

The need for ground rules – the CNPA Partnership Plan’s “Big 9”

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COMMENT

HERALD NO 5122 • RECORD NO 5942

Is it, or is it not, a master plan?

WHEN is a master plan not a master plan?

It depends who you ask.

Cairngorm National Park Authority's planners are apparently quite satisfied that they have in their hands the full and finalised design for Badaguish Outdoor Centre, that charitable holiday home to so many wheelchaired visitors to the Glenmore Forest, who we know take to their high-rise wooden wigwams with paralympian enthusiasm.

Others at Friday's site visit remained to be convinced.

The only good thing they could bring themselves to say about it was that, after a long time asking, someone was finally able to hold something up which seemed to look a bit like a sort of layout of something or other.

We can't help wondering about Glenmore's own master plan, which has been in the offing for a few years now.

Along with many others we are still champing at the bit to see the finalised document in all its glory.

There have been private meetings with accommodation and adventure providers, there have been public drop-ins excitedly discussing the removal of that old youth hostel and the creation of new car parks and speed limits and a spectacular new visitor centre.

But it would surely make for some riotous entertainment if the architects of that multi-million pound make-over ultimately submitted something like the Badaguish Master Plan which observers were treated to on Friday morning.

The wigwam war will have done us all a service if it ensures that everybody gets a good long look at what they're actually going to be paying for and building before deciding on approving a single gravel path of it.

The national park, obviously, is between a rock and a hard place over all new applications – that's its job, to be the arbiter over grass or gravel – but it would have made life a lot easier for itself if it had been able to offer up a Badaguish master plan long, long before Friday.

There are those who maintain that it actually still needs to.

As is the way with Badaguish, there always seem to be questions needing definitive answers.

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Peter Argyle, the convener of the Cairngorms National Park Authority, published a thoughtful blog piece on 19th August promoting the consultation on the new draft Park Partnership Plan and more specifically the need to work “partnership”. While I do not doubt Peter’s good intentions, the reality is that many landowners and some businesses in the National Park at present are doing anything but working in partnership. One example of this is their ability to flout planning regulations, apparently at will.

Recent planning failures

- The failure of the Speyside Trust to observe or implement conditions attached to its developments at Badaguish in Glenmore. The convener of the Park’s Planning Committee Eleanor Macintosh summarised all that was wrong in an excellent [letter](#) to the applicant back in March yet the Planning Committee at their last meeting gave retrospective planning permission to all the unlawful developments that have taken place.
- The failure of the Dinnet estate to observe planning rules on hill tracks north of Ballater as evidenced by the July committee report:
 - *“Members are aware that the planning application is in part retrospective and it has taken a considerable amount of time to secure the necessary details to demonstrate compliance with adopted policy. Whilst the approval of planning permission for the track works provides certainty, the delivery of the identified standards will rely heavily on the co-operation of the applicant, and it is prudent for the works to be implemented as soon as possible to avoid any further degradation of the track conditions and worsening of the landscape and visual, and environmental impacts.*

The minute of the meeting again records that the Planning Committee Convener is to write to Applicant to express the “Committee’s disappointment over the retrospective nature of the application.

- The flouting of the planning requirements for the Sheiling rope tow at Cairngorm by Natural Retreats [see here](#) which is currently subjective to a retrospective planning application
- The bulldozing of a new track onto the Monadhliath by the Cluny estate

Unfortunately, the CNPA at present is giving very mixed messages about planning rules. On the one hand it is deploring what is going on – and rightly so – but then not only lets people get away with breaching planning requirements but suggests that all is well and everyone is working in partnership. So, after the Committee meeting which granted retrospective planning permission to all those unlawful developments at Badaguish the CNPA put out a press release headed “Approvals all round at the Planning Committee”:

“There is often the perception that the CNPA says no more often than yes, but in fact this is not the case as demonstrated today. By working with applicants early in the process we can help ensure

that their projects can be realised.”

This is simply not true and totally divorced from reality as the evidence from the above planning applications shows.

The way forward for partnership working?

It is worth considering Peter Argyle's statement in his blog piece against the evidence cited above:

“The legislation that established National Parks in Scotland did not give significant powers to the Authorities established to manage and direct them. It could be argued that beyond Planning and Access powers, National Park Authorities have almost no ‘powers’ at all.

We cannot ‘give orders’ or ‘issue instructions’; instead we work through co-operation and in (an over-used word these days) partnership. Which is a good thing as I believe this makes the CNPA a more effective organisation and helps foster better working relationships throughout the Park.

The CNPA works with others, be that local authorities, other agencies, the Scottish Government or, importantly, the communities within the Park; without forgetting the ‘communities of interest’ outwith the Park which can keep a very close watch on what happens here. It is a National Park”

- Its true that our National Parks were not given significant powers, particularly in relation land-use and ensuring landowners support the statutory objectives of the National Park. This helps explain why landowners can flout those statutory objectives both by ignoring planning rules but in the way that the land is managed (wildlife persecution etc). The CNPA could be calling for more powers instead of maintaining, against the evidence, that partnership are working. I agree with Peter that “partnership” is an over-used word. For partnership to work there has to be a clear framework for what is and what is not acceptable. Unfortunately, there are NO ground rules at present – this needs to change.
- Our National Parks however do have planning enforcement powers – the problem is there does not appear to be the will to use them. The CNPA also has more powers than Peter suggests – it could for example create bye-laws to license hunting. The new Partnership Plan should include an unequivocal commitment by the CNPA to re-establish the credibility of the planning system but also how it will use its existing powers more effectively to achieve its objectives.
- I think it is significant that Peter's list of “partners” makes no mention of landowners. Yes of course the public authorities in the National Park should be working together – that is meant to be happening throughout Scotland through community planning – and its good to see the reference to “communities of interest” (such as recreational organisations). The problem is though you

cannot work in partnership with people who simply ignore everything the National Park is supposed to be about except when it suits them. This is mainly landowners but also businesses such as Natural Retreats and the Speyside Trust. The new Partnership Plan needs to set some ground rules for these interests otherwise it will not be worth the paper its written on.

Category

1. Cairngorms

Tags

1. CNPA
2. landed estates
3. natural retreats
4. planning
5. wildlife persecution

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