

Scottish Ministers
Scottish Government Directorate for Local Government and Communities
Planning & Architecture
Planning Decisions
Victoria Quay
Edinburgh EH6 6QQ

16 August 2018

Dear Sirs

THE CAIRNGORMS CAMPAIGN
BADENOCH & STRATHSPEY CONSERVATION GROUP
REQUEST FOR MINISTERIAL CALL-IN
CAIRNGORMS NATIONAL PARK AUTHORITY
PLANNING APPLICATION REF. 2017/0086/DET – AN CAMAS MOR LLP –
SECTION 42 APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION IN PRINCIPLE
09/155/CP - AN CAMAS MOR, INVERDRUIE, AVIEMORE

I am writing on behalf of my clients The Cairngorms Campaign and Badenoch & Strathspey Conservation Group to notify you that they both strongly object to the resolution by the Cairngorms National Park Authority (“CNPA”) on Friday 18 August 2017 to approve the above-referenced application and grant planning permission subject to conditions and subject to the conclusion of a section 75 agreement.

On behalf of my clients, I hereby ask you to exercise your powers under section 46 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) to call in the application and either to refuse it outright or to cause a local inquiry to be held into the application.

A line of legal authority makes it clear that you are entitled to use these powers during the period before the planning authority issues its decision notice to the applicant. The decision notice in this case will not be issued until the required section 75 agreement is concluded.

The original planning permission, the application, and my clients’ representations to CNPA

Planning permission in principle was granted on 12 March 2014, but no matters specified in its conditions had been approved since that date, so it was due to expire in accordance with section 58 of the Act, as the CNPA had not directed otherwise, on 12 March 2017.

The application was made to and advertised by The Highland Council (with reference 17/00797/S42), duly notified to the CNPA in accordance with regulation 36(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008,

and called in by the CNPA under article 7(3) of the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, on 27 February 2017.

The Cairngorms Campaign¹ submitted a representation to the CNPA objecting to the application on 13 April 2017. A copy is attached as Annex 1 to this letter.

Badenoch & Strathspey Conservation Group² (BSCG) submitted a representation to the CNPA objecting to the application on 12 April 2017, and a legal submission was made on its behalf on 9 April 2017. Copies are attached as Annexes 2 and 3, respectively, to this letter.

My clients consider that Ministers should intervene now for the following three reasons:

- 1. The site of the application supports species and habitats identified as of international and national importance, to which the CNPA has not given sufficient weight.**
- 2. The extensive off-site mitigation measures required for capercaillie and otter protection, as set out in the Habitats Regulations Appraisal (HRA) report, are not compatible with public access rights, yet the CNPA has not considered these impacts.**
- 3. The CNPA has not answered questions about the lawfulness of using an application under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) as a means to extend the lifetime of the original planning permission in principle.**

These concerns are covered in further detail, as follows:

- 1. *The site of the application supports species and habitats identified as of international and national importance, to which the CNPA has not given sufficient weight***

It appears to my clients that the CNPA resolved to grant planning permission for the proposal without the benefit of up-to-date, accurate and appropriately comprehensive ecological surveys. My clients consider that fuller environmental surveys are appropriate in areas known to be sensitive and with high importance for wildlife, as is the case in Strathspey where, for example, the number of rare invertebrate species have been reported by your own nature conservation advisors, Scottish Natural Heritage (SNH), to be almost double that of most other areas in Scotland³.

¹ The Cairngorms Campaign is a registered Scottish charity (number SC005523) and company limited by guarantee (number SC179159), incorporated in 1997 to stimulate public interest in and care for the character and beauty of the Cairngorm Mountains, and to encourage active conservation of the Cairngorm Mountains through careful and wise use.

² Badenoch & Strathspey Conservation Group is a registered Scottish charity (number SC003846), established to stimulate public interest in, and care for, the beauty, history and character of Badenoch and Strathspey; to encourage active conservation of the area through wise use; and to encourage high standards of planning and architecture in harmony with the environment.

³ See Figure 1 on p.9 in http://www.snh.org.uk/pdfs/publications/commissioned_reports/609.pdf

My clients are also concerned that the CNPA has failed to fully appreciate the extraordinary natural qualities of the site. For example, invertebrates recorded to date on the site include some 24 species on the Scottish Biodiversity List. Among these are:

- the Northern Damselfly, one of the UK's rarest damselfly species;
- the Northern February Red Stonefly, a little-known endemic species vulnerable to climate change;
- the Pinewood Mason Bee, that is associated with Caledonian pinewood, a European Priority Habitat;
- the Gallows Spider, a specialist predator of wood ants;
- the Small Mesh Web Weaver Spider, that is typically associated with Caledonian pinewood; and
- the Caledonian Sac Spider that is also associated with this Priority Habitat.

Other invertebrate species with champions in the Scottish Parliament include:

- the Blaeberry Bumblebee, that has suffered declines and is important in the context of the Pollinator Strategy for Scotland; and
- the Narrow-headed Ant, whose UK population is largely restricted to some Strathspey woodlands.

Bats recorded on the site are all European Protected Species, and the site supports some 7 other mammal species that are on the Scottish Biodiversity List. These include:

- Red Squirrel, which has a significant population within the site and has recently been ranked under the IUCN Red List criteria as 'Endangered' in Britain;
- Otter, a European Protected Species that here is part of the designated population of the River Spey & Tributaries Special Area of Conservation (SAC), and has been recently classified under IUCN Red List criteria as 'Vulnerable' in Scotland; and
- Water Vole, classed as 'Endangered' in Britain.

The site also supports Pine Marten and Badger, both protected mammals with their own species champions in the Scottish Parliament.

My clients are concerned that the very rare Scottish Wildcat, which has been previously reported from the site, could be impacted by the development and could have been missed in the 2015 survey. This European Protected Species, with a nationally important stronghold in Strathspey, is classed as 'Critically Endangered' in Scotland under IUCN Red List criteria. The applicant's 2015 survey of this highly elusive mammal used only 4 camera traps at 4 locations over the diverse 145-hectare site, during a 5-week period, with bait (that can be rapidly removed by predators such as badgers) only replaced every 2 weeks. Use by Scottish Wildcat of the site could readily have been missed by this survey. In addition, there are risks that the potentially substantial population of domestic cats associated with the new town would introduce the significant problems of hybridisation and disease into the wider surrounding countryside, well beyond the area of survey and development footprint.

The site supports over 31 species of birds on the Scottish Biodiversity List, including 12 on the UK Red List of high conservation concern. The Scottish Crossbill is highly characteristic of pinewoods in the Cairngorms and is a bird for which the UK has international obligations.

The Cuckoo (also on the UK Red List) is an example of a declining species that is bound to lose habitat that cannot be compensated for, should the development go ahead. Osprey, for which the UK also has international obligations, also regularly use the site in summer, and are emblematic of the Cairngorms, featuring on the national park logo.

Eight species of pinewood-associated tooth fungi on the Scottish Biodiversity List (not all of which were identified in the applicant's surveys) are present on the site, and would therefore lose habitat that cannot be compensated for, should the development proceed.

The site supports significant habitats, including Caledonian pinewood, for which Scotland has unique international responsibility. This European Priority Habitat is only found in Scotland, where its stronghold is in the Cairngorms National Park. It can reasonably be viewed as one of the key special features the national park was set up to protect.

The proposal would also have major impacts on the Priority Habitat of lowland heath, for which my clients consider there is no ecologically meaningful mitigation proposed. The UK supports about 20% of the lowland heath in Europe, and Scotland has a special obligation to conserve this habitat.

2. The extensive off-site mitigation measures required for capercaillie and otter protection, as set out in the Habitats Regulations Appraisal (HRA) report, are not compatible with public access rights, yet the CNPA has not considered these impacts

It appears to my clients that CNPA, in resolving to grant this application, without having sufficiently ascertained that it will not adversely affect the integrity of five special protection areas (SPAs), all within Cairngorms National Park, classified under Article 4 of Directive 2009/147/EC on the conservation of wild birds ("the Wild Birds Directive") for the protection of capercaillie, and without having obtained the opinion of the general public about the proposed significant and wide-ranging off-site mitigation measures – which will affect not just any future residents of (and visitors to) the proposed new town, but also many recreational users of the national park who have no connection whatsoever with the proposal – has failed to comply with its obligations under four separate statutory provisions:

1. as competent authority under the **Conservation (Natural Habitats, &c.) Regulations 1994** (as amended) ("the Conservation Regulations"), and is therefore responsible for a breach by the UK of Article 6 of Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna ("the Habitats Directive");
2. as planning authority under the **Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017** ("the EIA Regulations"), and is therefore responsible for a breach by the UK of Article 6 of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive");
3. as local authority in relation to land where access rights are exercisable ("access authority") under the **Land Reform (Scotland) Act 2003** ("the 2003 Act"); and
4. as National Park authority, under s.9(6) of the **National Parks (Scotland) Act 2000**.

Had it complied with its legal obligations as set out above, CNPA would, according to my clients, have been unable to reconcile the off-site mitigation measures it proposes to secure the integrity of the 5 above-mentioned SPAs with the public access and enjoyment it is obliged to uphold and promote over land in those areas, and would have had no option but to refuse the application.

Further detail follows on the relevant European Union law, CNPA's appraisal under the Habitats Regulations, and my clients' position in this regard.

2.1 The Wild Birds Directive and the Habitats Directive (the 'Natura' Directives)

Capercaillie is a species listed in Annex I of the Wild Birds Directive, meaning it must be *"the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution"* in terms of Article 4 of that Directive. In particular, Member States must *"classify the most suitable territories in number and size as special protection areas for the conservation of these species"* in their national territory.

The UK has duly classified 8 areas as Special Protection Areas (SPAs) under Article 4(1) of that Directive for capercaillie. Seven of these are in the Cairngorms National Park, 5 on Speyside, 2 on Deeside; indicating the national importance of Speyside for this species.

Under Article 7 of the Habitats Directive, Member States' obligations arising under Article 6 (2), (3) and (4) of that Directive apply to SPAs classified under the Wild Birds Directive, just as they apply to special areas of conservation designated under the Habitats Directive (SACs). SPAs and SACs are referred to collectively as 'Natura 2000' or 'Natura' sites.

Article 6(2), (3) and (4) of the Habitats Directive provide as follows:

"2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of [a Natura site] but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

"4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary

to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”

2.2 The Habitats Regulations Appraisal

CNPA duly conducted a ‘Habitats Regulations Appraisal’ (HRA) of the proposal, the results of which are set out in the report attached as Annex 4 to this letter (“the HRA report”).

CNPA first considered whether the proposal, for a development of up to 1500 houses and related infrastructure, was likely to have a significant effect on 10 Natura sites – 7 SPAs and 3 SACs – in the surrounding area of Speyside. It concluded that there was likely to be a significant effect on 5 of the 7 SPAs – specifically all 5 SPAs that have been classified for the protection of capercaillie (Abernethy Forest, Anagach Woods, Cairngorms, Craigmore Wood and Kinveachy Forest) – as well as the River Spey SAC and the Cairngorms SAC.

CNPA duly proceeded to undertake an ‘appropriate assessment’ of the implications for each of the 7 affected Natura sites in light of their respective conservation objectives, and came to the preliminary view that most of the conservation objectives for each site would not be met if the proposal were to proceed without mitigation, resulting in adverse effects on the integrity of each site.

Conservation objectives for all four of the qualifying species for which the two affected SACs are designated (Atlantic salmon, sea lamprey, freshwater pearl mussels and otter) would not be met, while in each of the 5 SPAs affected, all of which are designated for capercaillie, the conservation objective of “no significant disturbance of the species” would not be met.

As the non-technical summary of the HRA report, at page 4, states:

“The most complicated potential adverse effect identified was the significant disturbance to capercaillie from recreational use of their habitats by new residents from the development. The maintenance of capercaillie populations within Badenoch & Strathspey is dependent upon bird usage of habitats within, and dispersal throughout, a number of different SPA and non-designated habitats which means that the whole meta-population must be assessed for likelihood of significant or residual effects. Our assessment demonstrated that there were a number of direct and indirect effects upon capercaillie across the area, and that they were not restricted to the SPAs or the development site itself.”

CNPA then considered potential mitigation of the adverse effects for each site. Specifically, in relation to the 5 SPAs classified for capercaillie protection (as also summarised on p.4):

“The mitigation identified is the requirement for a Recreation Management Plan and careful monitoring of recreation and species dynamics which are linked to the phases of development. The monitoring results will allow for an Adaptive Management Approach to ensure no additional significant disturbance of capercaillie arising from the development.”

This brief summary (a “Recreation Management Plan” and, potentially, an “Adaptive Management Approach”) of the mitigation required to protect capercaillie from significant disturbance across the whole area, including the 5 SPAs, conceals a multitude of potential mitigation measures – covering more than 10 pages of the HRA report (pp.50-56 and Appendix 5, pp.31-35) and including significant restrictions on public enjoyment of seven key woodland areas where capercaillie are at increased risk of disturbance because of the anticipated influx of new residents and visitors to An Camas Mor, such as:

- complete blocking of some informal parking;
- path closures;
- a requirement for the public to stay on paths;
- diversionary car parking;
- proactive management to make some areas unattractive for mountain biking;
- removal of new informal paths and mountain bike tracks; and
- liaison with Ordnance Survey (OS) re not marking certain paths on OS maps.

The capital cost of the off-site mitigation measures alone is expected to reach nearly £0.5 million, according to the HRA report (Appendix 5, pp. 3, 24-25) – although, as the planning officer’s report (copy attached as Annex 5 to this letter, p. 11) states, the RSPB considers that more off-site mitigation would be necessary and that its cost could reach £0.9 million.

For some reason the HRA report does not include any estimate of the ongoing costs of the required offsite ranger service or the required monitoring programme; RSPB estimates that cost of a suitable ranger service alone (of around 5 to 6 FTE provision) could be in the region of £200,000 to £300,000 per annum.

Not surprisingly, the report calls for the section 75 agreement to provide for financial contributions to cover the cost of off-site mitigation works. **It also recommends the introduction of “an annual household service charge for ongoing recreation management.”** My clients believe this is the first time they have heard of such a proposal in Scotland, yet there was no public consultation on the HRA report.

Further access restrictions are required as mitigation for disturbance to otters. The HRA report proposes, at p.77, that:

“Landscape and ecology masterplan must include measures to restrict access to sensitive areas of the river banks as identified in the otter survey in order to ensure there is no adverse effect on site integrity. This may be through planting and location of footpaths to discourage recreational use in these areas. This will ensure there is no significant disturbance to otter or adversely affect the distribution of the species within the site.”

CNPA came to the conclusion, as stated in the summary at p.5, that *“with the incorporation of the identified mitigation measures within and outwith the development, ... there is no adverse effect on site integrity from the proposed development upon any Natura sites.”*

2.3 My clients' position on the HRA

My clients contend that this conclusion is not based on objective information, as the HRA report (p.11) concedes it must be, but on wishful thinking. It relies not only on a series of mitigation measures which have no track record of success, but also on the willingness of park users, including future residents of and visitors to the development, to tolerate significant restrictions on their rights of responsible access and freedom to roam. The site itself is in the Glenmore corridor, which is among the most visited parts of the national park, and access restrictions are proposed in highly popular woodlands such as Rothiemurchus and Glenmore.

It is clear that recreation not only on and around the site, but also in woodland areas up to 10 miles away, will need to be carefully and intensively managed in order to protect capercaillie, which is very sensitive to disturbance. What is more, my clients consider that significant disturbance to the species will not, as posited in the HRA report, be limited to a radius of 10 miles, arguing that in the Highlands people are used to travelling longer distances; and also that because there are top quality, promoted destinations in this area, people are motivated to travel longer distances to get to them, meaning that a round trip of over 20 miles for recreational purposes is commonplace. Access restrictions may therefore also need to be imposed in other woodlands, as well as more draconian restrictions in woodlands within the 10-mile radius already identified as requiring mitigation. Another factor is that as places get busier, people go further afield to find quieter spots. This calls into question how much scope there would be for an 'adaptive management' approach.

It is highly likely that such restrictions would interfere with the public's access rights under the Land Reform (Scotland) Act 2003. The proposed Recreational Management Plan will at the very least have to balance access to woodland with capercaillie conservation, and this will be a difficult balance to strike using voluntary measures only. The emphasis in the HRA is very much on attracting recreational users 'away' from capercaillie habitat, deploying restrictions such as those listed above, but more coercive measures are flagged up by the HRA. For instance, CNPA might have to introduce bylaws to restrict access as a 'last resort', but this is mentioned only in an appendix to an appendix of the HRA Report (Appendix 5, pp. 19 and 35), and there is no mention of such legal complications in the planning officer's report, so it is not clear that members of the CNPA planning committee that resolved to grant planning permission had properly taken account of this material consideration, or considered the practical and legal ramifications of all the proposed mitigation measures.

Furthermore, CNPA appears not to have considered the possibility of obtaining the opinion of the general public (in terms of Article 6(3) of the Habitats Directive) about the mitigation measures outlined in the HRA report. The requirement to do this arises only 'where appropriate', but in a situation such as this, where the rights of the general public are jeopardised, it is without question appropriate to consult them. It is difficult to think of a situation in which public consultation could be any more appropriate than it is here.

In any event, the HRA report is, in my clients' opinion, "environmental information" in terms of the EIA Regulations, and should therefore, following its publication, have been the subject of further public advertisement, and been made available to the public within

reasonable timeframes in accordance with Article 6(3) of the EIA Directive, giving them an effective opportunity to comment in accordance with Article 6(4) of that Directive.

In fact, the HRA report was only made available less than 3 weeks before the meeting of the CNPA planning committee where the decision to grant was made, meaning few members of the public were even aware that it had been produced.

Not even the CNPA access team appear to have had time to comment on it: their only consultation response was dated 10 April 2017 and, according to the planning officer's report, it had "not changed significantly from their response to the original application", so members of the planning committee are unlikely to have benefited from any expert input on the HRA's ramifications for recreational access to woodland throughout Speyside. **Yet it is the first time, during the 20-year history of this proposal, that its true implications have started to become clear, not only for a large number of recreational users, most of whom will have no knowledge of the development, let alone any connection with it, but also for the small, vulnerable, yet nationally important capercaillie meta-population on Speyside.**

CNPA has committed to conducting a further HRA in relation to the proposed Recreation Management Plan, when it is submitted as part of an application for approval of matters specified in the conditions of the planning permission in principle that has been granted. These consequences and CNPA's unrealistic assumptions about the likely success of the proposed mitigation measures will then become ever more apparent, but it is clear to my clients, even at this stage, that no realistic way, that has a reasonable chance of success, has been identified of reconciling capercaillie protection with recreational access. Resort to extensive use of restrictive by-laws plainly raises costly and far-reaching challenges, including the effective enforcement of those bylaws over large, and in some cases relatively remote, areas. My clients do not have confidence in the deliverability of this approach.

3. The CNPA has not answered questions about the lawfulness of using an application under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) as a means to extend the lifetime of the original planning permission in principle

The CNPA has brushed aside questions raised by my clients about the lawfulness of the application. These were set out in detail in the legal submission submitted on behalf of BSCG (see Annex 3 attached), which pointed out, amongst other things, that the CNPA accepted the application in defiance of its own Planning Advice Note of 2014 on 'Applying to change an existing planning permission' – a copy of which is attached as Annex 6 to this letter.

More recently, the Scottish Government's policy memorandum for the current Planning Bill says the following about the duration of planning permission and section 42 of the Act:

"125. Section 17(3) of the Bill amends section 58 of the 1997 Act so that the duration of planning permission is to be specified as a condition to which the planning permission is subject. ...

*"126. Currently, if it is not challenged on local review or appeal at the time permission is granted, **there is no mechanism for changing the duration of planning***

***permission.** Section 42 (determination of applications to develop land without compliance with conditions previously attached) of the 1997 Act allows an application to be made for a new permission for the same development but with different conditions – with a lower application fee and limiting the planning authority’s consideration to the issue of conditions – to address, for example, changes in circumstances that mean that the original conditions have unintended consequences. **In future, therefore,** such a ‘section 42’ application could be used to apply for a new permission with a different condition as to duration, provided the original permission had not already expired.” (my emphasis)*

The implication is very clear: at present, section 42 of the Act may not be used to extend the default duration of a planning permission, and this is a problem the Bill seeks to address. This supports the position as stated in the CNPA’s own Planning Advice Note on the subject.

Conclusion

The Scottish Ministers should therefore intervene now to bring the project to a halt before any further public money is wasted, by calling in the application, and refusing it, on the grounds that the assessment of likely effects on the integrity of the 5 SPAs concerned, as set out in the HRA report, is in fact a negative assessment, and that there are no imperative reasons of overriding interest that justify proceeding in the face of that assessment.

At the very least Scottish Ministers should intervene to ensure that there is an opportunity not only for the general public, but also for the CNPA access officer and other experts on access, to give their opinions about the CNPA’s ‘appropriate assessment’, in particular the proposed mitigation measures that risk undermining their rights of recreational access to popular areas of the national park well beyond the site of the proposal. Such rights of future residents of An Camas Mor will also be affected, and to add insult to injury, they will be obliged to pay a service charge to cover the ongoing costs of monitoring the impacts.

Furthermore, in this instance there is an irreconcilable conflict, in terms of section 9(6) of the National Parks (Scotland) Act 2000 (see undernote), between the National Park aim of conserving and enhancing the natural heritage of the area and the other National Park aims of promoting public enjoyment (in the form of recreation) of the special qualities of the area and promoting sustainable economic and social development of the area’s communities, meaning that greater weight must be given to the first above-mentioned National Park aim, and the application should be called in and refused.

If you decide not to call in the application, my clients will be forced to consider further action, including the possibility of a petition to the Court of Session for judicial review of the CNPA’s decision in this case, or of a formal complaint to the European Commission about an infringement by the UK of the Habitats and EIA Directives, or both.

I look forward to hearing from you as soon as possible.

Yours faithfully

Ian Cowan

on behalf of The Cairngorms Campaign and Badenoch & Strathspey Conservation Group

cc. Gavin Miles, Head of Planning and Communities, CNPA

Encl.

Annex 1 – The Cairngorm Campaign’s letter of objection

Annex 2 – Badenoch & Strathspey Conservation Group’s letter of objection

Annex 3 – legal submission on behalf of Badenoch & Strathspey Conservation Group

Annex 4 – HRA report

Annex 5 – planning officer’s report

Annex 6 – CNPA Planning Advice Note

Undernote referred to:

The National Parks (Scotland) Act 2000

Section 1 of the National Parks (Scotland) Act 2000 (“the 2000 Act”) sets out the National Park aims, which are:

- “(a) to conserve and enhance the natural and cultural heritage of the area*
- (b) to promote sustainable use of the natural resources of the area,*
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and*
- (d) to promote sustainable economic and social development of the area’s communities.”*

Section 9(1) of the 2000 Act sets out the general purpose of a National Park authority, which is *“to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way”*.

Section 9(6) of the 2000 Act provides:

- “In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).”*