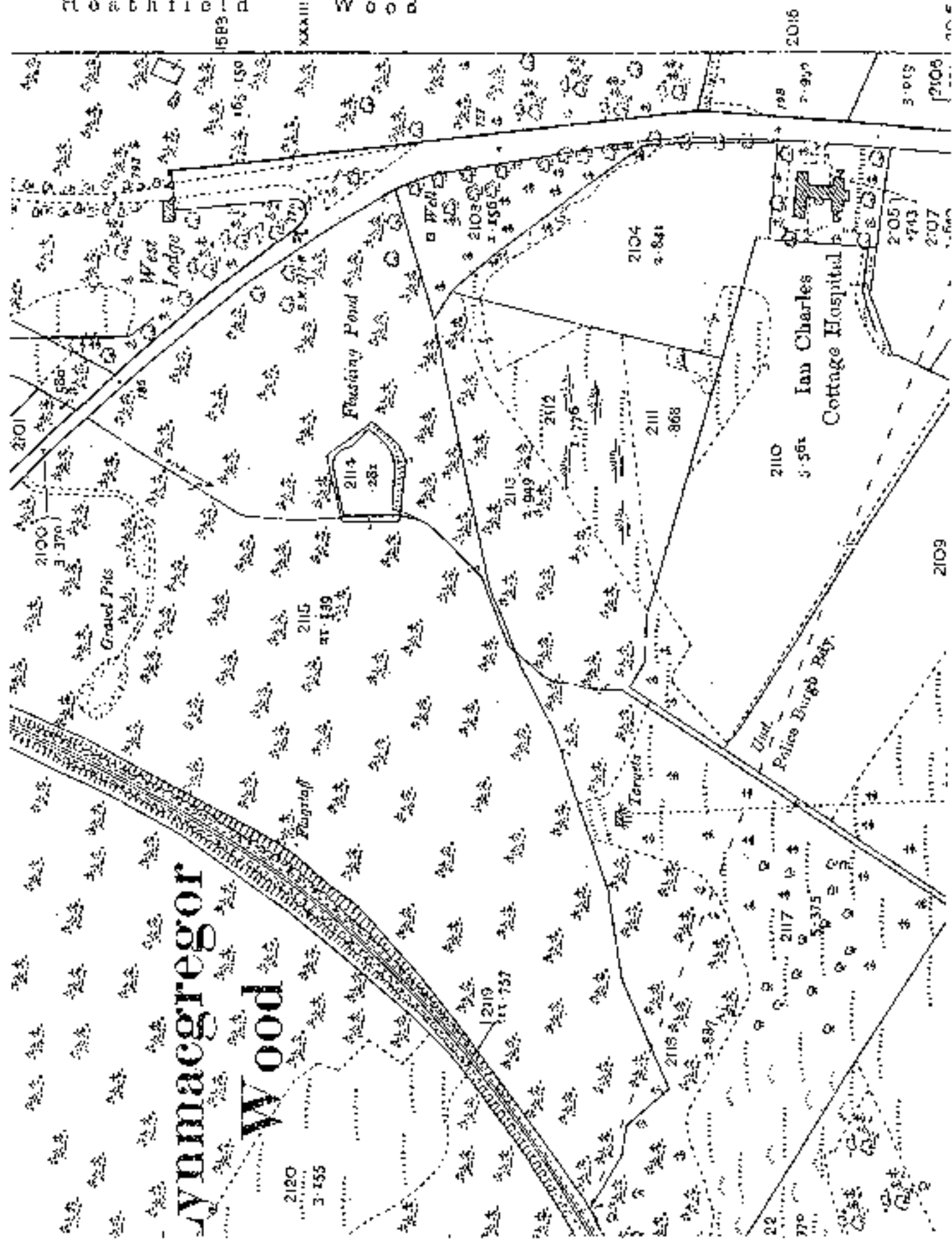
CHARACTERISTICS AND SYMBOLS FOR BOUNDARIES, &c.

Surveyed in 1857. Revisited in 1906-7.
Reprint 1912.

Townships County Precinct Municipal	Municipal Precinct Precinct	W D P	Change of Boundary indicating the point at which the character of a boundary changes.	Every year the area is...
For other information see Characteristics Sheet.				

Heathfield Wood

Aymagregor Wood



Mary Grier

From: Pip Mackie on behalf of Planning
Sent: 02 July 2008 16:53
To: Mary Grier; Andy Rinning
Subject: FW: Mineral Well Grantown-on-Spey - Historic Scotland

For Info

From: Kelsey Tainsh [REDACTED]
Sent: 29 June 2008 12:35
To: Planning
Cc: [REDACTED]
Subject: Mineral Well Grantown-on-Spey - Historic Scotland

Please note that Historic Scotland acknowledged receipt of my mineral well communication letter dated 8th June 2008, and have given La Historic Scotland Ref HGH/B/HA/9

The point of contact is Lennox Keil Listing Officer Tel: 0131 668 8705.

They will get the follow up letter with details of the St Columba's Well + St Carolines Well + Mineral Well dated 27th June 2008 in the post this week.

Yours

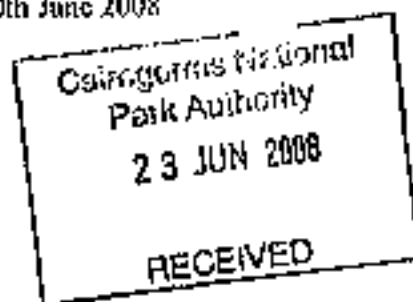
Kelsey Tainsh

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Kelsey Tainsh MBE
Monzievaird, 120 Woodside Avenue, Grantown-on-Spey PH26 3JR

20th June 2008

Mr A Rindig
Business Services manager
CNPA
14 The Square
Grantown-on-Spey
PH26 3JR



Dear Andy,

PROPOSED MUIR HOMES DEVELOPMENT: GRANTOWN-ON-SPEY

After attending the Grantown-on-Spey Community Council meeting on the 12th June 2008, it was a pleasant surprise to receive your letter dated 13th June 2008, reference the proposed Muir Homes development.

I feel that we all have something to learn from the problems that members of the community have experienced in getting their views addressed on this development, and communication between all interested parties could I suggest, be much improved.

Whilst I understand in some part why Board Members and Local Authority Councillors were unable to speak about this specific case, there was little direction given on who else the community might contact about their very grave concerns, and this led to an overwhelming feeling of frustration and helplessness.

I note that in the Cairngorms National Park Plan 2007, the National Park shares responsibility for development and management with the four local authorities within the Park, and the National Parks (Scotland) Act 2000 [Para 35 (1)] states that:

"Community Council" has the same meaning as in Part IV of the Local Government (Scotland) Act 1973 (C.65).

The Local Government (Scotland) Act 1973 Chapter 65 Part IV Community Councils (Para 51), indicates that every local authority had to establish a Community Council to reflect the views of the community which it represents.

I understand that as such the Community Council is effectively an extension and integral part of the local authority, and has a key role to play in the shared responsibility for development planning and management within the Park.

I am suggesting therefore in the absence of any direct contact with the various Councillor/Board Members in instances like the Muir Homes Development, those people with concerns should be directed to their local Community Council as their main vehicle or means by which they can relay their points of view.

Further, as the Community Council was created by the Local Government (Scotland) Act 1973 I would suggest that in legal terms the Community Council has equal representation and responsibilities for development and management within the CNP, to those of the CNPA and the four local councils.

I feel this is an important point of law. On those occasions whereby the Community Council has a mandate from the community to express their views to both the local and public authorities, including cases where the community feels that priority should be given to retaining the special qualities of the area; it can raise such areas of concern as an equal partner. It should be able to contribute positively to issues of irreconcilable conflict, between the objectives of management, as outlined in the Cairngorms National Park Plan 2007 (page 137) ANNEX II: IUCN Management Principles for Category V Protected Areas Principle 8.

This situation may well have interesting and challenging legal and human rights implications today, all of which need to be explored and clarified in an open, fair, and transparent way, in the interests of the Scottish Parliament, the CNP, the Community Council, and not least the community.

It might even attract young people to take an active interest in the CNP and grassroots politics, and volunteer to help realise the aims of the CNP, by becoming members of Community Councils.

Yours most sincerely



Enclosure:

1. Local Government (Scotland) Act 1973 Chapter 65 Part IV.

Copy to:

Danny Alexander MP.

Fergus Ewing MSP.

Mary Scanlon MSP.

The Highland Council Senior Principle Planner.

Chairman Grantown-on-Spey and Vicinity Community Council.

CNPA Head of Planning.

CNPA Education and Inclusion Manager.

Ward 21 - Badenoch and Strathspey Councillors.



Local Government (Scotland) Act 1973

CHAPTER 65

LONDON: HMSO

Reprinted 1990

£16.60 net

(b) specifying the forms to be used and the particulars to be provided for the purpose of claiming payments under those sections;

(c) providing for the publication by a body to which sections 45 to 47 of this Act apply, in the minutes of that body or otherwise, of details of such payments.

(2) A statutory instrument containing regulations under section 45 or 49 of this Act or this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

PART IV

COMMUNITY COUNCILS

51.—(1) Every local authority within the meaning of this Part of this Act shall, before 16th May 1976, or such later date as may be agreed by the Secretary of State, submit to the Secretary of State, in accordance with the provisions of this Part of this Act, a scheme for the establishment of community councils for their area. Establishment and general purpose of community councils.

(2) In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.

(3) In this Part of this Act, except subsection (2) above, "local authority" means an islands council or a district council.

52.—(1) Every local authority shall give public notice of their intention to frame a scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils. Schemes.

(2) After considering suggestions made under subsection (1) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—

(a) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;

(b) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at this conclusion;

PART IV

- (c) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;
- (d) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and
- (e) such other information as, in the opinion of the local authority, would help the public to make a reasonable appraisal of the scheme.

(3) The notice mentioned in subsection (2) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make to the local authority representations as respects the draft scheme.

(4) After considering any representations made under subsection (3) above, the local authority may amend the draft scheme to take account of those representations and shall submit the scheme to the Secretary of State for his approval along with any outstanding representations and their comments upon them.

(5) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to the whole scheme or any part thereof, may approve, with or without modifications, a scheme submitted to him under subsection (4) above, or may refer the scheme back, in whole or in part, for further consideration by the local authority concerned.

(6) After the Secretary of State has approved a scheme, the local authority shall give public notice of the scheme in its approved form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the local authority for the establishment of a community council in accordance with the scheme.

(7) Where not less than 20 electors apply as mentioned in subsection (6) above, the local authority shall, within not more than six weeks from the date of the application, organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing the community council.

Amendment
of schemes.

53.—(1) Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes made and approved under section 52 of this Act and, where they consider that such a scheme ought to be amended, they shall give public notice of their proposals, inviting any community council concerned and the public to make to the local authority representations as respects the proposals.

PART IV

(2) Where no representations as respects proposals are made under subsection (1) above or any made have been withdrawn, the scheme shall have effect as amended by the proposals.

(3) Where representations as aforesaid are not withdrawn, the local authority may amend their proposals to take account of those representations and shall submit their proposals to the Secretary of State for his approval along with any outstanding representations and their comments upon them.

(4) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to proposals submitted to him under subsection (3) above, may approve the proposals, with or without modifications, or may refuse to approve them, and where he approves the proposals, the local authority shall give public notice of the proposals and the scheme shall have effect as amended by the proposals.

54.—(1) If, contrary to section 51 of this Act, a local authority fail to submit to the Secretary of State a scheme for their area or any part thereof, he may himself prepare a scheme, carry out any consultations which seem to him to be appropriate, and, if he thinks fit, hold a local inquiry in relation to the scheme. Default powers of the Secretary of State under Part IV.

(2) After considering those consultations and the result of any local inquiry, the Secretary of State may confirm the scheme subject to such, if any, modifications as he thinks fit, and may organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing a community council or councils for the area or areas concerned.

(3) If, contrary to section 53 of this Act, a local authority fail to review a scheme or make proposals in pursuance of such review, the Secretary of State may propose amendments to the scheme, carry out consultations and hold a local inquiry as aforesaid.

(4) After considering those consultations and the result of any local inquiry, the Secretary of State may confirm the amendments subject to such, if any, modifications as he thinks fit.

(5) Where a scheme or amendments are confirmed by the Secretary of State under this section, he shall give public notice of the scheme or amendments as confirmed.

(6) Any expenses incurred by the Secretary of State by virtue of this section, which he certifies as having been incurred in performing the functions of a local authority, may be recovered by him from that authority.

55. Regional, islands and district councils may make such contributions as they think fit towards the expenses of community councils within their areas, may make loans to those councils and may, at the request of such community councils, provide Assistance to community councils.

PART IV them with staff, services, accommodation, furniture, vehicles and equipment, on such terms as to payment or otherwise as may be agreed between the councils concerned.

Calngorms National
Park Authority

- 8 JUL 2008

RECEIVED

Kelsey Tainsh MBE
Manzievauld 12B, Woodside Avenue, Grantown-on-Spey, PT126 3JR

2nd July 2008

Mary Grier
CNPA
Albert Memorial Hall
Station Square
Bellater
Aberdeenshire
AB35 5QB

Calngorms National Park Authority

Planning Application No. 06/320109

REPRESENTATION

ACKNOWLEDGED 8/7/08

PROTECTION & MAINTENANCE OF RIGHTS OF WAY
MOSSIE BRIDLEWAY PATH BURN
PROPOSED MUIR HOMES DEVELOPMENT

Comments by CNPA Outdoor Access Officer:

I note at Enclosure 1 (Para 7) written by Fran Pothecary the CNPA Outdoor Access Officer, that as stated; *Could you confirm that the existing pedestrian path linking Mossie Road and Seafield Avenue will be retained and provide a link into the western most part of the development (Phase one) up to the caravan park?*

Whilst my colleagues and I do not know the rationale behind Fran Pothecary's visits on behalf of the CNPA, to the proposed Muir Homes development on the mossie site. We feel that it is important to note that her description and feedback to the CNPA, reference this particular 'pedestrian path', may well be inaccurate, understated and a little lightweight.

For in historical and cultural heritage terms, I understand that this 'pedestrian path' is in fact a historical Public Right of Way and Bridleway. I therefore suggest that it might be in the interests of Scotland, the CNP and local community, to take the following information, into consideration.

Ordnance Survey Map - Survey in 1867 Revised in 1903-4 Reprint 30 / 38

Firstly this Public Right of Way Bridleway, as shown (Enclosure 2) on the extract of the map Surveyed in 1867, revised in 1903-4 Reprint 30 / 38 certainly indicates that this 'pedestrian path' was indeed a Bridleway (which was well established prior to the creation of the diverted burn in 1868, when the Court House was built), and that it extended well into the mossie and beyond, to provide access up to the present day, to the:

Mineral Well.

Police Burgh Boundary.

Rifle Range 'Targets area'.

With a path to the Flushing Pond (still intact and in good condition, and which could be made into an innovative attraction).

Access to Ian Charles Cottage Hospital.

The well (still active and producing quality water) situated to the right of the Flushing Ponds.

Mr Rafferty Snr (The former Grantown-on-Spey Vet) is also trying to locate a well on the far right hand side of the mossie, by the woods, which he believes was used by the town's community.

Established Ancient Mineral Well

As you will appreciate, the ancient mineral well was established a long time before Grantown-on-Spey was created in 1765, and/or the 1867 ordnance survey map was made.

Prior to the arrival of vehicles, travel on the mossie and to the mineral well and other mossie features, was by horse and foot.

Historical & Cultural Heritage Buildings in Grantown-on-Spey with Equine Provision

In Grantown-on-Spey today there are many buildings which still have a cobbled floor stable area, such as; the Morlich House outbuilding (bothy) in The Square, and in Woodside Avenue, the coachman's cottage behind the Church Manse, and if I recall correctly, also in the Stables behind Frogual house.

In addition, I am aware that in some of the missives of properties in the High Street, reference is also made of access to paddocks, which are located at their rear of these properties. Logically, one can deduce with some degree of certainty, that some of these horses will have used the historical Public Right of Way and Bridleway, on the mossie.

Note: Even today, horses and ponies are kept in fields on and adjoining the mossie, and who's owners, and the children who ride them, I have no doubt would still like to have unrestricted access to the mossie historical Public Right of Way and Bridleway. Far better be it that, children are outdoors looking after horses and ponies, than possibly being awarded ASBO's.

Stone Dykers – The Origin of Dollas's Dyke in 1765

Please also note that in the article (Enclosure 3) by historian Mr George Dixon reference The Origin of Dollas's Dyke, under the 'Terms', James Dollas Stone Dyker, included provision in 1765 for:

One horse to each two men, that I shall have constantly employ'd at building said Dyke and a stone Cart & Gruth for each horse, two pinches two picks & two spades.

And in the Event of my being obliged through scarcity of Stones & bringing of them at great Distance to employ more horses that One for each two men I'll have building at said Dyke not being through and Default of mine etc etc.

It is completely feasible that stone dykers and other workers have used the mossie bridleway since 1765 to transport their goods, plus gravel and stone by cart from the quarries in the surrounding area.

Muir Homes Proposed Housing Development
Grantown-on-Spey Environmental Information Package July 2006

Please note the mention of the mossie 'mineral well and gravel pits and quarries', as recorded in the; Muir Homes Proposed Housing Development, Grantown-on-Spey Environmental Information Package July 2006 (Enclosure 4). For it is highly likely that those using these facilities, also used the bridleway

Table 1. Summary of Historic Land Uses on-site and surrounding area, under:

<i>Mineral well:</i>	<i>Significant Features - On Site</i>
<i>Gravel pits & quarries:</i>	<i>Significant Features - Surrounding Area.</i>

The Muir Homes Proposed Housing Development package does not appear to have adequately researched the mossie Public Rights of Way, the Bridleway and paths.

Countryside (Scotland) Act 1967 (Chapter 86 Para's 46)

In accordance with the Countryside (Scotland) Act 1967 (Chapter 86 Para's 46 - see Enclosure 5), I understand that:

It shall be the duty of the local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area etc etc.

I believe that the CNPA have a moral, if not statutory duty, and Cultural Heritage obligation, to honour the spirit of this Act, in the interests of the wider public and local community.

Grantown-on-Spey Bridleways & Paths

I believe that it is a historical fact that many of the paths surrounding Grantown-on-Spey, including those on the mossie were classified as stated in the following extract from the Countryside (Scotland) Act 1967 (Chapter 86 Para 47 - see Enclosure 5):

That is to say, a right of way on foot and a right of way on horseback, or leading a horse, with or without a right to drive animals of any description along that way. Bridleways.

Strathspey Highways and Byways by C. Marshall Smith

The book *Strathspey Highways and Byways Old and New* by C. Marshall Smith published by Moray and Nairn Newspaper Co, Ltd, Elgin, in 1957 (Enclosure 6), makes interesting reading, and provides historic and Cultural Heritage detail of public rights of way around Grantown-on-Spey, which I suggest in proven historical terms, includes the mossie:

Page 9: On the subject of travel along rough tracks, foot, or at best bridle-paths.

Page 25: For travel on foot as well as on unshod horses heather and grass might be preferred to stony roads.

Page 27 & 28: 'The Old Road' and improperly called "General Wade's Road" (from the Fire Station) - from there the road went diagonally through what are now Grantown tenements (for it must be remembered Grantown did not then exist) to where tired and injured wayfarers on life's highway may now rest for a while in the Ian Charles Hospital. The route was then well to the left of the present road, past Bullieward, Camerory etc etc (see Enclosure 7).

Page 65 & 67: What a change there has been from the gravel roads, the coup carts, dogcarts and wagnettes of Fleg's day (Fleg, the roadman).

Note: I suggest that the historian George Dixon, if requested, as he most certainly should be, in the interests of Scotland and the CNP, could quite easily identify most, if not all, of the historical Public Right's of Way and Bridleways, and other ancient and historic monuments, on any part of the mossie and its surrounding vicinity.

Grantown-on-Spey Military Roads - The Old Road - The 1768 & 1809 Maps

As outlined above (at Page 27 & 28 - Enclosure 6), The Old Road (ancient & historical monument?) went diagonally through the Grantown tenements. And as indicated in the historical 1768 and the 1809 maps (see Enclosure 8 maps, which are not to ordnance survey scale) hanging in the Grantown-on-Spey Heritage Centre. The Old Road then cuts across the mossie (with subsidiary paths leading off or running nearby) in the vicinity of the mineral well.

Note: Once again these important historical facts, and others included in this paper, can all easily be authenticated by the CNPA, through the historian Mr George Dixon.

Importantly, if the mineral well was to be restored, and it's surrounding wild natural environment and historic view retained. Parts of 'The Old Road' and the bridleway could also be incorporated into a living and working Natural and Cultural Heritage museum, and provide tourists with an attractive venue, close to the centre of town.

All of which with a little vision, viewpoints and notices, could become a major natural and Cultural Heritage tourist attraction(s), and assist in the economic regeneration of the town.

The Sighting and Plan Angle of Grantown-on-Spey

During one of my recent conversations with Mr George Dixon, if I recall correctly, he advised that due to the wetness and flood risk on the mossie. The original sighting and plan angle of the town was altered, by rotating it clockwise, because of the anticipated engineering problems on the mossie, associated with peat bog and marshland, dampness, excess water and flooding.

Victorians Visiting the Mossie, Mineral Well & Rifle Range

There can be no doubt that many of the Victorian era visitors and tourists to Grantown-on-Spey would have travelled by coach and horses to the mineral well, and Rifle Range

It is possible that elements (rifle but's etc) of this rifle range could also be restored, to become additional tourist attractions.

The Grantown-on-Spey Flax Industry

Furthermore, I can only believe that this bridleway was once used by employees working in the flax industry, which I understand also used the flushing pond, which is situated to the right of the mossie.

Once again, with vision, this is another opportunity to create a tourist attraction.

Senior Citizens Still Living in Grantown-on-Spey

I have spoken to many of the town's senior citizens, some in their 80's and 90's (but still firm of mind today). Who confirm that throughout their lives, their parents and they have all used the mossie Public Right of Way Bridleway to access the mineral well, and the areas beyond, for recreational walks etc.

Grantown-on-Spey Strath Dearn IV. 1941 Map

As you will be able to see at Enclosure 9 on the extract Grantown-on-Spey Strath Dearn IV. 1941 Map (which I obtained from the Grantown-on-Spey Heritage Centre), the mossie Public Right of Way Bridleway 'linking Mossie Road and Seafield Avenue', also extends well into the mossie, and is depicted as being of the same width.

Surfacing of Path Comments on by CNPA Outdoor Access Officer

I note that at Enclosure 1, that important recommendations have been made as follows:

But the nature of paths put in is significant – in a setting such as this.

I would suggest that Bitmac paths should be avoided.

Consideration given to robust aggregate surfaces that could accommodate multi-use in their surface construction and width.

Urban type bitmac paths would not be sympathetic in their juxtaposition to the birch land/wetland environment that remains on the development site.

Proposed Muir Homes Development Road System Encroaching Upon Bridleway, Path & Burn & the Mineral Well

I am not familiar with the latest Muir Homes proposed road plans, which are to be constructed to gain access to their proposed housing development.

However, I believe that Muir Homes are proposing to build a road, which encroaches upon, and crosses the mossie Public Right of Way Bridleway, the path system and burn, in order to gain access to the field area near Inverallan Church and Mossie Road.

My colleagues and I discussed this possible encroachment at our meeting on the 1st July 2008, and all feel that it is unacceptable for the following reasons:

Not in keeping with the spirit of Public Rights of Way access.

Ancient and historical monuments.

Natural & Cultural Heritage.

Environmental considerations.

Wildlife and their habitats.

Potential Damage or Breach & Surfacing of Mossie Bridleway Path & Burn
by Proposed Muir Homes Development

I have little doubt that there will be other important legislation, which will impact upon my colleagues, and my own interpretation, of the Countryside (Scotland) Act 1967 (Chapter 86 & Para's 46 & 47).

However, my colleagues and I feel that it would be totally inappropriate for the proposed Muir Homes development, and/or for any proposed access road's, to damage or breach, the historical mossie Public Right of Way Bridleway, path and/or burn, in any way.

In addition, we recommend that the surfacing of this Public Right of Way Bridleway and path, takes into account the recommendations of the CNPA Outdoor Access Officer, that they be surfaced in historical keeping, with other historic bridleway constructions throughout the Highlands, and on the mossie, since the town was created in 1765.

Concerns of Members of the Grantown-on-Spey
Reference the Community Outdoor Access Officer House Crammed Comments

There is little doubt that members of the local Grantown-on-Spey community are becoming deeply concerned reference the following personal comments at enclosure 1, by Fran Pothecary the CNPA Outdoor Access Officer:

It seems that a hell of a lot of houses crammed into a right tiny space, someone is rubbing their hands in glee at the possibility of making money from rabbit hutches!

For far too many 'rabbit hutches' houses, indicates too many people, in an environmentally fragile environment, all using mossie paths and bridleways, which are subsequently likely to suffer from considerable rut type and other erosion, plus urban and environmental contamination.

Grantown-on-Spey Historian Mr George Dixon

I also feel that it would be in the interests of all concerned, if the CNPA was to formally approach the Grantown-on-Spey Historian Mr George Dixon, to utilise his formidable knowledge of Grantown-on-Spey, the mossie and its public rights of way, to best effect with regards to the proposed Muir Homes development.

I also recommend that the CNPA Board members should give due consideration, to the CNPA engaging and financing Mr George Dixon (*the like of which the world is unlikely to encounter ever again*) and a university to carry out a research study (*before it is too late - for he is a senior citizen, and like myself rapidly approaching the dead zone*), to download his historic brain and extensive personal archive, into electronic format, at the earliest opportunity.

For his vast knowledge of Grantown-on-Spey and the local area, has been accumulated through his lifelong passion (*at no cost to the public purse*) to research historical documents and private papers, and through his personal links with members of the community, some of whom were born in the mid nineteenth century.

Conclusion and Recommendation

That the CNPA should initiate more detailed, historic and scientific research, of the mossie, prior to turning it into a concrete and tarmac lego-land.

Yours most sincerely



Enclosures:

1. Internal CNPA document by Fran Potthecary – Outdoor Access Officer CNPA.
2. Extract from; Ordnance Survey Map Survey in 1867 Revised in 1903-4 Reprint 30/38.
3. Article by Historian Mr George Dixon - The Origin of Dallas's Dyke.
4. Extract from: Muir Homes Proposed Housing Development, Grantown-on-Spey Environmental Information Package July 2006 (Table 1).
5. Countryside (Scotland) Act 1967 (Chapter 86 Para's 46 & 47).
6. Extracts from; Strathspey Highways and Byways Old and New by C. Marshall Smith.
7. Extract from Ordnance Survey Grantown & Cairngorm Map Sheet 36.
8. Extracts from; Historical 1768 and the 1809 maps.
9. Extract from; Grantown-on-Spey Strath Dearn [V. 1941 Map.

Copies to:

Danny Alexander MP.
Fergus Ewing MSP.
Mary Scullion MSP.
The Highland Council Senior Principle Planner.
Jim Beveridge Chairman Grantown-on-Spey and Vicinity Community Council.
Ward 21 – Badenoch and Strathspey Councillors.

ENCLOSURE 1

Sorry we have missed each other all day and I still didn't get a chance to talk to you. I will not be back in the office until Friday afternoon now then next week I will only be in the office from Wednesday 18th - Friday 20th October inclusive.

I have visited the site, and studied the plans available in the CNPA offices and have the following comments to make which I have discussed with Bob Grant this afternoon.

- 1) Overall there is not enough information on the existing and proposed provision for access. The only map that appears to outline path proposals is that contained within the Brindley Associates' report into the Landscape and Visual Impact Assessment and the information in this is inadequate.
- 2) The proposed footpath links shown on the Landscape Proposals and Mitigation Measures drawing file by Brindley Associates are depicted by pink washed arrows. These are incomplete in that they do not show the line of any proposed paths, let alone where they will go and what they will link to.
- 3) The open space area (under No 8) is currently low-lying and wet and most of the existing routes - appearing on the ground as informal desire lines - avoid the wet areas in favour of the slightly higher drier ground which it is intended will be built on. Given that the drier areas will be the areas on which the development will take place, there does not appear to be any thought given to how to accommodate paths over the wetter ground.
- 4) There is a very important access point into the woods and leading onto the railway track at GR 031285 which will be completely lost if the development goes ahead as planned as the Brindley map shows plots blocking where people currently get through. This needs to be protected.
- 5) Two other important access points exist, both off Mossie Avenue - one at the 90 degree bend in Mossie Road; and the other via a short access road which leads NW off Mossie Road between houses just to the south of the 90 degree bend. Both these access points currently allow people to access quickly and directly from the centre of Grantown, and once past the current houses follow evident informal routes through the birch woodland towards the disused railway line. Could you confirm that a non-vehicular pedestrian and cycleway will allow access from these places?
- 6) A formal path link should be made between the Sealfield Avenue development (Phase one) and that at the north end of the site (phase four). Dashed arrows show that this is an intention (I assume) but do not show the plan of such a route.
- 7) Could you confirm that the existing pedestrian path linking Mossie Road and Sealfield Avenue will be retained and provide a link into the western most part of the development (Phase One) up to the caravan park?
- 8) There is no indication of the standards of paths - surfacing; width etc - which makes it very hard to comment further. But the nature of paths put in is significant - in a setting such as this, I would suggest that bitmac paths should be avoided and consideration given to robust aggregate surfaces that could accommodate multi-use in their surface construction and width. Urban type bitmac paths would not be sympathetic in their juxtaposition to the birch land/wetland environment that remains on the development site.

I don't know if there are more detailed maps available but I have made my comments as best I can on the basis of what is contained within the Grantown file. If you need to discuss, can you speak to Bob over the next couple of days (I have left the file on my desk, Bob). I have a work Core Path Planning event to prepare for at the weekend on Friday afternoon so doubt I could do much more than I have already done.

Speaking purely personally it seems that a hell of a lot of houses crammed into a right tiny space, someone is rubbing their hands in the glee at the possibility of making money from rabbit hutches!

*Fran Potheary - Outdoor Access Officer
Cairngorms National Park Authority, 14-16 The Square, Grantown on Spey, Morayshire,
PH26 3HG*



The Origin Of Dollas's Dyke

GRANTOWN is the oldest, most successful and still, with 1801 resident inhabitants*, the largest of all the planned towns and villages of Strathspay and Badenoch. Among its hundreds of houses are some, still providing comfortable homes in the 1880s, that were built in the late 1780s.

Yet it is a remarkable fact that over almost the old wye church destroyed the town's first inn and manor house, built in 1768 and knocked down about a time of its bicentenary, the oldest wall in Grantown, is been a dry-stone dyke.

This is extraordinary survival from the early years of Scotland's great Age of Improvement, is still standing behind Highgate on Woodside Avenue, where it marks the boundary between the back garden and the Lady's Aiden Wood, sometimes less accurately known as the old Church Wood, through which the New Road (now 181011) winds its way down to the Spey.

The name, Lady's Garden, gives us a clue about the dyke's origin. While James Grant of Grant was founding the Grantown on the heathland-covered moor between Inver and Kynintra Farms in 1765, the object of his numerous sisters, Maria Grant, Miss Grant of Grant, chief to lay out an ornamental garden and pleasure ground, with a park attached, between the fields on the left side of her brother's new settlement and the River Spey.

BOUNDARY

The western boundary was marked by Caulfield's military road - now the Old Road - as it looped and the Loch at Anagach on its way from the Old Road to climb out of the valley past Cemetery on its way for Fort George. (Those incidentally, who still call it an urge to call this road "General Wade's Road" will remember two things: 1 - Field-Marshal Wade's burial in Westminster Abbey six years before the Old Road was made, and 2 - the nearest genuine Wade's Road is nine miles away, at Kinvaich.)

There being no New Road in 1765, the western boundary of Miss Grant's garden was marked by a line parallel to, and some 200 yards from, the Old Road and its line is still preserved by the edge of the wood which borders the back gardens of several of the Victorian villas on Woodside Avenue.

Although a feat (to build) wall was thought sufficient for the park on the river side, it was decided to enclose the garden, nearer the new town, with a substantial stone dyke, and on December 4, 1765, in Castle Grant, near Dollas called shakily indicated a building contract penned by the young Laird's clerk, another man Grant, later of Houlfield.



Dollas's Dyke which can be seen behind Highgate at Woodside Avenue, Grantown.

Addressed to James Grant of Grant, the agreement reads:

TERMS

"I James Douglas Stone Dyker presently at Castle Grant do hereby undertake & promise to perform the Building of the Stone Dyke, intended to be built by Miss Grant at New Grant-town, for a Garden, of good & sufficient Stone Work on the following terms. That I shall build it three Feet three Inches wide at Bottom, One Foot ten Inches wide at Top & make the same Six feet high and as good in every respect as the big Stone Dyke at Lewis Lawsons (near Castle Grant), quarry & load the Stones & traff the Dyke at the rate of fourteen Shillings Scots for each Scotch ell in length & one boll of Meal for each thirty Six said Ells thereof in length with Grass for one horse to each two Men that I shall have constantly employ'd at building said Dyke and a stone Cart & Grapple for each horse, two piches two pikes & two spades.

And in the Event of my being obliged through necessity or Storm & bringing of them at a great Distance to employ more horses than One for each two Men I have building at said Dyke not being through my Default of mine that it shall be made up to me what I can faithfully declare to have paid in this manner for leading of Stones at the rate of fifteen pence Sterling for each Additional horse Notwithstanding howof I am to fulfil the first Agreement with your Honour and howof the Expiration thereof viz from the first of March & the first of July next and Sixty Six years that I shall perform and finish the said Dyke at Miss Grants. All this your Honour may faithfully rely on & with Submission

Don'te g!
Your most Obedt &
humble Servant
D D.

Two days later the
his own hand: "I agr
above Letter & this
Dyker, Castle Grant
Dec 4 1765.

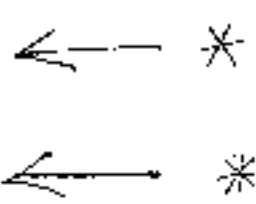
Dollas's "First Ag
dyker at Castle Grant
March 1, 1765, for a
considerable sum of t
In the meantime, in
1765, he had been busy
later that year the Cler
of 1765, for "roads
(about 1300 feet, or mo
Stone Dyke, 3 1/2' high, 1
ft wide at top; at 1/2 f
Ells great, including the
1765

The garden was in
still on the land near
species of trees were in
the unusual variety of t
the New Road today.

Less than four year
rings were counted u
within the old boundary
the 1680's and Maria G
New Granttowns when
moment in the 1760's a
pleasure ground.

The single apple tree
been surprisingly little
218 years, but though t
and remnants of the old
uppermost stones, it is
repair. An the oldest
Dyker's oldest town
earned some small mon

* The revised 1881 :
1803, show the following
1801, Architecture 1509, K10

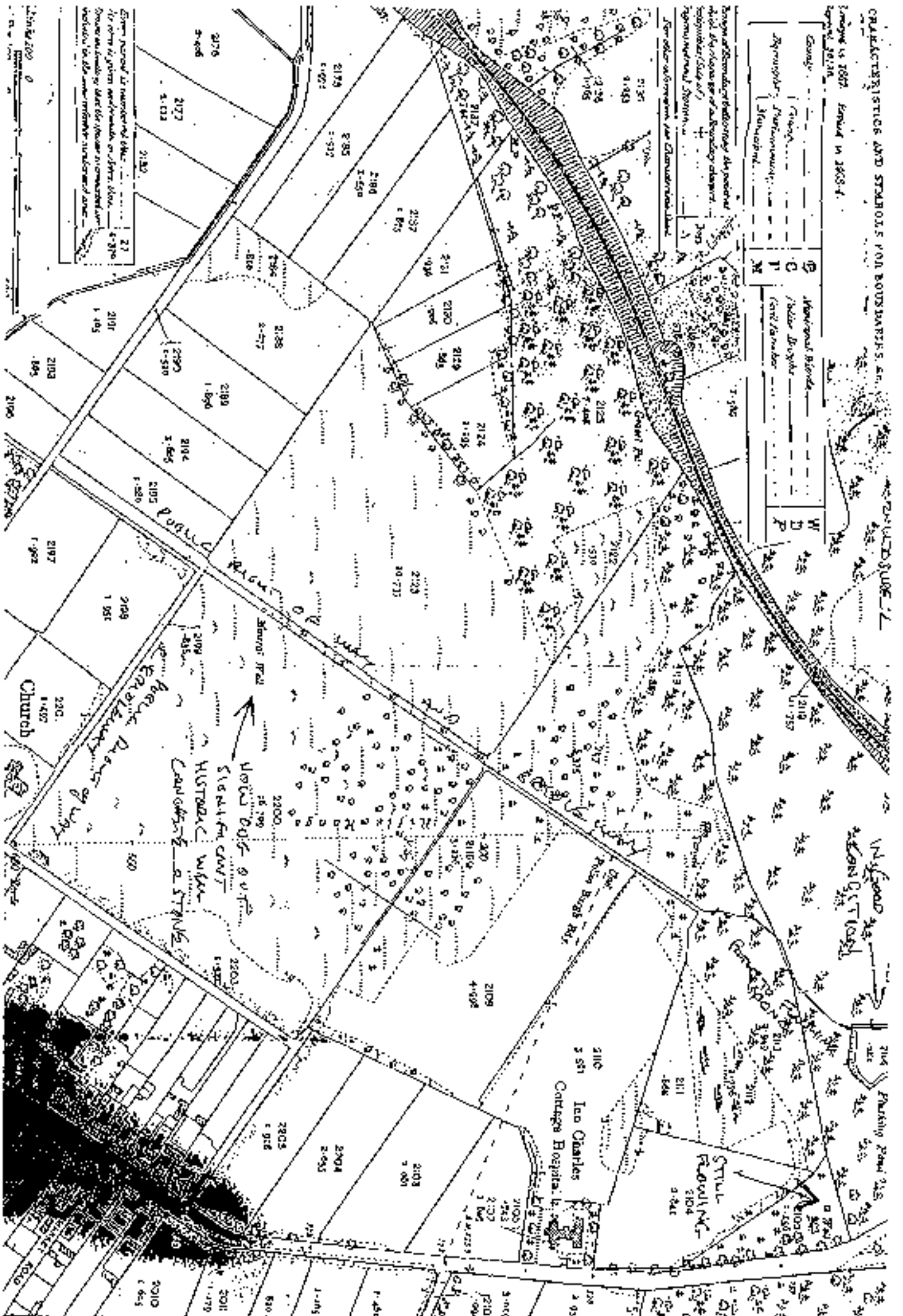


CHARACTERISTICS AND SYMBOLS FOR BOUNDARIES, ETC.

Survey is 1887. Revised in 1888-4.
 Original 1887.

County	City	Section	Block	Lot
...

Diagram of Boundary Following the position of the original survey of a boundary between adjacent lots (See also page 100).



Scale 1:1000
 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

Given parcel is numbered 1887.
 It is not to be given and made on 1887-1888.
 It is not to be given and made on 1887-1888.
 It is not to be given and made on 1887-1888.
 It is not to be given and made on 1887-1888.

IN GOOD SECTION

STILL BUILDING

Leo Charles Carriage House

Church

HISTORICAL WATER CANALS

Enclosure 4



Muir Homes

Proposed Housing Development,
Grantown-on-Spey

Environmental Information Package

July 2006

Table 1. Summary of Historic land uses on-site and surrounding area

Edition (Scale)	Significant Features — On Site	Significant Features — Surrounding Area
1872 (1:2,500) 1874 (1:10,580)	<ul style="list-style-type: none"> The site was shown to comprise undeveloped open land with a mineral well located approximately in the centre of the study area. A small south-westerly issuing watercourse was indicated to cut through the centre of the site. 	<ul style="list-style-type: none"> The area to the north of the site was heavily wooded. The town of Grantown was located approximately 200m south-west of the site and included a gas works facility. The south-easterly issuing Kylesha Burn was shown along the southern boundary of the site. A north to south oriented railway line was located approximately 200m from the western boundary.
1905 (1:10,560, 1:2,500)	<ul style="list-style-type: none"> A site range was shown to be present within the site. 	<ul style="list-style-type: none"> The Ian Charles Cottage Hospital was shown to have been constructed to the immediate north-east of the site. The town of Grantown was shown to have expanded up to the south-eastern and southern boundaries of the site. The gas works within Grantown was shown to be disused. Gravel pits were shown approximately 600m to the north, 850m south-east and 300m to the north-west with quarries shown approximately 800m to the south-west.
1951 (1:10,580)	<ul style="list-style-type: none"> No changes to the site conditions were noted. 	<ul style="list-style-type: none"> No significant land use changes were noted in the surrounding area.

2.2.2 Current Ground Cover

The site is considered to have undulating topography with a general gradient declining towards the south-west. The groundcover encountered on the site comprised a mixture of grassland, wetland and heavily wooded areas.

2.2.3 Geology and Soils

Published Maps

Information provided from the British Geological Survey (BGS) drift map of the Grantown-on-Spey area shows the site to comprise of superficial deposits composed of fluvial-glacial sands and gravels. However, there is no reference to the peat deposits, detailed below, situated in the central area of the site.

The underlying rock strata according to the BGS Solid Geology map consists of Moine rocks such as Siliceous Schists and Granulites, which formed the ancient Precambrian crystalline basement of much of the Highlands of Scotland. These highly metamorphosed rocks are associated with a period of intense low-angle reverse (thrust) faulting, which formed the Highlands as they are today. The Moine rocks are characterised by features such as isoclinal (parallel) folds well developed foliation, ductile shear zones and disrupted layering.

Mason Evans (September 2005) Site Investigations

The majority of the site did not comprise of Made Ground deposits as only localised pockets of Made Ground consisting of sands and gravels with building rubble were encountered.

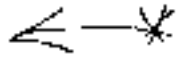
Any areas without these Made Ground deposits were found to comprise mainly organic-rich topsoil of brown sand or organic-rich clays, with abundant rootlets and were typically between 0.05 and 0.60m thick. Other organic-rich soils encountered included orangey brown fibrous peat and also dark brown amorphous peat with abundant rootlets, which were found predominantly in the central section of the site. The thickness of these peat units varied greatly across the central section of the site and typically fell within a range of 0.1 to 3.2m in thickness.

Underlying these organic soils, and topsoil, were gravelly sands and sandy gravels including varying amounts of cobbles and boulders. The thickness of these deposits varied between 0.1 to > 9.0m. In addition to these granular deposits, localised occurrences of cohesive soils were also encountered in the form of SILT. To date, no site investigation has investigated the underlying bedrock strata.

Country side (Scotland) Act 1967 (186)

46 Protection and maintenance of rights of way

(1) It shall be the duty of a local planning authority to assert, protect and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area, and they may for these purposes institute and defend legal proceedings and generally take such steps as they may deem expedient.



(2) (1A) A local planning authority may repair and maintain any public right of way (not being a [public] road or a [footway]) within their area, but this power shall not relieve any other authority or person from any liability with respect to such repair or maintenance.

(3) Any person may with the consent of the local planning authority erect and maintain guide posts and direction notices on any public right of way other than a [public] road.

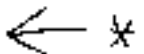
(4) Section 42 of the M1 Local Government (Scotland) Act 1994 is hereby repealed

(5) The references in subsections (1) to (3) above to planning authorities shall be construed as references to planning authorities which carry out district planning functions; and in this subsection "district planning functions" has the same meaning as in Part IX of the M2 Local Government (Scotland) Act 1973.

47 Interpretation of Part III

In this Part of this Act, unless the context otherwise requires—

- "bridleway" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along that way;
- "footpath" means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on foot with or without a right of way on pedal cycles;
- "horse" includes pony, ass and mule, and "horseback" shall be construed accordingly;
- "public path" has the meaning assigned to it in section 30 of this Act (F); and
- "public road" has the same meaning as in the M1 Roads (Scotland) Act 1984.



CHAPTER I.

THE KING'S ROAD

Strathspey Highways and Byways

Old and New

by

C. MARSHALL SMITH

ILLUSTRATED

A Via Regia

The oldest road in Strathspey, of which there is any record, is known as the Via Regia, King's Road, or Alexander Road, because it is said to have been made by, or under the orders of, a king of Scotland of the name of Alexander. There were three of these—Alexander I., who reigned 1107-24; Alexander II., 1214-49, and Alexander III., 1258-85. The one selected for giving his name to the oldest road in Strathspey is Alexander II., and the date of making the road is approximately 1236. Alexander II. was concerned in repelling Norse raids by the jarls of Orkney, and there are records of marches made by him, and Alexander III., up the West Coast; it is thus reasonable to suppose that they also had an easterly, and more direct, route through Strathspey—a Via Regia.

The last question which arises about such a King's Road is—was it really a road, or merely a track? In these quiet times people, if they followed any definite route at all, would travel along rough tracks, foot, or at best, bridle-paths. But, even as late as Alexander's day, memories may have lingered of the Roman occupation of Britain, and the Romans certainly made good roads for the march of their legions. So, for military purposes, Alexander may quite possibly have made a road broad enough to march an army of footmen, or even horsemen, riding four abreast. Corroboration for this is found in a small volume entitled "Speyside," by John Longmuir, published in 1860, where it is stated that the old road at Polhewick, Cromdale, was 18 feet wide. Allusion is also made to Roman roads, but, in the absence of supporting proof, the assumption that the Romans made roads in Strathspey cannot be upheld. Longmuir ascribes the construction of this oldest road to the Comyns of the 13th

211e

GENERAL WADE'S ROADS

Opening Up the Highlands

To travel on foot as well as on unhod horses heather and grass might be preferred to stony roads. That, perhaps, may be a reason why five hundred years elapsed since the days of Alexander II. before another roadmaker of importance appeared in the Highlands. He was a military man—General Wade—who was born in 1668 and who died in 1748. Attention is drawn to the date of his death because of the belief, too commonly held, that General Wade made his roads to open up the highlands after Prince Charlie had failed to win the crown for his father. Military roads were made then, but they were not made by General Wade. It is possible, indeed probable, that such roads may have followed routes mapped out by General Wade, but they were not constructed by him for the very good reason that he was then in his grave.

It is true that General Wade did make roads to open up the Highlands—over 250 miles of them and nearly 100 bridges—but this was after the First Jacobite Rising of 1715, not after the Second Jacobite Rising of 1745. General Wade made his roads between the years 1725 and 1738, and for the work he did then he deserves the praise given him in the old song:

If you had seen these roads before they were made
You would hit up your hands and bless General Wade.

The Highland Road

In particular we can bless General Wade for the main Highland highway from Perth, over the Drumochter, to Inverness. This followed pretty much the present route, except that modern roadmakers have an eye to contours and employ embankments, whereas General Wade was inclined to drive his roads straight on up hill and down dale.

At the junction below Kinveachy General Wade's road bore more to the left than the present one, crossing the river DeLainin by Sluggan Bridge, and thence on to Inverness. The old Carr Bridge was then in existence; it had been built by the Laird of Grant in the latter part of the seventeenth century for the convenience of his tenants. Why General Wade did not make use of it, instead of building a new bridge at Sluggan, is not apparent; the difference in distance to Inverness via Sluggan or Carr Bridge is slight.

General Wade also made a road from Sluggan to Fort Augustus over the Corrieyairack Pass, now too rough for wheeled traffic and mainly attractive to hikers.

A Great Traveller

Actually the Highland road built by General Wade was from Dunkeld to Inverness. Along its route were a few inns, at one of which—Moulincarn, south of Pitlochry—the death took place, in 1820, of a Highlander who was, if not a great roadmaker, certainly the greatest blazer of trails Scotland ever produced. He was Sir Alexander Mackenzie, who gave his name to the great Mackenzie river in the north-west of Canada, and who was the first white man to cross the North American Continent from the Atlantic to the Pacific; an achievement of unexcelled magnitude.

A Road Never Used

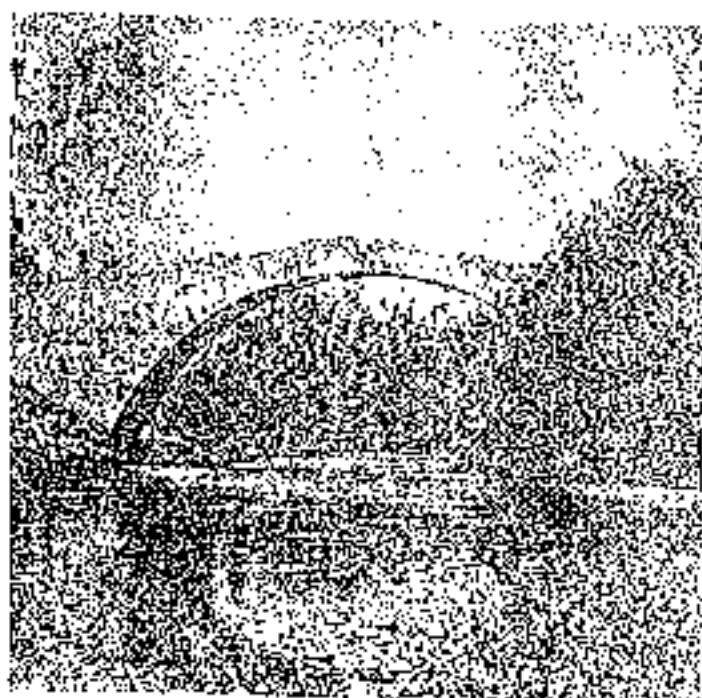
In addition to making a south to north road over the Drumochter it is believed General Wade planned an east to west road through Glen Feshie. Evidently his successor in highland roadmaking—Lord Charles Hay—preferred connecting Aberdeen and Fort-George by way of Cockinidge and Tomintoul. At anyrate neither Wade nor Hay made the Glen Feshie road. Indeed, this is one of the roads we may, as it were, "see before it was made," because it has never been made at all. This is a pity, as it would have provided the missing link in an east

to west Aberdeen to Fort William—highway, as well as opening up another vista of the grandeur of the Grampians.

An Epitaph

In Fraser Mackintosh's "Letters of Two Centuries" reference is made to some verses written in praise of General Wade by Rev. Alexander Macbean of Inverness. The concluding lines of which may be quoted as a memorial to the great roadmaker.

When therefore, he is dead and gone,
Let life be writ upon his stone;
He never liked the narrow road,
But ran the King's highway to God.



General Wade's bridge—Stirling—bridge over the Forth
Photo by J. A. McCook, Perth—bridge

Went to the

Twenty-seven

CHAPTER V.

MILITARY ROADS

Lord Charles Hay's 1754 Road

EVIDENTLY the Hanoverian authorities preferred an easterly entry into the Highlands, or they may have thought it desirable to have more than one road of entry. At any rate they provided as an alternative to General Wade's Dunkeld-Inverness road, another road from Blairgowrie by the Spittal of Glenshee and the Devil's Elbow, to Braemar, and so on to Cock Bridge, connecting with Aberdeen down Dee-side. The inn at Cock Bridge has as a sign a Red Cock and was known to the English soldiers building the road as Cock Bridge—an English name in Highland surroundings which has endured. From there to Tomintoul the road was the one now known as The Lecht. Where it skirts the course of the Couglass Water as the Well of the Lecht, with the inscription, dated 1754:—

Five Companies, the 30th Regiment, Right Hon. Lord Charles Hay, Colonel, made the road from here to the Spey.

Subject to modern re-alignments, the road from Tomintoul, by Bridge of Brown, to the river Spey followed much the same route as the present one.

Two Centuries Ago

An engineer of the name of Caldwell designed the old Spey Bridge for Lord Charles Hay's regiment, and again record of their building it remains on the old inscribed stone at the upstream corner of the right bank of the river and adjoining the bridge, with the lettering:—

"A.D. 1754, 5 Companies of the 30th Regiment,
Respectable Lord Charles Hay, Colonel. Ended."

The route then followed what is properly called "The Old Road," and improperly (as has been stressed above) "General Wade's Road," because it is Lord Charles Hay's, not General Wade's road, to the site of the present Fire Station. From there the road went diagonally



ough what are now Grantown tenements (for it must
 remembered Grantown did not then exist) to where
 and injured wayfarers on life's highway may now
 for a while in the late Charles Hospital. The route
 then well to the left of the present road, past Bellie-
 rd, Camerony and Anabon on to the neighbourhood
 Loch Macleod, and from thence pretty much by the
 sent Davy to Nairn road to some way past Airthoch
 m, where the old road, still in use, though rather
 gh, branches sharply to the left and winds its way to
 Hindhorn, which was, and still is, crossed by the well-
 near Dulsie Bridge. From thence the road led from
 Aferness and Cawdor to Fort-George.
 Such, in brief, was Lord Charles Hay's new Highway
 73d.

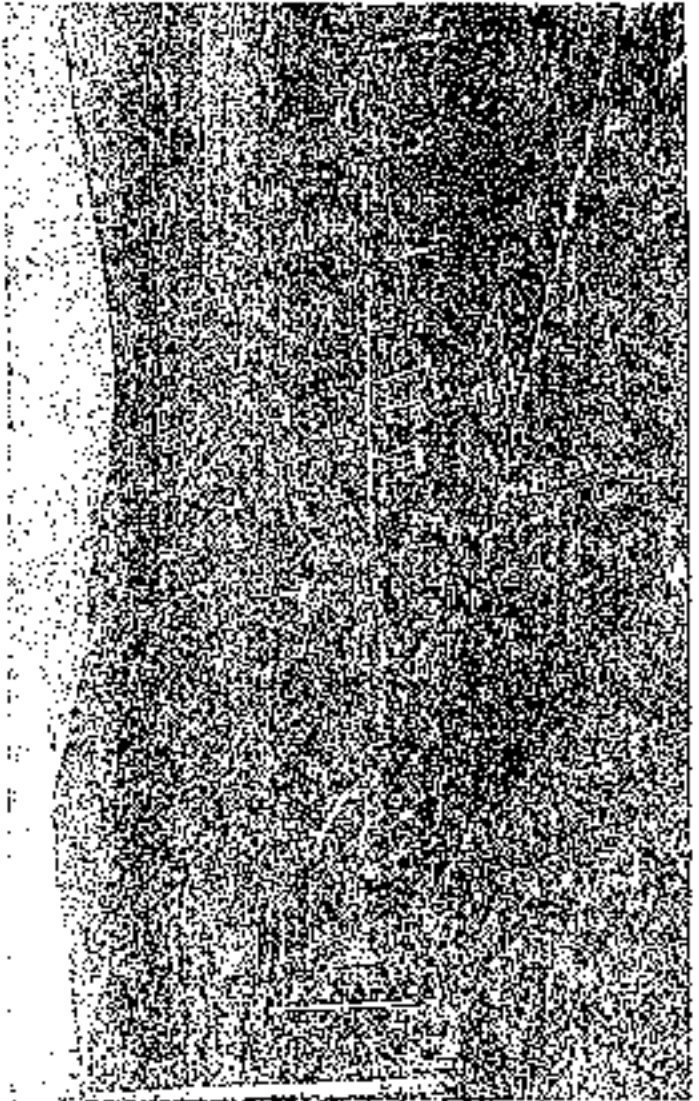
Network of Military Roads

In their Ninth Report, dated 1821, the Commissioners
 Roads and Bridges in the Highlands of Scotland
 mention of a military road along the north side of
 river Dulnain, connecting General Wade's north and
 the road with Lord Charles Hay's east and west road.
 the old Spey Bridge the connecting link would be
 through the birch wood between Kynloch and Inverellan,
 crossing the Allan burn by a bridge, the remains of which
 will be seen, just behind and below the Craggan Mill
 buildings, and so on to Muckincair.

In the same Report the Commissioners described a
 Military Road from Grantown to Aviemore as extending
 hwards 12 miles to form part of the communication
 the Laggan road to the Speyside road. They also
 to a Military Road from Grantown northwards
 miles to Davy, where it was met by a branch of the
 horn road, and thus joined with it in giving access
 e coast at Nairn and Forres.

While these roads are designated military roads, and
 strategic value of such a network of communications
 have been a factor in their planning, by the end of

17-181



Lord Charles Hay's Wood from Grantown to Inverellan, 1821.

that he induced the York Company, whose manager lived at Coumshyle, to extend their commitments to the mining of iron ore in the hills of the Teuch, near Tomun-fool. This ore was carried by strings of pack-horses to Balmagown on the Neethy, and thus a number of bridle-paths were added to the network of roads. The joint ventures were ill-starred, extravagantly worked and wound up in about seventeen years at much loss to both Laird and Company. River transport, however, did not cease. It revived during the Napoleonic wars, when many rafts composed of trees from the forests of Abernethy, Glentworth and Rothiemurcus were floated down the Spey, for masts for the navy and for building ships at Kingston and Garmouth. These rafts, which had been originally designed by the versatile Aaron Hill, were generally manned by men from Ballinadalech, two out-men to a raft. The trade continued intermittently until the end of the 19th century, for the writer remembers as a boy seeing rafts come round the bend of the river above Javerellan, and even having the thrill of boarding them. It may be of interest to add that Dr Forsyth states that Aaron Hill was the author of the well-known lines:—

Transported above a raft,
And it adds you for your pains
Goes it like a man or mule,
And it goes it with some

Road Making

In the days of the *Via Regia* of Alexander II., and even up to the times of General Wade and Lord Charles Hay, road-making was of a somewhat primitive nature, and it was not until the beginning of the 18th century that much advance was made. That commenced in 1800 with the appointment as engineer to the Commissioners of Roads and Bridges in the Highlands of Scotland of Thomas Telford, who was entrusted with the task of adding about 940 miles of new Parliamentary roads to the 250 miles or so of military roads then existing in the northern counties of Scotland. Telford introduced a

single-four

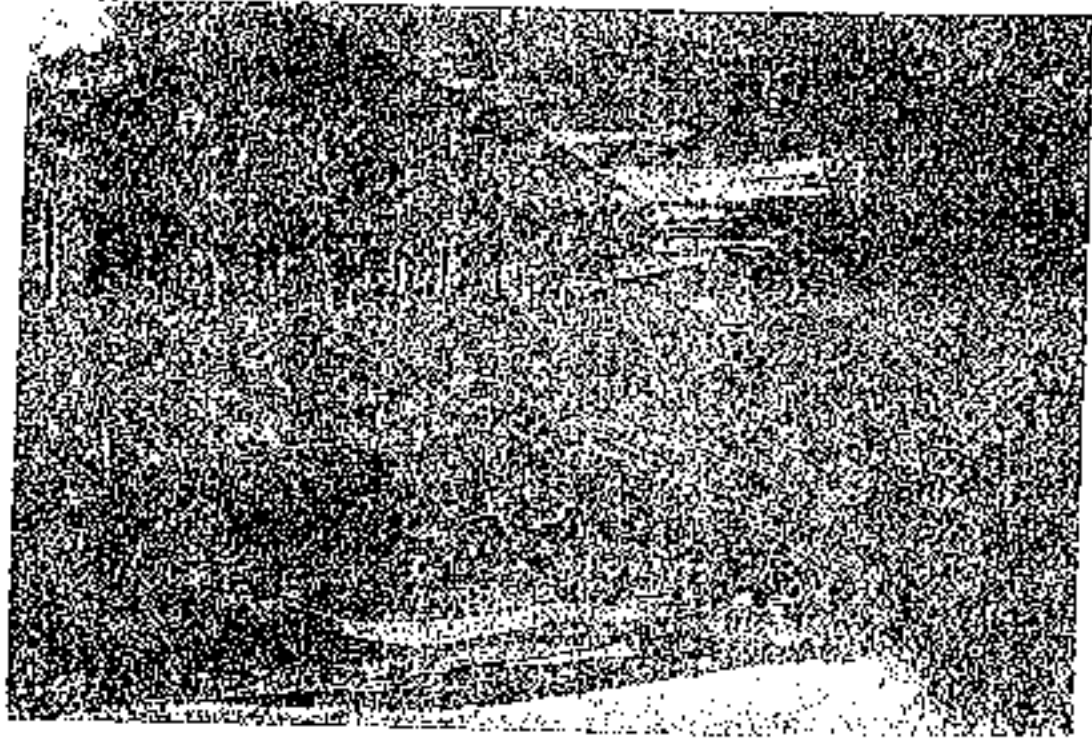
scientific method of road construction "on pitched foundations thoroughly drained and built up with carefully prepared materials." In due time came John Loudon Macadam, who had more to do with repairing old roads than making new ones, and who was not so particular about foundations as Telford had been, Macadam maintaining "that most subsoils were sufficient if well drained and kept dry with an impervious covering."

Although we are much indebted to both these experts there have been, since their time, great advances in methods of road construction and in all kinds of machinery used for road making and repairing, especially with the advent of motor traction.

In particular there have been almost astronomical advances in the scale of expenditure on roads. For example, General Wade made his Great North Road for about £30,000, when it was practically reconstructed nearly two centuries later the cost was about £700,000. Since then the scale of road expenditure is ever on the increase. Highly-paid staffs operate such costly mechanical aids as well-dozers, stone-crushers, tar-sprayers, chaco-side-shovels, road-rollers, quarry equipment, snow ploughs, lorries of various sizes, vans, carts and other implements, all at the cost of many thousands of pounds a mile to the taxpayers and ratepayers.

Most of this great advance in road construction, and especially in its cost, has taken place during the lifetime of those now in old age. There may still be a few living in Strathpey who remember the time when the stretch of road between Dalnain-Bridge and Grantown was looked after by one old man, whose implements were a wheelbarrow, pickaxe and shovel, though he was assisted by men who broke stones at the roadside in hot days in winter. To the children of the neighbourhood the roadman was known as "Fleg," a nickname he may have got from his own threatening aspect, or perhaps from that of the Dundie Diamond forger, which kept guard over his coat and dinner-pail. What a change there has been from

single-four



"The night shined them" is busy at night, Egypt.



the gravel roads, the coup carts, dogcarts and wagonettes of Fleg's day to the tarred and asphalted road-surfaces and the high-speed motor cars and lorries of to-day!

Envy

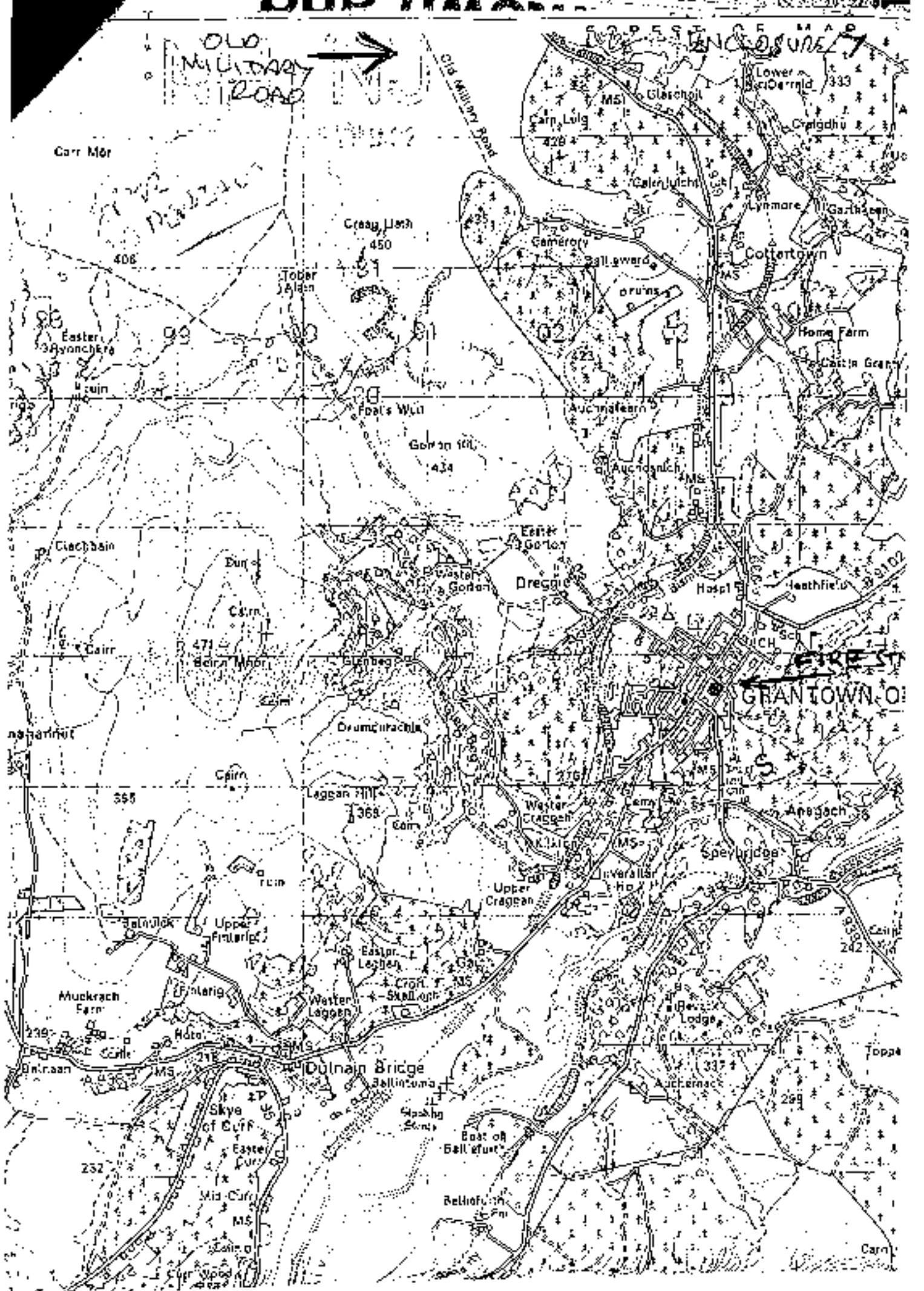
Such, then, is an historical sketch of the Highways and Byways of Stralhspey. These roads are not of such world-wide import as the road going up to Jerusalem or the Appian Way to Rome. They may not even have the romance of the Golden Road to Samarkand, nor have they witnessed, like the streets of London, the pageantry of kings and queens and very important persons in their gilded coaches and gorgeous robes. They have not seen much of the pomp and panoply of war, though, alas, they have given passage to warring clansmen, to the armed forces of Montrose, Prince Charles and the Hanoverian King, and to the grim warriors of two world-wars. Yet, in the main, they have been Highways and Byways of Peace. They have carried generations of sturdy farmers and their buxom wives to market, they may even have had the romance of bearing through shaded glen and by the rippling Spey many a young Loshivar and boy Cinderella going to a country dance. These roads have witnessed many arrivals and departures, many forgotten amities and friendships, many journeys of delight and alas, at times, the tollsome wayfaring of those who faint or fall by the wayside of life. So, in spite of the congestion of the fast-moving motor traffic of to-day, these Speyside roads still have room and need for the courtesy and kindness of the Good Samaritan. Certainly these roads, crowded or lonely, are Highways and Byways for decent folk.

May we not, then, have a lingering affection for our Roads of Stralhspey? Indeed, some may find it in their hearts to say:—

3 Like to live by the side of the road,
Where the race of men go by.

The men who are good and the men who are bad,
As good and as bad as I.

OLD MILITARY ROAD



Carr Mór

406

Craag Linn
450

Tober Aldan

Foot's Well

Gordon Hill
434

Clochbain

East of
Cairn

471
Bairn Moor

Greenbeg

Drumcrachla

Cairn

358

Laggan Hill
368

East of
Gortory

Dreggie

Hospit

← FIREST
GRANTOWN O'

Upper
Craegan

Wester
Craegan

Inverallar
Hospit

Appalach

Muckrach
Farm

Upper
Frularig

Wester
Laggen

Dolnain Bridge

Ballintoma

Washing
Stones

East of
Ballintua

Bellifurn

Lodge

Auchernac

Toppe

232

Skya
of Cliff

East of
Cairn

Mid Cairn

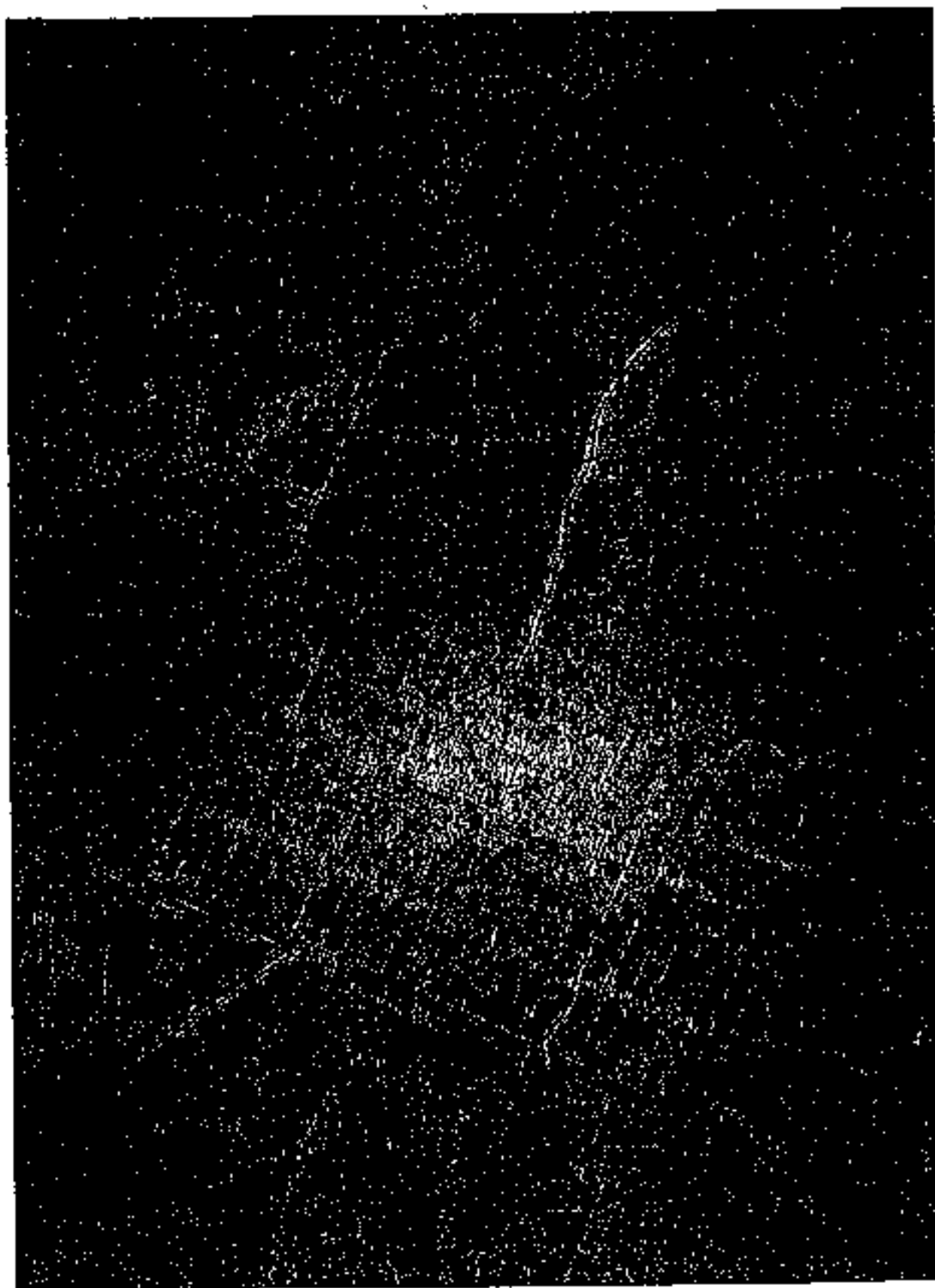
East of
Cairn

East of
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Cairn

BRANTOWN_ON_SPEY
HERITAGE CENTRE

1768 MAP



NOTE THE
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ACCESS
THE
MIDDLE

BRANTOWN
ON SPEY
SQUARE

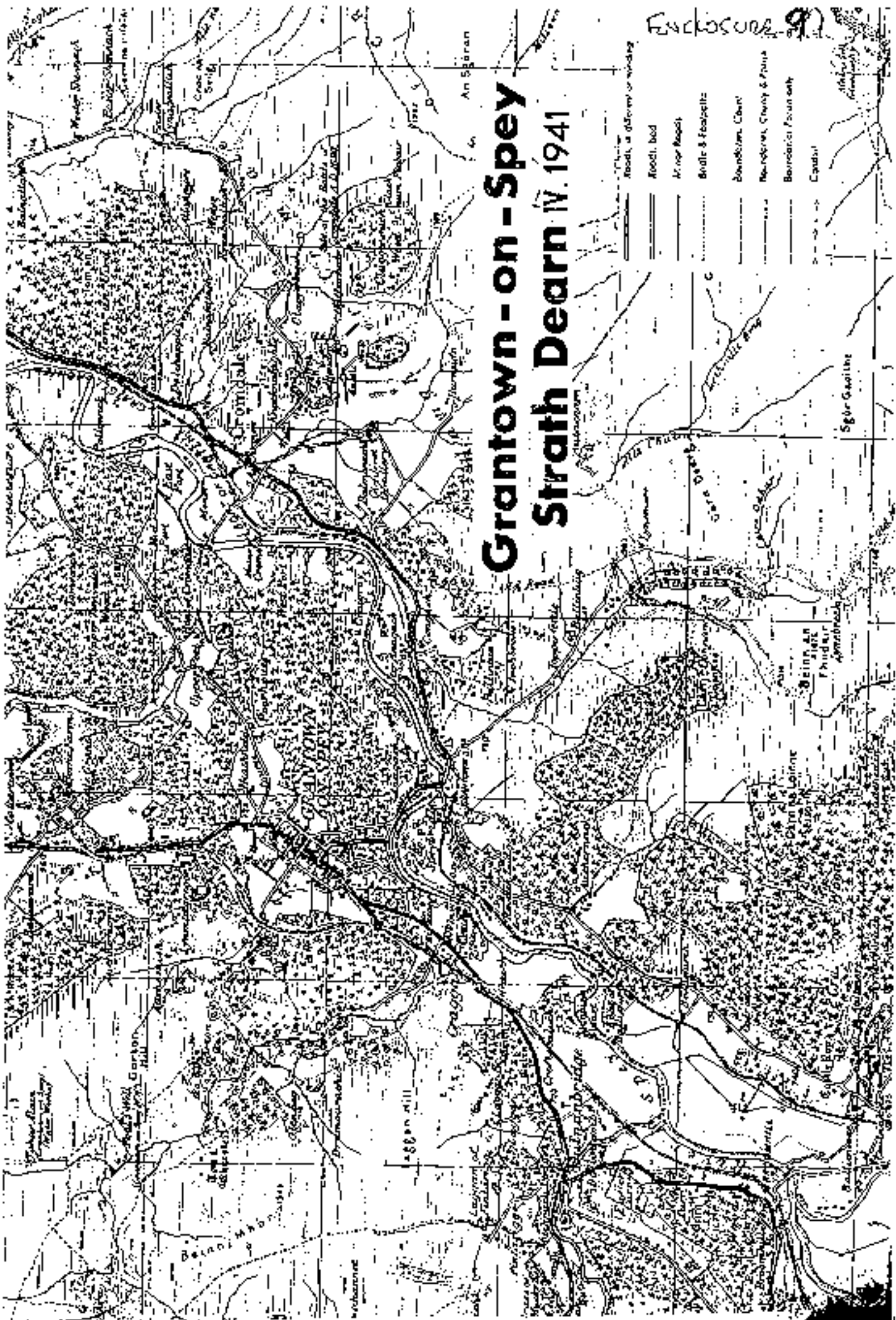
GRANTOWN ON SPY
HERITAGE CENTRE

1809 MAP

← THE OLD ROAD



GRANTOWN
ON SPY
SOURCE
←



Grantown-on-Spey Strath Dearn IV. 1941

Enclosure 91

- Roads, a different or winding
- ==== Flooded, bed
- Air-ropes
- Bridge & Footpaths
- Boundary, Church
- Boundary, Quarry & Farm
- Boundary, Forest only
- Capital

Sgùr Gaillinn

Beinn an
Phuidar
A'Phuinn

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Beinn an
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Gartan
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Aggion Mill

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Calngorms National
Park Authority

14 JUL 2008

RECEIVED

*Kelsey Tainsh MBE, Monzievaired
12B Wonside Avenue, Grantown-on-Spey, PH26 3JR*

11th July 2008

Mary Grier
CNPA
Albert Memorial Hall
Station Square
Balfater
Aberdeenshire
AB35 5QB

HUMAN RIGHTS ACT 1998
PUBLIC CONFIDENCE & PROPORTIONALITY
PROPOSED MUIR HOMES DEVELOPMENT

The Human Rights Act 1998 – Public Confidence

As quoted A Guide to the Human Rights Act 1998: Third Edition October 2006 under Public Confidence:

Para 1.13

One of the main aims of the Human Rights Act is that, over time, a shared understanding of what is fundamentally right and wrong will lead to people having more confidence in key state bodies and that this will encourage more openness and participation in our democracy.

Para 1.14 The Human Rights Act means that:

- Convention rights and responsibilities form a common set of binding values for public authorities right across the UK.
- Public authorities must have human rights principles in mind when they make decisions about people's rights.
- Human rights must be part of all policy making.

Local Government (Scotland) Act 1973 Part IV Community Councils

It is therefore extremely important that the CNPA Board Members pay due respect in Human Rights terms, to the recommendations of Community Councils, when they express the views of the community which it represents.

CNP Web Site - Cairngorms National Park Plan 2007 - CNPA Code of Conduct

With thoughts and aspirations for more 'openness, fairness, transparency and democracy' in mind, and in the interests of the 16,000 plus people who live in the park, I looked on the; CNP website, CNPA Members' Code of Conduct, National Parks (Scotland) Act 2000, and the Cairngorms National Park Plan 2007; for a reference to the Human Rights Act 1998, but was unable to locate one.

This gives my colleagues and I cause for concern, for as quoted in the Preface of 'A Guide to the Human Rights Act 1998: Third Edition October 2006:

We all benefit from living in a society in which all public authorities deliver their services with human rights in mind. In doing that, they need to balance the rights of the individual with the rights of wider society.

For whilst Human Rights is a very complex issue, and one which has not been devolved, to the Scottish Parliament. We feel that there is a need for all CNPA Board Members; to bear in mind the full implications of the Human Rights Act 1998, including proportionality issues, when dealing with major projects, such as the proposed Muir Homes development.

For it is inevitable that this proposed development will cascade across the full spectrum of community life in Grantown-on-Spey, and the four aims for National Parks in Scotland, for many years to come.

Human Rights Act 1998 - Proportionality

Proportionality is one of the key provisions of the Human Rights Act 1998, and as outlined in the document; A Guide to the Human Rights Act 1998: Third Edition October 2006 (Para 3.11):

Public authorities must not "use a sledgehammer to crack a nut".

Without question, many members of the Grantown-on-Spey community, see the proposed Muir Homes development as the sledgehammer, being used to crack an 'affordable housing' requirement nut.

There is also a Human Rights proportionality requirement, to take into consideration the following:

Can I achieve my aim in some other way? Answer = Yes, by building at another site in the local area.

There is a need to balance the general interests of the community against individual rights. Fact = The Community has demonstrated that it is against this proposed development.

Can a Public Authority Interfere with Human Rights

I feel that it is important to draw to the attention of the CNPA Board Members; Para 3.76 in the document; A Guide to the Human Rights Act 1998: Third Edition October 2006. Which quotes that:

Yes. But it would have to be shown that, the interference had a clear legal basis; the aim of the interference was either national security, public safety, protection of the economy, prevention of crime, the protection of the rights and freedoms of others; it was necessary (and not just reasonable) to interfere with your rights for one of the permitted reasons; and that the interference was proportionate, going only as far as was required to meet the aim.

Having taken this very important Human Rights benchmark and the question of proportionality and the communities wishes into due consideration. It is the opinion of my colleagues and I, that there is no justification whatsoever, for the proposed Muir Homes development on the mossie, to be approved by the CNPA Board Members.

Community Support for the Proposed Muir Homes Development

I have only encountered 3 individuals in the community who support the concept of development on the mossie, but even they have reservations.

Their support primarily revolves around the requirement for affordable housing, for local people.

However, there is a general feeling that whilst this proposed development intends to provide some 193 houses, of which 49 are to be fully integrated affordable units. They are convinced that members of the local community will not be able to afford, or be fortunate enough, to be allocated one of these 49 properties.

The community is not against development in general terms, providing it is:

At an alternative site.

Subject to the availability of adequate services.

Does not use up all the spare services (sewage etc), and subsequently due to a lack of available services (possibly earmarked for the major proposed Muir Homes development) prevent local members of the community, from building single houses etc, in the future.

The vast majority of the community is completely against having to relinquish the mossie, in order to meet the proposed Muir Homes project. For most of the community consider that the mossie is a valuable community asset, which with a little vision has considerable alternative long term, and economic regeneration, tourism potential (caravan site, mineral well, wild life, public rights of way etc).

Cultural and Traditions - Grantown-on-Spey Amenities Committee 1911

I understand from the historian Mr George Dixon that the Grantown-on-Spey Town Council formed the Amenities Committee in 1911 and the Sub Committee for Wells in 1912.

What is important here in Human Rights proportionality terms, is that both of these Historical and Cultural Heritage bodies, along with Sir James Grant of Grant and the Dowager Countess Caroline, wished to preserve the mossie and its surrounding views, as amenities for the local community.

There can be little doubt that today's local community, still value the mossie as a community amenity.

Grantown-on-Spey & Vicinity Community Council Meeting on the 12th June 2008

In the 2 set's of 'Draft minutes' taken at the Grantown Community Council meeting on the 12th June 2008 which I have seen. They both reflect the following comments made by Geoff Laing, speaking on behalf of local builders:

The pace of development of the town has resulted in 300 dwellings being built over the last 36 years, and that this is the pace of development that suit's the town.

Do we really need all these new houses to be built over such a short period?

There are still approximately 50 houses on the market in the area that are not selling so what makes Muir Homes think that there will be takers for all the houses that they are building here?

Geoff Laing's comments reflect the need to apply an accurate and balanced judgement with regard's to 'proportionality', when decisions are made, on the necessity and long term viability, of the 193 houses involved in the proposed Muir Homes development.

SNP Plan End Housing/Crisis Government Housing Policy/British Chambers Commerce

The BBC One-Minute World News Wednesday 31st October 2007 outlined that:

In a series of proposals laid out by ministers, Scotland's councils, developers and builders have been challenged to increase new house building to at least 35,000 a year by 2015.

However, Government policy is not always right, and just like the selling off of Council Housing, does not always serve to meet the long term interests, of many members of the community. In addition it frequently lacks the desired flexibility, to adapt quickly to changing global economics, or meet the needs of fragile rural economics like those of the Highlands and Islands.

Moreover, as outlined in the British Chamber of Commerce article dated 12 November 2007; Global credit crisis and previous interest rate increases set to trigger sharp UK slowdown. The construction industry throughout the UK is now encountering the forecasted problems.

The Times Wednesday July 9 2008 Persimmon Cuts 1,100 Jobs as Housebuilders Suffer

This article by Catherine Boyle & Grainne Gilmore, highlights that:

More pain was inflicted on the British property market yesterday as property companies announced thousands of job cuts and new mortgage figures indicated that house prices would continue to fall.

Mike Farley, the chief executive of Persimmon, told The Times "This is not a short term scenario".

Mike Farley also advised; He expects the number of houses built in the UK this year to fall by almost 40 per cent from last year's total of 180,000. It could fall below 100,000 in 2009.

Under the circumstances, it might well be prudent to ensure that any proposed development on the mossie, is not going to be adversely affected by this property market crisis.

It would be a potential disaster, if the mossie site was sold by the Seafield Estate to Muir Homes, who then land banked, or sold on the property with planning consent to a third party.

Common Waiting List with all other Registered Social Landlords in Highland

One of my colleagues was advised by the Housing & Property Service via email dated 27th June 2008 that they now operate a common waiting list with all other registered social landlords in Highland.

I understand that there are 6 Highland Housing Registered (HHR) Landlords, and that 5 other Landlords (who have some housing in the Highland Area) will participate in the HHR.

If the combined effort of all these reputable institutions can not resolve the local community's affordable housing problems, then I doubt that the proposed Muir Homes development will be a quick fix.

Sustainable Communities in the Badenoch & Strathspey Area

The Housing & Property Service also advised one of my colleagues by email dated 3rd July 2008 that:

The existing Highland Housing Needs Assessment 2003 – 2008, considered there to be at least 109 households in need in the Badenoch and Strathspey area – each year from 2003 to 2008 – and, again in each of these years, a need for at least 49 new affordable houses to be built in addition to the affordable housing which it was projected would be supplied. The implementation of the Council's Affordable Housing Development Plan Policy in communities such as Grantown is based on this assessment of housing need.

If the property market was to build 49 new affordable houses (AH) to help meet the above target in the Badenoch and Strathspey area, using the 25% affordable housing unit's to 75% new households (HH) criteria.

This would mean that over a 6 year period (example 2003 – 2008), this particular target on its own would involve:

$49 \text{ AH} + 147 \text{ HH} \times 6 = 1176$ new households over the 6 year period.

This number of households on its own (and there will be others), in a 24 year time frame (CNPA 25 Year outcomes – visions etc) would result in $4 \times 1176 = 4704$ new Households, in the Badenoch and Strathspey area.

In terms of proportionality:

For a historic town which has grown slowly since it was created in 1765, and only built approximately 300 dwellings in the last 36 years, are the above statistics appropriate?

Is this rate of development which is against the local community's wishes; realistically sustainable, desirable and/or practical?

Scottish Executive Development Department - Planning Advice Note 81
Community Engagement Planning with People
RR Donnelly B47112 03/07 ISBN: 978-0-7559-5389-9

This document outlines that;

Scotland's planning system is undergoing its most radical overhaul in 60 years. Scottish Ministers are determined to make it more efficient, and more inclusive and accessible. This means improving how people are involved in planning for their local communities.

When I subsequently raised the issue of the; Local Government (Scotland) Act 1973 (Chapter 65 Part IV Community Councils), with the Chairman of the Grantown-on-Spey and Vicinity Community Council. If I recall correctly; the Chairman advised me that; prior to having received a copy of my letter on this subject to Mr A Rinning at the CNPA dated 20th June 2008, he did not know of the existence, of this important document.

Furthermore, having also sourced the following documents, I can only conclude that the desired wish of The Scottish Office to; foster constructive responses to development proposals as they arise. And the Scottish Executive desire to; help the effectiveness of democratically elected Community Councils, is not working

The Highland Council; Renewing Democracy and Community Planning Select Committee dated 17th January 2007.

The Scottish Office Development Department; Community Councils and Planning, review of the town and country planning system in Scotland, Planning Advice Note 47.

This situation would appear to some in the community, to have been further complicated by the additional involvement of the CNPA, in the planning process. Who after evaluating 'bold Residency Criteria' (words of former Convenor Andrew Thin) little more than a year ago, now seem to be actively pursuing an aggressive affordable housing agenda.

I trust that issues of proportionality, as central pillars of the communities Human Rights, will be enthusiastically protected and given due attention.

No Simple Solutions to the Provision of Affordable Housing

So despite the desires and all the initiatives of the Westminster Government, the Scottish Executive, and the HIR, it would appear that to date all of their combined efforts and initiatives have failed to produce the desired number of affordable house, especially in the Badenoch and Strathspey area.

Added to which, the present downturn in the global economy, is likely to exacerbate the overall lack of affordable housing situation, be it that property prices are falling.

I have great sympathy with any local member of the community, who is desperate to obtain an affordable house. But I can only believe that their chances of being allocated one of the proposed 49 Muir Homes development affordable units, is distinctly remote.

Suggested Possible Way Ahead to Meet Local Affordable Houses Requirement

However, I believe that there may be a solution to the provision of local affordable housing for local members of the community, in each individual CNP community. By the CNPA:

Assisting in the creation of Local Community Affordable Housing Charities.

In partnership with The Highland Council or a third party, obtain land (retaining land ownership - but with a right to buy) on which shell affordable housing units could be built, by a charity.

Designing basic shell type affordable housing units, that is suitable for habitation, and extension. But which the occupants may be required to finance the finishing touches, and as required then build on extensions, when they can afford to do so.

Entering into discussions with local builders to facilitate the building of these shell affordable housing units.

Assisting in the raising of charitable donations, at both a national and local community level.

Grantown-on-Spey Community Public Confidence & Proportionality

One of the reasons that the Community Council Meeting held on the 12th June 2008 was so well attended, be it that there were 2 other major community events taking part that night. Is quite simply that many in the community, and some members of the wider public:

Are beginning to lose confidence in the CNPA.

Have severe reservations as to the various proportionality issues, surrounding the proposed Muir Homes development.

Are against the proposed Muir Homes development on the mossie.

Feel that insufficient effort has been made to identify alternative suitable locations, on which to build more affordable housing and new households.

Conclusions

Is there a clear legal basis (*and not just reasonable*) as outlined at Para 3.76 in the document; A Guide to the Human Rights Act 1998; Third Edition October 2006; for the CNPA Board Members (*for a higher authority*) to interfere with the wishes, rights and freedoms of the Grantown-on-Spey community, who have amply demonstrated that they are against the proposed Muir Homes development.

If the CNPA Board Members (*for a higher authority*) have any doubts that the Grantown-on-Spey community have not amply demonstrated that they are against the proposed Muir Homes development. I suggest that in the interests of democracy, and in line with The Highland Council Renewing Democracy and Community Planning Select Committee 17th January 2007 document; Results of Scottish Executive Discussion Paper "What can we do to help Community Councils fulfil their role" Report by Head of Policy and Performance; Page 3: Actions for Local Authorities 3);

That the recommendation that: "Postal voting and issue of ballot papers to all households" should be implemented.

There is a growing feeling of unease in the community that regardless of the possible long term adverse consequences. That the need to provide affordable housing units within the CNP on the mossie at Grantown-on-Spey, will be achieved, regardless of the community's 'democratic and proportional' wishes.

Yours most sincerely



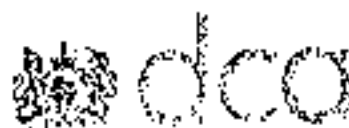
Copy To:

Danny Alexander MP.
Fergus Ewing MSP.
Mary Scanlon MSP.
Mr Jim Beveridge Chairman of the Grantown-on-Spey and Vicinity Community Council.
Ward 21 -- Badenoch and Strathspey Councillors.
Reverend Helen Cook.

Enclosure:

1. Extracts from: A Guide to the Human Rights Act 1998: Third Edition October 2006:

- DCA Justice, Rights & Democracy - Front Cover.
- Page 4: Preface.
- Page 6: Para 1.13 Public Confidence.
- Page 6: Para 1.14 The Human Rights Act means that.
- Page 13: Para 3.11 Proportionality.
- Page 22: Para 3.76 Can a Public Authority Interfere with my Article 8 rights.



Department for
Constitutional Affairs
Justice, rights and democracy

A Guide to the
Human Rights Act 1998
Third Edition





Preface

This is the third edition of this popular Guide to human rights in the UK. Thousands of copies are distributed every year and are downloaded from our Departmental web-site.

You may have accessed this copy because you are a sixth-form student or an undergraduate; or because you work in a public authority; or because you are an interested member of the public; or you may have come across it by accident on the web. However you have come across it, please take the time to read it. It deals with a vitally important topic and is designed to be straightforward and non-technical.

→ We all benefit from living in a society in which all public authorities deliver their services with human rights in mind. In doing that, they need to balance the rights of the individual with the rights of wider society. They get the overwhelming majority of those decisions right. Those that are thought to be wrong can be tested and where necessary our courts will deal with disputes.

In recent years human rights have been unfairly blamed for a range of ills in society. They have been blamed for encouraging a compensation culture. They have been blamed for forcing the release of dangerous prisoners to rape and kill again. They have been blamed for tying the hands of Government in dealing with the terrorist threat. A misapplication of human rights can lead to results which are the reverse of those intended. We have to be vigilant to ensure that human rights are properly understood and properly applied.

This third edition of the Guide in October 2006 is issued at a time when my Department is making renewed efforts to put the real message about human rights before the UK public by a wide variety of means. I believe that the real message about human rights is a message about the bedrock of the civilised society in which we all wish to live.

I invite you to help. Please spread the real word about human rights.

Whoever you are, I hope that you find the Guide clear and interesting, and if you do, that you will recommend it to friends and colleagues. Every little helps.

Charlie Falconer

Rt Hon The Lord Falconer of Thoroton
Secretary of State for Constitutional Affairs
and Lord Chancellor

1.12 The Human Rights Act means all public authorities must ensure that everything they do is compatible with Convention rights unless an Act of Parliament makes that impossible. Prior to the Act coming into force, all Government Departments reviewed their existing legislation and procedures to see if they complied with human rights standards, and worked out ways in which they could foster human rights positively. People are entitled to expect that public authorities respect their Convention rights.

Public confidence

→ 1.13 One of the main aims of the Human Rights Act is that, over time, a shared understanding of what is fundamentally right and wrong will lead to people having more confidence in key state bodies and that this will encourage more openness and participation in our democracy. Shared, basic values in the Human Rights Act will help to promote a greater unity and fairness in our society. The Act has been very widely publicised and we expect that most people in the country now know something about it, even if some of that information comes from mischievous sources which portray the Act in an undeservedly bad light. We are working to ensure that public confidence in state bodies will grow and that human rights will be recognised as the benchmark of all that they do. ←

→ 1.14 The Human Rights Act means that:

- Convention rights and responsibilities form a common set of binding values for public authorities right across the UK
- Public authorities must have human rights principles in mind when they make decisions about people's rights
- Human rights must be part of all policy making. ←

- *qualified rights*, which include the right to respect for private and family life (Article 8), religion and belief (Article 9), freedom of expression (Article 10), assembly and association (Article 11), the right to peaceful enjoyment of property (Protocol 1, Article 1) and to some extent the right to education (Protocol 1, Article 2). Interference with them is permissible only if what is done:

- A. has its basis in law, and
- B. is done to secure a permissible aim set out in the relevant Article, for example for the prevention of crime, or for the protection of public order or health, and
- C. is necessary in a democratic society, which means it must fulfil a pressing social need, pursue a legitimate aim and be proportionate to the aims being pursued (see below).

Part 3 of this Guide uses these terms and explains them further.

Proportionality

3.10 The points at A, B and C above are very important tests to see if interference by any public authority in an individual's rights is allowed under the ECHR. Of critical importance, however, is the proportionality condition in test C. What this means is that, even if a particular policy or action that interferes with a Convention right pursues a legitimate aim (such as the prevention of crime) this will not justify the interference if the means used to achieve the aim are excessive in the circumstances.

3.11 Any interference with a Convention right should be carefully designed to meet its objective in question and must not be arbitrary or unfair. Public authorities must not "use a sledgehammer to crack a nut". Even taking all these considerations into account, interference in a particular case may still not be justified because the impact on the individual or group is just too severe. For example, the European Court of Human Rights took this view in 2000 when it ruled that an outright ban on homosexual people serving in the armed forces was not compatible with the ECHR rights.¹¹ Under the Human Rights Act, the Courts have accepted that they need to consider proportionality. They do this by looking with "anxious scrutiny" at decisions that impinge on human rights, to see if they should be upheld.

Article 2: The right to life

3.12 In summary, you have the right to have your life protected by law. There are very limited circumstances when it is acceptable for the state to take away someone's life. You also have the right to an effective investigation if one of your family members dies in circumstances where the state might have had a part to play in the death. Everyone present in the UK has these rights, including those such as suspected terrorists or violent criminals who put the lives of other people at risk. Article 2 gives perhaps the most fundamental of all the rights under the ECHR.

What does my right include?

3.13 Article 2 requires states to make adequate provision in their laws so as to protect human life. This means that, generally, the taking of life must be illegal under a state's law. The fact that murder and manslaughter are crimes under domestic law satisfies this part of the Article 2 obligation on the UK.

3.14 Article 2 also provides that no-one can be deprived of their life intentionally by the state unless they have committed a crime for which the death penalty is provided. The UK has also ratified Protocol 6 and 13, which abolish the death penalty and the existing legal situation is that courts in the UK cannot order death as a sentence for any crime.

3.15 There are very limited exceptions to this right, under Article 2(2). In peacetime, a public authority – such as the army, the police, or a prison – may not cause someone's death intentionally or unintentionally unless one of several limited special circumstances apply. These circumstances are where the death results from force used:

- in acceptable self-defence or defence of another person from unlawful violence
- so as to arrest someone or prevent them from escaping detention (provided that the arrest or the detention is legal)
- in lawful action to quell a riot or insurrection.

3.16 In any such situation it must be shown that the use of force and the level of force used was absolutely necessary. It must also be shown that the use and level of force used was strictly proportionate bearing in mind what the

What does respect for my home cover?

3.74 You have the right to enjoy living in your home without public authorities intruding or preventing you from entering it or living in it. You also have the right to enjoy your home peacefully. This may mean, for example, that the state has to take action so that you can peacefully enjoy your home, for example, to reduce aircraft noise or to prevent serious environmental pollution. Your "home" may include your place of business. You don't have to own your home to enjoy these rights.

What about correspondence?

3.75 Again, the definition of "correspondence" is broad, and can include communication by letter, telephone, fax or e-mail.

Can a public authority interfere with my Article 8 rights?

3.76 Yes. But it would have to be shown that the interference had a clear legal basis; the aim of the interference was either national security, public safety, protection of the economy, prevention of crime, the protection of health or morals or the protection of the rights and freedoms of others; it was necessary (and not just reasonable) to interfere with your rights for one of the permitted reasons; and that the interference was proportionate, going only as far as was required to meet the aim.

3.77 Before taking decisions affecting people's rights under Article 8, a public authority will have to weigh all the competing interests carefully so as to justify any interference. Rights under Article 8 may need to be balanced against other rights, for example the right to free expression in Article 10.⁴⁴

3.78 The right to respect for private and family life, your home and your correspondence under Article 8 also raises issues in areas such as:

- searches of homes and the use of covert surveillance, such as listening devices⁴⁵
- family law disputes or asylum cases where there is a risk that a family will be separated⁴⁶
- the rights of homosexual people (there have also been recent developments in domestic law in this area, such as the Employment Equality (Sexual Orientation) Regulations 2003 and the Civil Partnership Act 2004)

- the rights of transsexual people⁴⁷ (which are now given effect in domestic law by the Gender Recognition Act 2004)

- certain aspects of the rights of prisoners⁴⁸

- employees' rights to privacy, including the monitoring of e-mails and telephone calls

- the imposition of unreasonable mandatory dress codes or drug testing at work

- the use of CCTV and exchange of data obtained from it

- the right to refuse medical treatment⁴⁹

- the rights of egg and sperm donors, and children born as a result of artificial insemination⁵⁰

- the ability of the media to report details of the private lives of famous people.⁵¹

Article 9: Freedom of belief

3.79 Article 9 protects your rights in relation to a broad range of views, beliefs, thoughts and positions of conscience as well as to your faith in a particular religion.

Holding particular beliefs

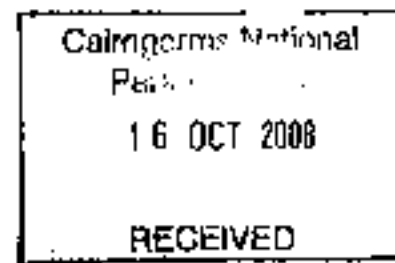
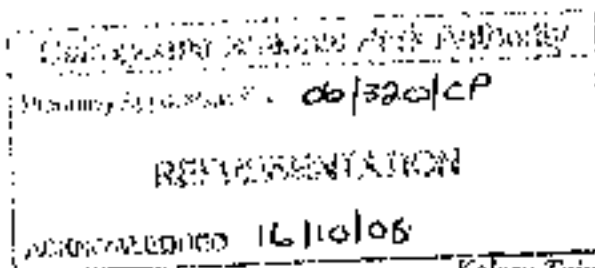
3.80 You have the absolute right to hold the thoughts, positions of conscience or religion you choose. The state can never interfere with your holding of these views, whatever the circumstances of your case.

Manifesting particular beliefs

3.81 You also have the right under Article 9 to manifest your thoughts, positions of conscience or religion. This can include the right to practise or demonstrate your religion or beliefs in public and in private.

Acceptable restrictions on Article 9 rights

3.82 However, the right to manifest religious belief is "qualified" and interferences with it by the state can be justified in certain circumstances. The state would need to show that the interference had a clear legal basis, the aim of which was public safety, the protection of public order, health or morals or the protection of the rights and freedoms of others; and that it was necessary (and not just reasonable) to interfere with your rights and the interference would only as far as was required to meet the aim.



Kelsey Tainsh MBE

Monzievaird, 12B Woodside Avenue, Grantown-on-Spey, PH26 3JR

Mary Grier
CNPA
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB

15th October 2008

PROPOSED MUIR HOMES DEVELOPMENT(S) & CAIRNGORM NATIONAL PARK ECONOMICS

Having had time to reflect upon the present global economic crisis, and spoken to some local builders and estate agents. It is clear that things are beginning to become more difficult throughout the local house building industry, as well as for some of the big property development companies, who have interests within the CNP.

This alarming situation is amply highlighted in The Strathspey and Badenoch Herald dated 15th October 2008 article; Building firm executive paints 'worrying picture' by Nell Cameron. Please see the enclosed article.

Under the circumstances, my colleagues and I would like to be reassured that the CNPA, for both CNPA economic reasons and policy (*To promote sustainable economic and social development of the area's communities*), would wish to do everything reasonably practical, to protect our local building companies and their employees, plus other jobs in Grantown-on-Spey and throughout the CNP.

For if the balance of our fragile CNP economy continues to be upset by internal, external and possibly self-inflicted forces. This economic crisis will undoubtedly have a disastrous effect upon all local builders, their employees and the wider community. Which for many local building workers and their dependants, will inevitably cause serious social deprivation (breakdowns in family relationships, heating, food on the table, cost fuel), and for others and small businesses in the CNP, could prove to be terminal.

I therefore feel that in order to protect the fragile economy within the CNP, and especially the economy of Grantown-on-Spey, it is essential that the proposed Muir Homes project, and any additional projects on the moor, especially those regarding the future of Grant House Care Home and the Ian Charles Hospital, are scrutinised from an in depth and searching economic perspective.

Please find the enclosed Highland Council letter dated 30 September 2008 and its attached correspondence, relating to a new Grant House Care Home and Ian Charles Hospital, which one of my colleagues named Don Scobbie has sourced (*Note; please do not confuse any of the emails written by David Scobbie of the Muir Group, and The Highland Council letter which is addressed to my colleague Don Scobbie*). The details of this correspondence I suggest, needs to be fully researched and evaluated by the CNPA Board Members, prior to any decision being taken on the proposed Muir Homes housing development.

Moreover, if one takes into consideration the ongoing 'Global/EU/UK' economic situation, and accepts that the countries top economists and financial experts are encountering considerable difficulty in sorting out the nations present economic problems, and also advise that they are not in a position to accurately predict the future. My colleagues and I, feel that it is in everyone's interests for the CNPA to engage a 'top economic building and development consultant' to have a close look at; the proposed Muir Homes development, the likely impact of major property developers in the CNP, and the likely knock on effect on the CNP local and wider economic picture, throughout this current economic crisis.

Finally, I am aware that many in the local building industry, together with my colleagues and I, are not exactly brimming with confidence at this specific moment in time, that adequate attention is being paid by the CNPA, to the present and future economic climate within the CNP. Furthermore, we also feel that in the event that there is a lack of further external economic analysis, advice and oversight, that the CNPA Board Members (*who may well be lacking in the desired level of global, national and local economic experience and financial expertise*) may well not be the best medium, through which to make a reasoned judgement(s), on the proposed; Muir Homes & any future Grant House Care Home and the Jan Charles Hospital development projects.

Yours most sincerely



Enclosures:

1. The Strathspey and Badenoch Herald dated 15th October 2008 article; Building firm executive paints 'worrying picture' by Neil Cameron.
2. The Highland Council letter (*and correspondence in relation to discussions between The Highland Council and the developer Muir Homes regarding the future of Grant House Care Home and the Jan Charles Hospital*) dated 10th September 2008 Titled: Request under the Freedom of Information Act.

Building firm executive paints worrying picture

WILLIAM Murray, chief executive of the building firm, says the economic downturn will be felt by construction has been "hit" by a sharp fall in public sector work. He says the expected 2009 budget will be "a real challenge" which was "not the one we had in mind".

Mr Murray said the downturn based firm needed to cut the number of new building contracts. He said that is now the situation in the construction industry. He said the firm will hit the rest of the economy by Christmas because that will be the point when the economy will be in a very serious situation which it does not expect to improve until the end of 2009.

Mr Murray said the biggest house building programme in the Highlands was the £170 million at High Burnside in the village of Carrbridge. He said the firm was also involved in the housing side of the redevelopment of the Aviemore Highland Resort as one of the company's construction partners.

Mr Murray also has the permission to build 17 houses in Carrbridge on a site bounded by the village's Cynoch Park, Roban Park and Carr Road.

The developer looks for the schemes which are currently at a standstill after receiving Aviemore and Highland Development consent from local businessman Allan

"We are in a very serious situation which I do not expect to improve until the end of 2009"

Neil Cameron

Murray and David Cameron of the Highlands and Islands SNP MSP. Mr Murray said the firm had been "hit" by a sharp fall in public sector work. He said the expected 2009 budget will be "a real challenge" which was "not the one we had in mind".

Mr Murray said the downturn based firm needed to cut the number of new building contracts. He said that is now the situation in the construction industry. He said the firm will hit the rest of the economy by Christmas because that will be the point when the economy will be in a very serious situation which it does not expect to improve until the end of 2009.

While the SNP came to power last week, the Scottish Government (including the SNP) said it would maintain it was not new money and was for the long term. He said the firm was also involved in the housing side of the redevelopment of the Aviemore Highland Resort as one of the company's construction partners.

Mr Murray also has the permission to build 17 houses in Carrbridge on a site bounded by the village's Cynoch Park, Roban Park and Carr Road.

The developer looks for the schemes which are currently at a standstill after receiving Aviemore and Highland Development consent from local businessman Allan

Mr Murray said the firm had been "hit" by a sharp fall in public sector work. He said the expected 2009 budget will be "a real challenge" which was "not the one we had in mind".



The
Highland
Council
Comhairle na
Gàidhealtachd

1991 - The Highland Community

1

Mr D Scobbie
22 Seafeld Court
Grantown on Spey
PH28 3LE

Please ask for: Allan Maguire
[REDACTED]
Email: allan.maguire@
highland.gov.uk
Your Ref:
Our Ref: AM/HB/FOIC/0920
Date: 30 September 2008

Dear Mr Scobbie

 **Request under the Freedom of Information Act**

I refer to your letter of 10th September 2008.

I have attached all correspondence in relation to discussions between The Highland Council and the developer Muir Homes regarding the future of Grant House Care Home and the Ian Charles Hospital in Grantown on Spey.

I would point out that discussions are at a very early stage and no agreement has been reached with the developer regarding any joint working.

The developer has attended two meetings with The Highland Council, neither of which was minuted. The developer was invited to an initial meeting on 7th May to discuss whether their site could accommodate a new care home and hospital and following submission of feasibilities by the developer our second meeting was held on the 6th June with Highland Council and Cairngorms National Park. Costings for infrastructure works were requested at the second meeting and they have been received (see attached correspondence).

No further correspondence or dialogue has taken place with the developer. The Council is awaiting confirmation from the National Health Service regarding the availability of funds to proceed with a joint project.

I hope that you are satisfied with the answers to your questions. Under Section 20 of the Freedom of Information (Scotland) Act 2002, you have the right to request that the Highland Council reviews any aspect of how it has handled your Freedom of Information request. This requirement for review should be put in writing to the Senior Business Support Officer – Information Management, Chief Executive's Office, Glenurquhart Road, Inverness, IV3 5NX within 40 working days of receipt of this letter. The request should

include details of the information requested and the aspects of the Highland Council's response which you are not satisfied with.

2

Yours sincerely



Allan Maguire
Head of Housing Development and Estates

Ian Maguire

3

From: Iain Nicol
Sent: 08 July 2008 15:49
To: Ian McDonald - Housing & Property
Cc: Allan Maguire; Graham Rennie
Subject: RE: Care Homes - Grantown

NOTE: NOT ALL OF THE ATTACHED ARE IN DATE ORDER.

Ian,

I've spoken to David Scoble, Muir Homes, regarding the potential on costs associated with both sites currently identified, namely:-

- 1) Castle Road East
- 2) Seafield Avenue

He has identified the following issues and has provided an indication of the potential cost implication to the Highland Council. The figures and percentage allocations are very approximate at this stage and would require to be agreed if a decision is made to proceed with either of those sites.

1) Castle Road East

- a. Roundabout - Muir Homes have currently had no requirement to provide a roundabout to access their housing by Planning/Roads. A 'T' junction would suffice. They would consider the inclusion of a roundabout to be the full responsibility of the HC, and would therefore look to the HC to fund 100% of the cost of the new roundabout. A recent roundabout completed by Muir to a similar size was approximately £448k, say £500k. This may be split between the HC and NHS? There may also be some scope for negotiating that the cost of the original 'T' junction should be used as an offset cost to the new roundabout.
- b. Drainage - Muir have currently allocated £135k to upgrade the foul drainage and to provide a foul storage facility to minimise the impact to the existing drainage system of the increased volume of sewage. This has been designed to accommodate the planned number of houses and the estimated number of inhabitants. The inclusion of the Care Home and the NHS facility would, in all likelihood, increase the volume of sewage which the system would require to store. This would therefore require a larger storage facility to be installed. The potential financial implication is likely to be in the region of £15k for the Care Home and £25k for the NHS facility.
- c. Drainage - A pumped drainage system is required for this site. The increased capacity due to the inclusion of a Care Home and NHS facility may lead to a larger pumping facility being required. The potential financial implication is also likely to be in the region of £15k for the Care Home and £25k for the NHS facility.
- d. Electricity cables - the overhead power lines crossing the site will require to be diverted. Muir Homes have currently allocated £100k for this work and would look for the HC to contribute towards the cost of this work, approximately 25%. This would lead to an oncost of £25k for the HC/NHS.
- e. Water - The inclusion of a Care Home and NHS facility is likely to increase the demand for water supplies. The size of water main to be installed may, therefore, be increased. This will lead to increased costs. Muir Homes have not received any information from Scottish Water which would allow them to identify whether this would be required and, if so, what the financial implication is likely to be for the HC. At this stage I would advise that this should be regarded as a potential oncost to the HC/NHS.
- f. Approximate total oncost = £605k (excluding water mains as (e) above). This could be split between the HC and NHS at a pre-arranged percentage apportionment.

2) Seafield Avenue

- a. Roundabout - not required. However, Seafield Road may not be acceptable to Roads and may require to be upgraded. This cost would be borne by the HC. Depending on the land available along this road it may, or may not, be possible to upgrade to the full standard expected by Roads.
- b. Drainage - as (b) above. The potential financial implication is likely to be in the region of £15k for the Care Home and £25k for the NHS facility.
- c. Drainage - no pumping station would be required - this system would be a gravity fed system.

15/09/2008

...the proposed site.
...the proposed requirement as (a) above to increase the capacity
...at this stage but this should be considered as a
...£20k (excluding water mains as (a) above). This could be split
...at a pre-arranged percentage apportionment once identified by
...with HC.

...above costs are exclusive of professional fees.

Iain T. Nicol
Senior Quantity Surveyor

Housing & Property Services

-----Original Message-----

From: Ian McDonald - Housing & Property
Sent: 25 June 2008 12:26
To: Iain Nicol
Subject: Care Homes - Grantown

Iain,

The option for costing that Alan Maguire mentioned at the last meeting was the pdf sketch prepared by Muir Homes called 'Muir Homes Hospital Proposals 1' which is now in the costings folder for Grantown. (The other drawing is for the alternative site that Alan prefers but Planning don't)

At our meeting with Muir Homes they told us that the roundabout would add £250k (or it might have been £500k) and that the Hydro Diversion was another additional cost. The connection to foul drainage would require to be pumped and we would need to connect into their system being installed for the housing site adjacent.

David Scobbie from Muir Homes said that he was happy for you to speak to him about the costs. 01383 416191, mob 07966 558867, Fax 01383 410193, dscobbie@muir-group.co.uk

Can you speak to Muir Homes about their costs and drainage connection implications (i.e. annual charge or share of maintenance etc) and see how this would affect our care home. If the roundabout, Hydro and drainage costs mentioned are realistic, then I think that this site will be too expensive to develop.

Le dùrachdas

Iain MacDhòmhnaill, Aifire, Comhairle na Gàidhealtachd
(Ian McDonald, Architect, Housing & Property Services, Highland Council.)

Jan Maguire

From: Ian McDonald - Housing & Property
Sent: 03 July 2008 09:13
To: Allan Maguire
Subject: RE: granton

Allan,

Iain Nicol is looking at it and will send his information directly to you as I'm off from tonight for two weeks.

Le dùrachdan

Iain MacDhòmhairill, Ailtire, Comhairle na Gàidhealtachd
(Ian McDonald, Architect, Housing & Property Services, Highland Council.)

[Redacted]

-----Original Message-----

From: Allan Maguire
Sent: 02 July 2008 09:15
To: Ian McDonald - Housing & Property
Subject: FW: granton

?

Allan Maguire
Head of Housing Development and Estates

[Redacted]

-----Original Message-----

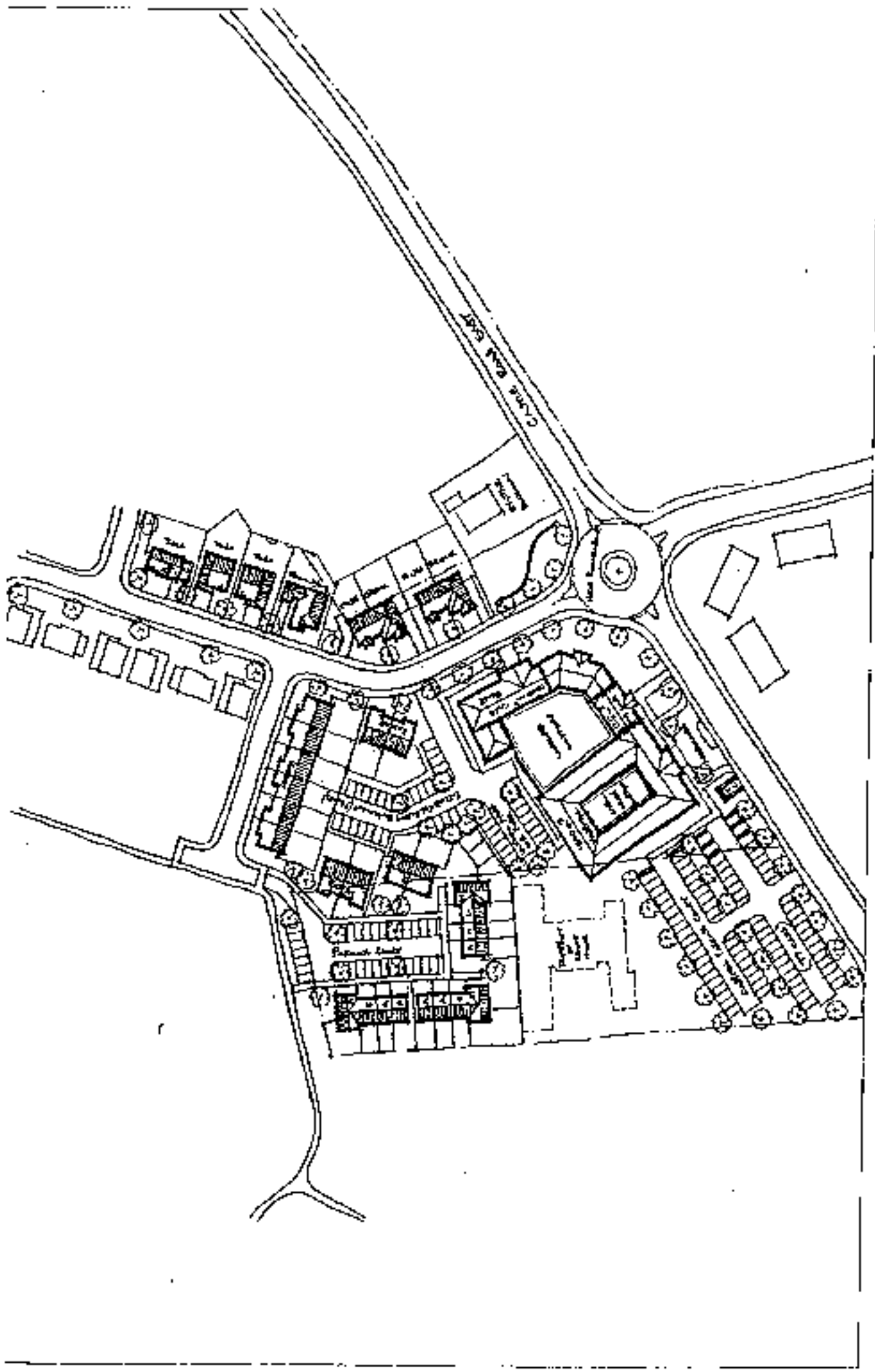
From: Allan Maguire
Sent: 24 June 2008 15:03
To: Ian McDonald - Housing & Property
Subject: granton

Ian
Any update on the costings following our meeting with the developer

Allan

Allan Maguire
Head of Housing Development and Estates

[Redacted]



Allan Maguire

7

From: David Scobbie [REDACTED]
Sent: 28 May 2008 17:21
To: Allan Maguire
Subject: RE: Grantown on Spey

Allan

Gordon Urquhart and I will attend the meeting at noon on Friday 6th June 2008.

Regards,

David

From: Allan Maguire [REDACTED]
Sent: 28 May 2008 13:11
To: David Scobbie
Subject: FW: Grantown on Spey

David
More apologies
Meeting is being held today - I will let you know of progress
Allan

Allan Maguire
Head of Housing Development and Estates
[REDACTED]

-----Original Message-----

From: Allan Maguire
Sent: 28 May 2008 10:03
To: 'David Scobbie'
Subject: RE: Grantown on Spey

David
Sorry for not getting back to you - I have arranged a meeting with CNP and Highland Council TEC services for tomorrow to informally explore the two options which you have drawn up initial proposals for. My preference would be for the Spafford Avenue site however TEC services have expressed concern over the traffic impact of placing the new hospital provision there.

You are welcome to attend the meeting if you think it would be useful (apologies for late notice!) I would stress that this is only an informal meeting at this stage

Allan

Allan Maguire
Head of Housing Development and Estates
[REDACTED]

-----Original Message-----

From: David Scobbie [REDACTED]
Sent: 28 May 2008 09:43
To: Allan Maguire
Subject: Grantown on Spey

15/09/2008

Allen

Can you provide an update on your position regarding the new care home/daycare/hospital to enable me to advise at our board meeting.

Regards,

David

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Alan Maguire

9

From: David Scobbie [REDACTED]
Sent: 28 May 2008 14:34
To: Allan Maguire
Subject: RE: Grantown on Spey

thanks Alan

From: Allan Maguire [REDACTED]
Sent: 28 May 2008 13:11
To: David Scobbie
Subject: FW: Grantown on Spey

David
More apologies
Meeting is being held today - I will let you know of progress
Alan

Allan Maguire
Head of Housing Development and Estates
[REDACTED]

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Allan

Allan Maguire
Head of Housing Development and Estates
[REDACTED]

-----Original Message-----
From: David Scobbie [REDACTED]
Sent: 28 May 2008 09:43
To: Allan Maguire
Subject: Grantown on Spey

Allan

Can you provide an update on your position regarding the new care home/daycare/hospital to enable me to advise at our board meeting.

Regards,

david

15/09/2008

Allan Maguire

From: David Scoble [REDACTED]
Sent: 28 May 2008 09:43
To: Allan Maguire
Subject: Grantown on Spey

10

Allan

Can you provide an update on your position regarding the new care home/daycare/hospital to enable me to advise at our board meeting.

Regards,

david

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<http://www.netintelligence.com/email>

(:

(:

Allan Maguire

From: Ian McDonald - Housing & Property
Sent: 14 May 2008 15:43
To: Allan Maguire; Graham Rennie
Subject: RE: Grantown on Spey

11

Thanks Allan,

I'll get back to you with more detailed comments but my first impressions are:

The site off Sealdale Ave looks better but I don't know how TECS would feel about it as I haven't looked at the existing access roads at that end of the site. There isn't much room for expansion of either the care home or hospital.

The Castle Road site doesn't have parking for the Care Home and I can see people parking on the access road to save walking from the hospital end.
The parking for staff may overspill into the parking for adjacent houses - could cause problems.

I haven't had parking requirements yet from the hospital.

Graham Rennie is now acting Project Manager for the Care Homes so please copy him into correspondence - I've passed the proposed drawings on to him already.

Le dùrachdan

Iain MacDhàmhsoill, Ailtire, Comhairle na Gàidhealtachd
(Ian McDonald, Architect, Housing & Property Services, Highland Council.)

Fòn:

Facs:

Post:

-----Original Message-----

From: Allan Maguire
Sent: 14 May 2008 14:16
To: Ian McDonald - Housing & Property
Subject: FW: Grantown on Spey

Ian

Copy of developers' proposal of how to integrate care home/hospital with housing development for your comments

Allan Maguire
Head of Housing Development and Estates
telephone 01463 702528

-----Original Message-----

From: David Scobbie [mailto:]
Sent: 14 May 2008 10:10
To: Allan Maguire
Subject: RE: Grantown on Spey

Alan

Sorry I could not get this option earlier to you.

David

15/09/2008

From: Allan Maguire [mailto:allan. [REDACTED]]
Sent: 13 May 2008 10:43
To: David Scoble
Subject: RE: Grantown on Spey

12

Thanks

I am meeting Cllr Finnie at 9.00am tomorrow (he was off sick last week) so I will let you know how I get on -if I could get a copy of the Castle road proposal before then that would be great

Allan

Allan Maguire
Head of Housing Development and Estates
Telephone 01463 702528
[REDACTED]

-----Original Message-----

From: David Scoble [REDACTED]
Sent: 13 May 2008 10:37
To: Allan Maguire
Subject: FW: Grantown on Spey

Got the address wrong first time.

From: David Scoble
Sent: 13 May 2008 10:34
To: [REDACTED]
Cc: 'Andrew Kilpatrick'
Subject: Grantown on Spey

Allan

Please find attached for your information a copy of a proposal in sketch form showing the potential to construct the new care home, day care centre and hospital on an integrated site off Seafield Avenue.

The bungalow (Rossay house type) area could be formed opposite the complex as indicated for Seville Housing Association which maintains your aspirations within a single relative locality.

Our Architect is preparing options for the development at the Castle Road area of the site which will be forwarded in due course.

Can you advise on the progress of your discussions with the councillors?

Regards,

David Scoble

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Allan Maguire

13

From: David Scobbie
Sent: 13 May 2008 10:37
To: Allan Maguire
Subject: FW: Grantown on Spey

Got the address wrong first time.

From: David Scobbie
Sent: 13 May 2008 10:34
To: [REDACTED]
Cc: 'Andrew Kilpatrick'
Subject: Grantown on Spey

Alan

Please find attached for your information a copy of a proposal in sketch form showing the potential to construct the new care home, daycare centre and hospital on an integrated site off Seafeld Avenue. The bungalow (Rossay house type) area could be formed opposite the complex as indicated for Service Housing Association which maintains your aspirations within a single relative locality. Our Architect is preparing options for the development at the Castle Road area of the site which will be forwarded in due course. Can you advise on the progress of your discussions with the councillors?

Regards,

David Scobbie

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Maguire

From: Harriet Dempster
Sent: 14 April 2008 08:24
To: Allen Maguire
Cc: Margaret Davidson - Member; Steve Barron
Subject: FW: Grant House 2 and plans for Ian Charles Hospital etc.

15

Allen
I thought this would be of interest

Harriet L Dempster
Director of Social Work
Glenurquhart Road
Inverness IV3 5NX



-----Original Message-----

From: Donald Scobbie
Sent: 12 April 2008 13:24
To: Harriet Dempster
Subject: Grant House 2 and plans for Ian Charles Hospital etc.

Dear Harriet,
Excuse this E mail instead of letter format, I think time is important.
Firstly, thank you very much for the meeting on the 12th, just what was required.
For my sins I am also involved in objecting to the proposed Muir Homes housing development at Grantown. I am not objecting in principle, we need housing-especially affordable housing- and the area proposed has been zoned for housing from as far back as I can remember. However the Muir homes plan is totally unfitted to the area and has been called in by CNPA. I'll not go into the detail but one aspect is causing great concern and affects the plans for Grant House 2, the Ian Charles Hospital and the attached medical centre.
At a meeting yesterday in Grant House with Brian Robertson, Ian McDonald and Fiona Grant (NHS) it became clear that the joint scheme for development of what could be an iconic combination of a social and medical centre of excellence could well be endangered by lack of space. Muir homes most recent plan leaves little, if any, space for the joint concept. CNPA are in the final stages of the planning application and are scheduled to decide on the 2nd of May or 27th June. The impression I got from Brian yesterday is that, although there are meetings between CNPA and the Council, they have not been too positive as yet.
I'm almost certain that Muir Homes, if pressed, would release more ground in the area of Grant House 1 and 2 and the Hospital and Medical Centre, but must be pressed to do so very soon. In fact immediately.
I hope something can be negotiated.

Regards,
Don

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Allen Maguire

From: Andrew Kilpatrick [REDACTED]
Sent: 17 April 2008 17:19
To: Allen Maguire
Cc: Jess Christman; David Scoble
Subject: GRANTONWN-ON-SPEY

(6)

Allen,

Tried to get you by phone, but might be able to pass info on via e-mail instead.

The Architect I've been dealing with in Muir Homes is David Scoble [REDACTED]. I've made David aware that there is a possibility that you might be looking to work with them in relation to Council property adjacent to the site, and I explained which buildings you are referring to.

Muir's did say that they are keen to get the planning approval prior to formally discussing options with Planners etc as, with the planning taking so long already, they don't want to delay the process any further. But they did indicate that they would be happy to speak to you to discuss potential options.

If there's any further info you require from me, please call me on my mobile, sometimes easier to get me on the [REDACTED]

Finally - I e-mailed re. meeting up in early May. Jess thought the date might potentially be 7th May. Can you confirm if this is the case and I'll get this in my diary?

Andrew.

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Kelsey Tainsh MBE
Monzievaird, 12B Woodside Avenue, Grantown-on-Spey, PH26 3JR
Email: [REDACTED]

1st January 2009

To:

National Parks Review Consultation, Landscapes and Habitats Division
Rural Directorate, The Scottish Government
1 A North, Edinburgh, EH6 6QQ.
&
Mary Grier, CNPA, Albert Memorial Hall, Station Square
Bullater, Aberdeenshire, AB35 5QB.

Calningorms National
Park Authority

08 JAN 2009

RECEIVED

**RESPONDENT INFORMATION FORM & CNPA
THE PROPOSED MUIR HOMES DEVELOPMENT ON THE MOSSIE AT
GRANTOWN-ON-SPEY**

I was initially requested by a disabled member of the local Grantown-on-Spey community to assist a small group seeking to provide the CNPA with feedback against the proposed Muir Homes development. I feel that it is important I pass on to the National Parks Strategic Review Team, and the CNPA Board Members just how difficult it has been for my colleagues and I to make a sincere contribution, to the CNPA and other interested parties.

Throughout 2008, my colleagues and I together with three long established local family building companies have been fighting against a proposed major Muir Homes development at Grantown-on-Spey. This has proved a frustrating experience. One during which our local Grantown-on-Spey and Vicinity Community Council, despite their accepting that there has been near unanimous local community rejection of this development, has - apparently - failed to address. The local Community Council quite simply does not appear to possess the expertise or motivation, required to deal with a major development of this size.

For the avoidance of any doubt whatsoever, virtually 100% of the community has democratically rejected in total, the proposed Muir Homes development proposals.

There is a noticeable perception by members of the local community that democracy within the CNP is being neglected, eroded, or even ignored. CNPA is coming under close scrutiny and its credibility is in question. As you will be aware, the question of democracy in Scotland's national parks has also been raised by Angus Macmillan in Dunbartonshire.

I have every confidence that the Scottish Government wishes to defend and promote our democratic and human rights values, including the administration and regulations at national parks. Thus Scotland as a nation can retain the moral high ground at a time when the public (*on a global basis*); are becoming increasingly critical of democratic and human rights abuses. Examples are; Iraq, Afghanistan and Zimbabwe, and abuses such as punishment without trial, surveillance without justification, rendition flights and water-boarding. Additionally, all those people who are dismayed by the resumption of the Japanese killing of whales for scientific reasons, the shooting of migrating birds in Gibraltar, Malta and Cyprus, and the pollution and destruction of habitat.

While democracy, human rights and nature conservancy issues in the CNP are not blatantly abused on the same scale, the question of democracy has been a major issue in the Upper and Lower Houses of the Westminster Parliament.

It should come as no surprise to the CNPA, that members of the local communities in the CNP and trans-boundary areas, *feel a gross sense of injustice*, when the CNPA or Community Councils fail to address their democratic and human rights responsibilities, or enforce EEC conservation measures.

I certainly feel that it is the duty of the Scottish people to protect our cultural heritage. It is an ideal time for today's Government, to display leadership qualities by making an eloquent and meaningful statement on National Parks democratic and legally enforceable responsibilities.

Moreover, I have no doubts whatsoever that we all need to bear in mind that, historically the Highlands have paid an enormous price to deliver the level of democracy that we all enjoy today. I trust that this document will help to provide the National Parks Strategic Review Team with the incentive and political will, to have a closer look at restoring our democracy, whilst examining the full economics of major developments in the CNP, and for the CNPA to carry out an in depth legal (*due diligence*) investigation, into the proposed Muir Homes development on the Mossie.

A specific and legally enforceable statement on the establishment and maintenance of fundamental democratic and human rights principles is required. Adherence to these principles would have to be reviewed at intervals by an independent authority to ensure that they are maintained and honoured in the execution and not merely in statements of intent and future aims.

Yours most sincerely



Annexes:

- A. Democracy
- B. Economic Crisis & CNP Tourism Web Site & UK National Park Land Mass.
- C. Sandford Principle & Scientific Reports.
- D. Community Councils, Local Government (Scotland) Act 1973 & A Guide to the Human Rights Act 1998, Third Edition.
- E. Remote Communities in the CNP & Surrounding Areas
- F. The Highland Council & Developer Muir Homes regarding future Grant House Care Home and the Ian Charles Hospital in Grantown-on-Spey.
- G. Call for St Columba's Pilgrim Way Footpath.
- H. Consultation Questions & Answers.

Enclosures:

- 1. My CNPA – Residency Criteria letter dated 18 May 2006 (Less its Annex A & Enclosure 1).
- 2. My CNPA – Additional Point Residency Criteria letter dated 16 June 2006.
- 3. Article – New web group looks at ‘over-developed’ Aviemore.
- 4. Article – Future of the red squirrel.
- 5. Article – Squirrel protection priority is being ‘recklessly disregarded’.
- 6. Build plans pulled back due to squirrel concerns.
- 7. Letter by Gregor I. Mackenzie; Revised Planning Application by Muir Homes for the erection of 193 houses in Grantown-on-Spey dated 5th September 2008
- 8 (a,b&c). Eleven reasons why Dava Moor is not suitable for windfarm development.
- 9. The Highland Council letter AM/HB/FO1080920 dated 30th September 2008.
- 10. Email and sketch from David Scobbie Muir-Group to Alan Maguire The Highland Council dated 13th May 2008.
- 11. My email to CNPA Board Member Jaci Douglas dated 25th September 2008.
- 12 (a,b&c). Call for St Columba's Pilgrim Path articles.
- 13. Minutes of the Grantown-on-Spey Wells Group meeting held on 31 July 2008.

ANNEX A

DEMOCRACY IN THE CNP AND TRANSBOUNDARY AREAS

I find that there are growing local community concerns for grass roots democracy within the CNP and trans-boundary areas. Especially at a time when the dedicated land mass of the National Parks is forecasted to be increase. Enlargement will have considerable implications for a major section of the UK population.

I note, with considerable concern, that in The National Parks Strategic Review Report 2008 (Note the following Para's), comment on democratic issues has been made, which indicates that democracy within the CNP, is an issue which, it would appear, is to be dealt with at some yet to be decided, unspecified time, in the 'distant' future:

Para 1.6.1 - *in the long term*

Para 1.7 - *in the future*

Para 5.1.1 - *there should be democratic accountability*

The preservation, protection and enhancement of democracy within our UK National Parks, is a very serious constitutional issue. It is therefore highly desirable that a legally sound and effective set of Scottish National Park Democratic Principles be "evolved and implemented today". These should comply in full with the requirements of The Human Rights Act 1998, and the European Convention of Human Rights.

In addition, I believe that future issues of democracy within the CNP need to be addressed at the highest level, by the most effective, and brightest of today's generation. To achieve this will require the present composition and remit of the CNPA Board Members to be radically altered. Furthermore, if the CNPA Board is eventually to be made smaller, perhaps now is the time to address this issue, even on a trial basis.

I do not think it is essential for the CNPA Board Members to be elected. I feel that the Board should operate as a two tiered Board, with an upper appointed Cabinet and a more democratic Subsidiary Board [or a number of more democratically represented (from Community Councils) local Regional Boards] made up with a combination of appointed [in accordance with The National Parks (Scotland) Act 2000 (Schedule 1 Membership Para 3(6)), and elected Members, doing most of the basic tasks.

As required, the Convener and Deputy Convener could sit on both the upper Cabinet and the Subsidiary Board(s), and - where appropriate - nominate individual Cabinet Board Members to sit on the Subsidiary Board(s), if required, or assist with specific tasking.

When considering some issues of future democracy in the UK National Parks. One should also take into consideration wider national issues. For example; our Armed Forces and Police were involved in a major democratic terrorist conflict with the IRA in Northern Ireland and on the UK mainland, on a daily basis for almost forty years.

You will be aware, there are plans to create a National Park in the Mountains of Mourne. Just consider the wider implications of the Armed Forces fighting for democracy in the United Kingdom and overseas. When, as happened in 2006, the CNPA entertained discussions of a residency criteria being implemented in the CNP, which would have excluded those same Armed Forces and Police (or their dependants such as those killed in the Nimrod incident in Afghanistan), from purchasing a new house in the CNP.

As an example for the requirement of democracy, I would appreciate it if you would read my letters at Enclosures 1 & 2 (which also has implications involving our sovereign) reference the CNPA's past interest in the implementation of a possible Residency Criteria in the CNP.

Also see the article at Enclosure 3, reference democratic concerns today of over-development in Aviemore.

If the National Parks Strategic Review Team have not actually monitored a proposed major development in the CNP. I feel that there would be much to be learned, and gained, by the Review Team scrutinising the CNPA documentation to date, on the proposed Muir Homes development at Grantown-on-Spey.

Should the National Parks Consultation Team wish, I am also sure that my colleagues and local builders would be happy to meet members of their team, to highlight the diverse procedural, administrative and democratic problems we as a group have all faced, when dealing with Muir Homes development. There are many blind spots and communication problems, in the chain between CNPA Board Members, The Highland Council, The Community Council, the local community and central agencies such as SEPA.

The content in this Respondent Information Form and my other feedback comments and conclusions will highlight some important areas of concern that my colleagues and I have encountered, as a result of our previous correspondence and feedback to the CNPA, reference the proposed Muir Homes development at Grantown-on-Spey.

Conclusions

It would be in the interests of the CNPA to produce, and implement, a new more user friendly democratic and Human Rights based public relations strategy.

The primary purpose of a National Park Authority is to co-ordinate achieving National Park aims. An additional fifth aim needs to be included to guarantee:

"The constitutional and democratic rights and freedoms granted under the Human Rights Act 1998 and European Convention Human Rights".

There is a need to ensure that the integrity of democracy in the CNP, and its trans-boundary areas is fully addressed and restored, and not compromised in any way in future.

That any weak links in the democratic chain, between the; CNPA, Community Councils and local communities are robustly strengthened.

ANNEX B

ECONOMIC CRISIS & CNP ECONOMIC POLICY, CNP TOURISM WEB SITE & BUILDING DEVELOPMENT STATISTICS

I suggest that it is in everyone's interests that greater account be taken of today's global and local economic situation and the associated economic implications this has for tourism and those living in the CNP. I suggest, at a time when local builders are laying off some of their employees, all aspects need to be given serious consideration in this National Parks Strategic Review.

The full effects of the present economic crisis are not yet known and recovery is, I hope underway, but there is a still and urgent need to monitor what economic and tourism policy is best suited for the CNP.

Conclusions

Much of tourism today is web site orientated on a multi lingual and cultural basis. I therefore feel that it is in the interests of the Scottish tourist industry and our National Parks, especially at this time of economic crisis, to:

Seek to create the 'best National Park web site' in the world.

Engage; schools, universities, writers, historians and a full range of Nature Conservancy organisations etc, to contribute to this web site.

Use the best technology and marketing strategists, to achieve this aim.

There is also a need for the inclusion and use of specialist CNP & UK National Parks economists as advisers to the:

Minister for the Environment and those responsible for the CNP.

The CNPA Board Members.

Community Councils.

UK National Park Land Mass

The Association of National Parks Authorities (ANPA) website (www.nationalparks.gov.uk) provides details on the Land area covered by National Parks as follows:

England: 8 National Parks cover 7% of the land area.

Wales: 3 National Parks cover 20% of the land area.

Scotland: 2 National Parks cover 7.3% of the land area.

Internationally: 6,000 National Parks and similarly protected areas cover approximately 12% of the Earth's surface, that's about 1 million square kilometers! (Source - The World Conservation Union, IUCN).

Our UK National Parks involve a large rural area of the United Kingdom, and are likely to increase considerably if the proposed South Down's and Mourne Mountains National Parks are created. It would be helpful if; Scotland's and all of the UK National Parks communities are provided with easily accessible guidelines involving strategic advice and good governance policy issues of:

Democracy.

Human Rights (I have been unable to locate any reference to the Human Rights Act 1998 on the: CNP website, CNPA Members Code of Conduct, National Parks (Scotland) Act 2000, Cairngorms National Park Plan 2007).

Economics.

Building Development Statistics – in the CNP

Major construction and development companies frequently use national statistics to hide or distort housing densities in proposed developments. It certainly appears so within the CNP.

They also hide proposed housing densities, as in the case of the proposed Muir Homes development at Grantown-on-Spey, by including parcels of land in the density equation, which for environmental or practicable reasons can not be developed.

Conclusion

There is a requirement for a range of statistical guidelines to be formulated for housing densities per acre for land, for wild areas, small villages, towns, within the CNP, and for proposed developments in surrounding trans-boundary areas of our National Parks. These guidelines should be based on what is democratically proportionate and economically acceptable, to local communities and observe human rights considerations.

ANNEX C

THE NATIONAL PARKS STRATEGIC REVIEW REPORT 2008 (PARA 2.4.2) SANDFORD PRINCIPLE & NATURE CONSERVANCY

The National Parks Strategic Review Report 2008 highlights that:

Therefore Section 9 (6) of the National Parks (Scotland) Act 2000 sets out what is sometimes referred to as the Sandford Principle, which is that if, in any matter, it should appear that there is conflict between the four Park Aims, the Park Authority must give greater weight to the conservation and enhancement of the natural and cultural heritage.

National Parks (Scotland) Act 2000 Section 9 (6) quotes:

In exercising its function a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).

Section 1(a) quotes:

to conserve and enhance the natural and cultural heritage of the area.

On the face of it the above makes quite straight-forward reading. However, I think that the interpretation of the above quotes, by CNPA Board Members/staff and others (*members of local communities and special interest groups*), is not exactly uniform, democratic, or in the public interest. For example:

What is the Scottish Governments legal definition for the word 'conflict'?

If one CNPA Board Member, the Cairngorms Chamber of Commerce (*i.e. for economic reasons – which have management implications*), or a Community Council representing a democratically derived local community decision is against a development, can this be deemed to be a legally acceptable statement of conflict?

Is there in the Boards procedure, a legally competent independent arbitrator of conflict issues?

Conclusion

It is in the public interest that a Scottish Government legal definition of the following words be obtained:

Conflict - [As used in the National Parks Strategic Review Report 2008 (Para 2.4.2)].

Irreconcilable conflict – [As used in the Cairngorms National Park Plan 2007 (Page 137) Under Annex II: IUCN Management Principles for Category V Protected Areas, Principle 8].

The Cairngorms National Park Plan 2007 – Development Plans and Management

Annex II Principle 8 (Page 137) quotes: *When there is irreconcilable conflict between the objectives of management, priority should be given to retaining the special qualities of the area.*

Para 2.4 (Page 14) quotes: *The National Park Authority shares responsibility for development and management with the four local authorities within the Park (Highland, Moray, Aberdeenshire and Angus).*

Conclusion

As the management of the CNP is a shared responsibility:

There is a legal and democratic need to ascertain if there are any areas of 'conflict' and/or 'irreconcilable conflict' between those who share responsibility for management of the CNP.

As outlined in The Scottish Office Planning Advice Note 47, Community Councils have a statutory right to be consulted on applications for planning permission.

Furthermore, the Highland Council document Renewing Democracy and Community Planning Select Committee 17th January 2007 [Para 2.3 (7)] quotes that:

As part of the civic engagement process, the Scottish Executive and other public bodies should ensure that Community Councils are given equal status etc etc.

The above indicates that Community Councils have a democratic right to be equal partners, with shared responsibility for development and management in the CNP, and that CNPA Board Members do not have the democratic right to over-rule decisions derived from shared management responsibilities.

Related Sandford Principle Legal Issues

I have also spoken to one of the CNPA employees, who advised that the CNPA had sought clarification on legal issues relating to the Sandford Principle from a QC. If I understood correctly, the Sandford Principle also has important and related implications with EEC and Scottish Nature Conservation Law. Which I am convinced, should all be better explained to Community Councils, local communities and those responsible for commissioning and conducting scientific reports.

In addition, I gained the distinctly alarming impression that the CNPA obtained legal advice which somehow permitted them to delegate the responsibility to protect against potential breaches (*deliberately or recklessly*) of Nature Conservancy Law, to developers' integrity and judgement. If that is the case, it is totally unacceptable. It is definitely predictable that major breaches of Nature Conservancy Law by developers will occur.

I have also been advised that; if there are no public challenges or question raised on EEC Natural Habitat and Conservation issues, then the CNPA is not compelled legally to challenge these issues on behalf of The Scottish Government or local communities. If this is the case, there is something very wrong with CNPA planning application, if not the due diligence process. This, I suggest ultimately fails democratic requirements of accountability.

Nature Conservancy Scientific Findings and Historical Public Rights on the Mossie at Grantown-on-Spey

I believe that there have been important scientific findings involving wildlife, plus flora and fauna on the Mossie, which is bordered by the historic St Caroline's Mineral Well (*please also see at Annex G: Call for St Columba's pilgrim path*), and a Mossie Public Right of Way Bridleway. It is documented that the local community, the wider public and tourists, throughout the whole of the Victorian era, has had Statutory access rights since the mid 1800's, and indeed since the town was created in 1765.

I have forwarded copies of several important historical 'Grantown Supplement' documents and ordnance survey maps (dated 1867) to the CNPA, including details whereby; Sir James Grant of Grant on behalf of the Amenities Committee for Grantown (*renamed Grantown-on-Spey 1898*) had protected the historical view over the Mossie and the wooden slopes beyond from destruction.

What is important about the above is that these scientific findings and historical facts are all part of the Mossie site, covered by the proposed Muir Homes development.

Conclusions

If there are any proposals whatsoever to relocate any of the flora and fauna from the Mossie (*historically, elements of which are community amenities*), to an alternative site in the CNP area or adjacent estate areas they should be ruled unacceptable. Any such proposals are not in the local public interest, and predictably, will damage our local tourist economy. This practice is recognised as a means of circumventing planning objectives and is never successful in the long term.

It is imperative that the full text of the Sandford Principle, which I believe includes elements of 'public right of way access' and the protection of amenities, is applied to the Mossie, its subterranean water courses and aquifers, mineral well water source (*which predates, and is a far more important community asset and amenity, than the existing built structure of the well*), and the Mossie Public Right of Way Bridleway.

Under Scottish Law there is provision for Public Rights of Way and Navigation, including on water. The St Caroline's Well on the Mossie is documented as being a Community Amenity, to which there is a Public Right of Way Bridleway, and in effect, should any members of the public wish they still has unrestricted access to this well water.

I suggest that historically the Scottish people have always had a 'Public Right' to consume open water.

Public Rights Associated with the Mossie Mineral Well

I therefore seek legal clarification from the CNPA, on the position of:

Any proposed development having an adverse affect upon the 'Statutory Public Rights' associated with St Caroline's Mineral Well:

Access to the ancient Mossie Mineral Well itself.

The actual Mossie Mineral Well Water, and its subterranean water courses and aquifers which could be polluted by built development (garden weed killer etc).

A Statutory Public Right to consume this Mossie Mineral Well water.

Who (in legal terms) owns the water in the Mossie Mineral Well, as opposed to the Mossie Mineral Well built structure?

The right to consume well water, when Wild Camping, under the aegis of the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code.

CNPA Archive Legal Web Site

It would be in the Public Interest, that whenever the CNPA sought legal advice and rulings on points of law that transcripts of these legal issues/questions and the learned legal advice/rulings, are archived on the CNPA web site or made available to public scrutiny.

In addition, rather than members of local communities having to engage expensive, specialist Legal Counsel, or at considerable cost to the 'Public Purse' having to resort to seeking this information via The Freedom of Information (Scotland) Act 2002, the public could access this information from the CNPA archive web site, at nil cost, for their research and information purposes.

CNPA Interpretation of the Sandford Principle

Having spoken to former CNPA Board Members, and a variety of other persons with some official or personal involvement with the CNPA, I have no doubts whatsoever that the Minister for Environment and National Parks Strategic Review Team need to clarify, as a matter of urgency, exactly what the CNPA Board Members interpretation of the Sandford Principle is.

I read the National Parks Strategic Review Report 2008, and subsequently sought further guidance on this particular issue. But I was disappointed by a variety of comments made by people, some of whom are in positions in which they could influence the decision making processes of CNPA. For example, I was quoted the following comments:

As the Sandford Principle is not in the National Parks (Scotland) Act 2000, it is totally irrelevant, and legally unenforceable.

The comment on the Sandford Principle in the National Parks Strategic Review Report 2008 has been written by Civil Servants, who:

Do not understand what is involved.

Are trying to promote their own narrow minded objectives.

In addition, please note the following extract from an email I recently received, from one of my colleagues, when he asked a sitting CNPA Board Member the following question:

Did the CNPA Board Members take the Stanford Principle into consideration?

The CNPA Board Member paused and said "that is a very good question".

I suggest that this incomplete answer indicates that; the sitting CNPA Board Member concerned, may not know what the Stanford Principle is, or has not read the full content of the National Parks Strategic Review Report 2008, and post publication, has not taken the Sandford Principle into consideration when making planning decisions.

Notes:

I received a copy of the National Parks Strategic Review Report 2008 on the 20th November 2008. So presume that CNPA Board Members received a copy prior to this date.

The dates involved, reference the following red squirrel articles, are all later than 20th November 2008.

Cairngorms National Park Plan 2007 & International Union Conservation Nature (IUCN) & Sandford Principle

As outlined in the Cairngorms National Park Plan 2007:

Page 21: States that The Scottish National Parks fall within Category V of the IUCN.

Page 137: Under Annex II: IUCN Management Principles for Category V Protected Areas, Principle 8, highlights that:

When there is irreconcilable conflict between the objectives of management, priority should be given to retaining the special qualities of the area.

As Principle 8, would appear to mirror image the spirit of the Sandford Principle, and is an integral part of the Cairngorms National Park Plan 2007, I cannot see how any CNPA Board Member, could do anything other than support the Sandford Principle in its entirety.

Developers Scientific Reports

Many recent local newspaper articles have highlighted that developers frequently commission scientific reports that are far from providing an accurate and realistic presentation of the scientific facts. Please see the attached Scottish Government News Release, and the Strathspey and Badenoch Herald articles:

Enclosure No 4: Monday 8th December 2008 titled; Future of the red squirrel – *Saving Scotland's Red Squirrels – is a joint effort between SNH, FCS and SRPBA – total project costs are estimated to be £1.45 million.*

Enclosure No 5: Wednesday November 26, 2008 titled; Squirrel protection priority is being 'recklessly disregarded' – *the red squirrel has special legal protection.*

Enclosure No 6: Wednesday December 3, 2008 titled; Build plans pulled back due to squirrel concerns - this application was rejected on the grounds of loss of amenity land, risks to the biodiversity of the area and access problems after members voted twelve to eight against its approval.

Taking the above circumstances into consideration, I fail to see how the CNPA Board Members:

Appear to have ignored the Sandford Principle.

Despite it being an offence under the following document: The Scottish Statutory Instruments 2007 NO. 80 Wildlife Countryside, The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007. That the CNPA did not reject this Kingussie planning application outright, prior to proceeding to a vote, to meet the following extract from this document:

10. Subject to regulation 31, for regulation 39 (protection of wild animals of European protected species) substitute - "Protection of certain wild animals

39.—(1) It is an offence

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species;

(b) deliberately or recklessly—

(i) to harass a wild animal or group of wild animals of a European protected species;

(ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

(iii) to disturb such an animal while it is rearing or otherwise caring for its young;

(iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;

(v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or

(vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

That due to the proven on site red squirrel habitat circumstances etc, the Chair did not direct that this proposed development could not be approved, and that CNPA Board Members had no alternative but to vote against the proposed development.

Returned a CNPA Vote of; Twelve Against approval, to Eight For approval.

Local Communities Scientific Reports

Members of the local community on occasions have to commission, at their own expense, or seek the benevolent assistance of scientists and other professionals, to carry out the necessary research to highlight gaps, omissions or errors in developer's Natural and Cultural Heritage findings. As an example, please see Enclosure 7.

Conclusions

To ensure that, the Sandford Principle does not become an almost irrelevant debating point for CNPA Board Members and staff. I suggest that the CNPA Board Members, and the wider public, urgently need to be provided with an unambiguous and legally enforceable clarification, of the Sandford Principle (*including a legal definition of conflict and irreconcilable conflict*). This clarification, including reference to any relevant Nature Conservancy Law, and the Cairngorms national Park Plan 2007, Annex II: IUCN Management Principles for Category V Protected Areas, should be reflected in any amendment to the National Parks (Scotland) Act 2000.

The CNPA Board Members, Community Councils and interested members of the local community should be informed by the CNPA Scientific Officers of their Sandford Principle and Nature Conservancy findings, prior to any CNPA Board Meeting involving controversial planning submissions.

The present situation of developers commissioning their own scientific research and reports is not totally and democratically unacceptable. Only independent surveys should be used.

I suggest that for controversial, large or major developments, the CNPA should be compelled to commission; a minimum of three CNPA independent scientific studies on the most contentious issues of the particular development. The duration of which should not be of less than 1 year, and where appropriate could be for 2 years.

Computer desk top studies should not be used in applications for major developments.

That a scientific budget be provided at the initial stage of any proposed major development for local communities and Community Councils, to utilise in order to seek further scientific advice, on contentious scientific and environmental data and issues.

The creation of a CNPA Sandford Principle Feedback Form, for use by Community Councils and Members of Local Communities.

ANNEX D

COMMUNITY COUNCILS

It is our unfortunate experience, plus members of the local business community, that the; Grantown-on-Spey and Vicinity Community Council, (and I suspect other Community Councils within the CNP), do not have the time, skills, experience or administrative ability to deal with most major planning issues in the CNP, during their monthly meetings.

This is disappointing, especially when there is a former CNPA Board Member on the Grantown-on-Spey and Vicinity Community Council, and a current CNPA Board Member is normally in attendance as a co-opted Member.

Whilst I fully appreciate that Members of the Grantown-on-Spey and Vicinity Community Council may well be doing their best, I fear that the amount of research required and the complexity surrounding many of these major development projects, is too time consuming, not one of their main priorities, and beyond the technical and specialist capabilities of some Community Councils.

From a Grantown-on-Spey and Vicinity Community Council and CNPA perspective, and to improve CNPA and local community communications, this situation is not exactly in the best interests of local democracy or in the public interest. Moreover, and more importantly, in the longer term, this is a democratically unacceptable situation, and should be urgently addressed by the Scottish Government.

Conclusions

I suggest that the National Parks Strategic Review Team should formulate and issue a questionnaire to all Community Councils in the CNP and CNP trans-boundary areas, seeking feedback on:

The professional ability of Community Councils to deal with CNP issues, and proposed major development projects.

The time they have available to devote to CNP issues.

Their working relationship(s) with CNPA Board Members.

The main problems encountered, when dealing with CNP issues.

Any other important issues, not included in the above.