



## Draft Minutes of the Board Meeting

**Held at The Stag, Forfar**

**In Person**

**27 October 2023 at 1.00pm**

### **Present**

Sandy Bremner (Convener)

Eleanor Mackintosh (Deputy Convener)

Chris Beattie

Steve Micklewright

Russell Jones

Lauren MacCallum

Dr Gaener Rodger

Dr Fiona McLean

Xander McDade

Kenny Deans

Hannah Grist

John Kirk

Peter Cosgrove

Ann Ross

Derek Ross

### **In Attendance**

Grant Moir, CEO

David Cameron, Deputy CEO & Director of Corporate Services

Murray Ferguson, Director of Planning & Rural Development

Andy Ford, Director of Nature & Climate Change

James Ade, Clerk to the Board

Catriona Strang, Clerk to the Board

### **Apologies**

Geva Blackett

Bill Lobban

Doug McAdam

Paul Gibb

### **Welcome and introduction**

1. Sandy Bremner, the Board Convener, welcomed everyone to the meeting, expressing his sympathy and support for everybody affected by the flooding. Apologies were noted.



## Declarations of interest

The Convener noted that members right to participate in the element of the discussion regarding governance of National Parks and National Park Authorities had been covered by the Deputy Chief Executive and Director of Corporate Services in his advice note issued to members.

There were no declarations of interest.

## Tackling the nature emergency - Consultation on Scotland's Strategic Framework for Biodiversity'

2. Grant Moir, Chief Executive, introduced the paper which outlines the Scottish Governments consultation on legislative changes affecting the future of the country's National Parks.
3. The Board considered the detail in the Paper and discussions took place around the following:
  - a) A Member raised their disappointment at the lack of mention of the population crisis within the Park (based on decreasing school rolls and closing of individual primary schools) with the member feeling 'people' and 'place' have not been fully considered. The CEO responded by stating that it was a national consultation rather than one just focussed on the Cairngorms and he outlined some of the work the Park Authority has done to help address population issues such as the new commitment to 70% affordable housing, also stating that he would be happy to respond to the consultation that the Board would like to see more emphasis around people and place. The Member agreed that they would be happy with this approach.
  - b) Members discussed whether the current first aim should be spilt as proposed in the consultation. Some argued that work on nature and people needs to be in partnership and splitting the aims takes away from culture, creating a hierarchy, with concerns raised that this change would play into the hands of critics. Other Members welcomed the splitting of the aim, citing the importance of National Parks' leadership in helping nature, with the climate response creating more jobs and bringing people back to the Park. Additionally, it was raised that by splitting the aims cultural heritage, would no longer be subsumed by nature. The CEO highlighted it is the Park Authority's job to achieve all the aims and they are not a hierarchy, no matter the order. It is only if there is conflict between the aims that greater weight is then given to the first aim.



## Consultation

### ***Proposal 1 – Support this amendment to the purpose of National Park Authorities.***

4. The board unanimously agreed with the proposal.

### ***Proposal 2 – Support the proposed changes to the National Park aims and consider the final proposed wording of the aims as an Authority when the Bill is drafted.***

5. The Board considered the proposal and discussions took place around the following:
- a) Multiple members debated keeping the original aims as the climate crisis is a people crisis and without bringing people along the climate crisis cannot be addressed. Other Members reasoned that proposed aim 2 is referring to cultural heritage which is not referring to people, but history of people's impacts. Splitting the aims is not about splitting people and nature, and tackling the nature crisis is trying to limit the impacts on people. Murray Ferguson, Director of Planning & Rural Development, highlighted that cultural heritage was defined in the National Parks (Scotland) Act 2000 and refers to structures and other remains resulting from human activities from all periods.
6. Xander McDade put forward an amendment to refuse the splitting of the current first aim and to maintain the position adopted by the board at its earlier consideration of this point as stated in the paper: "The Park Authority think that the intent of the current aims should remain the same but that the language could be modernised and should include a reference to nature recovery and the climate crisis. The aims should embed the principles of a Just Transition and the importance of cultural heritage should continue to be recognised". This was seconded by Eleanor Mackintosh.
7. Fiona Mclean proposed the motion to approve Proposal 2 as per the officers' recommendation set out in the paper and this was seconded by Steave Micklewright.
8. The Board proceeded to vote. The results were as follows:

	MOTION	AMENDMENT	ABSTAIN
Chris Beattie	✓		
Sandy Bremner		✓	
Peter Cosgrove	✓		



Kenny Deans		✓	
Hannah Grist	✓		
Russell Jones		✓	
John Kirk	✓		
Steve Micklewright	✓		
Lauren MacCallum		✓	
Eleanor Mackintosh		✓	
Xander McDade		✓	
Fiona McLean	✓		
Gaener Rodger	✓		
Ann Ross		✓	
Derek Ross	✓		
<b>TOTAL</b>	<b>8</b>	<b>7</b>	

9. The board agreed with the proposal.

***Proposal 3 – Support the retention of the National Park ‘principle’ as key backstop for National Park management and it applying to the new first aim.***

10. The board agreed the proposal.

***Proposal 4 – Support public bodies having regard to the aims.***

11. The Board considered the proposal and discussions took place around the following:

- a) Two members raised whether the question referred to all public bodies including Local Authorities, stating they would only be supportive if it was only national public bodies being referred to. The CEO responded that he would seek clarification on this from Scottish Government and inform the Board in November.

12. The Board agreed the proposal.

***Proposal 5 – Support public bodies operating within the National Park having regard to the National Park ‘principle’ and request that this is applied to the Scottish***



***Government's Planning and Environmental Appeals Division and Scottish Ministers when it is dealing with any planning appeals.***

13. The Board considered the proposal and discussions took place around the following:

- a) Two members raised whether the question referred to all public bodies including Local Authorities, stating they would only be supportive if it was only national public bodies being referred to. The CEO responded that he would seek clarification on this from Scottish Government and inform the board in November.

14. The board agreed the proposal.

***Proposal 6 – Strongly support the duty on other public bodies operating within the National Park being strengthened so they have an obligation to support and contribute to the implementation of National Park Plans rather than having regard to these plans.***

15. The Board considered the proposal and discussions took place around the following:

- a) A member raised their support was depended on the definition of public bodies. David Cameron, the Director of Corporate Services and Deputy CEO, responded that in this instance the consultation is specific that it includes local authorities. A member raised that councillors concerns lie around council initiatives that may become more complicated as a result of this proposal and consequently no action is taken. The CEO added that in developing the Park Plan Local Authorities are consulted and the Park Authority does not force councils to do anything they have not signed up too.

16. The board agreed the proposal.

***Proposal 7 – Support that National Park Authorities should be able to enforce byelaw breaches within National Parks by issuing fixed penalty notices rather than referring them to local Procurators Fiscal.***

17. The Board considered the proposal and discussions took place around the following:

- a) A Member raised that while they were supportive they have concerns around enforcement and putting the onus on individuals who are not police.

18. The board agreed the proposal.



***Proposal 8 – The Park Authority supports powers associated with rights of way being transferred from Local Authorities to Park Authorities. This would be in line with the Park Authority being the Access Authority for the area.***

19. The board agreed the proposal.

***Proposal 9 – The Park Authority supports revisions to Management Rules within the current legislation to update them and potentially allow a comprehensive suite of management rules to be adapted by each individual National Park Authority to suit the circumstances in the local area.***

20. The Board considered the proposal and discussions took place around the following:

- a) A member asked for clarification of the wording 'Management Rules'. The CEO responded that management Rules are within the current legislation but are outdated and are of practical application only in country parks etc.

21. The Board agreed the proposal.

***Proposal 10 – The Park Authority Board supports the existing governance arrangement for the Cairngorms National Park Authority. The Board believes the current structure and size provides a comprehensive approach covering both local and national interests and is right for the Cairngorms National Park.***

22. The Board considered the proposal and discussions took place around the following:

- a) The majority of Members agreed that they felt that there is a good balance between local and national representation. However, other members raised that while there is strong local representation, the national and local balance does not reflect the national money that comes into the Park. The CEO raised that it would be likely that a future National Park will have a different make up due to the amount of local authorities that the Cairngorms covers.

23. The Board agreed the proposal.

***Proposal 11 – The Park Authority Board does not support a reduction in the size of the Board nor a change in the split of the proportions from the different appointment processes.***

24. The Board considered the proposal and discussions took place around the following:



- a) The CEO asked if the Cairngorms National Park Authority Board was to be reduced would members agree that reducing numbers to 5 members in each category, as suggested by the Deputy Convener, would be their preferred option. The Board agreed this proposal unanimously.

25. The Board agreed the proposal.

***Proposal 12 - The Park Authority Board supports the election of the Convener and Deputy Convener by the Board.***

26. The Board considered the proposal and discussions took place around the following:

- a) Multiple Members raised that they wanted to see stronger wording around the Board appointing their own Convener. A member did raise that they would be happy with the Minister appointing the Convener, in line with other public bodies. The CEO responded that he believed there is strength in having local and national representation in the Convener and Deputy team.

27. The Board agreed the proposal.

***Proposal 13 – The Park Authority would like to see a stronger role and governance oversight for the Park Authority Board regarding public land within the National Park. This would allow for greater coherence of approach by the public sector within this internationally recognised area.***

28. The Board considered the proposal and discussions took place around the following:

- a) A Member asked for clarity on whether this included the third sector. The CEO clarified that the third sector is different to public land that falls in our part of government.
- b) Members asked the CEO to add a section on the potential for public land within the National Park to be transferred to the Park Authority to provide increased local accountability and to drive the link with the National Park Partnership Plan.

29. The Board agreed the proposal.

***Proposal 14 – The Park Authority would like to see the power devolved to the Park Authority to potentially implement a core area approach in the National Park (potentially an OECM – Other Effective Area-based Conservation Measures***



*approach) that would help to deliver on nature and climate targets. This would tie in with the policies and objectives of the National Park Partnership Plan.*

30. The Board agreed the proposal.

31. The Convener thanked the Chief Executive and all staff on behalf of the Board. He reassured the Board that the Convener and Deputy will review the final response before it goes to government.

32. Action Points Arising:

- i. The CEO to add to the Park Authority's response to the consultation that Board would like to see further wording on people and place.
- ii. The CEO to seek clarification from Scottish Government on the wording of public bodies in questions 7g and 7h and inform the board in November.

## **AOCB**

33. None

## **Date of Next Meeting**

34. The date of the next meeting is Friday 24 November in person.