

The Highland Council

Minutes of Meeting of the **Badenoch and Strathspey Area Committee** held remotely on Tuesday 21 December 2021 at 10.30 am.

Present:

Mr J Bruce
Mrs M Cockburn

Ms P Hadley
Mr B Lobban

In attendance:

Ms K Lackie, Executive Chief Officer Performance and Governance
Ms L Cowie, Ward Manager, Communities and Place
Miss M Murray, Committee Administrator, Performance and Governance

An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.

Mr B Lobban in the Chair

1. Apologies for Absence Leisgeulan

There were no apologies for absence.

2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following declarations of interest:-

Item 3 – Ms P Hadley and Mr B Lobban (both financial)

3. Cairngorms National Park Partnership Plan – Highland Council Response Plana Com-pàirteachas Pàirc Nàiseanta a' Mhonaidh Ruaidh – Freagairt Chomhairle na Gàidhealtachd

Ms P Hadley declared a financial interest in this item as a member of the Cairngorms National Park Authority Board but, in terms of the dispensation granted by the Standards Commission, remained to take part in the discussion.

Mr B Lobban declared a financial interest as a Director of Cairngorm Mountain Scotland Ltd and undertook to leave the meeting if discussion arose in that regard.

There had been circulated Report No BSAC/21/21 dated 13 December 2021 by the Executive Chief Officer Performance and Governance.

During discussion, the following main points were raised:

- Members commended officers from the Cairngorms National Park Authority and the Council for the close partnership working that had taken place in developing the Plan;

- in relation to risk implications, lack of accommodation was a significant risk within the Badenoch and Strathspey Ward. In that regard, the Executive Chief Officer Performance and Governance highlighted that there was a strong paragraph on housing in the general comments, which Members concurred captured the point raised;
- it was important to ensure that large landowners did not carry out restoration/reforestation programmes simply for tax benefit purposes and as a means of excluding members of the public from the land. Discussion ensued in that regard, during which it was commented that many wealthy landowners were preserving estates and there was very little profit being made. In addition, it was highlighted that there was a statutory “right to roam” in Scotland and the only reason landowners could prohibit access to their estate was if it was a matter of safety. However, reference having been made to precedent elsewhere in Scotland, it was suggested that an addition be made to the Council’s submission, in the general comments, reflecting Members’ concerns regarding the potential to restrict public access to the countryside and emphasising the need to protect public access rights, balanced against the protection of land and reforestation. This was supported, and it was suggested that agriculture also be included;
- in relation to Objective A16, livestock overgrazing needed to be managed sensitively. It was important to get the balance right and ensure that farmers and crofters were not negatively affected. In addition, it was necessary to explore new and innovative ways of working in conjunction with partners and the agricultural community. In that regard, the Executive Chief Officer Performance and Governance drew attention to the response to Objective A7, which Members were content covered the points raised;
- in relation to transport, it was necessary to look at the whole scope of provision;
- in relation to Action A2, there had been problems locally in terms of Tree Preservation Orders being overlooked in planning decisions, and it was suggested that it was necessary to strengthen the Council’s comments. Following discussion in that regard, it was proposed that an additional sentence be added as follows: “In addition, a commitment should be given that Planning Committees should not override the provision of Tree Preservation Orders without due consideration.”

Thereafter, the Chair having expressed thanks to all those involved, the Committee **AGREED** the Council’s submission as set out at Appendix 1 to the report subject to:-

- i. an addition to the general comments reflecting Members’ concerns regarding the potential to restrict public access to the countryside and emphasising the need to protect public access rights, balanced against the protection of land, reforestation and agriculture; and
- ii. under Actions and Policies, an additional sentence in relation to A2 as follows: “In addition, a commitment should be given that Planning Committees should not override the provision of Tree Preservation Orders without due consideration.”

The meeting concluded at 10.55 am.