RURAL DEVELOPMENT COMMITTEE

AGENDA

24th Meeting, 2002 (Session 1)

Friday 11 October 2002

The Committee will meet at 1.30 pm in the Duke of Gordon Hotel, Kingussie.

1. Petition PE481: The Committee will take evidence from Mr Bill Wright, on behalf of Cairngorms Campaign, calling for the Scottish Parliament to urge the Scottish Executive to ensure that powers for the Cairngorms National Park Authority are as comprehensive as those for the Loch Lomond and the Trossachs National Park.

2. Petition PE555: The Committee will take evidence from Mr Campbell Slimon, on behalf of the Laggan Farmers Action Group, calling for the Scottish Parliament to take the necessary steps to include the Parish of Laggan within the draft Designation Order for the Cairngorms National Park.

3. Cairngorms National Park: The Committee will take evidence from the following witnesses—

   Dr Adam Watson
   Bruce Luffman, Strathdon Community
   Bob Cameron, Highland Council
   Basil Dunlop, Highland Council
   Sandy Park, Highland Council
   Murray Ferguson, Scottish Natural Heritage
   Peter Rawcliffe, Scottish Natural Heritage
   Brian Parnell, Scottish Council for National Parks
   Eric Baird, Convener, Cairngorms Partnership Community Council Group
   Sally Dowden, Chair, Cairngorms Chamber of Commerce.

Tracey Hawe
Clerk to the Committee
### Agenda item 1
- Cover Note from the Clerk
- PE481
- Extracts of Official Report from Public Petitions Committee

### Agenda item 2
- Cover Note from the Clerk
- PE555
- Paper from Rhoda Grant

### Agenda item 3
- Submission from Adam Watson (and CV)
- Submission from Bruce Luffman
- Submission from Bob Cameron
- Submission from Sandy Park
- Submission from SNH
- 4 Maps from Scottish Natural Heritage
- Submission from Cairngorms Partnership Community Council Group
- Submission from the Cairngorms Partnership
Introduction
1. Petition PE 481, from Mr Bill Wright, on behalf of Cairngorms Campaign, calling for the Scottish Parliament to urge the Scottish Executive to ensure that powers for the Cairngorms National Park Authority are as comprehensive as those for the Loch Lomond and the Trossachs National Park.

2. The petitioners believe that the proposed planning powers for the Cairngorms National Park are inadequate to ensure the effective protection and sustainable development of an area that they say has suffered from some of Scotland’s most bitter planning controversies.

3. The following papers are attached for members’ information:
   • The petition
   • An Official Report extract of the meeting of the Public Petitions Committee, 21 May 2002

Background
4. The petition was lodged on 20 March 2002, and was formally referred to the Rural Development Committee at its meeting on 21 May 2002.

Options for consideration by the Rural Development Committee
5. The Committee is asked to consider how it wishes to take forward consideration of this petition.

Option A
6. After hearing evidence from the petitioner, the committee could agree to endorse the petition and request that the Deputy Minister for Environment and Rural Development ensures that the planning powers for the proposed Park mirror those in the Loch Lomond and the Trossachs National Park. This would also conclude consideration of the petition.

Option B
7. Alternatively, if the Committee does not wish to endorse the petition, it may wish to note and formally conclude consideration of the petition.

Option C
8. Alternatively, the Committee may decide to take any other competent action it sees fit.

Jake Thomas
Assistant Clerk
Rural Development Committee
October 2002
Introduction
1. Petition PE 555, from Mr William Hamilton, on behalf of the Laggan Farmers Action Group, calls for the Scottish Parliament to take the necessary steps to include the Parish of Laggan within the draft Designation Order for the Cairngorms National Park.

2. The petitioners feel that they will be disenfranchised from the rest of the farming community of Badenoch & Strathspey if they are excluded from the Cairngorms National Park, and that the wider community in Laggan, dependent on tourism, will be disadvantaged by this division of Badenoch & Strathspey. They believe that Drumochter Pass would make for a very dramatic and obvious entrance to the Park.

3. The following papers are attached for members’ information:
   - The petition
   - paper from Rhoda Grant

Background
4. The petition was lodged on 2 October, and was formally referred to the Rural Development Committee at its meeting on 8 October 2002. The PPC were aware that the Rural Development Committee were due to hold a committee meeting in Kingussie on Friday 11 October to discuss the proposed Cairngorms National Park. The PPC felt that the best course of action would be to refer the petition to this Committee so that the RDC could take evidence on this matter in Kingussie.

Options for consideration by the Rural Development Committee
5. The Committee is asked to consider how it wishes to take forward consideration of this petition.

Option A
6. After hearing evidence from the petitioner, the committee could agree to endorse the petition and recommend (in its letter to the Deputy Minister for Environment and Rural Development), that the boundaries of the Park to be re-drawn to include the parish of Laggan. (This would be a similar approach taken to the successful endorsement by the committee of petition PE393, when the community in Killin requested that they be included in the Loch Lomond and the Trossachs National Park). This would conclude consideration of the petition.

Option B
7. Alternatively, the Committee may wish to note and formally conclude consideration of the petition.
Option C

8. The Committee may decide to take any other competent action it sees fit.

Jake Thomas
Assistant Clerk
Rural Development Committee
October 2002
I accepted the invitation to visit this group that was extended to members of the Rural Development Committee. I was the only member present so felt I should do a short report back.

The concerns put forward were:

**Boundaries**

The boundary in the Draft Designation Order splits communities and cultural links. The Groups main concern was the Straths towards and beyond Laggan, although they felt other farming communities may have similar concerns. These omissions mean that farming areas are excluded and the economic benefits which could be gained from marketing local produce will not be available to those businesses.

The boundaries also cut out large parts of the Environmentally Sensitive Areas, many farmers were members of the ESA scheme, much fewer will qualify for the Rural Stewardship Scheme. This will mean that much of the good work that has been carried out will not continue.

They would favour boundaries along the following lines:

The Cairngorm Partnership Area OR
The proposed boundary with the inclusion of the whole of Badenoch and Strathspey Administrative Area OR
SNH proposal but extended to include the head of the River Spey, the Pictish Fort and the Community Forrest.

**Environmental Concerns**

80% of farms in the ESA area take part in this Agri-environmental scheme. Many will not qualify for RSS. Inclusion in the National Park would ensure that environmental work would continue.

**Culture & Heritage**

A local tourism operator confirmed that his business was based in Kingussie which would be within the National Park. However, he regularly took visitors up the Strath for walking and access to historic sites. These areas would be outwith the National Park. It would appear a little odd that people are taken out of the Park to view local heritage sites.
It was also put to me that this area looked towards the Park area for cultural links. Most markets were within the Park and many of the people in the villages were originally from the Strath.

**Funding**

All were concerned to ensure that the Park received sufficient funding to carry out its role. They felt that the inclusion of Laggan would not require further funding because very few people lived in that area.

**Planning**

They were concerned to know how a local plan could be drawn up for the area of Badenoch and Strathspey which finds itself outside the plan. There are very low populations in these areas and they wondered if it would be feasible for Badenoch and Strathspey Highland Council Area Committee to draw up a separate Local Plan. They felt that the plan for the whole administrative area should be drawn up by the Area Committee and the Park Board.

The National Park area attracts around 700 planning applications a year. It was felt that if planning was passed to the National Park Board, all its resources and time would be taken up on planning and not progressing the aims of the National Park.

**Other Issues**

They were concerned that the Executive carry out a study about getting people back onto land in rural depopulated areas. Some members had visited a National Park in France which had been successful in achieving this.

They would also welcome detailed guidance to the Park Board on how they should run the National Park.

They still have concerns about a National Park and what this would mean in practice, however they were adamant that communities should not be split.
Written Submission from Adam Watson

Crucial to realise what a national park is for. It is, from international experience, long-term protection of nationally outstanding landscape, wildlife and human culture, and quiet public recreation based on these, provided that it does not damage them.

Are Scottish national parks and their bureaucracy necessary? Not if the Scottish Office had 1) allowed state conservation bodies to own the best areas, 2) made mandatory rules to protect other outstanding land, and 3) ordered SO agencies such as Forestry Commission or HIE to operate differently there and stop damaging use of taxpayers’ money there. As the Scottish Office ignored 1)-3), demands for a park rose.

Value of the Cairngorms. This is Britain’s foremost area of international importance for nature conservation. The international priority is natural evolution of landscape and wildlife habitats, along with the public recreation dependent on them. This recreation is the local economy’s mainstay, so the international priority fits local people’s long-term prospects. Development that damages the natural features is against national interests and the local community’s long-term interests, though benefiting individual landowners or agencies in the short run. Private deer shooting has long dominated the tiny number of landowners’ land use, as in hundreds of deer forests across the Highlands, but overstocked deer prevent regeneration in threatened relics of ancient Caledonian woods and also destroy sub-alpine scrub. So, a land use of only minor local economic importance compared with hill walking over-rides national and international interests, and long-term interests of local communities.

Standards of SNH and CCS reports. Much unnecessary confusion arose from inadequate SNH reports. In 1991 a Countryside Commission for Scotland report recommended national parks including the Cairngorms. It stated what is going wrong and so why a national park is needed. It stated where things are going wrong, so giving rational justification for boundaries and for indicative zoning where planning and land management would be different. Recognising the damage due to state-funded agencies pursuing policies inappropriate to outstanding land, it proposed one integrated gateway for all state funding, the park authority. Because local authorities too often approve developments that harm the area’s values, it recommended that the park authority be the planning authority. Recognising that a landowner may persist with damaging activities, it proposed a land management order to end this. SNH omitted all these points and gave no clear rationale for its different boundary options.

Biased consultation. SNH consultation papers stated that SNH had already informed ministers that it preferred a Cairngorms park authority with less planning power than at Loch Lomond, and that ministers also preferred this. It gave more space to this than to the case for equal planning powers. Public meetings and other consultation including leaflets were heavily weighted towards people in the park area and immediately adjacent.

Confusing aims. Unlike two clear aims as in England & Wales, there are four confusing potentially conflicting aims. It is unclear what will happen if the undefined aim of local social and economic development conflicts with protection of nationally important landscape and wildlife, or the public recreation dependent on them.

Park board members. SNH at first proposed 10 to represent local interests, with ministers appointing 10 in the national interest. Now there is to be an unwieldy board of 25, with only 10 representing national interests. Yet this is to be a national, not local park, with national taxpayers funding all costs. That is inequitable to Scotland as a whole.
Planning arrangements. Confusing and confused, these lack clear definition. It is uncertain whether existing Structure Plans will apply, or be amended along with the park authority. If the former, conflict with the park’s Local Plan is inevitable. Highland Council’s current plans propose large-scale house development in the park area, far above indigenous people’s needs. This leads to a socially and environmentally damaging increase of holiday homes in an area that already suffers from too many. Outside four main cities, in 2007 a single development plan will replace Structure and Local Plans. Thereafter, a park authority would write its development plan, yet local authorities would run development control relative to a plan not of their own making! Above all, SNH and ministers gave no rational explanation for a Cairngorms authority having less planning power than at Loch Lomond.

Boundary. No reason is given to justify ministers’ rejection of SNH’s boundary. The new boundary omits nationally or internationally important land of nature conservation or landscape interest, in some cases even cutting through the middle of them:-
1. South part of Deeside/Lochnagar National Scenic Area
2. East part of Natura 2000 Glen Tanar Special Protected Area (SPA) for capercaillie
3. East part of Ladder Hills Site of Special Scientific Interest (SSSI)
4. North-east part of Muir of Dinnet National Nature Reserve (NNR)
5. North part of the Morven SSSI
6. All of the Green Hill Strathdon SSSI
7. All of the Tillypronie Designed Landscape
8. South part of Natura 2000 SPA and Special Area of Conservation on Glas Maol hills
9. All of Caenlochan NNR
10. South part of Cairnwell SSSI

The boundary bisects Dinnet village and Lecht Ski Centre. These and 1-7 apply to Aberdeenshire, and 8-10 to Angus and Perthshire adjacent to Aberdeenshire.

With the new boundary, Highland Council’s (HC) area and population in the park increase relative to the rest (SNH’s boundary included parts of Perthshire and Angus, and more of Aberdeenshire and Moray). So, representatives of HC’s area will have a majority, unlike the case with SNH’s boundary. Because former HC Convenor Mr Peter Peacock is a minister, there is suspicion of a political fix on boundaries and on lesser planning power in the Cairngorms than at Loch Lomond. As Convenor, he and HC publicly opposed national parks. But, after being appointed to SNH’s main board, he and HC councillors met at Battleby on 7 September 1998 with SNH senior officer Dr Ian Jardine (now SNH chief executive). Soon after, Convenor Peacock publicly gave his and HC’s welcome to a Cairngorms park, now that SNH had accepted that local authorities would remain the planning authorities and that general taxpayers would fund most of the park costs.

Conclusion. If current proposals are implemented, severe and prolonged public criticism is certain. There would be a poor outcome for landscape, wildlife, and Scotland’s people, including local indigenous people’s long-term interests. Rigorous change by SNH, the Scottish Executive and ministers is needed, based on impartial technical advice. Staff should heed the lessons and scientific expertise available from over a century of well-documented international experience. They must discount short-term local political considerations. These result in conflict, unnecessary cost to taxpayers, damage to the area’s values, and a Cairngorms park that would be seen as one of the world’s worst because of mishandling by Scotland’s government and its agencies. We should reject the Draft Order and demand a fresh start, based on clear technical principles and integrity. Let us have a real national park and international showpiece that is worthy of Scotland and that Scottish people can be proud of, not a local park that is an insult to Scotland.
Dr Adam Watson, Crathes, Banchory, 25 September 2002
THE WORK OF THE CAIRNGORMS PARTNERSHIP

A submission to the Rural Development Committee of the Scottish Parliament

Background to the formation of the Cairngorms Partnership

The Cairngorms area is internationally renowned; is a candidate World Heritage Site; and is shortly to become Scotland’s second and Britain’s biggest National Park.

The Cairngorms area has been popular for tourists since the arrival of the railways, and the rise of sporting estates, in the 1800s. At that time people came for sport, to admire the scenery; and to experience the Scottish Highlands.

The 1960s onwards saw a huge growth in mass tourism, particularly linked to outdoor recreation in the hills, and the development of downhill ski-ing. At the same time, there was a growing awareness of the area’s importance for nature conservation, in particular the value of the old pine woods and high hills, and how easily these habitats could be damaged. A series of controversial planning applications in the 1970s to expand the ski area at Cairn Gorm; and a number of high profile examples of inappropriate land management practices by both private and state landowners; all contributed to a state of tension about the way the area was being managed.

Throughout these years, the needs of local people were often perceived as coming second to the demands of those who wished to protect the area, and those who wished to develop it.

Discontent particularly from the nature conservation groups, and then from those representing outdoor recreation enthusiasts, led to regular calls for a National Park to be established with a powerful National Park Authority which would control development decisions and put in place work to reverse previous harm to the natural environment.

The Cairngorms Working Party

These calls were endorsed by the Countryside Commission for Scotland in 1990, in a report on the management of Scotland’s mountain areas commissioned by the Government. The Administration of the day was not keen on the idea of setting up National Parks, but in recognition of the fact that special arrangements for managing the area were necessary, it set up a Working Party to consider what might be appropriate.

This Working Party concluded that all the powers and functions to manage the area effectively already existed and that rather than set up a new organisation or develop a new designation, a Partnership should be formed to help the existing players work more effectively together. The Government then consulted widely on that recommendation. Most key organisations including local government and local communities agreed with the approach and committed themselves to work together through the Partnership. Based on this support, the Government announced in 1994 that it would set up and fund the Cairngorms Partnership.

The Cairngorms Partnership

The Cairngorms Partnership was formally constituted in March 1995 as a private company, limited by guarantee with charitable status. At the start, the Company had a Board of 23 Directors from local government, local communities, land managers, business and tourism,
environmental, and recreation interests. Directors were chosen primarily because of their knowledge of the area rather than as representatives of the key stakeholders.

As a contribution to the success of the Partnership, the Government agreed to provide the main funding for the company, approximately £500,000 per year. This paid for a core staff of nine people, running costs, and a small project fund of approximately £40,000.

The Partners

The first action of the Partnership was to identify all the organisations with an interest in how the Cairngorms area was managed so that they could be involved in future decisions. It identified over 100, including local community councils, government bodies, and groups representing recreation clubs. These were then divided into three separate groups. The first group comprised those with significant statutory responsibilities and powers; significant funds; and those with significant influence, such as landowners and some of the larger NGOs. The second group comprised Community Councils and Community Associations in the area; and the third organisations with a more marginal or niche interest in the area.

The Management Strategy

As its main work, the Government instructed the company to prepare a Management Strategy for the area. Reached through consensus, and based on sustainable development, the precautionary principle and a voluntary approach, the Management Strategy was to be “a framework to guide and encourage the use and management of land and other relevant activities in a manner compatible with both environmental considerations, and the need to promote the social and economic well-being of the local communities”.

Initially, the Government set two priorities within the Management Strategy: nature conservation of the high hills and management of recreation there; and the regeneration of native woodland and related deer control.

The Board decided that the best approach to this work was to commission a baseline study of all the area’s assets. It then invited a series of experts to consider in what conditions they thought these assets should be in 25 years. From these presentations, the Board developed a series of vision papers. They then constructed a draft strategy consisting of a series of strategic objectives to achieve the vision starting from the baseline. At the same time, the Board commissioned a consultant to list all of the “tools” available to the partners to implement the objectives, particularly legal powers at the disposal of local government and government agencies.

The draft Management Strategy was agreed in 1996 and then issued for widespread consultation. Meetings were held with local people in every community in the area, as well as with key government bodies, NGOs and other interested groups.

The contents of the finalised Management Strategy were unanimously agreed by the Board and published in 1997. It was subsequently endorsed by Government Ministers and still the guiding strategy for all organisations active in the area. It covers the following topics:

- The High Hills
- Woodland
- Deer Management
- Moorland
- Agriculture
- Water
- The Local Economy
- People and Communities
• Cultural Heritage
• Outdoor Recreation and Access
• Nature Conservation
• Landscape

It was the first time that the management of such a large part of rural Scotland had been considered in an integrated and holistic manner.

**The Implementation Challenge**

Following publication of the Management Strategy, Ministers reaffirmed their commitment to the Cairngorms Partnership and asked it to take on the new role of co-ordinating the implementation of the Management Strategy.

To meet this challenge, the Partnership refocused its management structure. As its main function was now to co-ordinate the action of others, the company reduced the Board of Directors to five people, and set up an Advisory Panel of the Chairman or Chief Executives of all the main partners who would lead in the implementation of the Management Strategy. The Panel agreed to meet quarterly and became the powerhouse of the wider partnership’s work.

In addition to the main Advisory Panel, the Partnership set up and continues to service a number of other permanent groups considering issues related to:-

- Recreation
- Local communities
- General land management
- Biodiversity
- Moorland management

- River management
- Agriculture
- Housing
- Footpaths
- Education for sustainable development

**The Work Plan**

In 1999, the Partnership published its first Work Plan, which set out all the work that the partners were undertaking to implement the Management Strategy over and above their routine work. It showed a total investment of over £100 million; explained the co-ordinating and communication work of the Cairngorms Partnership; and considered priorities for the future. The second Work Plan in 2000 listed work worth over £123 million.

**How the Cairngorms Partnership works**

The Cairngorms Partnership has a small budget and a small workforce. Its main role is to co-ordinate and facilitate the work of other organisations. Our partners already have all the necessary legal powers and expertise to manage the area well, and we help them to use these resources in a focused and co-ordinated way.

Much of the Partnership’s work is focused on people. It spends the majority of its time bringing together people from different organisations and interests to work on implementing one or more strategic objective. Once they have agreed the action required, the Partnership helps find additional funding; for example from European structural funds or the UK lottery; assists where necessary to manage individual projects; and provides leadership where this is required.

Because the company is at the centre of discussions, it is able to make connections between projects and different groups of people, thus helping to develop a more integrated series of actions.
Neutrality

It is the policy of the Partnership to remain neutral in controversial matters. Its role is to ensure that facts are available and that an open process of decision making is followed. It works hard to retain the confidence of all parties and works behind the scenes to resolve difficulties, recognising that partnership is based on trust, and often needs a neutral body to broker agreements.

Communication

Communication is very important to the work of the Partnership. It helps foster ownership of work in the area and overcome the distrust generated by decades of conflict. All partners are kept informed of the Partnership’s achievements, and a newsletter is sent regularly to every household in the area.

Transparency

The Cairngorms Partnership has achieved much in the last eight years. As well as numerous projects across all of the topics listed in the Management Strategy, it has played a part in helping to create a new culture of joint working and transparency. It is an approach that values the contributions of all stakeholders, and recognises that decisions taken jointly are more durable and likely to succeed.

As part of this process, the Partnership has helped to empower a number of traditionally less-experienced stakeholders including local communities; reduced conflict; and helped people think more positively about the future management of the area.

The Future

Whilst much of the detail of how the new Cairngorms National Park Authority will function is still to be decided in the Designation Order, it is clear that once it is set up, the Cairngorms Partnership staff will transfer to the new body and the private company will be wound up.

Whilst its legal entity may cease to exist, the Partnership Board and Advisory Panel hope to pass an important legacy on to the National Park Authority, both of projects undertaken, and perhaps more importantly, a new approach to the joint management of the land and its people.

The Partnership believes that joint and open working will be the most effective and efficient model for managing the Cairngorms in the future, and hopes that the area will become an exemplar of sustainable local economic and social development, and a national showcase of best practice.
1.0 Introduction

1.1 My name is Robert Cameron. I am a Chartered Planner. I am employed by The Highland Council as its Area Planning & Building Control Manager for the areas of Badenoch and Strathspey and Nairn. I am responsible for the day-to-day running of both development and building control in both of these areas. Almost all planning applications within Badenoch and Strathspey are dealt with by myself and staff using delegated powers or presentation to Committee. Professional support on policy issues, historic buildings, landscape and archaeology are available for colleagues in Highland Council. A very small number of planning applications which raise strategic issues are dealt with through the Headquarters Planning, Development, Europe and Tourism Committee. My major concern in addressing the Committee relates to the means whereby planning powers will be exercised within the National Park Area.

1.2 Generally speaking, the Planning and Building Control Office at Kingussie will deal with about 300 planning applications per year. These range from straightforward householder applications for extensions to dwellings to large single site applications for up to 200 houses and associated infrastructure. Power is delegated to me by The Council, through the Director of Planning and Development, to deal with those applications which do not raise policy issues or attract objections from the public. The vast majority of applications are dealt with in this way. The remainder of applications are dealt with through the Badenoch and Strathspey Area Committee which meets on a six weekly cycle. Applications most regularly go before the Area Committee as a result of objections received rather than solely because of policy issues. Essentially, this reflects the position whereby The Council has expressed its policies through the Structure Plan [approved by Scottish Ministers, March 2001] and Local Plan [Adopted September 1997] and applications in compliance with that and which are otherwise appropriate, are dealt with by officials. Generally, the Council is determining applications in accordance with the Development Plan as required by Statute, through its officials and the Area Committee.

2.0 Planning and the National Park Authority

2.1 From the foregoing it will be seen that most planning applications are not controversial and nor do they raise issues that are significant in terms of the stated aims of the National Park set out in the National Park [Scotland] Act 2000. As Members of the Committee will be aware, the stated view of The Highland Council is that it should retain all planning powers whilst consulting with the Park Authority. That is the arrangement currently in place in respect of other forms of National Interest. For example, applications which affect the trunk road interest are referred to the Management Agents who give advice to the Trunk Road Authority who will then make recommendations to the Planning Authority. The Planning Authority cannot approve an application to which the Trunk Road Authority object without first referring the matter to Ministers. This is a tried and tested procedure which works well not only for trunk road interests but also for other national interests such as nature conservation. The system as it stands is locally accountable and is generally well understood by the public.
2.2 The Draft Designation Order proposes a referral and call-in procedure. Whilst I have some doubts about the mechanics of that, I do not doubt that such a system could work. However, I do not believe that such a system would best serve the public interest. It is common practice for developers to speak to the local Planning Officer prior to the making of an application. They may well make alterations to their proposal before formally submitting for planning permission. At that time they may have a degree of comfort from the likely support of the Planning Officer. If now applications are to be called-in by the National Park Authority, a different view may be reached and the value of pre-application discussion will be lost. All planning applications need an Officer input, notably in terms of judging the impact of proposals on neighbouring interests but also in considering technical aspects of proposals such as access or drainage. In addition, the fact that Planning and Building Control Officers are housed in the same building means that a good working relationship has developed. This allows problems with, for example, disabled access and septic tank drainage, to be dealt with at an early stage and in a coordinated manner. Few applications involve the intervention of politicians but they have an important role in our democratic society.

2.3 Whilst my knowledge of the other Local Authority areas involved within the National Park proposed boundaries is limited, from my discussions with colleague officers in these Authorities, I am aware that the issues which arise are different. Indeed, the issues which arise throughout Badenoch and Strathspey are markedly different from south to north. Much of the southern area is very fragile in economic terms and has suffered a long term population decline. Employment opportunities are limited and the number and nature of applications received reflects that. Clearly there are different development pressures in and around Aviemore and on the approaches through the Glenmore Corridor to the Cairngorm Massif. The Council’s Local Plan recognises these differences and reflects these in the allocations it makes. I was encouraged at the time that the National Park Bill was being promoted in the way in which the then Minister, Sarah Boyack, felt that different Parks might have different arrangements. There is no doubt that there is a lack of commonality between all the areas included within the present proposed boundary of the Park. In addition, there are significant communications difficulties between the various parts of the Park. This renders it difficult to take a holistic approach. Extension of the boundaries to include more Local Authority areas could undoubtedly accentuate these differences. It seems to me that it is legitimate therefore to provide a planning framework which recognises these differences and allows for the application of different solutions to planning problems. For example, the Badenoch and Strathspey Area Committee will often visit development sites with applicants and objectors, as well as official advisors who may represent other agencies. These visits are valuable for elected Members and for the third parties involved, but they can be time-consuming. Such an arrangement will be more difficult within the disparate communities of the National Park and their loss would be to the detriment of the democratic process.

2.4 Development Planning and Development Control have a major role to play in the issue of Community Planning for which Highland was a pilot and which will shortly become a duty for all Local Authorities. I see development planning as the physical and spatial expression of at least some of the policies and aims of other bodies involved in delivering community planning in a meaningful way. To remove that linkage when there is no overwhelming need so to do, will render the Community Planning exercise less useful and effective. From that point of view my preference would be for the Council to prepare a Local Plan for the whole of Badenoch and Strathspey which would need to comply with the National Park Management Plan. The Management Plan would provide an overarching framework in much the same way as Structure Plans currently do. The Local Plan could then produce local solutions to local problems and more effectively address matters such as zonation. As currently proposed, it is clear that the National Park Plan is likely to stop at the border of the Park. However, given the nature of Badenoch and Strathspey and in particular the transportation links along its length, it is clear that significant issues may arise outwith the boundary of the Park. A single Local Plan for Badenoch and Strathspey jointly owned by the Council and the Park Authority,
would allow these issues to be addressed in a comprehensive way that reflected the need to take into account the special characteristics of the Park.

2.5 As an example, considerable work has been undertaken through the Rural Partnership for Change, Highland Pilot, which looks at ways of providing sustainable affordable housing for local people within pressured housing markets. Almost the whole of Badenoch and Strathspey is a pressurised housing market. However the solutions proposed for Aviemore differ vastly from those proposed for smaller villages such as Kingussie or Newtonmore. The Council through its Housing, Social Work and Planning and Development Services has a significant role in dealing with social landlords and other parties involved in the provision of affordable housing. It would be inconceivable to countenance a situation whereby legitimate aspirations of communities to have affordable housing provided could be met with only outwith the National Park area due to the inability of the Park Authority to engage with a variety of partners in such a way as to address the problem throughout Badenoch and Strathspey in an integrated way.

2.6 Whilst I have previously said that the Kingussie Planning and Building Control Office deals with about 300 planning applications a year, that figure has been markedly increased over the current year to date. Application numbers are running at 32% above the same period last year. Many applicants and other commentators have suggested that this is directly related to the impending designation of the Park. Essentially people are seen as trying to get a planning permission before the Park is in place. They perceive that it will be much more difficult to obtain planning permission if development control powers are exercised by the Park Authority. I do not believe that to be the case, however, as the Park Authority, even were it to have all planning powers, would be bound by the terms of Section 25 of the Town and Country Planning [Scotland] Act 1997. That is, planning applications require to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.7 There are two points that arise from this. Firstly, if there is a perception among the public within Badenoch and Strathspey that a Park Authority will be more difficult to deal with in planning matters then that surely begs the question of ownership of the Park’s Policies. I do not believe that the Park is something to be feared in terms of development control. The perception is, however, that what is proposed in the Draft Designation Order and what is hinted at in many speculative press reports will lead to a diminution in local control and a lack of understanding of local issues and priorities. That would undermine the operation and success of the Park to its detriment. It is notable that of the responses to the Draft Designation Order which favour the Council’s position, the majority are from local Community Councils and agencies or bodies with whom the Council works closely. The Council values these contacts and would wish to see these enhanced to the benefit of the local population.

2.8 Secondly, many objections to larger applications within Badenoch and Strathspey, have referred to these as being premature pending establishment of the National Park. Many objections imply or, in some cases, explicitly suggest that the National Park Authority would not approve developments that the Council intended to or indeed, did, approve. These have often related to sites which are allocated in the Local Plan for housing expansion in established communities. As I have said before, the Park Authority will be bound by the terms of the Town and Country Planning Act. That being so, it would in most cases, approve applications on allocated housing land. In effect, objectors suggest that there are nature conservation or landscape conservation issues which would outweigh the economic benefit of provision of housing for community expansion. This perception is passed on to applicants who feel that they must, therefore, secure their position by means of grant of planning permission prior to the establishment of the Park. In effect landowners and applicants see that they have allocated housing land and consider that they must protect their position through
the grant of a planning permission. Whilst I think that the premise that the Park Authority will refuse applications which might otherwise have been granted by the Council is a false one, the fact that the perception is widespread is of concern. For the Park to be successful, it must be built on a foundation of consensus.

2.9 Increasingly, objectors to planning applications make reference to a decision made by the Ombudsman in respect of the Inverness Area Committee. Whilst that decision was related to maladministration associated with the Council’s Development Control Hearings Procedure, the Ombudsman did make reference to the extent to which recommendations for refusal of houses in the countryside were being overturned by Committee.

2.10 My understanding of the situation in Inverness Area is that the position is considerably different from that which pertains in Badenoch and Strathspey and to my certain knowledge from that which pertains in Nairn. Essentially the position in Inverness related to the fact that there are unique pressures in and around Inverness in development terms. There are four old Local Plans which do not address issues now being faced by the Area Committee. The Area Committee is similarly not signed up to the old Local Plans which were prepared prior to the reorganisation of local government in 1996. However that has been addressed and the Committee has new policies in a deposit version of a single Local Plan which is consistent with the Council’s Structure Plan and National Planning Policy Guidelines. Members have recently met with the Chief Planning Officer of the Executive and that new policy and the relevant Committee’s ownership of it complies with National Guidance. In the other seven areas within Highland, the Council is prepared to stand on its record. Overturning of Officer recommendations for housing in the countryside or for Development Plan Departures is running at a rate of no more than 10%. The democratic nature of the process means that there will always be cases where the Planning Committee [whether the Council or the National Park Authority] will overturn Officer recommendation. It is only right that that should be the case. I would suggest that such decisions reflect a proper use of the democratic powers invested in Elected Members. It would be a retrograde step were the National Park Authority, or indeed any other Planning Authority, just to exercise powers only in the way recommended by officials.

3.0 Conclusion

3.1 The Act made it clear that different Parks within Scotland might have different mechanisms to deliver their aims. I do not believe that a “one size fits all” approach is the right one nor is it necessarily the best for the community that we serve. The Council and its Officers have built up considerable understanding and expertise of their area. To dispense with that and to break linkages without any significant local public consensus would be a retrograde step which could, in my view, strike at the very heart of what the Park is trying to achieve in balancing the four main aims set out in the Act.

Robert Cameron Dip TP MRTPI
Area Planning & Building Control Manager

3 October 2002
1. **INTRODUCTION**

1.1 As Chairman of the Highland Council’s Planning, Development, Europe and Tourism Committee, I am very conscious of the inter relationship between the need to conserve and enhance our heritage whilst at the same time enabling people to live and work in this unique area.

1.2 The Parliament specifically included the aim of National Parks in Scotland of promoting sustainable economic and social development of the area’s communities. During the passage of the Bill, it was understood that each National Park should be designed to best fit its local circumstances. No standard template should be applied. I believe this gives a special opportunity to design a Park that delivers the four aims whilst at the same time satisfying both national and local aspirations. The special qualities of the Cairngorms are due in part to the stewardship of local people over the ages. A key factor for success in the National Park will be holding the support of the local communities and working with them to deliver the four aims.

1.3 The Highland Council has a track record of working with partner organisations and communities to deliver the Community Planning Agenda. Evidence of the Council’s forward looking attitudes can be found in the Wellbeing Alliance and our joint working with Health to deliver the Joint Futures Agenda. I believe that similar joint working is the way forward for the Cairngorms National Park.

2. **BOUNDARIES**

2.1 The Council’s view is that the whole of Badenoch and Strathspey has a distinct character and coherent identity whose history, culture and environment all strongly support the argument that the whole of the Area be included in the National Park. Splitting up the Area will have an adverse effect on fragile excluded areas, particularly Dalwhinnie and Laggan.

2.2 The proposed boundary may result in different levels of service and support to areas not obviously different from their immediate neighbour. It may also cause differences for people accessing Scotland, UK and European funding.

2.3 The Park should have a dramatic entrance and the Council believe that the Drumochter Pass at the Highland Council boundary would make an imposing entrance.

2.4 The boundary should relate to where people perceive the natural boundary to be and should encompass whole communities. Detailed submissions on the delineation of the boundary have already been made to the Scottish Executive.

2.5 Including the whole of Badenoch and Strathspey would treat the Area as a coherent unit comprising the core mountain zone and the outer community zone to enable the various issues to be handled in an integrated way.
3. **PLANNING POWERS**

3.1 The Council’s primary submission is that planning powers should be retained by the Local Authorities. However, the debate does appear to have moved on. Exclusion of the Local Authorities from planning powers would be unacceptable. However, working in partnership with the National Park Authority may well be the way forward to ensure that there is local ownership of the planning system as well as the degree of control which a National Park may imply. Local accountability is essential, particularly when the boundary encompasses areas from the high mountains to urban areas.

3.2 Notwithstanding the Council’s view that planning powers should remain with Local Authorities, if a different system is to be contemplated, then joint working is seen as the best way forward. Joint ownership of structure planning, local planning and development control is desirable. This is particularly so when one considers that many aspects included in the development planning process will be central to the success of the Park but are in fact outwith the control of the National Park Authority, e.g. housing and transport. Development planning and development control should not be separated as this will weaken and fragment the planning process. Local accountability is essential.

3.3 The Council proposed in its response to the Draft Designation Order that an alternative which would satisfy both local and national requirements would be for planning powers to be shared between the Council and National Park Authority with the Council taking the lead. The vast majority of planning applications are standard in nature and it seems an unnecessary encumbrance for the Park Authority to deal with such routine matters. There would be an obligation to consult the National Park Authority with an associated power of call-in by that Authority where the application is seen by the Park Authority to be significant.

3.4 A further refinement worth exploring in the event that the whole of Badenoch and Strathspey was not to be included within the Park boundary would be to have a single Local Plan covering the National Park area and the balance of Badenoch and Strathspey not included in the National Park boundary. This would require close joint working between the Council and the National Park Authority. It offers the opportunity for zonations out of the core area and for porous boundaries.

3.5 Examination on the Scottish Executive Library of the responses to the consultation on the draft Designation Order reveal that important players in the local community support direct Council involvement in planning in the National Park. Supporters include Community Councils, MBSE, SCDI, Chamber of Commerce etc.

3.6 Early liaison with the embryo National Park Authority will be vital for a smooth start and this suggests an adequate period of shadowing rather than a March 2003 start.

4. **MEMBERSHIP OF THE NATIONAL PARK AUTHORITY**

4.1 The Council is broadly content with the proposals on membership as contained in the Draft Designation Order and would support their retention. To ensure there is strong local ownership of the National Park the Council is of the view that at least two of the members directly appointed by Scottish Ministers should be “local”.
5. **RESOURCING OF THE NATIONAL PARK**

5.1 For the National Park to make a difference, not only must the National Park Authority be adequately resourced, but all public bodies operating within the National Park area should be appropriately funded to ensure the higher quality anticipated in a national park area. It is very important that new additional funding is available to meet the anticipated expectations of the national park designation. Such funding should not be unnecessarily taken up by administrative costs which duplicate other existing agencies but should be applied directly to increased service provision.

AFS
30 September 2002

national park/draft written submission
CAIRNGORMS COMMUNITY COUNCILS GROUP

SUBMISSION TO THE RURAL DEVELOPMENT COMMITTEE

For The Meeting In Kingussie 11th October 2002
On Proposals For The Cairngorms National Park

INTRODUCTION

This paper describes the Cairngorms Community Councils Group; outlines some of the main concerns the Group has had about the process and content of the draft Designation Order and sets out key issues the Group would like to see addressed.

THE CAIRNGORMS COMMUNITY COUNCILS GROUP

The Cairngorms Community Councils Group "represents and promotes the shared interests of communities in the Cairngorm". The Group comprises representatives from the 26 community councils and associations in the Cairngorms Partnership area. The representatives are all volunteers and are mandated by their communities. The Group was formed in 1999 and has been a key local player in the debate on national park status for the Cairngorms and in the legislative process. The Group has had a wide range of involvements, including working in partnership with Scottish Natural Heritage to organise and implement an extensive community led consultation exercise in the Cairngorms area on "A proposal for the Cairngorms National Park" (2001).

The Group believes that communities are fundamental stakeholders in the National Park and should be able to contribute to and benefit from management decisions. The Group has pressed for more local involvement in the management of the Park through greater local representation on the National Park Authority and through the continuation of the Cairngorms Community Councils Group. The Group considers that involving local people and communities will underpin the future success of the park and would like to see an electoral system that reflects the distinctive topography and demography of the area.

The Group has met with Ministers, MSPs and Scottish Executive official to express concerns on the consultation process and legislative matters relating to the National Park and raise awareness about its activities. The Group’s National Park Manifesto calls for an open handed approach and public accountability in establishing the National Park and warns that "anything else will create needless tension and dilute public confidence in the ability of the National Park process to deliver what people want".

THE DRAFT DESIGNATION ORDER - MAIN CONCERNS

Community councils and associations represented on the Cairngorms Community Councils Group undertook a number of local consultation events on the dDO throughout
CAIRNGORMS COMMUNITY COUNCILS GROUP

the Cairngorms area. Individual community responses have been submitted to the Scottish Executive. The Group, however, has a number of overall concerns about the dDO and these are outlined below:

The Process
- There was an unnecessary delay in the Scottish Executives engaging with the Group about the dDO consultation process and this had implications for organising local consultation events. This was despite repeated offers from the Group to assist the Executive with the local consultation process.

- The Scottish Executive set a consultation period which fell in the busy summer season, long school holiday and parliamentary recess. This potentially resulted in a less effective local consultation and limited access to the parliamentary process. For example the Rural Development Committee and the Petitions Committee were not in session during the majority of the consultation period.

- Much of the information that was so painstakingly gathered from communities throughout the Cairngorms area during the extensive community led consultation on 'A proposal for the Cairngorms National Park' appears to have been disregarded without any clear rationale or explanation. Considerable local effort, time and public money was invested in this process and local skepticism about the value of consultation and the Executive's ability to listen to the local perspective has increased.

- The combination of the delay in the legislative timetable, the subsequent loss of local momentum and motivation and the apparent disregard for local views has made it very difficult for people to maintain enthusiasm and commitment for what appears a 'done and dusted' package.

Boundaries
- There is widespread concern that the dDO proposals are driven by political expediency, do not reflect the natural and cultural heritage of the Cairngorms and its communities and that the proposed area may compromise the future integrity of the Park as a management unit.

- There has been no adequate explanation or clear rationale given for boundary decisions. The area proposed by the Scottish Executive's Reporter has been almost halved. Some settlements have been needlessly split, (e.g. Carr Bridge, Cromdale, Dinnet). Other substantial areas have been excluded entirely (e.g. Angus Glens, Perthshire, Glen Livet, Laggan).

- The obvious flaws in drawing up the boundary for the Park have implications for planning, local representation and the electoral process and have not inspired local confidence in the Scottish Executive and the decision making process.

Planning
CAIRNGORMS COMMUNITY COUNCILS GROUP

• The proposed planning arrangements appear to be a recipe for confusion. It is essential that communities maintain a role in the planning procedures and process and are made fully aware of any planning protocols developed by local authorities and the NPA.

  Representation
  • There is an issue that the legislation does not require directly elected representative to live or work in the Park area.

Wider concerns
• The special status of the National Park will impact on communities adjoining the Park and continuing support will be required for those ‘fringe’ communities.

• Local support for the Park is contingent on it being adequately funded both now and in the future

• Appropriate mechanisms, capacity building and support is required to ensure continuing community representation and involvement of local people in the management of the park

• There will be no consultation on the Electoral Order before it is laid before parliament.

COMMUNITIES AND THE CAIRNGORMS NATIONAL PARK - THE FUTURE

The Group is seeking assurance at a ministerial level that:

• There is a commitment to the principle and practise of community involvement in the management of the National Park and recognition that there is a need for appropriate support and capacity building to develop and encourage this.

• There is a commitment to building a constructive partnership in and around the Cairngorms National Park at all levels. This should recognise and promote the shared interests of communities in and around the Park as represented by the Cairngorms Community Councils Group.

• Guidance notes issued to the NPA will have the interests of local communities at heart and ensure support for continuing representation and the involvement of local people in the management of the Park and continued support for the Cairngorms Community Councils Group.

• Guidance on Planning matters and procedures should make clear the need for community involvement in the planning process.
CAIRNGORMS COMMUNITY COUNCILS GROUP

- It is recognised that National Park status will impact on communities at the edge of the Park and that there is a commitment to supporting those communities in the wider Cairngorms Partnership area.
Written Submission for the Rural Development Committee on 11th October at Kingussie.

From Bruce Luffman representing the Strathdon Community (SNH -Area 8)

The report on the proposal for the Cairngorms National Park that was published by Scottish Natural Heritage (SNH) on 21 August 2001 was, by and large, welcomed by Strathdon and other communities as an effective report.

The proposed boundary that has come out in the Draft Designation Order (DDO) in May 2002 has been met with a considerable degree of disappointment and disillusionment. The criticism has been universal from members of the public, the farming community, local government, area tourist boards and community councils and has centered on the proposed boundary, planning functions and lack of reference to the provisions of the Land Reform Bill.

A public meeting was held in the Lonach Hall, Strathdon on 25 July 2002. At the meeting, a number of points were agreed, as follows:

- A questionnaire regarding the DDO and its importance to the Strathdon area would be distributed to all residents who reside in the Strathdon postal district, which includes Glenbuchat, Corgarff and Glen Deskry.
- A written response would be produced and circulated in draft form to the community and then sent to the National Parks Team, the Scottish Executive.
- Cllr. Luffman would represent the Strathdon Community and attend a meeting of the Rural Development Committee.

A total of 49 responses were received, demonstrating a large majority in favour of the Strathdon area being included within Park area. (Outcome of questionnaire in Annex 1).

The views of the community, expressed through the questionnaire and at the public meeting covered the following points:

1. The line of the boundary
2. Planning functions.
3. Agriculture and Land Management.
4. Environment
5. Representation on the Board.
6. Tourism and Economic Issues.

1. The line of the boundary

The Strathdon community is in strong agreement that **Area 8 (SNH map)** should be in the Park. This line would include the parishes of Strathdon and Glenbuchat and form the boundary as recommended by SNH.

The Draft Designation Order has **split the important Lecht Ski Area in two** and this is clearly a strange and inexplicable proposal.
The Cairngorms Straths ESA Scheme also covers the Strathdon postal area. The Cairngorms ESA boundary is clearly a sensible and recognised boundary for the National Park.

The Strathdon community’s proposal is a natural gateway into the Park from the East.

2 Planning Functions.

The Strathdon community is strongly opposed to the planning proposals in the Draft Designation Order because it is a recipe for inconsistency in planning decisions, a wasting of public money and resources and does not engage the main stakeholders – the Park Authority and Aberdeenshire Council – to work together for the best future interests of the Park.

The planning issues and authority in the Park should be unambiguous and a suggestion might be that the 3 local authorities work in partnership and be used as an agency by the Park Authority. It must be remembered that the local authorities already have professional planning services in place.

There is precedent to use the LA’s planning service as an agency in England, and this would mean that the recommendations can be worked up by the relevant local authority’s planners and then presented to the Park Board to make the decision. The Park Authority would pay for this service on say a time basis and the local authority would act as a contractor.

3 Agriculture and Land Management.

The Cairngorms Straths ESA Scheme includes the Strathdon postal area. There has been a solid commitment from farmers in Strathdon since the ESA was introduced 9 years ago. Many farms are into a second 5 year term of the ESA,

If local priority agri-environment incentives are implemented within Cairngorms National Park, farms with existing ESA management agreements could be disadvantaged and diminished through exclusion from the Park area.

Area 8 (SNH map) is a fragile area and this is recognised by both the Cairngorms Straths ESA Scheme and the Less Favoured Area Support Scheme (LFASS). There is a need to maintain a lower stocking density to protect the indigenous flora and fauna.

The fragility of the Strathdon area is not only confined to the farming and the environment but also the farming families and their future. There is a need to protect this group who are necessary to maintain the land and environment and being included inside the Cairngorm Park boundary will offer a protection and consistency that should achieve that goal.

4 Environment.

The Strathdon area (Area 8 SNH map) is an important area in Scotland for the survival of capercaillie. The RSPB suggested Strathdon contained about 50 capercaillie, which represents 5-8% of all the stock in Scotland.
The SSSI – the **Green Hill of Strathdon** - borders that area and the two should make a compelling case for the inclusion of **Area 8 (SNH map)** into the Park. The **Ladder Hills SSSI** is also split by the proposed boundary.

The **quality of the environment** in this Upper Donside area is very high and internationally recognised and it has a **natural synergy with the Cairngorm Massif** and not with the areas of Lower Donside. 50 year forestry plans are being developed to enhance the area.

5 **Representation on the Board.**

The main concern of the Strathdon area is that there should be local and knowledgeable members on the Park Board.

There should be 4 representatives from Aberdeenshire Council, as the area proposed in the Draft is **48%** of the land mass against **42%** for Highland and **10%** from Moray. A split of 4 : 5 : 1 respectively, would be fair.

There is also a fear that the five locally-elected Park Board members may be “parachuted “ into the area and it is very important that the 5 members should be continuously resident inside or very close to the National Park boundary.

6 **Tourism and Economic Issues.**

The road through Strathdon (**Area 8 (SNH map)**) is the designated **Highland Tourist Route** and as such is recognised as the **Eastern gateway into the Cairngorms** and thereby the Park.

The **Aberdeen & Grampian Tourist Board**, which covers the whole of Aberdeen City, Aberdeenshire and Moray have recommended that the Strathdon area be included.

The splitting of the **Lecht Ski Centre** by the proposed boundary is particularly criticised.. This Centre is a key attraction for the Cairngorms area and provides local employment in an area that is desperately short of sustainable employment to maintain a rural economy.

The 2001/02 winter season resulted in 62,000 skiers using the Lecht, compared to 85,000 at Cairngorm. An estimated **£4 million** was injected into the Upper Donside economy. Over 50 employees came from the area.

The unique Castle and Whisky Trails through Strathdon is a well used facility by visitors.. The focus of the new National Park is perceived as a catalyst, which will enable the fragile rural businesses in Strathdon to survive including a shop, Post Office and a coffee craft shop

The **culture of small craft based businesses** in this area is very well established with galleries, potters, sculptresses, painters and other crafts. This “craft culture” would be a considerable asset in the Cairngorms National Park, particularly because it is **already established**. Scottish Woodlands has established extensive **footpaths and car parks**.
Summary.

Area 8 (SNH map) looks not only East to Donside and Deeside for economic, environmental and cultural interaction, but also towards the West and the Cairngorms in the area’s future. Many of the points noted above, and associations of Strathdon culture, topography and geographic position, exemplify that fact.

The parishes of Strathdon and Glenbuchat, which incorporate the hamlets of Roughpark, Forbestown, Heughhead and Corgarff as well as Bellabeg have demonstrated through the recent public meeting and questionnaire, a commitment and wish to be inside the National Park and we would ask that you give serious consideration to the points that are made in this response to making that hope, a reality.

ANNEX 1

Outcome from Strathdon questionnaire

The questionnaire was based on the four aims of the Cairngorms National Park, as shown below. A total of 49 questionnaires were returned.

Aims of the Cairngorms National Park

1. To conserve and enhance natural and cultural heritage of the area.
2. To promote sustainable use of the natural resources of the area.
3. To promote understanding and enjoyment of the special qualities of the area through recreation.
4. To promote sustainable economic and social development of the local communities within the Park area.

Summary of responses to questionnaire

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>%</th>
<th>No</th>
<th>%</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the 4 aims of the Cairngorms Park National Park relevant to the Strathdon area?</td>
<td>46</td>
<td>93.9</td>
<td>3</td>
<td>6.1</td>
<td>0</td>
</tr>
<tr>
<td>Do you think inclusion within the Park area will benefit rural communities?</td>
<td>43</td>
<td>87.8</td>
<td>2</td>
<td>4.1</td>
<td>4</td>
</tr>
<tr>
<td>Do you think inclusion within the Park area will benefit the local rural economy?</td>
<td>47</td>
<td>95.9</td>
<td>2</td>
<td>4.1</td>
<td>0</td>
</tr>
<tr>
<td>Do you think inclusion within the Park will increase visitor numbers to the area?</td>
<td>41</td>
<td>83.7</td>
<td>4</td>
<td>8.2</td>
<td>3</td>
</tr>
<tr>
<td>Do you think the Strathdon area should be included within the Park area?</td>
<td>46</td>
<td>93.9</td>
<td>2</td>
<td>4.1</td>
<td>1</td>
</tr>
</tbody>
</table>
Scottish Natural Heritage strongly welcomes the commitment to the establishment of a Cairngorms National Park. We believe that the designation will have many benefits for the area and is the best means of securing the proper protection of its outstanding natural heritage, alongside the promotion of open-air recreation and the sustainable development of its communities. Below, we summarise the main points we made in response to the Scottish Executive consultation on the draft designation order in our role as the Government’s natural heritage advisor.

The Proposed Area of the Park

We share Ministers’ concerns over the need to ensure that a future Park Authority could operate effectively, have a clear focus and ‘provide a distinctive model for best practice in environmental conservation’. However, we have not been convinced by the arguments which have been presented for the smaller area now being proposed. While a Park focused on such an area should be able to make a discernible difference, we remain strongly of the view that the proposed area does not effectively satisfy the three conditions set out in Section 2 of the [National Parks (Scotland) Act 2000](#) for the following reasons.

- Some outstanding natural heritage features closely associated with the Cairngorms area are not included in the proposed area. In particular, the southern boundary bisects one of the two Cairngorms massifs. As a result, a substantial part of the Deeside and Lochnagar National Scenic Area is excluded along with most of Caenlochan NNR/SSSI/cSAC/SPA. These areas are of very significant recreational, biodiversity and landscape value, and have special management needs which would be best resolved by inclusion within the National Park. The wider Cairngorms area also contains the largest single tract of semi-natural habitat and the most extensive wild land area outwith the public road network in the UK. The management of these extensive natural resources needs a policy framework and management mechanism which extends equally widely.

- While the Cairngorms are recognised internationally as an important mountain area, much of the distinctive character and coherent identity of the area results from the combination of mountain, moorland, forest, straths and glens and the resulting pattern of extensive land-use – agriculture, woodland and sporting management – that has resulted. At present, the proposed area excludes both the remote and wild upland area centred on the Atholl and Gaick Forests and also the lower lying areas to the north (Glen Livet and Strathavon) and to the south (the heads of the Angus Glens and Glen Garry). The exclusion of this land detracts from the overall coherence of the Park area and lessens the strong cultural links of the routes across the Mounth and the traditional pre-Wade routes via the Gaick and Glen Tilt.

- The smaller area proposed may not help the Park Authority achieve the Park aims in a co-ordinated way. Almost all international experience about best practice in the definition of boundaries for protected areas in mountain landscapes suggests that the designation should include some adjacent low lying areas of importance to the management of the mountain range. Such experience would seem to be of particular relevance in the Cairngorms because of the critical relationship that exists between land management and the extensive natural heritage and outdoor recreational interests for which the area is particularly valued. From a natural heritage perspective, many of these lower lying areas can also play an important role as ‘buffer zones’, thus...
contributing to the effective management of the core montane area. Their inclusion would also support the Park in achieving its social and economic aims.

SNH therefore remains convinced that the Cairngorms National Park should cover a larger area, including the whole of the Deeside and Lochnagar National Scenic Area; the hills and glens to the south of the Lochnagar/White Mounth massif including the heads of the Angus Glens; the area of wild and remote country to the south west of the Cairngorms massif, including Blair Atholl; and also Glenlivet and Strathavon in the Northeast. Four maps have been provided to assist the Committee’s considerations of these matters.

Powers of the National Park Authority

SNH recognise the very difficult decision that Ministers had to take on the planning function for the National Park. We therefore welcome the fact that the broad thrust of the proposed arrangements is in line with SNH’s advice. However, there are several notable differences. We therefore suggested that Ministers amend the designation order and prepare related guidance to:

• clarify the importance of the National Park Plan and putting in place guidance on its scope and content;
• promote the development of effective protocols between the National Park Authority and each of the local authorities;
• secure the development of joint local plan arrangements between the Park Authority and the relevant local authorities;
• provide more detailed guidance on the criteria that the Park Authority should have in mind in deciding whether an application met the test of Section 7(3) of the draft order in raising issues ‘of general significance to the National Park aims’; and to
• bring in statutory consultation arrangements for the Park Authority to comment on development proposals outwith its area, but which could affect the achievement of National Park aims

At the same time, SNH was disappointed that no mention is made in the consultation on the draft order on the advice we gave on a number of other equally critical aspects of the work of the Park Authority. We therefore strongly recommend that Ministers in taking forward the designation order and related guidance say how they intend to address the following matters raised by SNH in our published advice:

• the provision to the National Park Authority of relevant powers and duties associated with forthcoming access legislation;
• the development of a land management incentive scheme for the Park as signalled by the Forward Strategy for Scottish Agriculture;
• the development of a co-ordinated approach to deer management in the Park through the National Park Plan and the establishment of one or more land management sub-committees of the Park Board;
• the operation of consultation and referral powers for the National Park Authority in respect to the activities of other public bodies within the Park area;
• the encouragement of partnership working between the Park Authority, local authorities and other public bodies on a range of issues, including visitor management, ranger services, long distant routes etc.; and
• the creation of last resort powers for the National Park Authority to safeguard the special qualities of the area from damaging activities.