
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE BOARD MEETING held at the Village Hall, Laggan on Friday 7 November 2003 at 1.30pm

PRESENT

Peter Argyle	Alastair MacLennan
Eric Baird	William McKenna
Stuart Black	Andrew Rafferty
Duncan Bryden	Gregor Rimell
Sally Dowden	David Selfridge
Basil Dunlop	Robert Severn
Douglas Glass	Sheena Slimon
Lucy Grant	Richard Stroud
David Green	Andrew Thin
Bruce Luffman	Susan Walker
Eleanor Mackintosh	Bob Wilson
Anne MacLean	

In Attendance:

Jane Hope, Interim Chief Executive
Nick Halfhide, Head of Strategic Policy
Andy Rinning, Head of Corporate Services
Fiona Newcombe, Head of Natural Resources
Kristin Scott, Senior Access Officer

Apologies:

Joyce Simpson
Angus Gordon

Welcome and Introduction

1. Andrew Thin welcomed the public to the meeting, and thanked all those who had come to the open event the previous evening to talk to the Board.

Minutes of Last Meeting – approval

2. The minutes of the previous meeting (10 October) were approved with no changes.

Matters Arising

3. None.

Members' Code of Conduct (Paper 1)

4. Jane Hope introduced the paper which followed up the Board's agreement at the previous meeting to a draft Code of Conduct. That draft Code was agreed subject to the addition of a section that addressed the issues arising from Members' dealing with planning and development control matters; it was agreed that this should be modelled closely on the equivalent section 7 in the Councillors' Code of Conduct. Paper 1 offered such a section for approval, to be added to the draft Model Code.

5. In discussion the following points were made:

- a) A "not" needed to be added after the second word of paragraph 7.8 (to read "you should not organise...");
- b) There was some discussion about the implications in practice of paragraph 7.3. It was considered right that Members should be open to all views and be prepared to listen, but they needed to be careful not to be in a position of being accused of being unduly or improperly influenced. It was agreed that a further sentence should be added to the end of paragraph 7.3 to the effect that: "Wherever practicable when meeting with parties with an interest in a planning application you should be accompanied by a CNPA official."
- c) There was some discussion about the interpretation of paragraph 7.4. It was felt that this did not imply that property ownership by a Member automatically excluded them from the planning committee – the crucial element of the paragraph was that an interest was so extensive that it would lead to frequent conflicts of interest.

6. **The paper was agreed subject to the amendments at (a) and (b) above.**

7. **Action:**

- a) **Jane Hope to forward the CNPA draft code of conduct, as approved by the CNPA Board, to the Scottish Executive by 1 December 2003.**

Access Legislation: New Burdens under the Land Reform Act and Proposed Extension to Speyside Way Long Distance Route (Paper 2)

8. Kristin Scott introduced the paper which drew the Board's attention to the duties and burdens for the CNPA which would flow from implementation of Part 1 of the Land Reform Legislation (dealing with rights of access) in 2004. It also sought the Board's support for helping to take forward work on the Speyside Way Long Distance Route, for which responsibility would eventually fall to the CNPA when the Access legislation took effect. Development of any proposal to vary a Long Distance Route (e.g. to extend it)

was a matter which currently fell to SNH, given their responsibilities for Long Distance Routes. However, they were currently unable to progress the preparatory work needed to allow a proposal to be put to Scottish Ministers on the route extension. The paper therefore proposed that the CNPA should assist with this preparatory work to facilitate progress with the route extension which had been stalled for some while.

9. In discussion the following points were made on the general implications for the CNPA of the Part I of the Land Reform Legislation:

- a) The CNPA would be able to instigate new path networks once the legislation took effect and the CNPA became the Access Authority in the National Park. The CNPA would then also be liable for the implications of creating those paths, given its duty to maintain a core path network.
- b) The CNPA was under a duty to set up one or more Access Forum(s) for the National Park. Once Scottish Executive guidance was confirmed on the establishment of such forum(s), the CNPA would take the process forward. The guidance was due to be published in draft form for a 12 week consultation expected in January 2004. The CNPA would be able to make comment as consultees. The guidance would finally have to be laid before the Scottish Parliament before being finally approved, and current thinking was that August 2004 was the earliest likely date for the guidance on arrangements for Access Forums being known for certain.
- c) The Access Working group would be the obvious grouping of the Board to look at the details of setting up Access Forum(s) and would be expected to report to the Board from time to time on progress.
- d) The current distinctions between local path networks and long distance routes (LDRs) might need to be examined in the light of the new access legislation. While there was a public and political will to retain LDRs, and these remained very important, it was arguable whether the distinction from local path networks would continue to make sense in the future.
- e) The question was raised as to whether being the Access authority would attract more funding. The Interim Chief Executive recalled that the Scottish Executive had advised at an early briefing session to the Board that the CNPA should bid for this in the usual way through its corporate plan.

10. In discussion the following points were made on the specific issue of the Speyside Way:

- a) An early meeting with Moray Council, the CNPA and SNH would be sensible, and the Access Working group should be kept informed.
- b) The question was raised as to whether extension of the Speyside Way represented good use of resources within the National Park, and what benefits the designation as an LDR would bring. There was no reliable data on user numbers nor user enjoyment of LDRs in Scotland. However a survey in 1994 had indicated that the Speyside Way had an estimated usage of full route and section walkers of about 5,500 per year, and also showed that an estimated £600,000 was spent in the local area by users in a typical year. In order to provide better information of this sort for managing authorities, the LDR National Forum was developing a monitoring methodology common to all routes.

- c) There was a danger of looking at the Speyside Way extension in isolation and not in the context of other alternatives for deploying CNPA funds. On the other hand, it was recognised that there was significant public pressure locally to extend the route, particularly given the delays over recent years. Highland Council had previously expressed a wish to see the route extended, and the principle of extending the route had been confirmed by the Scottish Office in 1997 but had run into difficulties with funding and identifying an agreed route.
- d) The question was asked as to whether the Speyside Way could be extended further to Laggan.
- e) The Badenoch Way already existed, and could be used to provide part of the route extension for the Speyside Way. However, the specification for an LDR was of a higher standard than that for other paths, and the Badenoch Way may therefore not be feasible as a substitute.
- f) This was a very local issue, and had been reported in the local press (The Badenoch and Strathspey Herald), but Members from other areas of the Park had therefore been unaware of the issue. It would be helpful for Members to be kept abreast of local issues across the National Park.
- g) On funding there were possible technical difficulties with SNH providing funding through grant aid if this was interpreted as one Non Departmental Public Body (NDPB) in effect funding another. It was therefore likely that the CNPA would need to bid for money from the Scottish Executive for extending and maintaining the route. The question was raised as to whether this interpretation of SNH's use of funds applied to capital funding as well as revenue funding.
- h) Given past commitments, the CNPA was obliged to assist in taking the preparatory work forward that would speed up the process of developing a firm proposal. The question of funding that proposal still needed to be addressed.

11. The paper was agreed subject to the actions set out below.

12. Action:

- a) **Kristin Scott to take forward the arrangements as set out in the paper for engaging someone under contract to develop a proposal for the Speyside Way extension;**
- b) **Kristin Scott to clarify whether or not SNH would be able to provide capital funding for the extension of the Speyside Way.**

Staffing and Recruitment Committee – oral update (Andrew Thin)

- 13. Andrew Thin reported that the Staffing and Recruitment Committee had met several times to progress senior recruitment. The meetings had been in private because of the confidential and personal nature of the issues. Recruitment to the senior management team posts (as set out in paper 3 to the Board Meeting on 27 June) had progressed in two phases. Internal candidates had been invited to apply, and two had been considered by the interview panel to be sufficiently good to appoint without external competition (Nick Halfhide had been appointed to the Head of Strategic Policy Post, and Fiona Newcombe to the Head of Natural Resources post). The post of Head of Corporate Services would continue to be occupied by the current secondee for the immediate future in the interests of continuity. The remaining 4 posts had now been advertised externally, and with the

assistance of a recruitment consultant, the Committee were progressing the interview and final selection process. Once this process was complete, the Chief Executive posts would be advertised externally, probably early in the new year.

14. The internal candidates who were unsuccessful in their applications had been given feedback by the Interim Chief Executive and by the Chair of the interview panel (Andrew Thin). They remained in their current posts.
15. In response to a question about the use of a recruitment consultant, the Convener explained that there were insufficient resources in-house to deal with a large recruitment exercise, and it was also very helpful to have the objectivity which an external specialist brought to the process.
16. Andrew Thin raised the matter of membership. The Committee had agreed that it would be helpful have an additional member, and that Bruce Luffman would bring useful experience to the Committee. Committee membership was a matter for the whole Board to decide, but there had not been time since the last meeting of the Committee to bring a paper to that Board meeting. The Convener was therefore raising the issue with Members to see if they wished to have such a paper at the next Board meeting, or whether they were content to agree to the proposal then and there. Members agreed to the proposal without the need for a future board paper.
- 17. It was agreed that Bruce Luffman should be added to the Staffing and Recruitment Committee.**

AOCB

Campsite at Glenmore

18. Andrew Thin drew Members' attention to the temporary closure of the campsite at Glenmore, which had been reported recently in the local press. A subsidiary of the Forestry Commission Scotland (Forest Holidays) were proposing to close the campsite from January to May for refurbishment. There were concerns locally about the losses to business at potentially busy times of the year such as Easter.
19. There has been no prior consultation, and there was a role in this situation for the CNPA to try and bring parties together to find a better way of handling the consequences of the refurbishment, which was clearly a useful improvement to the site. There was no suggestion that it should not go ahead; it was more a case that some way should be found of managing the process to minimise the disruption to visitors and impact on local businesses. It was noted that a planning application had not yet been lodged for the works.
20. Andrew Thin reported that the CNPA had approached the Forestry Commission Scotland about setting up discussions with interested parties to look at possible options.

Working Groups

21. Andrew Thin reported that the first tranche of working group meetings had been set up on the basis of experimental arrangements that tried to make best use of Members' travelling

time. Finding suitable meeting slots for a large number of different groups had been difficult, with the result that some of the timings had not been ideal. Members were asked to give feedback to Jane Hope or Nick Halfhide so that a pattern of meeting slots could be settled that suited everyone.

Meeting Dates for 2004

22. Andrew Thin explained that a draft list of meeting dates circulated previously had needed to be amended to take account of the requirements for planning committee meetings. The usual fortnightly cycle would have meant a planning meeting on 2 January – this had been moved to Monday 5 January (10.30am, Ballater). The cycle would then resume with meetings fortnightly on 16 January, 30 January, etc. The first Board Meeting would be on 16 January. The correct list of meeting dates for 2004 would be put to the Board for formal approval at its next meeting on 5 December.

Information about Local Press Coverage

23. A number of important issues had come up at the day's Board meeting which had been reported in the local press. Members from other areas of the Park had therefore been unaware of the issues. It would be helpful for Members to be kept abreast of local issues across the National Park.

24. Action:

- a) **Jane Hope to look into ways of providing all Members with information about local press reporting of relevant issues.**

Date of Next Meeting

25. 5th December 2003 in Nethy Bridge Community Centre, Nethy Bridge