COMMUNITY EMPOWERMENT (SCOTLAND) BILL

The Cairngorms National Park Authority welcomes the opportunity to respond to the Committee’s call for written evidence as part of its Stage 1 consideration of the Community Empowerment (Scotland) Bill. We have sought to provide some contextual information, before answering the specific questions in turn.

The principles of sustainable, community-led local development are central to the management of the Cairngorms National Park. CNPA considers that the Bill will support us in helping communities take an even more active role in managing the Park.

Over the last 11 years CNPA has developed a number of approaches, in partnership with other organisations, to help communities to identify their own priorities, principally through a process of community action planning. This has been tremendously productive, both in the development of the National Park Partnership Plan – the overarching management plan for the Park – and its delivery.

The story does, of course, vary across the National Park with each community at different stages and with varying priorities. However, community-led activity has covered a variety of themes, including: the acquisition or creation of assets; the development of locally-tailored solutions to specific issues such as provision of broadband, affordable housing and local food production; and the establishment of trading subsidiaries, or social enterprises to develop sustainable income streams. The additional resources provided by the dedicated Leader programme for the Park – the only one of its kind in Scotland – have been of considerable assistance.

We are aware from the number of specialist and professional visits from overseas, and especially Scandinavia, that our approach to community-led development in a protected area of national significance is both innovative and stimulating at an international level. We were pleased recently to celebrate this approach and share experience though hosting the first Regional Preparatory event in Scotland for the
Scottish Rural Parliament.  CNPA would be happy to share information about our other examples of good practice, or to supply further information on request.

At a strategic policy level, we view the proposals, particularly those around strengthening community planning, as opportunities to improve collaborative working across Scotland.  Collaboration between all sectors is at the very heart of Scotland’s unique approach to National Parks, as set out in the National Parks (Scotland) Act 2000.  We feel that to realise the ambition, some further work is required to ensure that community planning arrangements are working well in National Parks and in our response to the consultation, we comment on the relationship between the National Park Partnership Plan and Single Outcome Agreements/Local Outcome Improvement Plans in more detail.

1. To what extent do you consider the Bill will empower communities, please give reasons for your answer?

As the supplementary guidance and other information surrounding the Bill makes clear, the legislation alone cannot empower, but it can create the conditions to do so.  By formalising, extending and giving additional weight to a number of existing processes around asset transfer, right-to-buy and service planning, CNPA considers that the Bill provides a good framework through which appropriate community groups and public agencies can work collaboratively and in partnership to empower communities.

One of the concerns that CNPA highlighted during the consultation process for the Bill was the limited focus on the provision of support for community capacity building.  There is relatively little information about this in the Bill and associated guidance on this topic.  If the intention of the Bill is to empower the most disadvantaged communities then capacity building is essential and additional support for agencies which provide this role (particularly through the voluntary sector) will be central to this success.  This issue is not specifically picked up and our concern would be that those communities who stand to benefit most from the Bill will be unable to take advantage of the provisions.

In addition, those communities who are in a position to take advantage of the provisions will also require support to ensure that they understand the advantages and possible drawbacks from any activity they take forward.  For example, it would be in nobody’s interest for a community to take on a potential liability as opposed to a sustainable asset.

2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

As an organisation, CNPA is committed to the principle of community-led local development as described above.  As a result, we foresee three several advantages as listed below.
a. The provisions place greater emphasis on communities in the National Park having opportunities to take forward their own ideas and ambitions for their communities. This approach is extremely welcome.

b. The Bill provides additional opportunities for some of the most rural communities in Scotland to have a greater say on the delivery of public services which are most important to them and which are often tailored to suit more urbanised communities.

c. One of the issues that CNPA has highlighted previously about community planning in the National Park is that there are essentially two key processes about partnership working in particular places (or regions), the Single Outcome Agreements (proposed to be supplemented by the LOIP) and the National Park Partnership Plan. CNPA considers that while there are many good examples of strategic joint working around priority themes in National Parks that draw on both SOAs and the National Park Partnership Plans, there is still some scope for confusion and duplication of effort. The difficulty is in seeking to integrate or align these strategic processes and identifying where the National Park Authority should engage with the relevant CPPs (five CCPs in the case of the Cairngorms NP).

Within the Park priority attention is now being given to the coordination of partnership delivery around certain key themes including planning, biodiversity management, economic development, active lifestyles and community-led development. CNPA has recently agreed a process with each of the CPPs based on a mutual exchange of monitoring information to inform a joint annual review. It is intended that this will help to coordinate strategic planning around the SOA or NPPP and demonstrate how activity in the National Park helps to deliver the SOA and how activity in the CPP helps to deliver the NPPP.

CNPA considers that with the provision of appropriate guidance and encouragement, the requirement for Local Outcome Improvement Plans (LOIPs) as an annual supplement to the three year SOA provides an opportunity for partners to work towards closer alignment of our strategic plans, using the process set out above.

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure this happens?

Some communities are much better placed than others to take advantage of the provisions of the Bill and it is likely that the most disadvantaged (i.e. those who may stand to benefit most) will be the least well placed. As referred to in answer to Question 1, support for community capacity building will be essential in the most disadvantaged or least prepared communities. CNPA has sought to address this within the National Park by working with partners and communities to create a structured process for community empowerment through engagement and community-led local development. The process has varied to reflect the context of each community, however, the
general principles focus on intensive community engagement to agree the priorities for a geographic area; identifying the partners that need to be involved; and supporting communities through the creation of Community Development Officer projects to build capacity and deliver community-led projects and initiatives which address local concerns and support the delivery of the National Park Partnership Plan. The required capacity building support may be very basic, but has the potential to be very intensive, requiring some significant resource commitment. Key issues are likely to include:

- Governance – from getting the best legal framework in place for a particular organisation (e.g. SCIO or other) to how various community groups work together on an agreed set of priorities;
- Building skills in terms of running meetings, taking minutes, establishing partnerships and effective relationships; and
- Identifying initial funding and how to run a sustainable project/initiative for long-term viability.

Supplementary guidance should seek to achieve a situation in which resources are targeted at the most disadvantaged communities and may require regular review to check progress. Guidance should also provide additional clarification on where ultimate responsibility for ensuring adequate capacity building support sits, for example it may be the local authority as the local democratically accountable body. The new CLD Regulations indicate that this is the case, but confirmation of this would be helpful in determining the role of other key partners, in order to avoid duplication of effort and provide the best chance for adding value.

4. Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

CNPA is positive about the main provisions and the overall intention of the Bill and feel that it will help to create the conditions necessary for positive community empowerment. The balance between clear provisions and providing flexibility in terms of local interpretation is about right and the guidance should seek to address:

- Integration of National Park Partnership Plans and SOA/LOIP processes;
- Prioritisation of investment of resources to support capacity building; and

5. What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?

The key impact from a CNPA point of view will be that around sustainable development. The National Park Partnership Plan sets out clearly how the aims of the National Park will be delivered through partnership working and with sustainable development at its core. The provisions in the Bill around asset transfer and participation requests already refer to public benefit and public sector agencies are required to consider the impact on sustainable development as part of their deliberations. Therefore, this is generally covered; however, a specific requirement for the community-controlled body or community participation body to demonstrate how their proposal contributes to sustainable development may be helpful in this regard.
Should you have any questions regarding any of the points laid out here, or if you would like more information on any of the examples given, please do not hesitate to contact me.

Yours sincerely

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