

JOHN MUIR TRUST: TRUSTEES' MEETING

Minutes of Meeting held on Friday 17th June 2016 at Tower House, Pitlochry

Present:

Peter Pearson (Chair), David Broom, Peter Foulkes, John Fox-Davies, Jim Gibson (by conference call for items 12 to 17), Steve Green, Patricia Jordan, David MacLehose, Duncan Macniven, Jo Moulin, Chris Townsend, Deirdre Wilson and Douglas Wynn.

Apologies: John Finney and Hugh Salvesen.

In attendance:

Stuart Brooks (Chief Executive), Fiona Kindness (Director of Resources), Mike Daniels (Head of Land Management – items 11 to 17) and Helen McDade (Head of Policy – items 11 to 17).

Item 1 – Introductory items

Peter Pearson welcomed all to the meeting (particularly David Broom, Peter Foulkes and Douglas Wynn who were attending for the first time, and Jo Moulin who had been re-elected for a second term) and noted apologies. He requested declaration of any conflicts of interests: none was reported.

Item 2 – Minutes of last meetings

The draft minutes of the two meetings on 21 March 2016, which had been circulated with amendments previously proposed by Trustees, were **approved** as so amended.

Item 3 – Matters Arising

Duncan Macniven confirmed that, on the basis of further information provided by Mike Daniels on the possibility of excluding the area nearest the car park from the sale of the woodland adjacent to Arinreaga House, Strathaird (Item 8), he had agreed that the sale should proceed.

Item 4 – Action Points from Previous Meetings (Paper A)

In a review of Action Points from previous meetings, the following points were made:

- The tendering of the audit of the accounts (Action Point 4 from meeting of 21 March 2016) would be put in hand;
- Trustees accepted the clarification of their health and safety position on unofficial visits to Trust properties (Action Point 9 from meeting of 21 March 2016).

Item 5 – Restricted Funding Resolution (Paper B)

Fiona Kindness explained that, the specific appeal for funds for the repair of the Steall path having raised over £32,000 more than the cost of the work, it was necessary to apply to OSCR for consent to use the balance for footpath repair generally. She explained that the Wild Ways Path Fund, to which the balance would be transferred, would fund any future repairs needed to the Steall path - a point which would be made in Members' News in the summer, as part of an article informing members of what was proposed.

Subject to any views expressed by members, Trustees **agreed** the statement of donor wishes (explaining why it was not feasible to consult donors individually about the transfer) and **agreed** the resolution to give effect to the transfer. Fiona Kindness would seek OSCR's consent, subject to any comments from members in response to the article in Members' News. [AP1]

Item 6 – Fundraising Department (Paper C)

Stuart Brooks reported that Celia Brady had been appointed as Major Donor fundraiser. Trustees had unanimously agreed the proposal in Peter Pearson's email of 21 May 2016 proposing that the fundraising team be further strengthened by an Appeal/Individual Giving post and a Development Manager post. An appointment had been made to the former post but the two excellent but unsuccessful candidates for the Major Donor post had already found other employment, so the latter post was about to be advertised. Trustees had asked about the wisdom of appointing two permanent members of staff but had accepted that a permanent appointment was likely to attract better candidates, that it took time for fundraisers to build up effective contacts and that appointments in any case effectively became permanent after two years.

Trustees welcomed the appointments and **noted** the position.

Item 7 – Appointments to Boards and Committees (Paper D)

Trustees **agreed** the following appointments:

- Finance Committee: Jim Gibson to continue as chair, existing members to be re-appointed (subject to John Finney's willingness to agree) and Douglas Wynn to be an additional member;
- HR Policy Committee: Duncan Macniven to chair, Jo Moulin to continue as member, Patricia Jordan and Douglas Wynn to be additional members;
- Health and Safety Committee: David Broom to be Trustee representative;
- Governance Working Group: existing members to be re-appointed and Peter Foulkes to be additional member;
- Acquisition Working Group: existing members to be re-appointed and David Broom to be an additional member;
- Wales Working Group: Peter Foulkes to be a Trustee member, together with John Finney if he wishes, with Will Williams as an advisor, with a further adviser if the Group so decided;
- John Muir Birthplace Trust: John Thomas and Rob Bushby to continue to be the JMT representatives, with Duncan Macniven and Patricia Jordan being alternates (subject to the agreement of the Birthplace Trust);
- Knoydart Foundation: Stuart Brooks to continue as director pending the completion by the Foundation of a governance review, following which the Trust would prefer to nominate an adviser rather than a director (subject to clarification of the precise role of the adviser);
- Nevis Partnership: Stuart Brooks to continue as director with Alison Austin as alternate;
- JMT Trading Company: Peter Pearson, Jim Gibson, Stuart Brooks and Fiona Kindness to continue as directors.

Stuart Brooks agreed to put in hand these appointments. **[AP2]**

Item 8 – Register of Persons with Significant Control (Paper E)

Trustees **agreed** that the Trust's entries in the Register should be;

- for the Trading Company, that control lies with the Trust;
- for the Trust, that no registrable person or other legal entity has control.

Fiona Kindness agreed to make the necessary registration. **[AP3]**

Item 9 – Community Engagement (Paper F)

Stuart Brooks explained that community engagement was likely to continue to be in the spotlight politically.. The position was different from 15 years ago, when the Trust was advocating community-orientated policies which had since been implemented. But, partly because of the recent staff reductions, the Trust had insufficient capacity to work with communities. He proposed a new appointment, paid for by project

funding, to develop delivery partnerships with communities. The model was the Suilven path project, and a possible future example might be work on the Ladhar Bhienn footpath with the Knoydart Foundation. There had been no complaint from communities around Trust properties following the staffing reductions but it was clear that communities in the Western Isles and the Knoydart Foundation were keen to continue to co-operate on joint initiatives, and our work with the North Harris Trust showed that joint projects could enhance our reputation.

In discussion, Trustees:

- pointed to the importance of publicising our existing community projects and avoiding raising unrealisable expectations among communities;
- stressed the importance of reflecting on the current position (including the lessons of past partnership working and the aspirations of communities) and the likely impact of the proposed post;
- emphasised that the Trust should focus on the protection of wild land through community action, rather than on supporting communities as an end in itself;
- noted the difficulty of building positive relationships with communities affected by wind farms, where the Trust did not own land, and the importance of encouraging local employment which depended on wild land;
- considered that, although it was hard to assign a priority to the work, the Trust had fallen behind the curve on community engagement and was vulnerable to criticism for detachment from communities: action was important.

Trustees **agreed** in principle to the proposed appointment of a Communities and Wild Land Officer. Stuart Brooks and the Management Team would work up the remit, in the light of the points made by Trustees and of discussions with communities, and would seek project funding. In the meantime, positive publicity for the Trust's existing work would be sought. [AP4]

Item 10 – AGM – Feedback and Future Locations (Paper G)

Trustees congratulated staff, particularly Emma Cessford, on the success of the AGM and members' gathering. Trustees **agreed** that the 2017 AGM be held at Fort William, with the Lake District as the likely location for the 2018 AGM. [AP5]

Item 11 – Draft Wild Land Policy (Paper H)

As background to the discussion, Stuart Brooks defined the concepts of "wild places" and "wildness" and "wildness policy framework". Helen McDade highlighted the centrality, for Scotland, of the "Wild Land Areas" designated by SNH in 2014. The Trust had campaigned for the identification and protection of such areas, and had welcomed their designation for the limited purpose of wind farm planning applications. The Trust had taken no formal position on whether that designation should be widened.

In discussion, Trustees considered that the case for a wider designation should not be abandoned but should no longer be given prominence in the changed circumstances since 2014. It was unclear whether the multiplicity of designations was really effective in protecting wild land: a study of the academic literature might be enlightening. Trustees were also conscious of the problems which could arise just outside the boundaries of designated areas and were sceptical about the achievability of a more comprehensive designation. It was important for the Trust's policy to take account of the different degree of wildness, and the different policy context, in Wales, England and Northern Ireland. Throughout the UK, it was important for the Trust to act in collaboration with other bodies interested in the protection of wild places. The discussion at the AGM about the increasing accessibility of, and pressure of visitors on, wild places should also be taken into account.

Trustees **agreed** that the Wild Land Policy should be worked up in the light of the discussion, and a draft presented for consideration at their September meeting. [AP6] To help with that task, Peter Pearson, David Broom, Chris Townsend and Deirdre Wilson agreed to act as an informal working group.

Item 12 – Update from Acquisition Working Group (Paper I)

Discussion was recorded in a separate confidential minute.

Item 13 – Stronelairg Judicial Review Update (Paper J)

Trustees **noted** that our appeal against the refusal of a Protected Expenses Order for the original judicial review had been unsuccessful. The hearing of the SSE/SG appeal against the decision of the judicial review had been held on 4th-6th May and the decision was awaited. Trustees would be informed by email of the ruling. [AP7]

Item 14 – Deer Management Update (Paper K)

Mike Daniels reported on the deer cull which had been carried out in 2015/16 and the proposed cull for the forthcoming season. He intended that as few carcasses as possible should be left on the hill, with no more than ten on any one property, spread across the property and the shooting season. The intended cull of stags at Li and Coire Dhorrcail was substantially lower than last winter's, on the assumption that SNH would authorise an out-of-season cull, which would also allow the carcasses to be removed. The proposed cull would be published on the website in the spirit of the recent land reform legislation. Trustees **noted** the report. [AP8]

Item 15 – Operational and Financial Update (Papers Li and Lii)

Speaking to the Operational Report, Stuart Brooks highlighted the success of fundraising and the smooth transfer in-house of membership administration. In response to a question about the proposed Ben Nevis Fund, he explained that the HLF funding for the Nevis Landscape Partnership would end in two years and the aim was then to establish a longer-term fund which was likely to benefit paths and habitat management on JMT land as well as projects for the wider Nevis Partnership.

Speaking to the Financial Update, Fiona Kindness said that the higher-than-forecast income from legacies and fundraising suggested that there would be an £48,000 surplus at the year end. But for next year, income was still forecast at £1.7 million and expenditure at £2.1 million, so care should be taken to avoid increasing the deficit.

Trustees **noted** the reports.

Item 16 – Chairman's Report (Paper M)

Peter Pearson said that, since his report had been written, he had attended a very successful John Muir Award event at Balloch on 25th May, involving the Loch Lomond and Trossachs National Park. Trustees **noted** the report.

Any other business

Following discussion, it was agreed that the Topical Forum on 27th July should focus on an example of a wind farm outwith, but with a visual impact upon, a Wild Land Area to help staff make this type of judgement on future planning cases – unless it was necessary for Trustees to discuss the consequences of the expected judgement on the Stronelairg appeal. [AP9]

Stuart Brooks noted that the outcome of the forthcoming referendum on the UK's continued membership of the EU could have consequences for conservation bodies, which would be explored if the vote was to leave.

Date of next meetings – Wednesday 22nd June, Staff Gathering at Pitlochry
Wednesday 27th July, Topical Forum at Pitlochry
Friday/Saturday 23rd/24th September, Trustees' meeting at Pitlochry

Summary of Action Points

- AP1** Seek OSCR's consent to the re-designation of the surplus in the Steall Path fund, subject to any comments from members in response to the article in Members' News.
- AP2** Make the appointments to committees and boards agreed under Item 7.
- AP3** Make the entries in the Register of Persons with Significant Control agreed under Item 8.
- AP4** Work up the remit for the Communities and Wild Land Officer and seek project funding, in the meantime, seeking positive publicity for the Trust's existing work with communities.
- AP5** Arrange the 2017 AGM at Fort William.
- AP6** Work up the Wild Land Policy for the September meeting of Trustees.
- AP7** Inform Trustees immediately of the outcome of the Stronelairst appeal.
- AP8** Publish on the website the proposed 2016/17 deer cull.
- AP9** Arrange the July Topical Forum to consider the visual impact of a wind farm outwith a Wild Land Area, subject to the need to discuss the outcome of the Stronelairst appeal.

Duncan Macniven
21 June 2016