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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## APPROVED MINUTE OF THE BOARD MEETING held at Macdonald Holyrood Hotel, Edinburgh on Friday 21<sup>st</sup> March 2014.

### Present:

Duncan Bryden (Convenor)	Bill Lobban
Angela Douglas	Eleanor Mackintosh
John Latham	Willie McKenna
Katrina Farquhar	Fiona Murdoch
Martin Price	Gordon Riddler
Kate Howie	Gregor Hutcheon
Brian Wood	Peter Argyle
Dave Fallows	Jeanette Gaul

### In Attendance:

Grant Moir (Chief Executive)	David Cameron
Murray Ferguson	Hamish Trench
Alice Mayne (Part)	Alix Harkness

### Apologies:

Mary McCafferty	Gregor Rimell
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### Welcome and Introduction

1. The meeting opened at 9.15am. Duncan Bryden, the Convenor, welcomed everyone and noted that this was the first occasion that the Board had been convened in Edinburgh.
2. The Convenor said that a positive session with Paul Wheelhouse, the Minister of Environment and Climate Change, had taken place the previous evening. The Convenor added that the discussion with the Minister following his presentation contained positive messages about the CNPA's work and it is good to hear that the Minister is willing to follow up on key points with other public sector partners on our behalf.
3. The Board discussed this and agreed that CNPA Board and staff should ensure the good work of the CNPA in delivering for the National Park is communicated as widely as possible.

4. The Convenor explained that a Board Member had taken ill before the meeting and that another Board Member had kindly volunteered to give her a lift home. Their apologies were noted.

### **Minutes of Last Meeting held on 13 December, 2013 – for approval**

5. The Board discussed the current format of the Minutes. It was proposed that individual Board Member questions and answers need not be recorded, but that the minute should include a brief summary of the discussion, what was agreed and a record of any dissenting views and abstentions.
6. The Board agreed that Board Meeting minutes should be short and concise. The minute should include the following elements on each Board Paper or item:
  - A brief description of what the Board Paper or presentation was about;
  - A summary of the main points raised and the gist or principle direction of the debate and discussion undertaken to support Board conclusions;
  - The conclusions that the Board reached;
  - Any Action Points derived from the discussions;
  - A brief rationale for any change or addition to the paper's recommendation (s).
7. The following amendments to the draft minutes of the Board Meeting held on the 13th December 2013 were agreed:
  - Para 20 & 21, page 3: that the apostrophe in the reference to the word '*Convenors*' in each of these paragraphs is removed;
  - Para 132, page 13: that this sentence be changed to say '*The Board provisionally agreed that Gordon Riddler and Angela Douglas work with David Cameron*';
  - Para 180, page 17: that the word '*projects*' be replaced with '*products*'.
8. **The Minutes of the meeting held on the 13 December 2013 were approved subject to the amendments as detailed in paragraph 7.**

### **Matters Arising**

9. David Cameron gave an update on the progress of the Cairngorms Fund. He made the following points:
  - The informal Board discussions that had taken place last Friday the 14<sup>th</sup> March 2014 were to be fed into the proposal;
  - Once the financial year end is out of the way, David will work up the proposals and hopes to bring it back to the Board at their next formal meeting in June 2014.
10. **Action:**
  - i. **David Cameron to bring an updated Paper on the Cairngorms Fund back to the Board in June.**

## Declarations of Interest

11. Katrina Farquhar declared an indirect interest in:

- Item No. 7 (Paper 2) - Katrina advised that she is a Director of the Cairngorms Outdoor Access Trust

12. Gregor Hutcheon declared an indirect interest in:

- Item No. 7 (Paper 2) - Gregor advised that he is a Director of the Cairngorms Outdoor Access Trust

13. Peter Argyle declared an indirect interest in:

- Item No. 8 (Paper 3) - Peter advised he is the Aberdeenshire Council nominee on the Ballater Royal Deeside Board which could benefit from the Capital Investment Plan.

14. Gordon Riddler declared an indirect interest in:

- Item No. 8 (Paper 3) - Gordon advised that he is involved in projects in Ballater which could benefit from the Capital Investment Plan.

15. Brian Wood declared an indirect interest in:

- Item No. 8 (Paper 3) - Brian advised that he is involved in projects in Braemar which could benefit from the Capital Investment Plan.

## CEO Report (Paper 1)

16. Grant Moir, Chief Executive, introduced Paper 1 which highlights the main strategic work streams that are being directed by Management Team. Grant explained that these are areas where significant staff resources are being directed to deliver National Park Partnership Plan priorities.

17. The Board discussed the following:

- The imminent changes in the way destination organisations are funded and the implications for the Cairngorms Business Partnership and the CNPA funding package;
- The importance of the Scottish Planning Policy which is due to be published in June;
- The Scottish Rural Parliament;
- The postponed joint CNPA Board and HIE Board lunch and visit on the 29 April 2014;
- The John Muir Conference on 12<sup>th</sup> and 13<sup>th</sup> May 2014.

**18. In conclusion the Board agreed that they welcomed the CEO's Report as it provides a valuable update on the progress of the CNPA's strategic work.**

19. **Actions:**

- A paper to be brought to the Board later in the year which discusses the implications involved regarding the changes in how destination organisations are funded.**

- ii. **Board Members to be advised of the details of the bookings made in respect of the John Muir conference on 12th and 13th May 2014.**
- iii. **Should a CNPA representative be requested to participate in the Rural Parliament, a Board nominee rather than a member of staff would be most appropriate.**
- iv. **To ensure the CEO's Report is included as a standing item on the Agenda at forthcoming Board Meetings.**

## **2014/15 Budget and Operational Plan (Paper 2)**

20. David Cameron introduced Paper 2 which sets out the Authority's financial position for the 2014/15 financial year.

21. The Board considered the budget proposals for 2014/15 presented in the paper and discussed the following main points:

- The reasons behind the over-programming of work at the beginning of the financial year;
- Recognition that as the organisation's delivery planning and partnership working matures, the risks associated with a policy of over-programming and a year-end overspend increases;
- Close monitoring of budget management will be required over the course of the year by the Management Team and the Finance and Delivery Committee;
- The staffing position, including the guidance around limits on overall organisational headcount and how staffing levels will be monitored;
- The Board's collective need to give a clear steer on what CNPA commitments should be prioritised in working up the 2015-2018 Corporate Plan.

**22. The Board considered the recommendations in Paper 2 and**

- i. **Noted the useful analysis of staffing level changes set out in paragraphs 12 to 20 together with the current and proposed staff management actions set out in paragraphs 21 to 26 of the paper;**
- ii. **Approved the financial allocations for 2014/15 with no amendments.**

23. The Convenor advised the Board that as a result of Board discussions Management Team had requested a further recommendation be adopted. The recommendation is as follows:

- The CNPA Management Team will seek to manage budget position over the period to March 2017 to maximise Board's flexibility in setting resource contributions to deliver new National Park Partnership Plan from 2017.

**24. Board members agreed this added recommendation.**

**25. The Board further agreed that the rationale for over-programming is to ensure that should funding become available, the Cairngorms National Park Authority can deliver at short notice on projects.**

**26. Action:**

- i. **Board training to be discussed at Informal Board Discussion Session on 4 April 2014.**

**Capital Investment Plan (Paper 3)**

27. Hamish Trench introduced Paper 3 which asks the Board to agree the first stage in a rolling Capital Investment Plan for the National Park that will:

- Enable co-ordination in fundraising and investment priorities among partners;
- Enable identification of priorities to be developed to 'shovel ready' status;
- Provide a framework to further develop capital priorities in future partnership and corporate plans.

28. The Convenor asked the Board to consider the key questions as detailed in paragraphs 9, 11, 13 and 15 of the Paper.

29. The Board considered the proposal presented in the paper and discussed the following main points:

- The reasoning and criteria behind the prioritisation of the Partnership Plan outcomes detailed in Table 1, on page 3 of the paper;
- Inclusion of the Cairngorms National Park's capital budget aspirations within the next NPPP;
- A requirement for projects to be self-sustaining or to have identified maintenance funding to avoid the need for continuous revenue funding;
- The associated risks around disappointment within Park communities should funding bids be unsuccessful and the importance of the new LEADER Programme in helping to fund community capital projects;
- The revenue implications for the CNPA arising from capital investments.

30. The Board concluded that good quality project management, the ability to seek out funding and the viability of the development and business plans are key qualities to be developed. These skills are generally found in the Community Development Officers, CNPA staff and Partners. They are fundamental to the success of drawing down funding over the longer term therefore the focus needs to be kept on ensuring they are in place.

**31. The Board considered the recommendations in Paper 3 and:**

- i. **Agreed the first stage of the rolling capital investment plan;**
- ii. **Accepted the requirement for prioritisation and agreed the project development priorities set out in Table 1, subject to the Speyside Way and Deeside Way being given higher priority;**
- iii. **Agreed the plan should be kept under continuous development with an annual review presented to the Board.**

## **CNPA Consultation Procedure (Paper 4)**

32. Grant Moir introduced Paper 4 which seeks Board agreement on the procedure for submitting a CNPA response to formal consultations.
33. During a brief discussion it was highlighted that Board members have a range of specialist knowledge and experience which could be of value to staff preparing a consultation response.
34. **The Board considered the proposed approach and agreed to the recommendations as detailed in paragraph 4 of Paper 4.**

### **35. Action:**

- i. **That staff are encouraged to make more use of Board Members' specialist knowledge, skills and experience on an ad hoc basis to aid in formulating consultation responses.**

## **Standing Orders (Paper 5)**

36. In his opening remarks, the Convenor reminded the Board that Paper 5 came about initially to resolve the debate around the appointment of Convenors.
37. David Cameron introduced Paper 5 which presents the Board and Planning Committee Standing Orders for review. He highlighted the following significant changes to the Planning Standing Orders:
  - The addition of a section primarily to cover the existing delegation to staff around the Call-in process. He added that there was no plan to change or widen the delegation process at this time;
  - The future approach to Planning Committee site visits, given the legal advice that had been received.
38. David Cameron advised the Board that legal advice on the conduct of site visits indicated that our current procedure could leave the Cairngorms National Park Authority Planning Committee open to legal challenge. Legal opinion considered that where a site visit had been deemed necessary and some Board Members could not attend, but were able to attend the subsequent Planning Committee meeting and participate in the decision making process, there could be grounds for either the applicant (if the application is refused) or the objector (if the decision on the application goes against their wishes) to challenge the outcome on the basis of procedural failings.
39. David highlighted to the Board that the legal advice was essentially taking a defensive position. Our legal advisors consider it unlikely that the decision taken under our current procedure would be overturned on planning grounds. There is, however, a risk of potential delay arising from legal action on procedure being instigated. Legal advice to the Board suggests the alternative wording, as detailed in the covering paper, is considered.

40. The Planning Standing Orders were considered by the Board and the discussions raised the following main points:
- The minor changes as detailed in paragraphs 9, 21, and 40 of Paper 5 Annex 1;
  - The variation in procedures of the other five Planning Authorities in the Cairngorms National Park with regard to site visits;
  - Whether there was a requirement for site visits to be quorate;
  - The implications of the legal advice given and the associated risks.
41. Following a lengthy discussion, Dave Fallows proposed an Amendment, seconded by Bill Lobban:
- Amendment: Only Planning Committee Members who had attended the site visit would be allowed to participate in the decision making process of that application.
42. Duncan Bryden proposed a Motion, seconded by Peter Argyle:
- Motion: To approve the current arrangements for Planning Committee Members and site visits as set out in Paper 5 Annex 1 Standing Orders for the Cairngorms National Park Planning Committee – Fifth Revision – presented 21 March 2014.
43. The Board were asked to vote by a show of hands. The result of the vote was as follows:
- Amendment: 5 votes;
  - Motion: 10 votes.
- 44. The Board agreed that the Standing Orders for site visits remain as they are currently set out in the SO Fifth Revision.**
- 45. The Board agreed to all the proposed adaptations to the Planning Committee Standing Orders in Paper 5 Annex 1. The wording in paragraphs 36 and 37 should be clarified, with the final wording being agreed by the Planning Committee Convenor and Deputy Convenor.**
46. The Convenor brought the Board's attention to the revised Board Standing Orders which were detailed in Paper 5 Annex 2.
47. The Board considered the proposed revisions of the Board Standing Orders and raised the following main points:
- Suspension of Standing Orders in relation to quorum;
  - Committees of the Board;
  - Corporate Responsibility and Confidentiality;
  - Conflicts of Interest/ Recording dissent;
  - Convening Meetings.
48. The Board concluded that in relation to Corporate Responsibility, it is perfectly reasonable for a Board Member to take a position where they accept the majority decision of the Board and support it on that basis, while requesting that their dissent on the issue is formally recorded in the minute.

**49. The Board agreed to the suggested adaptations to the Board Standing Orders subject to the following additional two adaptations agreed during the discussions:**

- i. At the end of sentence 1 in paragraph 36: “... and the Convenor and Deputy-Convenor of that Committee shall be NPA board members.”**
- ii. To make explicitly clear that the Board Standing Orders are brought forward by the Planning Committee in circumstances where both the Planning Committee Convenor and Deputy-Convenor are unable to attend the Planning Meeting.**

**50. The Board agreed that the final sign off to all the adaptations of the Board Standing Orders would be approved by the Board Convenor and Deputy Convenor and by the Convenor and Deputy-Convenor of the Planning Committee on behalf of the Board for the Planning Committee Standing Orders.**

**51. The Board agreed a further recommendation. An advice note would be brought back to the Board which sets out how the Board interprets paragraph 30 of the Board Standing Orders and what that means in respect of governance, Board Code of Conduct and the duty of all CNPA Members irrespective of how they were appointed.**

**The Board requested that the following type of wording be used in reference to Corporate Responsibility:**

**“It is perfectly reasonable for a Board member to say in respect of an item - I accept the majority decision of the Board and support it on that basis, however, I wish my dissent to be recorded in the minute.”**

**52. Actions:**

- i. David Cameron with Planning Committee Convenor and Deputy-Convenor to work together to finalise the wording of Planning Committee Standing Orders.**
- ii. The Planning Committee Convenor and Deputy-Convenor are to sign off the Planning Committee Standing Orders when complete.**
- iii. David Cameron to make the amendments to the Board Standing Orders as detailed in paragraph 49.**
- iv. The Board Convenor and Deputy-Convenor are to sign off the Board Standing Orders when complete.**
- v. David Cameron to prepare an advice note to be circulated to the Board as detailed in paragraph 50.**

## **Cairngorm and Glenmore Partnership (Paper 6)**

53. Hamish Trench introduced Paper 6 which aims to update the Board on the agreement of a partnership between public bodies for the strategic management of publicly owned land in Glenmore and on Cairn Gorm.

54. The Board considered the paper and discussed the following main points:

- The background to the partnership;
- Community involvement;
- Tourism management.

**55. The Board agreed the recommendation in Paper 6 to endorse the partnership agreement. The Partnership arrangement was welcomed by the Board.**

56. **Action:**

- An update on the Cairngorm and Glenmore Partnership progress to be given to the Board at regular intervals and any significant issues to be included in the CEO's Report.**

57. *Alice Mayne, LEADER Manager joined the meeting at this point.*

## **CNPA Consultation Response: Cairngorms Local Development Strategy 2014-2020 (LEADER) (Paper 7)**

58. Murray Ferguson introduced Paper 7 which sets out the proposed CNPA response to the Cairngorms Local Action Group Working Group's Local Development Strategy consultation. Murray highlighted the following points to the Board:

- The importance of LEADER funds as a source of finance for the CNP;
- The innovative approach to LEADER over the past few years and going forward, the CNP is the only part of Scotland that has a LEADER Programme, not defined by Local Authority boundaries;
- The approach that the CNPA have adopted to prepare the Local Development Strategy is considered to be an example of best practice.

59. The Convenor invited Alice Mayne, the LEADER Manager, to update the Board on how LEADER matters are being handled on a national level. The Board noted the supplementary paper – Redrafted Cairngorms Local Development Strategy themes and outcomes 2014 – 2020 (LEADER) circulated by email previously.

60. The Board considered Paper 7 and two annexes. The following points were discussed:

- Recognition of the huge amount of work that has gone into it thus far;
- The use of the wider Stakeholder group, namely the Cairngorms Local Development Strategy Working Group, to encourage a wide based partnership approach to the development and agreement of the Cairngorms Local Development Strategy;

- The emerging themes and outcomes resulting from the consultation;
- The intention that outstanding questions around the governance of the Cairngorms Local Action Group for the new programme would be resolved over the next 6 months.

**61. The Board agreed to the recommendation to endorse the proposed CNPA consultation response to the LDS Consultation as per Annex 1 of Paper 7.**

62. *Dave Fallows and Alice Mayne left the meeting at this point.*

**Delivery Progress Reports: a) National Park Partnership Plan b) Corporate Plan (Paper 8)**

63. Grant Moir introduced Paper 8 which requests that the Board note the progress of the delivery of the National Park Partnership and Corporate Plans over the course of 2012/2013.

64. The Board engaged in a full discussion and concluded that they appreciated and recognised the hard work that staff had put in to get to this position and would like this sentiment to be made known to staff.

**65. The Board agreed to the recommendation to note the progress of the delivery of the National Park Partnership and Corporate Plans over the course of 2012/2013.**

**66. Action:**

- i. **That the Board's recognition and appreciation of the work involved in plan delivery is relayed back to staff.**

67. The Board took Paper 9 in a closed session for reasons of commercial confidentiality.

**AOCB**

68. No items of AOCB were presented.

**Date of Next Meeting**

69. The Convenor advised the Board that the Board Member who had taken ill was delivered home safely at 1pm. Members were thanked for making the journey to Edinburgh and staff were thanked for making the arrangements.

70. Members noted, in conclusion, that bringing the Board meeting to Edinburgh had been a very successful action, both in terms of engagement with the Minister the previous evening and also allowing for valuable networking time for Board members.

71. Next formal Board meeting to be held on 27<sup>th</sup> June in Deeside, venue to be confirmed.

72. Meeting ended at 14:00.

