

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

### MINUTES OF THE BOARD MEETING held at The Village Hall, Braemar on Friday 10<sup>th</sup> July 2009 at 11.30am

#### PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Geva Blackett	Ian MacKintosh
Duncan Bryden	Anne MacLean
Dave Fallows	Alastair MacLennan
Lucy Grant	Mary McCafferty
David Green (Convener)	Fiona Murdoch
Drew Hendry	Andrew Rafferty
Marcus Humphrey	Richard Stroud
Bob Kinnaird	Susan Walker

#### In Attendance:

Pete Crane	Alison Lax
Murray Ferguson	Fiona Munro
Elsbeth Grant	Claire Ross
Andrew Harper	Hamish Trench
Jane Hope	

#### Apologies:

Peter Argyle  
Jaci Douglas  
Gregor Rimell

## **Election of Convener (Paper 1)**

1. Jane Hope took the Chair for this item of business given the unavailability of the Proper Officer. David Green was proposed by Anne MacLean and seconded by Marcus Humphrey. There were no other nominations for the post of Convener and hence David Green was duly declared elected as Convener of the CNPA for the following three years. [from 8 September 2009 until 7 September 2012]
2. David Green thanked Members of the Board for their vote of confidence in him and acknowledged the privilege of being elected Convener for the UK's "biggest and most beautiful" National Park. He saw his job over the next three years as being one of leading, maintaining the visibility of the Park and the Park Authority, generating enthusiasm amongst partners, stimulating creativity, and generally being an ambassador for the Cairngorms National Park. This was a job he could not do alone, and he acknowledged the continuing need for the support of Board and staff as in the previous three years.

## **Welcome and Introduction**

3. David Green welcomed everyone to the meeting in Braemar, noting the excellent discussion session the previous evening on the banks of the River Dee hosted by Invercauld Estate, and providing an opportunity for all those parties with an interest in the Dee Catchment Management to meet and exchange views. The economic importance of the river, particularly in respect of angling had been a topic of discussion, as well as the impacts of climate change on the river and the potential consequences for the local economy. Simon Blackett and his staff were thanked for hosting the event.

## **Minutes of Last Meeting – Approval**

4. The minutes of the meeting held on the 15<sup>th</sup> May 2009 were approved with some minor changes.

## **Minutes of Last Meeting - Matters Arising**

5. Hamish Trench reported briefly on how the discussion on SRDP at the previous meeting was being taken forward. Following the strong steer from the Board's previous meeting to continue to develop a proactive approach by the CNPA, Hamish reported that work was in hand to refine and develop the role of the two Land Management Support Officers currently employed by the CNPA. A meeting with RPAC representatives following the board meeting has identified improved arrangements to ensure the CNPA can add value where appropriate to proposals. The two LMSO posts will shift their focus to provide more in-depth assistance to a smaller number of proposals where significant potential to deliver public benefits against National Park priorities is identified. A report summarising the changes would be brought to the Board in the near future.
6. Following the Board's consideration at the previous meeting of progress with delivering the National Park Plan, David Green reported back on the meeting of the National Park Plan Strategy Group held on the 3<sup>rd</sup> July. This meeting of senior representatives from partner organisations was held each year to celebrate the achievements delivered through the National Park Plan as well as to review progress and consider changes for

future delivery. The previous Board meeting had noted generally good progress but also noted some concerns with delivery on the outcomes of housing, integrated land management, and tourism. The Strategy Group meeting had been well attended and had received good presentations about Tourism in the National Park from the Cairngorms Business Partnership, about Cairngorms in the Curriculum from Aberdeenshire Council, and about provision of Outdoor Access infrastructure from the Cairngorms Outdoor Access Trust. There was a general appreciation of the large amount of effective partnership working going on, and while the many successes were noted, the many challenges ahead were also noted, not least the anticipated difficulties with funding in the years ahead. There was a general sense that it was appropriate for the CNPA to be leading on projects in the National Park but David Green noted that it was not always recognised that in taking things forward the CNPA needed the support of partners; leading was not the same as delivering in isolation. The meeting had also gathered views from attendees on future challenges; these views would be collated as part of the mid-term health check on progress with delivery of the National Park Plan and would form part of the report back to the Board in October. This would provide the opportunity for a further discussion on whether or not there needed to be any changes to the priorities set out in the National Park Plan. Overall the meeting was felt to have been very positive and very helpful.

### **Declarations of Interests**

7. Marcus Humphrey and Dave Fallows both declared their interest in Paper 6 as directors of COAT; but it was considered not sufficiently direct an interest to require them to leave the Board meeting. Bob Kinnaird declared an indirect interest in Paper 3 as a member of OLSAG (Outdoor Learning Strategic Advisory Group); Eric Baird declared an indirect interest in Paper 6 as an employee of Glen Tanar that could be a beneficiary of funding from the COAT.

### **The CNPA's Strategic Role in Housing Development (Paper 2)**

8. The paper was introduced by Andrew Harper and Fiona Munro who noted that four years had passed since the Board had last agreed the CNPA's strategic role in housing. Since then there had been a number of changes in the external environment, including Government Policy, delivery mechanisms (the wind up of Communities Scotland), and the impact of the economic downturn. Given all these changes it was felt the time was right to review the strategic role of the CNPA in respect of housing. It was noted that the report on the Cairngorms Local Plan was awaited following the recent completion of the Local Inquiry but it was not felt that this directly affected any statement about the CNPA's role and did not need to delay any consideration.
9. The paper considered the five elements of the CNPA's strategic role in housing as originally stated and concluded that these remained largely valid. The main area to draw to the Board's attention concerned the strand of work which had previously been worded as "piloting new approaches" and it was suggested that from now on this would be better defined as implementing the housing element of the Local Plan. In line with national policy the CNPA needed to further build on its enabling role to actively work with developers and others in encouraging and helping to shape appropriate developments that deliver housing policies and allocations in the Local Plan. Work was therefore now starting on drawing up a Local Plan Implementation Plan. The Board's

approval was sought to this restatement of the CNPA's role in housing with the associated minor changes of emphasis. Finally it was noted that the paper also set out at Paragraph 22 the major streams of work currently underway.

10. In discussion, the following points were made:

- a) The paper was commended as a good and clear statement of the CNPA's role.
- b) There were not many proposals for development currently coming forward and this inevitably had impacts on the supply of affordable housing. This was a difficult situation but did not in any way invalidate the CNPA's role. The focus on being proactive in implementing the Local Plan once this was adopted was entirely the right strategy.
- c) It was acknowledged that good design awards could be helpful in encouraging architects and developers to come up with good design in the Cairngorms National Park. Aberdeenshire council already ran a biannual design award scheme and it might be possible to consider incorporating into this an award especially for the Cairngorms National Park.
- d) The role outlined at Paragraph 19 was an important one for the CNPA, clarifying the data that was available and identifying gaps relating to housing in the Park. Future policy making would depend on availability of sound and complete information.
- e) Paragraph 20 also related to the importance of assembling information in the sense that the CNPA could usefully collate information about the practical expertise gathered on effectiveness or otherwise of various energy efficient installations. When the economic upturn came, it would be useful to be able to show how efficient systems could be used and replicated elsewhere (for example the Woodchip Heating System in Aviemore North).
- f) It was suggested that the reference in Paragraph 20 to sustainable design should be to "affordable" sustainable design. The observation was made that the Mile House development had not been as affordable as originally anticipated and it was essential to learn from that. Nevertheless, it remained important not to compromise on quality. Indeed it should be policy and practice to continue to strive for housing that was affordable as well as good quality.
- g) Part of the explanation for the higher than expected cost for the Mile House development (an exemplar development of four houses in Kincaig led by the Small Communities Housing Trust) was that the RHOG Grant depended on square footage and this in turn affected the size of the houses at Mile House. The CNPA might usefully pass this observation on to the Scottish Government.
- h) It was important not just to focus on the difficulties; as set out at Paragraph 22 a considerable amount was being, and had been, achieved. There were opportunities for the CNPA to demonstrate continued leadership in dealing with the difficulties and flagging up the successes.
- i) The Scottish Government publication "Firm Foundations: the Future of Housing in Scotland" had been a useful paper and it was vital that the ideas in that Government publication could be replicated in the Cairngorms National Park. Having said that, the various villages in the National Park were all different and different solutions would be needed in different areas.
- j) The best financial incentive for Local Authorities to help deliver new affordable housing would be the cancellation of long-term debt on council houses. While this was not within the gift of the CNPA, the point should not be lost that this could make a huge difference to the investment by Councils in housing in their

areas. It was also crucial to look at new ways of developing the finance necessary to pilot good ideas which showed what could be done. It was important that the CNPA should be as proactive as possible and in some cases this might mean the CNPA raising the money itself.

- k) It was noted that the assessment of how the CNP's share of social housing compared with that across the rest of Scotland was done through the Housing Need Demand Assessment. This was done in conjunction with the relevant local authorities. In this respect it was noted that a considerable amount of money had been committed over the last three years in Badenoch and Strathspey; this combined with the increasing strain on public sector financing and the fact that Badenoch and Strathspey had slipped down the list of Pressured Areas meant that it was now likely to get less priority for limited amounts of money compared with other parts of Scotland.
- l) There might be scope to work with the Preservation Trusts in order to retain buildings of cultural interest through conversion for affordable housing. It was noted that the relevant contacts were already in place but relatively few suitable projects were coming forward.

**11. The Board approved the recommendations in the paper, noting the key changes in context with regards housing development, and approving the revised focus for the CNPA's strategic role in housing development with the following being the activity areas where the CNPA had a key role to play:**

- a) **Co-ordinating partner activity and sharing best practice;**
- b) **Setting the strategic framework for housing via the Park Plan and the Local Plan and new Local Development Plan ;**
- c) **Building the evidence base;**
- d) **Implementing the housing element of the Local Plan; and**
- e) **Development Management.**

### **Delivering the Curriculum for Excellence through the Cairngorms National Park (Paper 3)**

12. Claire Ross and Pete Crane introduced the paper which proposed a partnership approach to promoting the Cairngorms National Park as a learning opportunity for schools throughout Scotland in delivering the Curriculum for Excellence (CFE). In October in the previous year Learning and Teaching Scotland had made a presentation to the CNPA Board about the new Curriculum for Excellence in Scotland. This represented a major change in the Scottish education system, and would require young people to develop a wider range of competencies and skills as part of their education. Two parallel pieces of work had been commissioned by the CNPA leading to recommendations for how the Cairngorms National Park might best be used and promoted as a mechanism for delivering the Curriculum for Excellence. There were two strands to the recommendations: on the one hand, overcoming the barriers to engagement, and secondly using the National Park to deliver outdoor elements of the Curriculum for Excellence.

13. The paper went on to outline three options for taking this work forward. Option one: the status quo, was presented for the sake of completeness but given that it represented no change to current arrangements, could not really be considered an effective option if the board agreed that the recommendations from the research studies should be taken

forward in some way. Option two would involve the focus of the CNPA work on schools being the promotion solely of the outdoor learning agenda as well as developing a pilot outreach project that would engage with schools that cover catchment areas with higher levels of deprivation. Work would focus on addressing with our partners the barriers identified in recent research that prevents schools from engaging with the outdoors (e.g. risk assessment, teacher confidence, funding, accommodation, transport etc). Option three was essentially option two but with the additional flexibility to work with other specific projects that directly helped to develop the National Park Plan. It would develop a focussed set of educational projects that helped to promote outdoor learning; and were also areas of interest identified by the education authorities themselves; and delivered actions within the Park Plan where schools were clearly identified as a partner.

14. Both options two and three would require additional resources to make an impact at both a local and a national level, and to do this it was proposed to create a post with Learning and Teaching Scotland, Loch Lomond and the Trossachs National Park Authority, and all the educational authorities in both parks, which would help to embed national parks as a way of delivering the Curriculum for Excellence. The financial contribution from the CNPA would be between £10,000-£15,000 over two years, with the remainder of the funding from partners. It was also proposed to build on the role of the John Muir Award Manager to create a Cairngorms Learning Network and expand an outreach programme based on the success of the John Muir Award. For option three, expenditure on projects in the Cairngorms National Park would be covered by funding already identified in the operational plan for working with young people.
15. The proposals at options two and three involved a range of partners; crucially, the partners themselves were committed to taking the work forward but also saw a key role for both national park authorities. Because of that commitment from partners, the funding leverage being obtained through the CNPA's efforts and contribution was approximately a factor of ten.
16. In discussion the following points were made:
  - a) The paper and the work that it represented was commended as an excellent example of good joined up working – the very essence of what the CNPA was set up to do. It was a good example of high levels of leverage, the CNPA acting as a catalyst to bring many partners together on an issue of mutual interest, and a good example of making the most of Scotland's National Parks unique selling point, namely their outdoor environment.
  - b) The point was made that land managers had an important role to play albeit not mentioned by name in the paper. It was noted that the new curriculum for excellence was very broad and in taking this forward those concerned would have to look beyond the usual boundaries and be less insular. A forum was being set up to bring together a very wide range of perspectives; there was also a recommendation to set up a learning network within each of the National Parks to take the work forward and to ensure that the very wide range of perspectives were brought to this important work.
  - c) This work may well provide an opportunity for introducing young people to issues surrounding land management and introduce them to rural skills.
  - d) One of the biggest barriers to outdoor learning was transport and its associated costs. This was recognised and would be one of the issues to be addressed in

taking the work forward, but it was also noted that a number of activities could be undertaken within walking distance of school. There was a lot of potential for outdoor learning right on the doorstep of schools in the national parks. Where transport was needed, there were possibilities from streamlining what was already in existence and avoiding some of the duplication between local authorities. It was noted that schools were suffering from the lack of a transport grant which SNH had previously provided. It might be an opportunity to discuss this further with local authorities.

- e) The proposed post funded by all partners and hosted by Learning and Teaching Scotland would essentially be an outreach and coordinating role operating at two levels: working with local authorities to take forward action plans in the national park, and also making contact with Scottish Government and related bodies to consider addressing the barriers to outdoor education.
- f) The paper was welcomed; this was an opportune time to bring people together on the back of the changes in the curriculum for excellence. It was clear from the conference held the previous year that teachers were grappling with issues arising from the demands of the new curriculum for excellence, and this initiative in the Cairngorms would clearly help teachers to deal with these. Consequently option three was to be preferred; it was helping schools develop the necessary skills: and there was considerable enthusiasm within the educational sector for this.
- g) It was an excellent development to capitalise on and retain the expertise already developed through the John Muir Award.
- h) Under the description of option three on page 8, a disadvantage was listed as being the keeping of a large number of partners on board in a coordinated fashion. The point was made that it was not a disadvantage, indeed it was an intrinsic part of the project and the job of the CNPA; it might be a challenge but it wasn't of itself a disadvantage.
- i) Teachers would still have the challenge of finding enough time to take forward the new approach, and it was therefore important to package information and resources to make it as easy as possible for teachers,
- j) One of the advantages of using the Cairngorms National Park as a focus for activity would be the opportunity to give school children an opportunity to appreciate that the Park went beyond their own local area, and to understand some of the issues in other parts of the Park.
- k) There may well be opportunities for the business sector as part of these projects and it would be important not to exclude them.

17. The Convenor summed up noting the widespread approval for option three in the paper, noting that getting National Parks on the national curriculum was a major achievement and a major step forward in getting wider recognition and appreciation of Scotland's National Parks. The project itself represented the very epitome of this "enabler" role which the Cairngorms National Park Authority had always espoused. All staff were congratulated on a good paper and very good project

18. **The Board agreed the recommendation of the paper as follows:**

- a) **agreed that the CNPA had a lead role to work with partners to help overcome barriers and promote more outdoor learning in National Parks that links directly to the curriculum for excellence and other national policy;**

- b) agreed that the CNPA should work with partners to develop a coordinated approach to education with a main emphasis on outdoor learning but with the flexibility to work with other specific projects that directly deliver the National Park Plan;
- c) endorsed option three as the most effective framework for the delivery of the recommendations taking in to consideration the financial implications from a CNPA and partner perspective.

#### **The Extension and Future Management of the Speyside Way (Paper 4)**

19. Murray Ferguson introduced the paper which comprised two parts. The first part concerned the extension of the Speyside Way from Aviemore to Newtonmore and set out a project brief for implementing this route extension. The second part of the paper concerned the existing route and updated members on progress with a review of the management of the existing route.
20. The Convener reminded Members that the CNPA and SNH had run three public consultation exercises before SNH advised Ministers about the extension of the long distance route. The Minister had now taken a decision about the extension of the route and had charged CNPA with its implementation. He noted that the Minister's decision was entirely consistent with the CNPA's previous advice. For the sake of completeness, the Convener explained to the Board that the representative of one land manager had significant remaining concerns about the route chosen by Ministers and was continuing to promote an alternative route, some of which was on land that was owned by other parties. The individual concerned had made contact with their MSP and this had resulted in considerable correspondence. The alternative route being proposed had been considered by the SNH Board before advising Ministers but the route had many technical challenges, was likely to result in significant additional cost and would have had many other difficulties. It had therefore been rejected by SNH. The Minister had now made her decision and it was the CNPA's job to get on with implementing that decision. The paper set out the proposed management arrangements to take that decision forwards.
21. The paper asked at Paragraph 5 for suggestions for a nominee to sit on the Project Board for taking this project forwards. The proposal was to seek a nominee to represent users; the suggestion was not specifically looking for a Board Member. The suggestion was made that officials worked with the Cairngorms Local Outdoor Access Forum to find a nominee from among their existing Community Representatives, several of whom lived in the area.
22. The second part of the paper concerning the existing route was updating Members on the ongoing review being led by Moray Council. It was proposed to bring a paper back to the Board in the autumn for decision on future management arrangements. The likely options were set out at Paragraph 9; the Board was not asked to make a decision at this stage.
23. In discussion the following points were made:
- a) After some discussion it was clarified that the nominee being sought to sit on the Project Board in the capacity of users was intended to be drawn from Community Representatives on the CLOAF on the basis of someone who was local with knowledge of the area and an appreciation of the perspective of users



- of the route. It was noted that it was perfectly possible for a nominee to have “two hats”, representing the interests of communities as well as users.
- b) The point was made that planning permission for the Dalraddy Holiday Park extension for up to 191 chalets was granted some years ago subject to the implementation of a visitor management plan and this been approved through a public enquiry. This judgement had been taken into account in the Minister’s decision; SNH had been well aware of the judgement and hence Ministers had been well aware when deciding on the route. Importantly, the recent decision by the Sherriff Principle on the AHR fence did not set any legal precedent that was relevant to the point being made in relation to the route of the Speyside Way. The decision by the Sherriff Principle on the issue of the AHR fence was based on a technicality, namely the validity of the order and the way this had been framed. It was therefore not a judgement on the issue of retrospectivity and did not set any legal precedent in this respect.
  - c) The paper implied a pivotal role for the COAT in the development and construction of the route extension. This was a working assumption and it was acknowledged that it remained to be negotiated with the COAT and be factored into their business plan. The rules on public procurement would of course be respected; the inference was that the COAT would assemble a funding package and then administer the necessary tendering processes and the organisation of the work.
  - d) It was clarified that the table in Annex I setting out the key roles and responsibilities for delivering the project, the project sponsor (CNPA Board) was not expected to be a member of the steering group. The role of the CNPA Board was to provide oversight.
  - e) It was also noted in respect of the same table that some of the language used to describe responsibilities had been lifted from standard project methodology and was not as clear as it could be. Specifically, in respect of the description of the responsibilities of the user, it was noted that that member of the Steering Group was there to feed in a perspective of users of the route. There would, nevertheless, still be considerable liaison with other relevant groups as the project was taken forward.
  - f) The Minister’s agreement to the route had been an agreement in principle. This was taken to mean agreement subject to completing work on path orders as required, planning issues, and a satisfactory funding package. The line of the route had been agreed and the CNPA did not expect any significant deviation from this. If significant changes cropped up in the process of implementing the extension, this proposal would need to go back to the Minister for approval.
  - g) It was noted that the CNPA had done its own review of the management of the Speyside Way and that a best value evaluation on behalf of the Speyside Way Management Group was now underway. Without pre-empting the conclusions of that review, and the considerations of the Speyside Way Management Group, the question was asked why the CNPA were funding 100% of the cost of the route within the National Park (as set out at Paragraph 6) when the obligation appeared to be on the Planning Authority as set out at Paragraph 9 (c). The reason was historic in that it was taken by the CNPA in 2005 when looking for suitable working arrangements following SNH’s withdrawal of involvement and funding. A precedent had also been set in Loch Lomond and the Trossachs National Park where the Park Authority had taken on full responsibility for the route from SNH in those areas where the West Highland Way went through the

National Park. Nevertheless, it did appear that without any other arrangements in place, the default position as set out in the 1967 legislation was that each planning authority took responsibility for long distance routes. Technically the CNPA was not generally speaking the planning authority unless it had called in a planning application. This meant, of course, that it remained quite likely that the CNPA would be the planning authority in respect of the extension if it decided to call in the planning application. However, for the existing route, there clearly needed to be further discussion with the local authorities on the most sensible solution in the light of the legislation as well as our aspirations for partnership working. That would inform the decision that would be brought to the Board later in the year.

- h) Clarity was needed on the role of a long distance route. Was it there to provide a long distance walk or was it there simply as part of a local network of paths? 2,500 people walked the entire length of the Speyside Way, while 25,000 people walked just parts of it. These statistics had been considered in working up the Cairngorms National Park Core Paths Plan and eventually it was concluded that the long distance route should be designated as part of that plan to reinforce the point that it is an essential spine for linking communities on a local network of paths. In other words, a long distance route was of national importance but also of local importance. It was noted in passing that long distance routes are governed by quite separate legislation (the 1967 Countryside (Scotland) Act) from the Access Legislation (Land Reform (Scotland) Act 2003).
- i) It was important not to give the impression of riding roughshod over land managers. It was reaffirmed that there was no intention to give that impression and the process of implementing the route would be done in full consultation with everybody concerned, especially the land managers.
- j) The process leading up to bringing a paper back to the Board was as follows: the review group chaired by Moray Council would receive the report on the Best Value review; this would then be passed to the Speyside Way Management Group for their view; it was then expected that each Board/Committee of the respective partners would be looking to give their own steer and at that point the CNPA Board would receive a paper for its consideration.

**24. The Board approved the recommendations of the project as follows:**

- a) **Approved the project brief for implementing the route extension and agreed that Murray Ferguson should approach the CLOAF to secure a nomination for a CLOAF Member who could represent both users and communities on the Project Board;**
- b) **Noted the conclusions arising from the review commissioned by the CNPA of the current management arrangements; and**
- c) **Had noted in the forgoing discussion other matters for shaping the future management of the route.**

**Action**

- a) **Murray Ferguson to secure a nomination for the Project Board through discussion with the CLOAF, to meet the objectives set out in the Board's discussion as part of this paper;**
- b) **Murray Ferguson and Bob Grant to bring a further paper back to the Board for decision on proposed future management of the Speyside Way (expected late 2009.)**

## **Paper for Discussion: Energy in the Park: Towards a Low Carbon National Park? (Paper 5)**

25. Hamish Trench and Alison Lax introduced the paper which was for discussion, asking that the Board consider the following four discussion points and provide a steer for further work on:

- a) Setting an ambition for the Cairngorms to be a low carbon National Park;
- b) Refining the CNPA Energy Policy Objective;
- c) Scoping the Supplementary Guidance on Energy Generation;
- d) Other roles to achieve the CNPA's energy objectives.

26. Paper 5 set out further background and information. In discussion the following points were made:

### ***Towards a Low Carbon National Park***

- a) It was important to not just invoke climate change as a justification for developing policies on energy generation and energy use; the difficulty with references to climate change was that the bigger objective of living more sustainably became distracted by the arguments of sceptics about whether or not climate change was a reality. The issue was essentially one of applying common sense.
- b) The simple action of bring the paper to the Board was a small but important step. The way the CNPA went about its business was important because although the CNPA was a small organisation, it had an important leadership role and this involved leading by example and not just support others in a relatively invisible way.
- c) One of the roles for the CNPA was to showcase what people can do now, and establish and purchase best practice. The CNPA should take a strong role in this.
- d) The paper was welcomed as timely.
- e) Targets may well have been set for 2020; the role of the CNPA was to determine what needed to be done now and tomorrow in order to meet those longer term targets.
- f) The CNPA's leadership role had to involve setting direction and establishing principles. Measuring progress had to be based on robust assessments and sound methodology. Macaulay were looking at developing this for the National Park over the next year.
- g) A clear hierarchy of measures and clear language was essential – in essence, “carbon literacy”.
- h) It was essential to look at reducing energy consumption, which may in turn have implications for the economy.
- i) An important role involved raising awareness and understanding within the National Park. While 16,000 residents could all make their contribution, the important thing was that everyone was pulling in the same direction.
- j) It was essential for the CNPA to concentrate on what it could actually influence. For example with no accessible public transport in place people would inevitably use their own cars – that was out of the control of the CNPA. In the same way, some people lived in fuel poverty in rented accommodation and hence had no

say in any improvements to the property which could then save energy use. It was important to recognise whose behaviour needed to be changed.

- k) While the point made at Paragraph 6 was noted about the difficulties of being carbon neutral, there were advantages in developing targets in relation to a low carbon National Park.

### ***Refining Our Energy Policy Objectives***

- l) The point made at Paragraph 17 was welcomed, namely that what was crucial was the impact of a development rather than the scale per se. There was another aspect of scale which needed to be considered in relation to communities: help and advice should be concentrated on helping “small” people and communities without the capacity to access information in the same way as large organisations.
- m) Impact had to be considered in terms of total and cumulative impact.
- n) Reducing energy use was clearly important, and the Sustainable Design Guide could play an important role.
- o) It makes sense to encourage the use of energy generated locally.
- p) The CNPA policy allowing single wind turbines needed to be reconsidered.
- q) The Macaulay Institute had previously done some work identifying the burns that might be suitable for small scale water powered turbines. This work should be revisited. It was noted however that such sources of renewable energy would need to be located close to existing power lines.
- r) There was probably a role for planning gain in securing local and renewable sources of energy as part of new developments.
- s) The other side of the coin from energy generation was the very necessary and accompanying reduction in energy use. There was a range or relatively simple action to be taken to reduce energy use; it would be helpful for the CNPA in its role as a planning authority to make guidance available explaining exactly what was expected in particular circumstances, (for example if new windows were being installed etc).
- t) There was some discussion focussing on the extent to which communities should be encouraged to generate their own energy for their own use, compared with being encouraged to generate energy to put into the grid to generate a source of income. From the latter there were clearly implications for infrastructure. It was difficult to give a general view as each situation had a different “balance sheet”. It was observed that some locations were more efficient than others in terms of, for example wind power. Community benefit was seen as a potent force in negotiations on planning cases, and the use of Planning Gain Officers for securing community benefits was seen as a good way of bringing objectivity to the exercise, separate from planning decisions themselves.
- u) It was important not to raise expectations too early. In order to manage the process of securing the community generated energy and to secure effective outcomes, capacity needed to exist, so that communities properly understood the issues and the consequences and could deal with them. This was not just about wind turbines, but applied to a whole range of ways of either reducing energy or generating renewable energy in a local community area. Raising awareness was crucial, and it was suggested that the Land Based Business Training Scheme had a role for helping people understand the issues by seeing live examples.

- v) On reducing energy use, it was noted that some local authorities were addressing this through the dimming of street lights.
- w) Picking up the point that if communities were to generate energy to put into the grid, and that this may have implications for infrastructure, it was suggested that further thought was needed before power lines were removed. It may be more sensible to keep them in place pending future developments, however much this might at first sight seem contrary to people's expectations the power lines should be removed.
- x) There was some further discussion about the relevance of planning gain. It was noted that there were good examples of schemes where the money generated from local energy generation put into the grid was recycled to other energy savings ideas. For example, a case was cited where a community had purchased a wind turbine, and the income generated from that was partly used to pay for insulation packs for homes.

#### ***Scoping Supplementary Guidance***

- y) There was a considerable amount of existing guidance and it was important not to reinvent the wheel;
- z) The new Local Plan and associated guidance could hopefully allow greater insistence on developments incorporating district heating schemes in the development. It was not sufficient for developers to say they were leaving this to householders; it was a much more effective solution to fit this sort of energy efficient measure at the start.

#### ***Other Roles for the CNPA***

- aa) There was currently a skills gap which needed to be filled. It was important to develop capacity amongst local traders in the new technologies associated with renewable energy.
- bb) It was particularly important to look at techniques for insulating traditional buildings.
- cc) It was vital to remember that targets were not the reason for undertaking energy saving measures and developing new measures for energy generation – there were benefits for all concerned and this was not just a box ticking exercise.

### **Cairngorms Outdoor Access Trust, An Update on Delivery and Work Programme (Paper 6)**

### **Park For All Update Including CNPA's Equality Schemes Annual Update (Paper 7)**

27. The above two papers were all for information only, and were noted without further discussion.

#### **AOCB**

28. Member's attention was drawn to the forward events diary which was now being circulated to all Members with Board papers. This schedule was updated regularly and showed the major events coming up with some communications implications. This schedule was important for keeping all Board Members and members of staff aware of events coming up, and the possibility of their involvement. Members were asked to let the Communications department know if they were able to represent the CNPA at any

of the listed events. In due course the intention was to put this and other papers on a Members' area on the CNPA Website, but in the meantime the schedule would continue to be presented as a paper document circulated with Board papers.

29. Murray Ferguson gave an update on the ruling of the Sherriff Principle in respect of the AHR fence. In summary, the Sherriff Principle decided in favour of AHR largely due to a technicality concerning the way in which the formal notice had been worded. This was particularly disappointing given that CNPA had won two out of three arguments when the interim decision came out earlier in the year. Senior staff had concluded that appealing the decision could not be justified for the following reason;
- a) Since the notice had been served, the CNPA had granted full planning permission for redevelopment of the AHR Resort, including a planning condition relating to the access to the site at this particular point. It therefore looked likely that even without appealing the court decision there was a very good chance that the original outcome (i.e. removal of the fence and hedge) would be achieved on the ground in the near future.
  - b) Legal precedent. It would be a matter of concern if the judgement was to set an important legal precedent that was influential on other similar cases. Legal advice was that no significant precedent was set by the decision.
  - c) Likely chance of success and cost implications. To pursue an appeal would result in further legal costs and having taken further advice it was clear that the CNPA could not be confident of winning the case.
  - d) Taking all three points together it was difficult to see any advantage in pursuing the matter and therefore it had been concluded that the CNPA should not appeal the decision. Meanwhile, Officers would be making sure that the CLOAF, the National Access Forum, and the Scottish Government were all aware of why we had not appealed, why there was no precedent set, and sharing the lessons learned. There were also issues for the Scottish Government in respect of their formal guidance on preparation of Section 14 notices. The Chief Executive would also be talking further to lawyers about the handling of this case.
30. David Green reported briefly on his attendance at the Cultural Olympiad; attendance at the Royal Highland Show (the CNPA were part of the SEARS tent), his participation with Jaci Douglas and Lucy Grant in a role play session with Grantown Grammar School 6<sup>th</sup> Year pupils. The intention on this last was to roll out similar activities in other schools in the National Park.
31. Duncan Bryden reported on his attendance at a two day seminar with other Conveners of Planning Committees; this had also involved the Head of the Standards Commission and some useful discussion about Standards in Public Life in relation to the business dealt with by Planning Committees.
32. Eric Baird reported that he had opened the second session of the Woodfuel Fair; participated in a SMILE visit to the Cairngorms (the Cairngorms was being used as a case study for sustainable indicators); he had presented certificates at the Junior Rangers Week; attended the Royal Highland Show (on the Sunday, which attracted a more family orientate audience than the previous days of the show). He participated in the UHI Summer School visit to the Cairngorms National Park on the 2<sup>nd</sup> July.

33. Sue Walker had attended the Junior Rangers event and commended the huge effort made by Alan Smith, Rangers, and Land Managers in organising the event which had been an exciting experience for the young people participating. Sue had also attended the meeting to rejuvenate the Spey Catchment Management Plan; and attended the Cairngorms Deer Advisory Group looking at how the Framework for Deer Management in the Cairngorms National Park links in with National Deer Strategies; and had attended the Public Bodies Conference.
34. Mary McCafferty reported on her attendance at the Badenoch and Strathspey Ward Forum, and representing the CNPA at the opening of the BASI building in Grantown.

**Date of Next Meeting**

35. Friday 4<sup>th</sup> September 2009 at the Community Hall, Boat of Garten.