

**ANGUS COUNCIL**

**PLANNING AND TRANSPORT POLICY COMMITTEE**

**28 NOVEMBER 2002**

**SUBJECT: CAIRNGORMS NATIONAL PARK**

**REPORT BY DIRECTOR OF PLANNING AND TRANSPORT**

**Abstract: This report informs members of proposals by Scottish Ministers for the Cairngorms National Park following consultation on the Draft Designation Order published earlier this year.**

**1 RECOMMENDATION**

It is recommended that the Committee:-

1. note the terms of the Scottish Executive's proposals for the establishment of the Cairngorms National Park which will now be the subject of consideration and scrutiny by the Scottish Parliament;
2. welcome alterations now proposed to the boundary of the Cairngorms National Park to include the heads of Glen Isla, Glen Prosen, Glen Clova and Glen Esk as an integral part of the Park area;
3. note the Scottish Minister's proposal that the Park Authority will have responsibility for preparing a Park Wide Local Plan, this proposal being contrary to Angus Council's preference which strongly favoured the continued delivery of the planning function and retention of all planning powers by the constituent Local Authorities in the Cairngorms with the Park Authority as a statutory consultee;
4. note the proposed split of Local Authority nominees on the Park Board which includes one representative nominated by Angus Council.

**2 INTRODUCTION**

2.1 On 14 November 2002 the Scottish Executive lodged two Orders in Parliament covering:-

- the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002, and
- the Cairngorms National Park Elections (Scotland) Order 2002.

Both Orders require the Parliament's approval before they can come into effect.

2.2 The first Order sets out the boundaries of the Park which has increased by more than 50% in geographical area, including the incorporation of the heads of the Angus Glens, since publication of the earlier draft Designation Order in May 2002.

### **3 BACKGROUND**

3.1 Angus Council considered the terms of the Draft Designation Order for the Cairngorms National Park at the Council meeting on 4 July 2002 (Report 830/02 refers). In response to the Draft Designation Order, which excluded Angus from the proposed National Park area, members agreed to reaffirm the view that Angus Council:-

- (i) supports the inclusion of part of Angus within the National Park area focussing around the National Scenic Area and National Nature Reserve at Caenlochan, together with immediately adjacent parts of Glen Isla, Glen Prosen and Glen Clova;
- (ii) strongly favours the continued delivery of the planning function and retention of planning powers by the constituent Local Authorities in the Cairngorms with the Park Authority as a statutory consultee;
- (iii) requires a minimum of one representative nominated by Angus Council to the Board of any National Park Authority which extends into parts of Angus;
- (iv) recommends that, whether outside or inside the Cairngorms National Park, Brechin, Kirriemuir and Edzell be designated as Gateways.

### **4 DISCUSSION**

#### **Boundary**

4.1 Scottish Ministers have revised the proposed boundary previously identified in the Draft Designation Order published in May 2002 to include a more substantial area. It is now proposed that the Cairngorms National Park will extend to 3,800 sq km, an increase of more than 50% from the geographical area identified in the Draft Designation Order. This would make the Cairngorms National Park the largest in the U.K. and among the largest in Europe.

4.2 It appears that the boundary of the Park now proposed within Angus is based largely on the previous advice from Scottish Natural Heritage to the Scottish Executive (Report 1149/01 to the Planning & Transport Policy Committee, 11 October 2001 refers). This includes the area of outstanding natural heritage interests in the heads of Glen Isla, Glen Prosen and Glen Clova advocated by Angus Council and also extends eastward across the head of Glen Esk but excluding Tarfside. The proposed Park area therefore includes a significant area of upland Angus but does not extend into the adjacent agricultural lowlands.

#### **Planning Powers**

4.3 The allocation of land use planning powers and responsibilities between the new Park Authority and the constituent Local Authorities has also been the subject of significant debate and often polarised views. It appears that Scottish Ministers continue to favour the operation of a two-tier planning system similar to that proposed in the Draft Designation Order. This would include:-

- the new Park Authority assuming responsibility for preparing a Park Wide Local Plan, in consultation with the constituent Local Authorities;
  - Local Authorities to retain development control powers with the Park Authority able to call-in for its consideration any application which raises a planning issue that is of significance to the National Park aims under sections of the National Parks (Scotland) Act 2000.
- 4.4 Angus Council has consistently opposed this two tier type of approach as unwieldy and unnecessary where a robust and appropriate basis already exists for the exercising of the planning function in total by the Local Authorities. It will therefore be important to establish appropriate mechanisms which will address any weaknesses in the approach now proposed by Scottish Ministers and provide a sound basis for the co-ordinated delivery of both the forward planning and development control functions.
- 4.5 In practice previous research confirmed there is a relatively small number of planning applications arising in the upland area of northern Angus falling within the proposed Park area. The great majority of these applications are of a minor nature including mainly householder applications (Report 301/01 to Planning & Transport Policy Committee 8 March 2001 refers). In these circumstances it is unlikely that the new Park Authority would be required to consider calling-in any applications in Angus on anything but a very infrequent basis.

### **Representation**

- 4.6 There will be 25 members of the National Park Authority. Five members will be directly elected including one member from Electoral Ward 5 which extends across the northern Angus and southern Aberdeenshire part of the proposed National Park area, including Braemar and Ballater. There will be 10 Local Authority nominees and a further 10 appointed by Scottish Ministers. The proposed split of the 10 Local Authority nominees is:-
- Angus – one nominee
  - Highland – five nominees
  - Aberdeenshire – three nominees
  - Moray – one nominee
- 4.7 The Planning & Transport Policy Committee on 11 October 2001 agreed to recommend to the Council that Angus be represented on the Governing Board of the National Park Authority by the Convener of the Planning & Transport Policy Committee. Subsequently, Angus Council resolved on 1 November 2001 that Angus be represented on the Governing Board of the Cairngorms National park Authority by the Convener of the Planning & Transport Policy Committee.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising directly from this report.

## **6 HUMAN RIGHTS IMPLICATIONS**

- 6.1 There are no human rights issues arising from this report.

## **7 CONSULTATION**

- 7.1 The Chief Executive, Director of Finance, Director of Law & Administration and Director of Leisure Services have been consulted in the preparation of this report.

## **8 CONCLUSION**

- 8.1 The lodging of Orders in Parliament is a major step in the Scottish Executive's programme toward establishing a Cairngorm National Park during 2003.
- 8.2 The Designation Order differs significantly from the earlier draft published in May 2002 particularly in respect of the proposed area and boundaries of the Park. The northern upland area of Angus is now proposed to be included within the National Park encompassing the heads of Glen Isla, Glen Prosen, Glen Clova and Glen Esk.
- 8.3 Ministers' proposals will now be the subject of detailed consideration and scrutiny by the Scottish Parliament.

## **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/CGR/KW  
18 November 2002

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