

As the following extract from: The Scottish Office Community Councils and Planning; Review of the Town and Country Planning System in Scotland Planning Advice Note 47, quotes:

This Common Inheritance, and both sustainable development and local involvement remain touchstones of national policy for planning in Scotland.

It would therefore be reasonable to expect that if Community Councils in the foreseeable future are unlikely to meet in full the democratic and economic requirements of the local and business community, it would be in everyone's interests, for the Scottish Government and CNPA to strengthen the effectiveness of our democratically elected Community Councils within the CNP, or to find a suitable alternative conduit, that can deliver the democratic views of the community.

Local Government (Scotland) Act 1973

I suggest that the following extract from the Local Government (Scotland) Act 1973 Chap 65 Part IV Community Councils, are constitutional legal guidelines that need to be fully implemented by Community Councils, within the CNP:

'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'.

A Guide to the Human Rights Act 1998, Third Edition

I also believe that there is a need for the National Park Strategic Review Team and CNPA Board Members to pay greater attention to the following document, and to note the following Para's:

Department for Constitutional Affairs, Justice, Rights and Democracy – A Guide to the Human Rights Act 1998, Third Edition:

Para's

- 1.9 Democracy.
- 1.13 Public Confidence.
- 2.10 Key Provisions Public Authorities flow chart.
- 1.12 Is a public authority responsible?
- 3.10 & 3.11 Proportionality.

3.76

Can a public authority interfere with my Article 8 rights?

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 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.

Waiving Convention Rights

It is my understanding that certain Convention Rights, guaranteed by the European Convention of Human Rights (ECHR) can be waived as long as the words of the waiver are expressed in clear unequivocal terms.

If there are no CNPA Convention Rights waivers in existence, I fail to see how any democratic rights can be ignored (as I, and other members of the local community believe some are, at this present time - i.e. democratic postal voting on proposed major building projects), in any of the CNPA or Community Council, policies and decision making procedures

Conclusions

Suggested - CNPA Community Council & Local Communities Feedback Form

Because Community Councils do not appear to have the time or skill base to deal with major planning issues, what is possibly needed to aid good governance is for the CNPA to formulate a standard CNPA Community Council & Local Communities Feedback Form. This would aid Community Councils, with gaps in their skills, experience and administrative ability, as well as members of local communities to:

More accurately reflect the 'democratic' views of local communities.

Meet in full the requirements of The Human Rights Act 1998 (and three fundamental principles of Legality, Necessity and Proportionality), which give further effect to the rights and freedoms guaranteed under the European Convention on Human Rights which came into being in 1953, and to which the United Kingdom is a signatory.

Be made fully aware that; Damages may be awarded where a Public Authority *(i.e. which in accordance with the; Department Constitutional Affairs, A guide to the Human Rights Act 1998: Third Edition - Key Provisions (Flow Chart & Para 2.12) I suggest includes Community Councils)* breaches convention rights.

Democratic Feedback Form - CNP Community Councils

Better to reduce the number of CNPA Board Members, in favour of providing better lines of communication, and *(where appropriate funding for Community Councils and local communities)* to:

Coordinate and present the local communities democratic views to the CNPA.

Finance local representatives and specialist scientific advisers.

Nomination of Community Councillors to the CNPA

Alternatively, why not nominate "effective" Community Council personnel *(as an adviser etc)* in accordance with The National Parks (Scotland) Act 2000 (Schedule 1, Membership [Para 3(6)], whereby:

The Scottish Ministers may appoint a person as a local member where the person is; *a member of a Community Council, any part of whose area is within the National Park.*

Democratic Postal Voting

For major projects, there is a need for Local Authorities/Community Councils where appropriate to implement Postal Voting and to issue ballot papers to all households. Costs of Postal Voting should be underwritten by the appropriate council.

ANNEX E

REMOTE COMMUNITIES IN THE CNP & SURROUNDING AREAS

Having been requested to assist a colleague who is helping a 'Save Our Dava Moor' group fight the proposed Dava Moor Windfarm development, I attended the Grantown-on-Spey & Vicinity Community Council meeting held on Tuesday the 16th December 2008, as a member of the public.

The Save Our Dava Moor group has been formed for approx 2 years. Please note Enclosure's 8(a,b&c).

- .. I think that it is important the National Parks Strategic Review Team and CNPA, recognise the fragility of remote communities like those on the Dava Moor.

I understand that the Dava Moor:

Is an area that is seeking inclusion within the CNP boundary.

While the Dava Moor is not part of the Grantown-on-Spey & Vicinity Community Council remit, The Save Our Dava Moor group is seeking its support, which I understand may be forthcoming, on visual grounds.

Windfarm development will inevitably impact adversely upon the economics of the CNP and Grantown-on-Spey area, especially with regards to tourism.

Having listened to the Save Our Dava Moor community presentation, and comment by the Community Council, I am convinced that:

Small widely dispersed local communities like those on the Dava Moor, struggle to get their voice heard,

Not surprisingly, small communities living in wilderness areas (*which the CNP wishes to protect*), have limited resources and/or academic or administrative ability to coordinate their feelings and objections.

Conclusions

It is essential that the National Parks Strategic Review Team and CNPA Board Members protect our sparsely populated wilderness and remote areas, including those in trans-boundary and buffer type visual zones around the CNP, be it that these areas are not involved in any proposed CNP boundary changes.

There is also a need for the National Parks Strategic Review Team and CNPA Board Members to ensure that the voices of remote small communities, within the CNP and surrounding trans-boundary area, can be democratically heard, and their concerns addressed.

That CNPA provision be made for remote communities to be able to request that where there are proposed major developments in wilderness areas, the CNPA carry out in depth historic, scientific and economic studies, prior to any planning applications being presented for approval.

Note:

I certainly observed that some of the Save Our Dava Moor group were more than a little downcast, by the proposed Windfarm development situation, and getting their voice's heard. My suggestion of a Democratic Feedback Form, could quite possibly make their lives easier.

I believe that the Save Our Dava Moor group (Point of contact: Jeannie Munro Tel: [REDACTED]) presents the National Park Strategic Review Team with an ideal opportunity to fully evaluate the problems encountered by remote communities, living in or near the CNP.

ANNEX F

PROPOSED MUIR HOMES DEVELOPMENT REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT OPENNESS FAIRNESS & TRANSPARANCY

One of my colleagues named Mr Donald Scobbie (*a resident of Grantown-on-Spey*), who is fighting the proposed Muir Home development is also the Chair of the Grant House Care Home Action Group. In both of these capacities he has been active in trying to determine where the proposed 193 houses are to be built, and if these houses adversely impacted upon plans for a new Grant House II Care Home, the Ian Charles Hospital and the attached medical centre.

Mr Scobbie plus my colleagues and I, subsequently raised this issue at a meeting on the 24th September 2008 with three of the CNPA Board Members, who are also our local Ward Councillor's. We had become aware that Muir Homes were involved, in all of these proposed developments.

If I recall correctly, the three CNPA Board Members advised that they could not make any comment, quite simply because they were not aware of any plans for the proposed new Grant House, the Ian Charles Hospital and the attached medical centre and, in any case Muir Homes was not involved

As a result, Mr Scobbie sought details of these proposed developments, which are within the proposed Muir Homes development from The Highland Council under the Freedom of Information (Scotland) Act 2002.

As you will see at Enclosures 9, 10 & 11, there has been a series of discussions and correspondence during the period April to July 2008, involving Muir Homes, The Highland Council, NHS Highland, and CNPA.

When earlier in the year and at our group's request, the Grantown-on-Spey and Vicinity Community Council held a Public Meeting on the 12th June 2008, to discuss the proposed Muir Homes development. There was no mention about any 'submission of feasibilities' made by the executives representing the Muir Homes developer in their presentation regarding the future of the Grant House Care Home and the Ian Charles Hospital and attached medical centre. Nor was there any indication of where these buildings would be sited, amongst the plans on display for the proposed Muir Homes housing development.

At a later date Mr Scobbie presented the Grantown-on-Spey and Vicinity Community Council with details and copies of the proposed plans involving the future Grant House Care Home, the Ian Charles Hospital and attached medical centre. The Chair confirmed that the Community Council were totally unaware of what was being discussed and proposed.

This omission is important because the proposed Muir Homes housing plans on display at the Public Meeting on the 12th June 2008, showed that houses were to be built within 15 meters, of the excellent European 5 star 'Grantown-on-Spey Caravan (and camping) Site', that is open on a twelve month basis, and is recognised as being one of the best caravan and camping sites in Scotland.

Furthermore, and as outlined at Enclosure 11, if the proposed Muir Homes developments were to go ahead, and within 15 meters of the Caravan Sites perimeter. I, and the owners, can only believe that this would result in a dramatic reduction in the large number of caravan and camping tourists, who come to Grantown-on-Spey to enjoy a wilderness type setting. Any reduction of those using the Caravan Site will inevitably have a serious adverse impact upon the sustainability of the local, regional and CNP economy.

I am convinced that this situation will also exacerbate the problems caused by; camping alongside public roads and at un-managed sites, with a predictable detrimental knock-on effect, on the environment (rubbish, unsavoury toilet issues, erosion etc). Which as I have observed and monitored throughout 2008, is already a significant problem in this area, and hardly compatible with the following; CNP Priorities for Action 2007 - 2012.

Please note that in the "CNP Plan 2007 publication (Page 106) Chapter 6. Priorities for Action 2007 – 2012, 6.4 Providing High Quality Opportunities for Outdoor Access Ref 2j" the following CNP objective:

Discourage camping alongside public roads at un-managed sites and improve provision of managed campsites in the National Park.

Conclusions

In order to meet The Scottish Government's single purpose National Performance Framework objective that where (as in the case of the proposed Muir Homes development) a major building contractor is negotiating with Highland Council and NIS Highland, of including Public Buildings within a development. The CNPA, the Community Council and local members of the public, should be kept fully informed, in a CNPA best practice "open fair, transparent and timely" manner (i.e. via the CNP Web site), without having to resort to obtaining relevant information, via the Freedom of Information (Scotland) Act 2002.

That the CNP Plan 2007 Priorities for Action reference campsites be 'fast tracked' and a suitable CNP Camp Site Policy be evolved. Which I suggest should lay down that "Tourist Campsites", and built up housing areas, wherever possible and practicable; should not be built within a minimum acceptable distance of at least 150 meters, and preferably 500 meters, of each other.

ANNEX G

CALL FOR ST COLUMBA'S PILGRIM WAY PATH

Please find at Enclosures 12(a,b&c), recent news articles reference a 'Call for St Columba's pilgrim path.

Grantown-on-Spey is fortunate in having a rich cultural history, which includes the provision of several ancient wells in the local area, some of which have historical ecclesiastical connections like; St Columba's Well at Glenbeg, which is only 1.5 kilometres from St Caroline's Well on the Mossie near Inverallan Church & St Figgat's Well by the Inverallan Cemetery, and St Moulag's Well by the Cromdale Church. All of which are located within a matter of meters of existing 'core paths', and which through a simple CNPA led initiative, could be fully restored, as major tourist attractions.

Historically, all of these wells were essential local community assets, under the responsibility of the Grantown-on-Spey Amenities Committee which was formed in 1911, and the Sub Committee for Wells formed in 1912, which organised an annual Wells and Gardening competition.

There has recently been a resurgence of interest in the historical and cultural heritage associated with these wells, and moves to link them together by creating a historical walk. The provisionally estimated cost of restoring and artistically landscaping the St Caroline's Well into a major tourist attraction is in the region of £60K to £70K.

As you will see in the Minutes of the Grantown-on-Spey Wells Group Meeting held on 31 July 2008 at Enclosure 13 (Para 3). The CNPA (External Funding Officer) in attendance: *advised that there would be no problem with funding for the project and that the money to regenerate the wells would be made available and authorised.*

St Columba's Well Glenbeg

The eminent Grantown-on-Spey Historian 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 has provided me with a copy of the sketch, and we have since visited the St Columba's Well site.

The Archaeologist Department at the Planning & Development office at the Highland Council, has added the location of the St Columba's and lower Munro's wells at Glenbeg, plus St Caroline's and the Ian Charles wells on the Mossie and nearby Wester Dreggie, and Foal's wells, St Figgat's, 2 wells at Castle Grant walled garden, Allan's well by the Episcopal Church and St Moulag's well to the Historic Environment Record (HER).

What is perhaps more important, is that Mr George Dixon advised that the St Columba's Well at Glenbeg, is the most Easterly recorded point of St Columba's missionary journey's through the Highland's in 6th Century AD. That fact is a formidable and potential asset, in the CNP and Grantown-on-Spey.

I suggest that further research should become a major priority of the CNPA, for St Columba's and the other Well's, and ecclesiastical points of interest like the 66 foot carved Long Cross of Ballintomb near Grantown-on-Spey, could all become major tourist attractions, of pilgrimage proportions, and become part of the 'Call for St Columba's pilgrim path' initiative and proposed project.

Conclusions

It is in the economic interests of the CNP, to fully research initiatives like the 'Call for St Columba's pilgrim path, and to see if the St Columba's, St Caroline's, St Figgat's and St Moulag's Wells, in the vicinity of Grantown-on-Spey, could all be linked together by a tourist core path, and be fully researched and financed by a similar CNPA initiative.

Tourism is the economic lifeblood of many local communities in the CNP, and it is therefore of cardinal importance that the CNPA does everything in its power to facilitate tourism, throughout the next decade. The St Columba's Glenbeg, and St Caroline's Well on the Mossie, are Grantown-on-Spey and CNP historical and ecclesiastical assets, which are worth preserving.

For this reason, I feel that there is much to be gained as outlined in the December 31st 2008 Strathspey and Badenoch Herald Park Talk article titled: 'Lets all contribute to the Cairngorms in 2009' by the CNP Convener David Green. Which quotes; *as I've hinted in this article the CNPA are very keen to make as many Cairngorm Connections as possible.*

I therefore suggest that the CNPA makes further connections with the UHI and other Scottish Universities, as well as schools to:

Encourage arts and crafts to create; monuments, decorative stone work, carvings and statues etc, to discretely place alongside paths, viewpoints and historical places of interest.

Employ or commission university faculties and students, to carry out research, and archive information on the CNP web site.

ANNEX H

CONSULTATION QUESTIONS - ANSWERS

Q1.

Many of my business/colleagues/friends have lost confidence in the current CNPA as a freestanding NDPB, and feel that there are significant advantages to be gained in having the CNPA run as part of a National Authority.

Furthermore, it is in the experience of my colleagues and I, that it is somewhat of an alarming illusion to think that 'strong links' have been forged by all of the 25 CNPA Board Members with local communities, and their Community Councils, within the CNP, and surrounding trans-boundary visual zone outside of the CNP.

Q2a.

The recommendation that a ministerial chaired National Strategy Group where appropriate should be established is welcomed, as a much needed, sound and logical way ahead.

Where appropriate, there would be value in this proposed National Strategy Group, seeking guidance, advice and feedback input from; the Association of National Parks Authorities (ANPA), and the IUCN.

Q2b.

It is essential that the remit of the National Strategy Group include:

Democracy.

Human Rights – please note comments at Enclosure 2.

Economics.

Sandford Principle & Nature Conservancy Law.

Tourism.

Scottish History.

Arts & Crafts

Q3.

Creation of a Democratic Feedback Form as outlined at Annex C (Conclusions), with provision for the Sandford Principle.

Create a focal and administrative point for all CNP local Community grants, and requests for CNPA financed scientific and economic studies, via a single Grant Application Form, to be staffed centrally by the CNPA External Funding department, to appropriate internal & external public and private sector agencies.

Greater CNPA Board Member and employee (where appropriate right up to Chief Executive level), wide ranging 'face to face' consultation with members of local communities.

Q4a.

Yes.

Q4b.

A maximum of 9 appointed CNPA Board Members, to include an eminent Scottish Historian, an Economic Adviser and IUCN specialist.

CNPA Board Members Conflict of Interests

A host of CNPA related documents, including the following, all impact upon CNPA Board Members, and raise serious questions as to potential CNPA Board Members Conflicts of Interests:

Standards Commission for Scotland.

The Scottish Government - Code of Conduct for Councillors.

The CNPA: Members Code of Conduct.

If one looks on the web at the CNPA 'Register of Interests of Members', one will see that many of the Board Members do have; primary employment, and/or personal and family interests, that most definitely could be classified as potential 'Conflict of Interests', especially where Affordable Housing is involved.

I suggest that if viewed in a parallel benchmark legal 'Conflict of Interests' context, that if these same Board Members were to be called up for jury service in a Court of Law, Those concerned, could realistically be expected to be excused from Jury Service.

For example, the majority of CNPA Board Members have been closely involved in the execution of their public and private lives in the provisioning, financing and future requirements of some form of; Affordable Housing or holiday accommodation.

In recent times the subject of Affordable Housing, often as an integral part of major building projects, constantly raises its head, and I suggest directly, or subliminally, influence the CNPA Board Members decision making process, of many large scale building developments within the CNP.

This hardly lies comfortably with the CNPA: Members Code of Conduct Section 4: Registration of Interests Para 4.17 & 4.18 guidelines:

The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect your responsibilities to the CNPA and to the public, or could influence actions, speeches or decision making.

I certainly consider that some of my colleagues and I, who are against the proposed Muir Homes development on the Mossie (Note; we would be unlikely to oppose a more proportionate development, if an alternative and more suitable site could be found in the Grantown-on-Spey area), are reasonable members of the public. And without question, and from our collective personal experiences consider that some CNPA Board Members exposure, and ongoing wide-ranging 'fixation', discussion's and comment's surrounding the provision of Affordable Housing, unquestionably raises serious potential Conflict of Interest issues, especially reference the proposed Muir Homes development.

There is a danger that this Affordable Housing fixation will continue to compromise the local communities democratic and Human Rights, the existing four National Park Aims, and the highly desirable legal implementation, of the Sandford Principle.

Q5a.

No.

Q6.

I think it would be totally inadvisable for Ministers to appoint Conveners or Deputy Conveners from among CNPA Board Members.

Whilst I appreciate that my colleagues and I have only had limited contact with CNPA Board Members. I think that I can say on behalf of all concerned, that those CNPA Board Members, who we have met, are not remotely suitable to be appointed as Conveners or Deputy Conveners.

Moreover, whilst my colleagues and I have little doubt that the present CNPA Board Members are totally committed to their CNPA Board Member duties. We have not found any of our local or more widespread based CNPA Board Members performances, initiatives or achievements to date, to have made any noticeable; outstanding, effective or inspiring contribution, to improve; democracy, or to address the growing concerns of members of our local community, or improve their day to day lives.

However, I frequently hear adverse comments, be it that some of these comments may well be unfounded, from all strata's of the Grantown-on-Spey and Vicinity local community, reference the; remoteness, resourcefulness, suitability, proficiency, effectiveness, and perhaps even more importantly; the accessibility and desired user friendly and 'democratic sense of duty' that CNPA Board Members display (*especially those who have an additional democratic responsibility as Councillors, who's attractive annual financial remuneration and expenses are paid by taxpayers*), to provide a service to the members of our local community, which they have been elected, or appointed, to represent.

I conclude that this unfortunate situation has arisen, because there is definitely somewhat of; an executive and/or CNPA blind spot and a general lack of good governance balance, exacerbated by what members of the community and I perceive to be; are poor communication channels between the CNPA and local communities, and a major lack of joined up visionary and strategic thinking, to meet the diverse, altruistic and commonsense needs, of all concerned.

Kelsey Tainsh MBE
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 18 May 2006

See Distribution

CAIRNGORMS NATIONAL PARK AUTHORITY - RESIDENCY CRITERIA

Whilst I believe that there is an urgent need nationally and locally, to address the question of affordable housing as a stand alone issue, I fear that the present and politically popular outcry for an instant solution to solve this difficult problem could have an undesirable influence upon the decision making process, of other long term residency and associated housing issues, within the Cairngorms National Park.

I am former Royal Air Force Warrant Officer, who has lived in the Cairngorms National Park, along with my spouse and four sons, for the past thirty years. During which time I have completed two tours of duty at Royal Air Force Grantown-on-Spey, and since my retirement from the Service, have worked in the local private sector, for the past six years. Throughout this time, I like to think that as a family unit, we have all made a small contribution, to the local community, and the enjoyment of others in the area.

I am however considerably alarmed by recent media comments reference possible restrictions to our citizens democratic rights for; freedom of movement, and proposals for residency restrictions to be introduced for new market housing, and planning application change of use criteria, within the Cairngorms National Park.

I find this whole issue particularly difficult to accept. Especially when as part of our national democratic decision making process our Armed Forces are currently engaged in fighting wars in Iraq and Afghanistan, to help facilitate the spread of Human Rights and democracy. Whereby, it is accepted that they may die in the service of their country. But if the proposed residency restrictions are implemented, these Service (and ex Service) personnel, or their dependants, may well be denied residency rights, to build and live in a new house, in an area of their choice, in the United Kingdom.

In addition, any changes to residency policy would have wide-ranging council tax implications, and will also adversely impact upon the democratic freedom of many public sector employees throughout the United Kingdom and overseas, such as career Foreign & Commonwealth Office Civil Servants, Police, Prison Officers, Customs & Excise personnel, teachers, doctors and nurses. All of whom may well wish to make sensible provision for their families and retirement, in the Cairngorms National Park.

I certainly feel, that any decision which might restrict the democratic rights of our Armed Forces personnel and other members of society, especially when there are long term political voting implications are involved, should be subjected to the full scrutiny of Scotland's top human rights legal minds, The Scottish Parliament, The House of Commons and the House of Lords, and if considered appropriate, the European Parliament.

In addition, we should also appreciate that many of these people subsequently become involved in a mass of welfare and charitable activities. All of which make a significant contribution to society in general, and to the quality of life of many children, plus the needy, elderly and disabled, who are resident in the Cairngorms National Park.

Furthermore, various press articles have indicated that the final decision on a citizen's democratic rights of residency will rest with the 25-member board of the Cairngorms National Park Authority. This situation, in my opinion, is hardly democratic, or appropriate, for the board is not a democratic elected institution, as some are appointed board members.

I also feel, as do some of my colleagues, that there is a pressing and democratic need, for an external and independent Government agency, to carry out some form of public review or enquiry into this overall issue. This action would help to ensure that the small policy print, meets the future aspirations, plus human and democratic rights, of all United Kingdom citizens.

Please note that in the enclosed Ministry of Defence information paper on The Human Rights Act 1998 at Enclosure 1. Several of its bullet points have significant relevance to this issue, and reference is made that; it will be unlawful for any Public Authority to act in any way which is incompatible with a Convention right, and that damages may be awarded where a Public Authority breaches Convention rights. Please also note at Annex A, some of my other areas of concern.

I can only believe that if any form of democratically restrictive policy guidelines are implemented, the subsequent interpretation of any small print on this overall subject will inevitably become a long term, and very expensive, legal nightmare. For example, would it make provision for the reciprocal gifting or bequeathing of properties, is it legally acceptable to discriminate against persons in part-time employment (i.e. job share, maternity leave etc), and are penalties to be imposed if one subsequently resigned, involuntarily had their working hours reduced, or was made redundant from their job.

Finally, I am not persuaded by press and media comments of title deed restrictions in Aspen, Colorado, or by other similar residency restrictions in national parks elsewhere, that these models meet the rights and freedoms guaranteed under today's European Convention on Human Rights, to which the United Kingdom is a signatory. Or that these other models are suitable, necessary or appropriate, especially in the longer term, for tomorrow's Scotland, and its tourist industry and economy.

I would appreciate it if my concerns and comments, could also be circulated by the Cairngorms National Park Authority Board, to others concerned in the decision making process.

Yours most sincerely


Annex:

A. Other areas of Human Rights and Democratic Concern.

Enclosure:

1. The Human Rights Act 1998 (MoD document - mgsdoc.doc) dated 27/09/00.

Distribution:

Action:

Cairngorms National Park Authority Board Members.

Information:

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16 June 2006

Andrew Harper
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Dear Mr Harper

**ADDITIONAL POINT TO PREVIOUS COMMENTS ON CAIRNGORMS
NATIONAL PARK RESIDENCY CRITERIA**

Thank you for the responses to my two previous letters dated 18th May and 4 June. As you will be aware I have given this issue a great deal of thought, and it was the recent news of yet another member of our Armed Forces being killed by members of the Taliban in Afghanistan this past week, that has prompted me to submit the following additional comments, for consideration in the consultation process by the Cairngorms National Park Authority, with regards to the proposed residency criteria.

Defence is an area of Government that has not been devolved to The Scottish Parliament, and remains firmly a responsibility of the House of Commons. Currently, all members of the British Armed Forces are 'entitled' to purchase new market housing in the Cairngorms National Park without being subject to any form of residency criteria.

I would therefore like to ask;

Whether Ministers of The Scottish Parliament have the constitutional right to take away fundamental human rights, democratic freedoms and entitlements of members of the British Armed Forces (including all categories of Reserve Forces); and if this is the case whether this can be done without first seeking the approval of the Commander-in-Chief?

It is constitutionally correct to describe the Sovereign as being the Commander-in-Chief of the British Armed Forces, although through longstanding parliamentary practice, the

Prime Minister of the United Kingdom has *de facto* command and control powers over the British Armed Forces.

Whilst my emphasis is on the British Armed Forces, these circumstances are equally applicable to other national institutions such as the Scottish Police Federation, Police Federation of England and Wales, National Union of Teachers etc and I would encourage the CNPA to seek the views of these organisations with particular regard to the residency criteria and the adverse implications for their members.

I note from your letter dated 5 June, that a further Paper will be brought to the CNPA Board which will include detail on the legal implications of introducing residency criteria. I look forward to reading this Paper, which I trust will address all the issues that I have raised. I would appreciate notification of the Paper's publication if that is possible.

Yours most sincerely



New web group looks at 'over-developed' Aviemore

A GROUP has been set up on the social networking website Facebook to provoke debate on concerns that Aviemore is being over-developed.

The group "Stop over developing Aviemore" has been set up by local woman Alisa Villegas in the hope of improving consultation and she wants to hear views everyone pro or against her position.

She believes the community needs to have more say in the types of devel-

opments and houses in the village. So far well over 100 people have signed up to the group.

Alisa said: "I would like to encourage the developers to use online surveys and internet media to engage with the younger people of Aviemore."

She added that her group had got the attention of local developers who were now keen to do more to improve consultation.

Alisa went on: "I am not against progress or development but feel that in recent years its been poorly managed and Aviemore is suffering as result. I very much hope that Facebook and the internet will be a way of engaging with the wider community, especially the the younger demographic."

"Anyone interested in following our progress should log on and join the discussion."

News Release

Future of the red squirrel



[Listen](#)

Future of the red squirrel

The Scottish Government

08/12/2008

A new project to stop the expansion of grey squirrel numbers in the north of Scotland will launch early next year.

Environment Minister Michael Russell heard about the project, the ultimate aim of which is to ensure a prosperous future for Scotland's native red squirrel, on a visit to Banchoory today.

The project - Saving Scotland's Red Squirrels - is a joint effort between Scottish Natural Heritage (SNH), The Scottish Wildlife Trust (SWT), Forestry Commission Scotland (FCS) and Scottish Rural Property and Business Association (SRPBA).

As well as displacing red squirrels which its more aggressive feeding habits, grey squirrels carry squirrelpox - a disease fatal to reds.

Mr Russell said:

"The red squirrel is one of our most beautiful and valuable native species and Scotland is one of the few sanctuaries it has left.

"Since its introduction to the British Isles, the grey squirrel has gradually taken over with its more aggressive feeding habits, meaning that the red is now endangered.

"To make matters worse, squirrelpox, almost endemic in the grey population has spread alarmingly across southern Scotland and we must act. We have only a short time to save the red squirrel from the brink of extinction.

"This project, like the Red Squirrels in South Scotland (RSSS), which I launched in Dumfries and Galloway earlier this year aims to stop the march of the grey into the north and taking over areas currently home to the red.

"Scottish Natural Heritage, Forestry Commission Scotland, the Scottish Wildlife Trust Scottish Rural Property and Business Association have shown genuine vision in coming together to save the red squirrel.

"Like all Scots I am hopeful that projects like these will see Scotland's red squirrels thrive once again and ensure that future generations are able to enjoy them."

This is a three year project, planned to launch in February 2009, which aims to secure red squirrel populations in all areas they currently occupy in Scotland and provide a basis for successful expansion in the future.

In Scotland the distribution of grey squirrels is focussed at present on the Central Lowlands and increasingly across south Scotland. However, these populations continue to expand northwards in Perthshire and Angus and westwards in the Loch Lomond National Park area, thus threatening red squirrel populations in the Highlands and Argyll that have never been exposed to grey squirrel competition. Saving Scotland's Red Squirrels aims to check this advance and reverse it where possible.

The project aims to push grey squirrels back along their key invasion routes to manageable "pinch points" where long-term control measures might be more sustainable and more likely to achieve the long-term security of red squirrels.

Total project costs are estimated to be £1.45 million.

Project Officers will work with landowners to help access resources through the Scotland Rural Development Programme for grey squirrel control. FCS will also be undertaking grey control on the public forest estate as part of their ongoing operations.

Build plans pulled back due to squirrel concerns

By GERARD BURKE

TWO applications to build housing in woodland on the outskirts of Kingussie have been withdrawn in the wake of concerns that the development could disturb the area's fragile red squirrel population.

A third application for homes in woodland beside St Vincent's nursing home on Gynack Road was, however, considered by the Cairngorms National Park's planning committee.

The applications had initially been due to be considered when the same committee met in Kingussie last month but after a site visit, members realised that a survey of red squirrel activity in the area had not been submitted so their considerations were delayed.

Following this the developer which had

applied for permission to build two collections of houses near West Terrace decided to withdraw its application, although its natural survey was already close to completion.

Daval Developments, however, decided to press ahead with its application for four house plots at St Vincent's and this was considered at Friday's meeting in Kinross.

Aidan Ogilvie, speaking on behalf of the developer, asked members to treat the plan under the 1991 Local Plan for the area, which is still in force, rather than the pending new Park Local Plan, which has placed an extra restriction in the area.

He acknowledged there were red squirrels in the area but said no dreys on the building

sites had been highlighted by the developer's consultant.

He also told the committee: "You wouldn't be able to build anywhere in the park without disturbing any creatures."

A reserved item that all trees where squirrel dreys would remain undisturbed.

However, Tessa Jones of the Badenoch and Strathspey Conservation Group, in giving evidence to the committee, gave photographic evidence of three further red squirrel dreys within the site that the developer's consultant had missed. This revelation was greeted by applause from the public benches, where a crowd of several dozen had gathered to watch proceedings.

She also noted the area was an established

habitat for several endangered insect species, including the small pearl-bordered fritillary butterfly, the Scotch argus butterfly, the Rannoch 'sprawler' moth and the common German moth.

She also noted the area was a perfect habitat for bats, although no survey had been carried out, prompting committee member Councillor Stuart Black to ask his officials why no survey had been requested.

His colleague Councillor Dave Fellows said: "When I first saw this application, my instinct was that there was space there for houses but I have become increasingly concerned."

This application was rejected on the grounds of loss of amenity land, due to the biodiversity of the area and access problems after members voted 12 to eight against its approval.

THE TIMES Tuesday December 2 2009

Squirrels warning

There is only a short time to save native red squirrels from extinction, the environment minister Mike Russell has warned. He was speaking after learning about the £45 million Saving Scotland's Red Squirrels project to be launched in February, which aims to reduce the number of grey squirrels

"Owl Wood"
Mossie Road,
Grantown-on-Spey,
Moray,
PH26 3HW.

5th September 2008

Miss Mary Grier
Project Planning Officer,
Cairngorms National Park Authority,
Ground Floor,
Albert Memorial Hall,
Station Square,
Ballater,
Aberdeenshire,
AB35 5QB.

Dear Miss. Grier,

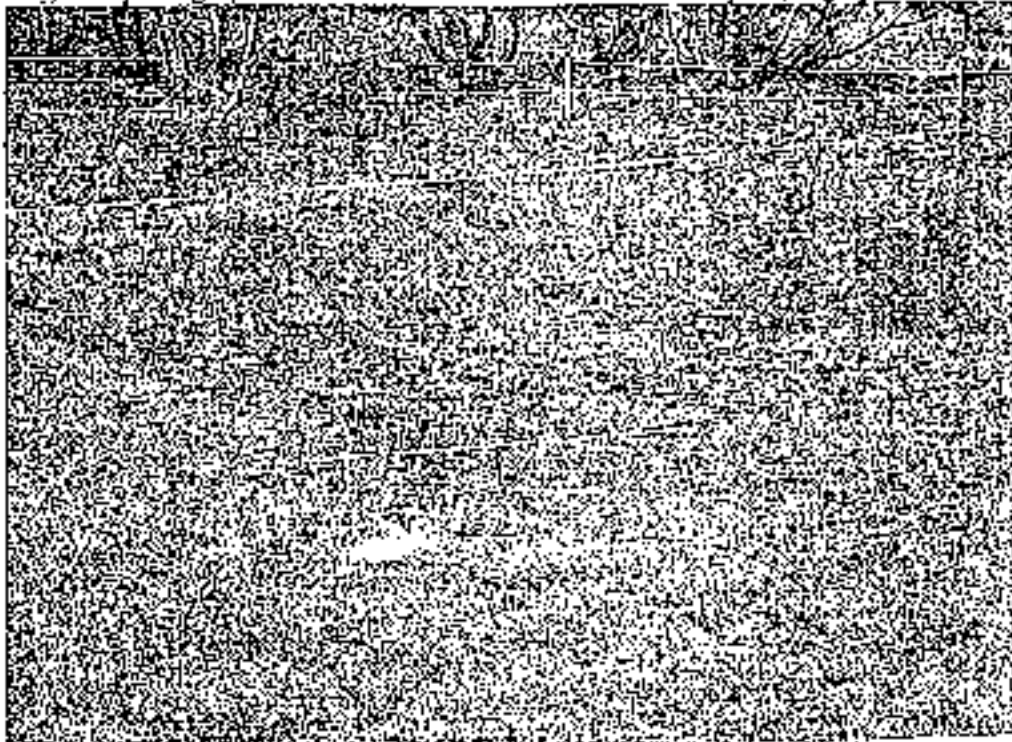
**REVISED PLANNING APPLICATION BY MUIR HOMES
FOR THE ERECTION OF 193 HOUSES IN GRANTOWN-ON-SPEY**

Having now had time to carry out a closer inspection of the surface water drainage details for the Muir Homes proposed development for Grantown-on-Spey, I find that there are a number of areas of concern and for this reason it is my intention to copy this letter to SEPA.

The entire site of the proposed development has a very high water-table, the level of which fluctuates with relatively modest rainfalls. A walk over the site and a casual inspection of the vegetation growing there reveals that substantial areas are affected by this fluctuating water level. Although the bulk of the site investigation, carried out on Muir's behalf, was undertaken during an extremely dry summer period in 2005, no serious attempt has been made to monitor the ground-water level variations during the subsequent three years.

Photograph No 1 on the next page shows one of the numerous areas in which water regularly takes several days to infiltrate the ground due to the shallow water-table. This particular flooding occurred after one day of rain in August 2008, but is a regular occurrence in the area of Phase 1A of the proposed development. Photographs No 2 & 3 illustrate a similar problem on the land behind the hospital, which flooded on this particular occasion, as a result of heavy winter rains causing a local burn to overflow its banks. This flood was sufficiently extensive to require the services of the local fire brigade to pump out the hospital car park and surrounding land. Photograph No 4 gives a

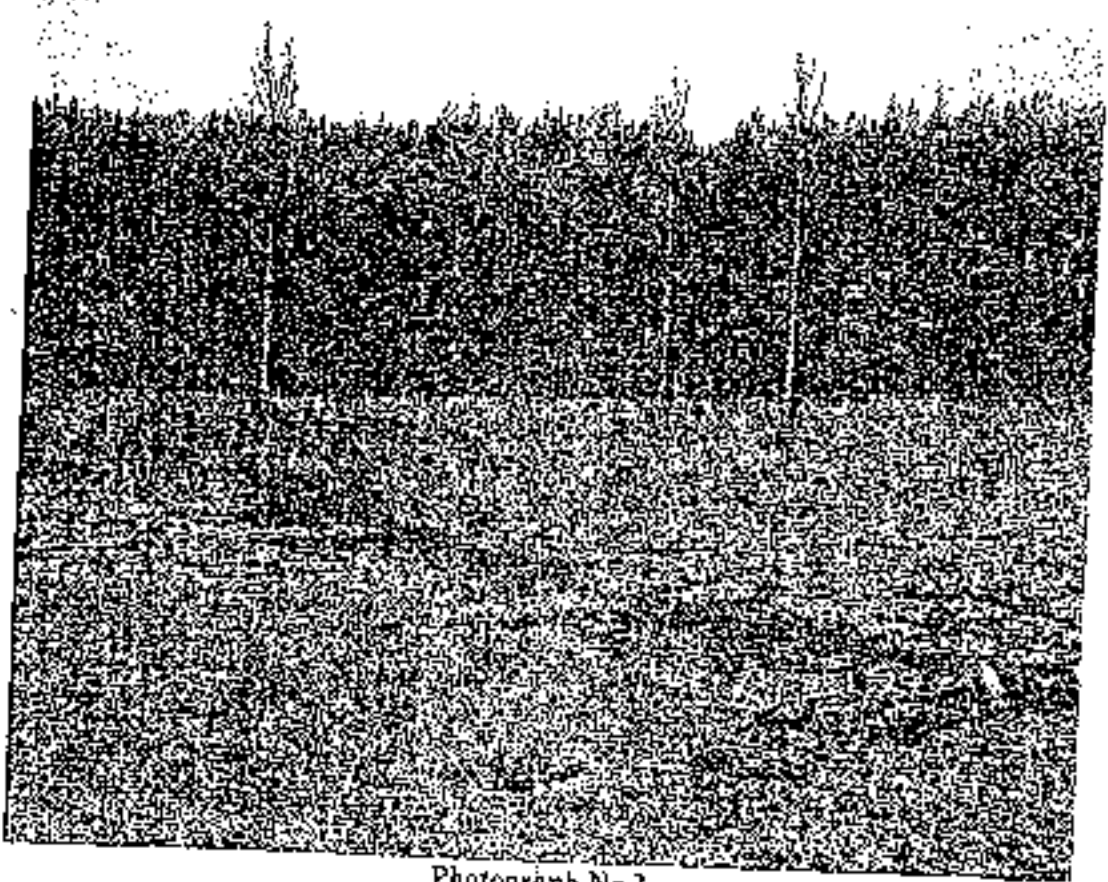
clear indication of the volume of water which required to be pumped off the site, even although the photographs were all taken towards the end of the pumping operation.



Photograph No 1



Photograph No 2



Photograph No 3



Photograph No 4

The areas shown in these photographs, along with many others within the vicinity of the moss, experience varying degrees of flooding on a regular basis, due to the presence of a high or shallow water-table.

In view of the very obvious indications that this was a wet site, it would have been both professional and prudent for Muir Homes to have arranged for the water level to be measured at a significant number of points throughout the site, on a regular basis (weekly or fortnightly) over a period of twelve or eighteen months and for the results to be plotted against the recorded rainfall over the same period. The failure to acquire this information and the consequent ignorance of what actually happens to the ground-water levels, casts considerable doubt on the value of much of the surface water drainage proposal.

It might also be appropriate to point out at this juncture, that Highland Council have clearly failed in their duty to properly examine this site before allocating it for housing in their 1997 Local Plan.

Returning to the drainage design for the proposed development and considering only the surface water drainage at the present time, I would direct your attention to SEPA's Consultation response dated 26th September 2006 which states, inter alia, that *"SEPA notes that it is proposed to construct swales around the site adjacent to roadways..... An existing wetland area will also be utilised in the overall surface water treatment scheme. Provided the above proposals still apply to the application then this is acceptable to SEPA in terms of water quality."*

G & D Engineering Services Drainage Report - Rev C (received by CNPA on 20th February 2008) states in paragraph 3 that *"The principal means of providing SUDS for the development will take the form of "At Source" measures such as swales, porous paving and other infiltration measures."* It also states that any surface water flows from the remainder of the development (this comment refers to Phases 1A, 2, 3, and 4) *"will discharge to the existing wetland area at various locations as indicated on our drawings... This wetland area will not only provide attenuation volume but also provide a level of surface water treatment in accordance with SUDS guidelines."*

SEPA's Consultation response dated 8th April 2008 reiterates approval similar to that of 26th September 2006, in the form of *"SEPA notes that: Surface waters will be drained via swales; porous paving and infiltration measures (as shown on drawing 11605/007Rev C). From a water quality perspective this is acceptable to SEPA."*

However, the proposal to use the existing wetland to *"provide a level of surface water treatment"* is not *"in accordance with SUDS guidelines"*. In fact numerous bodies involved in the development and design of the SUDS system have produced papers on the subject and almost without exception they state that:-

- * *"wetlands" incorporated into SUDS drainage systems "are specially constructed features";*

❖ "existing wetlands are rarely suitable, for a variety of reasons, not least of which is disturbance of the natural balance that has evolved within that system"

❖ "only specially constructed wetlands should be used to treat surface water".

In addition to these quotations from erudite publications, I would draw to your attention a SEPA publication "for developers, landowners, planners, consultants, architects and engineers" entitled "A DO's and DON'T's GUIDE for PLANNING and DESIGNING Sustainable Urban Drainage Systems (SUDS)".

❖ Item 1 on the DON'Ts List

❖ DON'T use existing ponds, wetlands or ditches for SUDS treatment.

How then can SEPA possibly say that:-

❖ "...this is acceptable to SEPA in terms of water quality" (Planning Consultation Response 26th September 2006)

❖ "From a water quality perspective this is acceptable to SEPA" (Planning Consultation Response 8th April 2008)

Although the design engineers' drawing No 11605/PRE 4 claims to show a "Proposed Swale Detail" it incorporates none of the features of a swale and the Notes on the main drainage drawings do not even list swales as being incorporated in the drainage works. The detail on drawing No 11605 / PRE 4 is in fact a type of filter drain, the use of which is prohibited by SEPA on sites in which the water-table is shallow.

❖ SEPA Guide for Planning and Designing SUDS, item 6 in the DON'Ts list.

❖ DON'T use filter drains/infiltration trenches where the water-table is shallow.

All of the road drainage shown on the main drainage drawings Nos. 11605/007 Rev C and 11605/008 Rev B either conforms to the detail for a "Proposed road filter drain in grass verge", as shown in the Notes on the drawings, or consists of a standard piped gully system. This means that all of the surface water drainage in Phases 1A, 2, 3 & 4 of this project is by means of filter drains infiltrating the ground water or by road gullies and pipe runs discharging into the existing wetland, both of which are contrary to SEPA's guide lines and SUDS principles and are therefore totally unacceptable.

Having demonstrated that the proposal to use the existing wetland for surface water treatment is contrary to SEPA guide lines and to the general principles of SUDS, this is an appropriate point at which to explain that the wetland on this site is a moss, which is entirely different from the wetland described in SUDS literature. The SUDS wetland takes the form of a settling or balancing pond of sufficient depth to provide additional temporary storage for a significant volume of excess surface water arising

from an exceptional storm), but also incorporating shallow areas planted with marsh and wetland vegetation which provides a good level of natural filtration as well as encouraging wildlife. The moss in contrast accommodates naturally occurring increases in surface water during storm periods and functions as a flood regulating mechanism, by absorbing the excess water to the point at which the fibrous ground becomes completely water logged. This process has developed over many decades if not centuries and is currently further assisted by the natural regeneration of birch trees within its boundaries. Contrary to the beliefs of G & D Engineering, the moss has no capacity to attenuate the flow or store the excess of storm water being delivered through seven pipes, ranging in size from 225mm (9") to 400mm (16") in diameter, in addition to the storm water it currently absorbs. Under extreme storm conditions this design proposal would result in the destruction of the habitat and balance of the moss as well as over spilling into the burn which runs through the moss and into the River Spey.

It should also be noted that the water which Muir Homes proposes to discharge into the moss will be untreated (i.e. polluted) surface water which would flow straight into an area described in the CNPA Local Plan as "a valuable habitat which must be maintained". This clearly means that the design of the proposed surface water drainage system is totally unacceptable for this site. In fact what it does mean is that this site is woody unsuitable for any form of major construction.

In Phase 1 of the proposed development the drainage is much more straightforward and all surface water leaves the site untreated, via a storm water pipe system which discharges directly into what is referred to in the introduction to the Development Impact Assessment as an "existing drain that runs through the development site". Unfortunately however, this "existing drain" is in fact an existing burn which is a tributary of the River Spey and the surface water which will not be subjected to any form of chemical filtration, will flow down the burn to pollute the River Spey, which is an SAC (Special Area of Conservation) strictly protected under the EC Habitats Directive.

At this point it is also worth noting that:-

- 1) The Environment Agency information on SUDS, highlights the following facts:-
 - ❖ Surface water run-off can contain contaminants such as oil, organic matter and toxic metals.
 - ❖ Although often at low levels, cumulatively they can result in poor water quality in rivers and ground water, affecting biodiversity, amenity value and potential water abstraction.
 - ❖ After heavy rain, the first flush is often highly polluting.

2) The CIRIA information on SUDS states that "Pollutants that need to be controlled include:-

- ❖ Car oil and antifreeze
- ❖ Detergents (from car washing)
- ❖ Household chemicals
- ❖ Garden chemicals

Exactly how it is proposed to effect this required control remains unanswered, but it would be a fond hope indeed, to believe that any new development such as Muir Homes propose, could possibly be free of all of the above pollutants as well as salt from winter road maintenance and diesel and oil from delivery and service vehicles. Yet without an absolute guarantee that the surface water discharged from Phase 1 is free of any pollutants, this proposed surface water drainage system cannot be implemented.

This entire site poses an enormous drainage problem which only serves to emphasise its total unsuitability for any form of major development.

Yours sincerely,



Gregor I. Mackenzie

cc. Don McKee CNPA
SEPA
Scottish Water
Fergus Ewing MSP
Darry Alexander MP
Jim Beveridge - CC

Reasons why Dava Moor is not suitable for windfarm development

ENCLOSURE: 8(a)



Lochindorb viewed from east to west

- Glenkirk Windfarm -- 31 Turbines @ 110m.
- Tom Nan Cloch Windfarm -- 17 Turbines @ 110m.

On Dava Moor, cultural factors such as Lochindorb's medieval island castle, the presence of scatteredcroft sites engendering the feeling of past human endeavour and aspiration now abandoned, plus the chronicled notoriety of winter weather in its harsh open landscapes all combine to create an atmosphere that mentally inspires people who visit. This includes regular travellers across the Moor. Many writers and artists also testify to these intangible attributes of the Moor influencing their work. These treasured spiritual aspects of the Dava moorlands for many people would be lost by the introduction of large-scale modern development to them. Windfarms would contrast most uncomfortably within this landscape

Most of Dava Moor lies within an Area of Great Landscape Value, designated by The Highland Council as worthy of special recognition within the Region. In context, Loch Ness is similarly designated.

Within its policy recommendations, The Highland Council's Renewable Energy Strategy Document classifies Dava Moor as carrying a 'presumption against development' of windfarms.

The Highland Council classify Dava Moor, along with Rannoch Moor, as being areas of peatland of regional landscape significance, best retained as large-scale areas of open space.

Blanket boglands are recommended under European regulation as being a globally rare resource, with their overall area not to be diminished in size or quality wherever possible.

Disturbance to peat releases carbon dioxide which has been gradually storing up within it for thousands of years. Because development excavations disturb the peat and release stored CO₂, this acts against the reasoning in favour of windfarm development, i.e. to limit greenhouse gas emissions.

The Dava peatlands act like a sponge during heavy rainfalls. They all drain into the River Findhorn. If these complex soils are disturbed by large-scale excavation for windfarms, the flood flows into this volatile river catchment could be adversely affected, especially in populated downstream areas near to the river such as Forres.

Many sites formally protected by European legislation surround Dava. Development of the moor for large-scale wind energy would compromise the integrity and significance of these areas' environmental values, plus the E.U.-recommended promotion of linkage amongst them.

The Dava area acts as a linkage route for wildlife between the valleys of the Spey and Findhorn rivers. This has existed for centuries, and this route's function could well be disturbed by 400ft. high moving structures within the corridor permanently altering the habits of birds and animals that use it.

Many of the wildlife species that are present on Dava Moor are protected by European laws, which legislate that disturbance to these species is an offence. Just some of these species are: golden eagle, hen harrier, red kite, merlin, goshawk, peregrine falcon, red and black-throated divers, capercaillie, black grouse, osprey, redshank, red squirrel, pine marten, otter and wildcat.

The A939 trunk road through Dava is the Official Tourist Route between Inverness and Aberdeen, presently forming the least-developed section of the entire route between the two destinations. This road also acts as a major entry point into the Cairngorms National Park for tourists and visitors.

SCOTTISH NATURE

ENCLOSURE: 8(b)

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Dava windfarm ban gets 'green' backing

By Clive Semler
Added: 18 November 2008

CAMPAIGNERS striving to stop the development of up to seven windfarms in the Dava Moor area have been backed by a senior environmentalist.

Robert Raud, chairman of the charity Scottish Council for National Parks (SCNP), warned that if such schemes came to pass it would be a "direful act of vandalism for which future generations would never forgive us."

He was speaking while visiting the Moor area at the invitation of the Save Our Dava Campaign which is trying to preserve the area's wild beauty for ever.

Mr Raud's visit came with decisions by the Scottish Government on proposed schemes at Glen Kirk and Berruburn was expected imminently and with five other local schemes at various stages in the planning process.

SCNP, which campaigns to promote the care for and cause of National Parks across Scotland, also seeks to protect other sensitive landscapes and habitats from unnecessary industrialisation.

Mr Raud said: "Dava Moor is a wild and beautiful landscape with wide horizons, huge skies and extensive views to the Cairngorms, the King Hills to the east and west and open views to the north.

"The imposition of multiple wind turbines into this landscape would not only do irreparable visual damage but would also threaten the diverse habitat which is the home or hunting grounds to many threatened bird species including raptors such as ospreys and eagles."

According to Mr Raud, construction and access work would also do irreparable harm to extensive blanket bog and the complex drainage of the area.

Many respected scientists consider that in terms of carbon retention, blanket bog is as important as preventing climate change as the tropical rain forests and for that reason alone, should not be disturbed for development.

He continued: "Government guidance on the location of wind energy projects lacks clarity and unfortunately is written in a manner which weakens its intent. As a result, the location of wind turbine schemes is still largely a developer-led scramble rather than a planned approach.



Robert Raud of the Scottish Council for National Parks has warned of 'vandalism' if Dava windfarms plant out the green-land.

"In my view, the only way to afford Dava the necessary protection would be to include it in an extension to the Cairngorms National Park as part of the current National Park Review.

"The slow wind farms in areas such as Dava would be a direful act of vandalism for which future generations would never forgive us."

Female Catherine Murdoch, spokeswoman of Save Our Dava, which has recorded 1,000 objections to the scheme over the past three years, said the fight would continue no matter what the Scottish Government decided.

She explained: "These schemes will devastate the landscape and ruin the views over Dava for ever. Some people don't realise how many wind turbines

"Frankly Scotland should be standing up to protect these places"

GENERAL CONTACT: 01463 820000

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The Rape of Dava Moor

Plans to build 5 giant wind farms on the remote Dava Moor at the Northern edge of the Cairngorms National Park near Grantown on Spey are a disgrace and amount to the rape of one of our most beautiful, remote Scottish wilderness areas.

To allow the wanton destruction of our countryside in this way for the limited benefit of wind power and the enrichment of a handful of electricity companies and landowners is quite unacceptable.

Five different companies have applications either pending or in the pipeline to construct around 150 giant turbines on this spectacular wilderness site. The forest of turbines will industrialise the entire landscape, each tower rearing up to over 425 ft - well over twice the height of the Scott Monument! There will be over 30 miles of roads built across the moor to service the turbines, together with many miles of giant pylons to take the power to the national grid. More than 1000 tonnes of concrete will be needed to provide a foundation for each of the 150 turbines.

This is vandalism on a grand scale. Cumulatively, the five wind farms will amount to one of the largest-scale wind power projects in Scotland. Dava Moor is one of the great wilderness areas of Scotland, written about lyrically by famous authors such as Maurice Walsh. It is part of our rich landscape and cultural heritage, with Lochindorb Castle, a rare island fortress dating back to the 13th century, is perched on an island in the middle of the loch. Lochindorb Castle was visited by Edward I in 1303, when he stayed there for 9 days, hunting out on the moor. It was later home to the infamous Wolf of Badenoch, the so-called 'Celtic Atilla'. Lochindorb comes from the Gaelic meaning 'Loch of Trouble', but even Edward Longshanks - the 'Hammer of the Scots' and the Wolf of Badenoch, could never have envisaged the wanton rape of this idyllic landscape in the headlong rush for renewable energy!

The cumulative impact of these five wind farms on this designated area of great landscape value will be appalling. Most of the area is covered by deep blanket bog with peat up to 4 metres deep, much of which is over 2000 years old. The wind farms will require massive excavation of this ultra-sensitive area, with consequent disturbance to the fragile ecosystem and hydrology, leading to potentially disastrous impacts on the lower regions of the Findhorn river, themselves listed special areas of conservation (SAC's).

Dava Moor has for millennia been a wildlife linkage corridor from the Spey to the Findhorn with capercaillies, golden eagles, ospreys, huzzards, red throated divers, lapwings, skylarks and ravens all present amongst a diverse and thriving abundance of species. All will be put at risk by this huge windfarm development.

The tourists, hill-walkers and ramblers who come to Dava Moor from around the world bringing vital income to this remote part of the Highlands, will stop coming once the landscape has become a forest of steel and the moor has been criss-crossed with concrete. Scotland is fortunate to have such places of un-surpassed beauty. We owe a great debt to our ancestors who braved cold, hunger and hardship to eke out a precarious living on the remote crofts and farms of Dava. They preserved this fabulous site for future generations to enjoy. Today's generation of Scots surely cannot allow this virgin wilderness to be raped and vandalised?



Mr Scobbie
Seafield Court
Grantown on Spey
PH26 3LE

Please ask for:
Direct Dial:
Email:

Alan Maguire

Your Ref:
Our Ref:
Date:

AMHB/FOI080920
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 response which you are not satisfied with.

Yours sincerely

A black rectangular redaction box covering the signature of Allan Maguire.

Allan Maguire
Head of Housing Development and Estates

Maguire

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

-- NOTE:

DO NOT CONFUSE
 DAVID SCOBBIÉ - MWLA GROUP
 WITH
 DONALD SCOBBIÉ - RESIDENT
 OF GRANTOWN ON SPAY.

Got the address wrong first time.

From: David Scobbie
 Sent: 13 May 2008 10:34
 To:
 Cc:
 Subject: Grantown on Spay

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 Sealick Avenue. The bungalow (Rossay house type) area could be formed opposite the complex as indicated for Servite 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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Kelsey Tainsh

From: Kelsey Tainsh [redacted]
 Sent: 25 September 2008, 15:43
 To: Jaci Douglas [redacted]
 Cc: [redacted]

Subject: Councillors Meeting Ref Proposed Muir Homes Development on Wed 24th September 2008

Jaci

Many thanks for most generously having hosted the meeting in the privacy of your home yesterday, and compliments to your husband acceptance of being banished from the kitchen, and for your children for being so well behaved.

I certainly gained the distinct impression from members of our group that they thought that it was a very valuable exercise, and I for one feel a lot more comfortable, that some of the issues surrounding this proposed development will be given the due consideration they deserve.

It was as a direct result of the experience I gained when in uniform at MoD dealing with Tri Service Adventurous Training, that I raised the issue of campsites with the CNPA, and the proposed policy: CNPA Priorities for Action: 2007 - 2012 to: Discourage camping alongside public roads at un-managed sites and improve provision of managed campsites in the National Park, which I felt should be taken into serious consideration with regards to the proposed Muir Homes development.

After having also raised this issue yesterday, I had an afterthought last night, which I feel may be of some value to the CNPA:

The Caravan (and camping) Site at Grantown-on-Spey as it is today has many of the desired facilities which are attractive to campers, even those on tight budgets.

If the setting of the Caravan Site was changed by the erection of a dense building development within 15 meters of its perimeter, such a development would inevitably make the Caravan Site less attractive to many campers, especially those wishing to experience the wildness of the CNP.

I can only believe that this situation would in fact discourage some campers from making use of this; attractive, international award winning, wild and open facility.

I predict that many campers would therefore resort to camping alongside public roads and at un-managed sites, with a subsequent adverse environmental impact (rubbish, unsavoury toilet issues, erosion etc).

I spoke to Fran Potchecary the CNPA Outdoor Access Officer this afternoon, from whom I gained the distinct impression that the CNPA Priorities for Action policy reference camping, was not near completion. However, having raised the issue as outlined above with her, I think Fran now appreciates the possible adverse implications of a Caravan Site (with camping facilities) becoming less attractive to visitors, with the result that they may well resort to camping in areas alongside public roads and at un-managed sites.

If that were to be the case, it would not be in the CNPA interests to effectively damage a quality camping facility that has been created by a young local entrepreneur, especially as this camping issue has been recently broadcast on the national TV news.

I also suggest this issue should be given further thought by the CNPA, for all existing and proposed campsites, throughout the CNP.

I would appreciate it if you would forward my email to your two colleagues who attended the meeting, and thank them for their interest, for I do not have their email addresses.

Once again many thanks for hosting the meeting.

Kelsey

ENCLOSURE: 12(a)

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Sunday, 28th December 2008

Call for St Columba's pilgrim path



Rosanna Cunningham calls to link Iona and St Andrews

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Published Date: 28 December 2008

A campaign for a "Pilgrim Way" following the path of St Columba's monks across Scotland has been launched by a Nationalist MSP.

The route between the island of Iona and St Andrews could attract both religious and walking tourists, according to Perth MSP Rosanna Cunningham.

"St Andrews was a massive medieval pilgrimage centre and everyone in Scotland knows the iconic significance of Iona," Ms Cunningham said on Sunday.

"I think it would be an excellent idea to link the two locations with a new addition to Scotland's public footpaths.

"Going from historically significant islands of Iona and Mull through Highland Stirlingshire and into Perthshire following the routes St Columba's monks would have followed as they fanned out across Scotland through some of our best countryside would be a huge attraction for visitors "

Ms Cunningham is seeking support from the Scottish Government and local councils to get the route ready during the Year of Homecoming in 2009.

"Walking is an increasingly popular holiday pastime and the more opportunities we have to encourage people to come and take their walking holiday in Scotland or to holiday at home the better," Ms Cunningham added.

"The Pilgrim Way offers an excellent opportunity to support business build tourism and promote Scotland's wonderful countryside."

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Pilgrim route offers tourism boost

Home & News
2008/07/29

A leading SNP MP has revealed Scotland could make millions from religious and walking tourists with a new path linking Iona to St Andrews.

Roseanna Cunningham says the route would include wonderful scenery on Iona and Mull and exit through Argyll, Strathgryne, Perthshire and Fife and she is seeking support from the Scottish Government and local councils to get the route ready during for the Year of Homecoming celebrations and give a tourism boost to many small communities.

Roseanna Cunningham has set up a campaign for a 'Pilgrim Way' between Iona and St Andrews.

The Pilgrim Way, which has received the backing of leading Scottish mountaineer and broadcaster Cameron McNeish, would add to Scotland's internationally renowned West Highland and Scottish Highland ways.

Ms Cunningham said:

"Walking is an increasingly popular holiday pastime and the huge opportunities we have to encourage people to visit and take their walking holiday in Scotland or to holiday at home the better.

"The Pilgrim Way would offer all walkers a fantastic route across Scotland. The campaign is gathering momentum, and I am delighted that it has received the backing of one of Scotland's leading mountaineers and broadcaster Cameron McNeish.

"St Andrews was a massive medieval pilgrimage centre and everyone in Scotland knows the iconic significance of Iona. Taking it would be an excellent idea to link the two locations with a new walk that to Scotland's public footpaths.

"Going from the historically significant lands of Iona and Mull down through highland Strathgryne and into Perthshire following the routes St Columba's monks would have followed as they landed out across Scotland through some of our best countryside would be a huge attraction for walkers.

"During national events and staying through some of the best of Scotland, a Pilgrim Way would have absolutely everything you could possibly want.

"Having walked the Great Glen way it became clear that small villages and B & Bs benefited by 'kicking' them from being on the route.

"The Pilgrim Way offers an excellent opportunity to support business, build tourism and promote Scotland's wonderful countryside.

"I'm very hopeful that we'll get a properly supported way marked that goes from Iona to St Andrews."

Info

According to research for Visit Scotland walking tourism will account for 22% of UK tourism revenue in Scotland by 2015

3. In 2003 visitors who cited walking as part of their visit accounted for £953 million of revenue.

2. 66% of visitors on walking trips included visiting a list of places of interest.

1. A report for Visit Scotland into the potential of walking holiday in Scotland can be found at: <http://www.visitScotland.co.uk/Success/1079415>

4. Analyse the locations which could be included are Iona - Abbey and St Columba's Monastery, Kilmartin Cathedral in St Andrews.

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BBC NEWS

Call for 'Pilgrim Way' footpath

A campaign to link the island of Iona and St Andrews in Fife via a new public footpath has been launched.

The SNP's Roseanna Cunningham said the so-called Pilgrim Way, following the path of St Columba's monks, would attract religious and walking tourists.

The Perth MSP said it would also offer an opportunity to support business and promote Scotland's countryside.

She is seeking support from ministers and councils to have the route ready during the Year of Homecoming in 2009.

Symbolic centre

Ms Cunningham said: "St Andrews was a massive medieval pilgrimage centre and everyone in Scotland knows the iconic significance of Iona.

"I think it would be an excellent idea to link the two locations with a new addition to Scotland's public footpaths.

"Going from historically significant islands of Iona and Mull through Highland Strathgairn and into Perthshire following the routes St Columba's monks would have followed as they fanned out across Scotland through some of our best countryside would be a huge attraction for visitors."

Ms Cunningham said locations which could be included are Iona, Dunning in Perthshire - where the pictish Dupplin Cross is kept - and St Andrews.

Iona, off the west coast of Scotland, is the symbolic centre of Scottish Christianity.

Its fame began in 563 AD when Columba left Ireland and landed at the south end of the island, along with 12 followers, to establish a monastery.

Marachain monastery became a centre of pilgrimage, although almost nothing remains of the original enclosure.

Story from BBC NEWS:

<http://news.bbc.co.uk/1/hi/scotland/780275.stm>

Published: 2008/12/28 15:18:49 GMT

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MINUTES OF THE GRANTOWN-ON-SPEY WELLS GROUP MEETING HELD
IN THE GALLERY OFFICES ON 31 JULY 2008

Present:

George Dixon (GD)	Historian
Seonaid Green (SG)	Wells (Chair for meeting)
Stuart Pountney (SP)	Episcopal Church Rep
Bill Sadler (BS)	Chair Grantown Society
Don Scobie (DS)	Wells
Kelsey Tainsh (KT)	Wells

In Attendance

Quentin McLaren (QM)	CNPA (External Funding Officer)
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Apologies:

Keith Dickinson	Wells
Molly Duckett (MD)	Heritage Centre
Cathy Shankland	Council Area Cultural Officer, Inverness, Nairn, Badenoch & Strathspey

Meeting Opening Introduction

SG volunteered to Chair the meeting and the Wells Group agreed the Agenda Items as follows:

- (1) To hear about the wells that have been identified - KT & GD.
- (2) To try and determine what would be feasible in relation to the number of wells that can realistically be restored.
- (3) To hear a little about the support that is available to assist with the project - QM.
- (4) To hear about potential funding - QM.
- (5) To determine if there is sufficient interest to take the project forward and ascertain if there is wider support.
- (6) To select a chair/leader for the Wells Group.
- (7) Agree a 'plan of action'.

1. Update on Wells

KT issued wells information sheets and maps, and updated those present of his general findings to date.

KT advised that he had been in contact with Kirsty Cameron [REDACTED] of The Highland Council Archaeological Unit, who advised that the Archaeological Unit was keen to preserve the Mineral Well, and offered to document any other relevant wells information & locations we might obtain etc, and offered help where appropriate to provide information on other wells as required. Kirsty also advised we contact Strathpeffer, reference mineral wells water and water pumps etc.

KT advised that:

The names of wells invariably carry the prefix *fuaran* (natural spring well) or *tobar* (man made well).

The best way ahead at this point in time was to focus on the Mineral Well.

He had been advised by A W Laing's Ltd that the cost of boring a hole to the aquifer, or clearing out the existing pipe at the Mineral Well, would be in the region of £10K.

Basil Dunlop had taken photos of the well and was interested in its regeneration.

The mineral well area could be a starting and wells focal point, and along with the Wester Dreggie well, and St Columba's well, were all ideal areas to incorporate granite stonework and old dry stone dyke wall features in: picnic areas, view points, information kiosks.

Ideal to link up with the Wester Dreggie well, with its fantastic view over the Cairngorms and Strathspey & old building/well foundations & garden (*with what I believe to be are ancient fruit trees*) and that some of the buildings foundations could possibly be regenerated, into tourist attractions (picnic areas etc). However, this site, and possible other nearby foundations, needs further investigation.

Dreggie well is also on route to St Columba's well in Glen Beg, where the exact source of the St Columba's spring well water still needed to be located.

KT understood that there is an old dry stone dyke wall manual in existence (but out of print), which had all of the various features in it for rabbit access, deer, sheep, seats etc, that could be incorporated as cultural heritage tourist attractions, possibly incorporating granite engravings of ancient Celts and Pictish type swirled script and symbol stones etc, into the wells, picnic and barbecue areas stonework.

KT understood that in the past (I think at Aviemore), 3 stone dykers had previously been sponsored by one of the job generation schemes for 3 years, and that a similar scheme, if it could be financed, would be ideal for the Wells project.

Possibly include the spring well behind Jax Charles Health Centre, which is still bubbling away with clear water & the fishing pond, which is close by.

There was a well in the far end wall of the Castle Grant Walled Garden, and another near the centre of the garden.

It was sensible to link up wells walks, with the local walks group, to include other points of historical and cultural heritage interest, such as lime kilns, water sluices, and ecclesiastical points of interest like the 66 feet carved Long Cross of Ballintomb, standing stones and earth burial mound.

Keen interest had also been expressed by the Rev Helen Cook & Rev Morris Smith, in pilgrimage wells walks, and that they had some aspirations to link up walks, especially those with Saints, religious and ecclesiastical church connections.

GD had commented that the well near the Episcopal Church (drinking point), formerly known as Allan's well, was a key well in the history of West End houses of Grantown-on-Spey.

[Note: there is a lovely and very nostalgic article in The Grantown Supplement dated 13th May 1893 titled The Well at the West End which GD gave to KT which highlights that: Of an evening some 50 to 60 young men and maidens, with barrows and pails, would assemble at the Well; each waiting their turn. These were the days of real downright innocent sweetheating when each Jockie and his Jenny was never ashamed to trouble for his Jenny the barrow with its water laden, and to stand the fire of good natured gibes of his companions without thought of resenting it, save perhaps in similar fashion.]

GD also confirmed that there was a St Columba's well and a commemoration plaque in the old burial ground in Kingussie.

To locate the spring well water source at Glen Beg St Columba's well; possibly required the use of a dowser's stick, aerial photos (seek guidance from Highland Council Archaeological Unit), old maps, senior citizens.

St Moluag's spring well located near the old bridge base (not the Iron Bridge) at Cromdale, on the opposite river bank to the church, may have been landscaped over, and required further investigation.

For the first time KT and GD could remember since 1976, and possibly due to recent landscaping and a new drain ditch/pipe, St Figgats spring well had dried out this summer.

The Wells Group still has to visit Foals well.

The lower Glen Beg Munroe's spring well was still producing clear water.

GD advised that; he had reason to suspect from his research and from reading: The Grantown Supplement dated 20th August 1892; that the apocryphal (of doubtful authenticity / invented) Saints Well, plus further comment in; The Grantown Supplement May 6th 1893 that; the Mineral Well (chalybeate - of mineral water or spring impregnate with iron salts), may also have been called St Caroliae's well. Further research was required.

KT outlined that GD had written some 200 articles that could be put into book format.

SG indicated that it should be possible to source funds for GD to carry out historical Grantown-on-Spey work and agreed with QM that this should be a separate project.

KT proposed that finance should also be sought to assist GD to archive his papers, download his brain, and write a book, possibly with the assistance of the Highlands & Islands University and more importantly the CNPA.

DS mentioned the high water table on the mossie near Ian Charles hospital, would have to be taken into consideration when regenerating the mossie wells.

BS said that he was involved with the Heritage Centre in trying to identify historical walks, and to produce leaflets, which should be coordinated with the proposed wells project.

KT outlined that whilst the group could formulate a wells business plan. Provisional plans for the proposed Muir Homes development included roads and paths in the vicinity of the mineral well, and that as the Scatfield Estate were in negotiations to sell the mossie to Muir Homes, this situation may result in the Scatfield Estate declining to provide authorisation for the regeneration of the mineral well.

KT also outlined that it would possibly be difficult to have a landscape architect and builder draw up plans for the mineral wells regeneration, until such time as the proposed Muir Homes project had been subject to CNPA planning, for if approved it could involve a 2 story block of flats within meters of the mineral well, together with a bridge, road and paths etc.

KT highlighted that the Wells Group, and its senior citizen members (*who had the administrative skills but declining muscle power*) did not have the engineering expertise to do much of the specialist regeneration and associated spring source water/aquifer and landscaping, plus engineering and building work required to regenerate the mineral well and its surrounding area.

Furthermore, it was important that the wells regeneration would last as a tourist attraction for the next 30 and hopefully 50 years (which means it would also need to be vandal proof - made of granite stone), and that a quality final wells product, suitable to meet the requirements of tomorrow's tourist industry, for the mineral well alone, was provisionally estimated to be in the ball park region of £60K to £70K.

KT advised that there were also some issues of Environmental Health & Safety (*The Natural Mineral Water Spring Water and Bottled Drinking Water (Scotland) Regulations 2006*) that would have to be evaluated and taken into consideration.

2. CNPA External Funding Officer Meeting Input

QM advised the meeting that:

He considered that the Seafield Estate as the land owner, would grant sympathetic permission, for the restoration of the mineral well. SG made comment that MD had also indicated that she thought that there should be no problem getting permission from the Estate for access to the wells.

It was important to link up with other walk groups etc.

It would be ideal if the wells and other places etc had wider historical and living heritage interest.

That the CNPA would be recruiting a Community Heritage officer in April 2009, and that when settled in post, it was in the interests of the Wells Group to make contact, when the post was filled.

The wells was a good story and a worthy project, which whilst it needed to be linked to other projects and tourist information leaflets etc, was potentially such a big project, we should focus on the wells.

3. Potential Support

SG advised that her main reason for wanting to see the Project progressing was that she had hoped that the Wells Group would meet the first deadline for the Highland 2007 Legacy Funding but this would not now be possible although they would have plenty time to meet the second deadline in February.

QM advised that there would be no problem with funding for the project and that the money to regenerate the wells would be made available and authorised. He said that the Group should also produce a business plan.

SG informed the meeting that she had contacted Helen Bradley, Adopt a Monument Officer, Archeology Scotland. Helen indicated that she would be happy to advise on the Project but, because of other commitments would not be available to assist until end of August when she would be happy to arrange a visit to the Logie Coldstone Wells Project.

SG also advised the meeting that Molly Duckett had indicated that the Museum would be happy to be the 'organising group' for the Project so that there would be no need to constitute another group to apply for necessary funding.

4. Decisions

As the Wells Group did not possess the necessary specialist skills base required to realise the regeneration of the mineral well (and other wells). As a matter of urgency KT would approach A W Laings Ltd and if required other local builders, to gain an idea of costings for the regeneration of the mineral well first, and then look at the finance for the Wester Dreggie and St Columba's wells, and then the other wells in order of priority.

As the Wells Group considered it was important to gain Community Council (CC) endorsement for the Wells project, KT would liaise with the CC Chairman, and subject to diary commitments would attend the CC meeting scheduled for Tuesday the 19th Aug 2008.

KT to carry out further research and envisioning, as how best for the Wells Group to realise the aspirations of the wells project.

KT to liaise with BS reference the wells walks and information leaflets.

KT to also give further thought on; a suitable way ahead to seek funding to engage the services of the Grantown-on-Spey Historian Mr George Dixon for the following:

- a. If possible, obtain finance for some of the Wells Group research that GD had already completed.
- b. For further research for the Wells Group project, at the estimated cost of £250 per day.
- c. For the following historical and cultural heritage research and documentation to be appropriately dealt with, outside of the wells project, after having first sought the advice of the CNPA External Funding Officer for:
 - (1) The 200 articles and other relevant papers to be updated edited and possibly published.
 - (2) To put into print and electronic format, document and archive his vast historic knowledge of Grantown-on-Spey.
 - (3) For a historical and cultural heritage book of Grantown-on-Spey.
 - (4) Any other appropriate action to be taken, to secure for the future, the vast Grantown-on-Spey knowledge and documentation, that Mr George Dixon has gained over his lifetime.

5. Appointment of Chair

KT volunteered to act as Temp Chair for present.

Distribution:

George Dixon	Historian
Seonaid Green	Wells Committee (Chair for meeting)
Quentin McLaren	CNPA
Stuart Portney	Episcopal Church Rep
Bill Sadler	Chair, Grantown Society
Don Scobie	Wells Committee
Kelsey Tainsh (KT)	Wells Committee
Keith Dickinson	Wells Committee
Molly Duckett	Heritage Centre
Cathy Shankland	The Highland Council

Information

Jim Beveridge Chairman Grantown-on-Spey and Vicinity Community Council
Rev Helen Cook
Rev Morris Smith

*Grantown-on-Spey Wells Group
c/o Gallery offices, Speyfield Avenue, Grantown-on-Spey, PH26 2JF*

5th August 2003

Grantown-on-Spey National Park Authority - Grantown-on-Spey National Park Authority Planning Application No. 06/820/CP CONSULTATION 15 JAN 2009

Kelsey Tait

Monzievaire, 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
 Ballater, Aberdeenshire, AB35 5QB.

**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 Dumbartonshire.

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 Hames 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 plans.

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/IB/T/O1080920 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 Iain 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 3.6.1 - in the long term

Para 3.7 - 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 *[for 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.

~~CONFIDENTIAL~~

06/320/CP

Categories National
Park Authority
2009

AaB

RESPONDENT INFORMATION FORM

Please Note That This Form Must Be Returned With Your Response To Ensure That We Receive Your Response Appropriately

A B C D

(Please complete in BLACK Ink and in BLOCK CAPITALS, one per page)

1. Name/Organisation
ADDITIONAL COMMENT - YOUR REF: B2608742

Title Mr Ms Mrs Miss Dr

Surname

TAINSH

Forename

KELSEY

Categories National Park Authority
Consultation No. 06/320/CP
REF: B2608742
ACKNOWLEDGED 11/2/09

2. Postal Address

MUNZIEVALE
12B WOODSIDE AVENUE
GRANTOWN-ON-SPY
PH26 3JR

3. Permissions

I am responding as ...

Individual

Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government Library and/or on the Scottish Government web site)?
Please tick as appropriate: Yes No

(c) The name and address of your organisation will be made available to the public (in the Scottish Government Library and/or on the Scottish Government web site).
Are you content for your response to be made available?
Please tick as appropriate: Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis. Please tick ONE of the following boxes:
Yes, make my response, name and address all available
Yes, make my response available, but not my name and address
Yes, make my response and name available, but not my address

(d) We will share your response informally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
Please tick as appropriate: Yes No

CONFIDENTIAL

Cairngorms National
Park Authority

2009

RECEIVED

Kelsey Taitish MBE

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

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
Ballater, Aberdeenshire, AB35 5QB.

Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 11/2/09

RESPONDENT INFORMATION FORM – ADDITIONAL COMMENT

References:

- A. My: Respondent Information Form & CNPA The Proposed Muir Homes Development on the Mossie at Grantown-on-Spey dated 1st January 2009.
- B. Your: letter Reference: B2608742.

As a result of my having been involved in a lively discussion on local democracy issues within the CNP, I would appreciate it if you would accept the following additional comment as an amendment inclusion to Reference A.

Due to local and growing national concerns for democracy, I raised in Reference A (at Annex A) the question that the National Parks Strategic Review Report 2008, had made comment that key issues of local democracy within the CNP, are to be dealt with; 'in the long term' and 'in the future'.


As you will see from the 'The Royal Residences Balmoral Castle' document (Please see Enclosure 1), Balmoral Castle on the Balmoral Estate in Aberdeenshire, is the private residence of The Queen.

I therefore suggest that if the CNPA is to earn the full confidence of the local communities living in the CNP, and be considered a suitable and democratic vehicle to deal with important issues such as democracy, then the subject of local democracy within the CNP needs to be given further serious consideration, by the National Parks Strategic Review Team. Furthermore, this should be given immediate priority.

I also consider that it would be in the interests of Scotland (and Scottish Government), to ensure that any discussion on key issues of local democracy adequately caters for all CNP (and trans-boundary) residents, not least our Sovereign and Balmoral Estate employees.

Finally, and at a time when our Armed Forces continue to make the ultimate sacrifice in the fight for democratic freedom in Iraq and Afghanistan, I suggest that this issue may well have important constitutional and legal implications, and that it would be in the interests of all concerned if the National Parks Strategic Review Team and the CNPA were to seek constitutional and legal advice on this matter.

Yours most sincerely

- 
1. The Royal Residences - Balmoral Castle - About the Royal Residences.



BALMORAL CASTLE

History | Info | Photo



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Balmoral Castle on the Balmoral Estate in Aberdeenshire, Scotland is the private residence of The Queen. Beloved by Queen Victoria and Prince Albert, Balmoral Castle has remained a favourite residence for The Queen and her family during the summer holiday period in August and September. The Castle is located on the large Balmoral Estate, a working estate which aims to protect the environment while contributing to the local economy.

The Estate grounds, gardens and the Castle Ballroom are open to visitors from the beginning of April to the end of July each year, under the management of the Balmoral Estate Office.

OVERVIEW

About the Royal Residences

Buckingham Palace

The Queen's Gallery, London

The Royal Mews

Windsor Castle

Frogmore

The Palace of Holyroodhouse

The Queen's Gallery, Edinburgh

Balmoral Castle

St James's Palace

Clarence House

St James's Palace

The Chapel Royal

Windsor Palace

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Visitor Information

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Queen Victoria
1819-1901

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Balmoral Castle

The Royal Collection

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