

Cairngorm Consultation
Forestry Commission Scotland
Inverness Forest District
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Dear Sirs,

19 Sep 2006

Consultation on Proposed Transfer of HIE Cairngorm Estate to Forestry Commission

Thankyou for the opportunity to respond to this proposal. Our response to your questions is below, along with additional comments.

Description of the Values of the HIE Estate

We agree with the description of the values of the estate in so far as it goes, but would point out key omissions. Acknowledgement of these influences how the re-integrated landholding of the two estates would be managed.

1) The whole estate, including HIE and FC sections, is an important buffer zone between the sensitive Cairngorms Massif and the Aviemore Area.

Such buffer zones are recognized globally as KEY LAND UNITS in managing the impacts of intensive tourism on adjacent sensitive areas. In most mountain masses, these buffer zones occur within the foothill areas but in Glenmore, the Cairngorms have no such foothills making the central massif more easily accessible. At the same time, the lower half of the Forest Park, including Loch Morlich is a key area for the Badenoch and Strathspey Tourism Industry, attracting large numbers of people. Hence, the combined estate, as a re-unified Forest Park, is a particularly sensitive and difficult buffer zone to manage, acting as a gateway to the central Cairngorms.

2) Range of Ecological Zones Within the Re-unified Estate

The reunified estate will stretch from the tundra of the high Cairngorm plateau to the forest of the valley floor, encompassing such areas as the krumholz zone en route. It will this span the major altitudinal range of plant and animal life and of landforms in the Scottish Highlands more fully than any other area in Scotland. The importance of this feature was, after all, a key finding of the reporter to the 1981 Lurchers Gully Public Inquiry. Given the realisation of the importance, in conservation terms, of site completeness, this adds significant value to the area.

3) The Historical Role of the HIE Estate in the Diverse Outdoor Recreations

The description of the HIE estate in the consultation document emphasizes its importance for downhill skiing, but its importance for other forms of outdoor recreation is inadequately acknowledged. These include cross-country skiing, rock climbing, and snow and ice climbing, as well as simply nature study. Due to the relative ease of access, the diversity of terrain, and the proximity of training institutes like Glenmore Lodge, the Glenmore Youth Hostel, and Rothiemurchus Lodge, the area has played a significant national role in the development of such outdoor recreations, and continues to do so in particular in education in outdoor recreation. Given the water based and other recreations in the lower half of the Forest Park, there is almost certainly a greater diversity of outdoor recreations practiced within this compact area of land than anywhere else in Scotland.

Overall, the above points should lead to a significant upgrading of the values, role and significance attributed to the reunified Forest Park!

4) An Unclarified Question

There is one key issue that seems to remain unclear from the consultation document. That is whether the responsibilities held by HIE as a signatory to the VMP will be retained by them or transferred to the FC. We believe they should be transferred, if it is legally possible, to the FC.

Response to the Specific Questions

Regarding the answers to your specific questions, these are detailed below.

1) Do you agree with the proposed transfer of the HIE Estate on Cairn Gorm to the Scottish Executive Ministers with management by Forestry Commission Scotland?

We strongly support this land transfer, which effectively restores the Glenmore National Forest Park to its original form. *We support this mainly because it permits the integrated management and interpretation of the Forest Park as a single, cohesive land unit!* We have mentioned above the ecological "completeness" of the Park area. Perceptually, the Park is bounded on three sides by the Cairngorms massif and the Kincardine Hills and the fourth is largely defined by the limits of Loch Morlich. Within these geographically strong boundaries, there is a high degree of intervisibility between most of the different areas of the Park, making it essentially one landscape unit. Recreationally, the public ranges over the entire area without regard to boundaries. History has shown clearly how development in the upper half of the Park has major implications for the lower half.

Therefore, perceptually, ecologically, recreationally, and in landscape terms, the reunified Park is a single, functional, indivisible land unit and must be managed as such! It follows that the Park should be managed as one land unit by one organization and hence one landowner **under a single management plan** that takes into account the its diverse functions!

2) Do you agree with the proposed structure for future governance on Cairngorm Estate?

No! We are clear that certain aspects of the proposed structure need rethought.

Firstly, as we made clear above, the entire Forest Park must be managed as a single land unit. We do not see that there should be two management structures for the upper and lower halves of what is functionally a single land unit. It is an un-necessary complication that would lead to difficulties. The idea of having two management plans, and two management structures for this single land unit under one owner is, frankly inefficient and even absurd.

Secondly, there is presently a proposal for a Management Executive that consists of Forestry Commission Scotland (Chair), Cairngorm Mountain Ltd, Cairngorm National Park Authority – by invitation for specific items, Scottish Natural Heritage – by invitation for specific items, and Cairngorm Reindeer Company – by invitation for specific items.

The term Management Executive clearly implies that this body would have executive authority (otherwise it is not a Management Executive). We see problems here.

Firstly as landowner, ultimate authority must actually rest with the FC, unless specific legal and very unusual arrangements are made by Scottish Executive Ministers as the ultimate owners.

Secondly, even disregarding this, the Management Executive, as proposed, includes two tenants, including CML.

These arrangements are not practical for several reasons:-

- a) FC will have a duty to oversee and ensure environmentally responsible performance by CML in particular, in an ecologically vulnerable area where actions by the tenant are publicly and closely scrutinized and sometimes the subject of conflict, as with current proposals to change the Visitor Management Plan.
- b) A member of a Management Executive would be obliged to act with regards to the overall interests of the wide range of recreational users of the area and the safeguarding of the environment of the whole estate, not in the interest of a particular commercial operation. Given a) and b), the position of tenant does not sit easily with shared executive authority. Potential clear conflicts of interest emerge. Decisions from such a Management Executive would not be regarded as impartial or be respected by other stakeholders in the area, including those on the proposed Advisory Forum.
- c) Nor can we see that either the CNPA or SNH can be simply there by invitation on management decisions on a key land unit. Who for example decides on what issues they should be invited to make a contribution? These agencies act under statutory powers and will inevitably decide themselves what issues concern them.
- d) Further, since organisations must accept responsibility for the decisions they take, and management decisions in this area are often a matter of public debate and discussion, how would the public know which decisions these agencies had partial responsibility for and which not?

- e) Lastly, why would organizations that represent the national and even international interest in the land have a lesser role and authority than a local tenant?

We submit this is not a workable structure. In practice it would simply be a consultative body between landowner and tenant.

This last point leads on to further problems. We support the idea of an Advisory Forum, but the points made above would mean that effectively there would be two Advisory Forums, leading to some confusion.

Regarding the proposed Advisory Forum, research into complex problems of natural resource management of this kind has shown that such Forums can be useful devices for stimulating dialogue, developing common aims etc. However, the proposed Forum is large as such stakeholder groups go, with at least 20 members. We would therefore add three points of caution:-

- 1) Sustaining a large stakeholder group like this in an active form takes significant resources of time and money and realistic provision needs to be made for this.
- 2) It needs good process skills to be done successfully and these are difficult to obtain.
- 3) It is important to be absolutely clear from the start as to its function. Is it there simply as a conduit for information exchange with stakeholders? Is it a consultative body, or is it a participative body engaging in structured dialogue with very significant influence on management decisions? There is often unrealized confusion between stakeholders on this crucial point that leads to destructive tension at a later date.

3) If not, who do you think should have responsibility for day to day decision making on Cairngorm Estate (see paragraphs 53-56) and why?

3.1 Ultimate responsibility for management decisions inevitably rests with the landowner, the FC. This is simply a matter of law limited by the legal powers and responsibilities possessed by CNPA, SNH and Highland Council and other agencies.

3.2 Management does however need to be carried out under a unified Management Plan for the whole Forest Park that can be evolved in a participative manner with stakeholders in the Advisory Forum. There are models of how such a plan can be created and we will refer the FC to such if requested.

3.3 Day-to-day decision making has to be ultimately in the hands of the landowner's staff working within the unified management plan

4) If not, who/what bodies should share the responsibility of advising managers of Cairngorm Estate (see paragraphs 58-59) and why?

We agree with the selection of stakeholders that it is proposed should be on the Advisory Forum. It is not possible however to work on a day-to-day, or even month-to-month, basis with that number of stakeholders. Some stakeholder analysis is needed to determine which stakeholders FC needs close, frequent, participative relations with, such as SNH and CNPA, and which require more consultative and less frequent contact.

5) Do you agree with the short-term environmental improvements proposed in paragraph 67?

Yes, we agree with these suggested improvements. We would point out however that there are other structures on Cairn Gorm that will eventually have to be removed. What, for example is to happen to the Coire na Ciste car park? We are clear that the bill for measures both listed under short term environmental improvement and those in the more distant future should not be paid for by FC but by HIE. To avoid disputes in the not-so-distant future, a clear agreement must be given by HIE to pay for such removals also.

We would be very willing to discuss any of the above points.

Yours sincerely,

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