

ANGUS COUNCIL**PLANNING AND TRANSPORT POLICY COMMITTEE****11 MARCH 1999****SUBJECT: NATIONAL PARKS - SCOTTISH NATURAL HERITAGE'S ADVICE
AND GOVERNMENT'S RESPONSE****REPORT BY DIRECTOR OF PLANNING AND TRANSPORT**

Abstract: This Report outlines the advice of Scottish Natural Heritage to Government on how National Parks for Scotland could best operate, including specific proposals for the Cairngorms and summarises the terms of the Government's response.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the terms of Scottish Natural Heritage's advice on National Parks for Scotland, including:-
 - (i) proposals for establishing National Parks including legislative requirements;
 - (ii) advice on the purposes of National Parks and how they might operate in practice;
 - (iii) recommendations on the general powers, structures and funding of the proposed National Parks bodies;
 - (iv) advice on the powers, structures and geographic area of a National Park in the Cairngorms.
2. note the terms of the Secretary of State's response, announced in a speech on 2 February 1999, indicating that the Government accepts Scottish Natural Heritage's advice as the basis on which to prepare proposals for legislation by the Scottish Parliament at an early opportunity, and the proposed future role of the Cairngorms Partnership in helping to prepare the way for a National Park in the Cairngorms.

2 INTRODUCTION

- 2.1 The Committee at its meeting on 1 December 1998 agreed the terms of Report No. 1236/98 as the basis for the Council's formal response to Scottish Natural Heritage (SNH) on National Parks proposals for Scotland. Following consideration of all responses to the consultation exercise between September and December last year, SNH have now published their advice to Government on National Parks for Scotland. This advice, which has been accepted by Government, is part of a longer term process which could lead to the eventual establishment of National Parks by the Scottish Parliament.

- 2.2 A copy of the full document setting out the terms of the SNH advice to Government has been placed in the Members' Lounge. Appendix 1 to this Report summarises key points of the advice. The terms of the Government's response are indicated in Section 8 of this Report.

3 STRUCTURE OF S.N.H. ADVICE

- 3.1 The SNH advice document is structured in seven main sections including:-
- Introduction - Outlines consultation process and summarises results of the 451 responses received.
 - Overview of Proposals - Sets out SNH's vision for National Parks, the key elements proposed and the process envisaged for establishing them.
 - How National Parks Could Operate - Sets out SNH's advice on the purpose of National Parks and how they could operate in practice.
 - The National Park Body - Sets out SNH's advice on the powers, structures and funding of the proposed National Park Body.
 - Loch Lomond and the Trossachs - Sets out SNH's advice on the powers, structures and area of a National Park in Loch Lomond and the Trossachs
 - The Cairngorms - Sets out SNH's advice on powers, structure and area of a National Park in the Cairngorms.
 - National Parks Elsewhere in Scotland - Sets out SNH's advice on other National Park areas.
- 3.2 The paper fulfils the Government request of September 1997 asking SNH to provide advice on National Parks in Scotland and, when submitting advice, to set out in greater detail how a National Park system would operate in Loch Lomond and the Trossachs, and the Cairngorms. The following sections of this Report highlight and comment on issues of particular interest to Angus.

4 OVERVIEW OF PROPOSALS

- 4.1 Key elements of the approach proposed are listed in Appendix 1 to this Report and in the main are very similar to the earlier proposals subject of the previous consultation exercise.
- 4.2 In relation to legislative requirements SNH recommend a two-step approach:-
- primary legislation which details the general purposes, criteria for selection and operation of National parks;
 - secondary legislation for each National Park which details the specific powers and structure of a Park Body and the area for its jurisdiction.

5 HOW NATIONAL PARKS COULD OPERATE

- 5.1 Primary legislation will need to define a range of functions and duties which will be common to the operation of all National Parks established in Scotland. SNH propose that:-
- a National Park Plan setting out and explaining the purposes, objectives and policies for the management of the area is drawn up, published and regularly reviewed through partnership working involving all relevant local and national interests;
 - a National Park Body is established to prepare and secure the implementation of the Park Plan and to ensure that local communities within the Park area are involved in the management and governance of the National Park;
 - all local authorities and public bodies should be required to ensure that their own plans and operations, as they affect the National Park area, are consistent with the purposes of the National Park, as set out in statute and expanded upon in the National Park Plan;
 - in the exceptional circumstances of conflict between National Park and other national purposes which cannot be resolved through the National Park Plan, the matter is referred to the responsible Minister or the Scottish Parliament for adjudication.
- 5.2 SNH propose that the National Park Plan should have a statutory basis in National Park legislation and be subject to approval by the responsible Minister or the Scottish Parliament. Further consideration is needed of how best to provide for a statutory means of public consultation on the National Park Plan, without unduly slowing down its preparation and approval. In general SNH do not see the National Park Plan as forming the development plan for an area.
- 5.3 SNH suggest that the content and form of the National Park Plan may vary between National Parks, depending on the powers and priorities of the National Park Body, the involvement of other interests and the coverage of their existing plans. While the future relationship with Community Plans is not clarified at this stage, SNH indicate that the proposed purposes and manner of its preparation should ensure that the National Park Plan becomes an important component of future Community Plans drawn up by local authorities.
- 5.4 In order to implement the National Park Plan and integrate the efforts of local authorities and other public bodies SNH propose:-
- a statutory requirement on local authorities and other public bodies to ensure that their own plans and operations as they affect the Park area are consistent with the purposes of the National Park, as set out in statute and expanded upon in the National Parks Plan;
 - a partnership approach set out in a formal memoranda of understanding which define the roles and responsibilities of local authorities and other public bodies in the formulation and implementation of the National Parks Plan;

- support for these bodies to use their existing powers to put into practice policies set out in the National Park Plan.

6 THE NATIONAL PARK BODY

6.1 Rather than propose a single standard model for Scottish National Parks, SNH proposes that the form of National Park Body should be tailored to meet the specific needs of each area. This is discussed further in the following section on the Cairngorms.

6.2 At a broad level SNH favour an independent National Parks authority with a range of functions and powers including:-

- statutory consultee status for planning and various other matters;
- powers to enter into agreements and partnerships; to grant aid projects; to undertake surveys; to provide advice and training; to establish a community development fund and to hold and manage land.

6.3 SNH recommendations for representation on National Park Bodies include:-

- size of National Park Body should generally be restricted to no more than 20 members;
- need for significant representation from local interests;
- need for significant representation from local authority appointees;
- need for national appointees (chosen by relevant Minister).

6.4 in terms of funding SNH propose that:-

- National Parks should receive most of their funding from Government;
- local authorities should also make some financial contribution to the management of the area;
- the precise ratio between national and local funding could be adjusted over time.

7 THE CAIRNGORMS

General Principles

7.1 SNH indicate that, while fully supporting and recognising the significant role played by the Cairngorms Partnership, they consider that a National Park would provide a clearer and stronger basis to move from a crucial phase of planning and debate to the delivery of the Partnership's strategy. SNH suggest that a statutory national park Body with clear duties and powers and lines of accountability offers the prospect of continuity which the current voluntary arrangements do not.

7.2 SNH indicate that it will be essential to build on the achievements of the Cairngorms Working Party and the Partnership, and the principle of working through partnership between existing bodies and groups should therefore remain a strong theme in the

Cairngorms. To an extent SNH suggest that a National Park would be an evolution of the existing arrangements, and time should therefore be allowed for this evolution to occur to ensure that the changes it involves have the necessary local and national support.

- 7.3 To build on the current arrangements SNH propose that the National Park Body for the Cairngorms should have a more strategic approach than that proposed for Loch Lomond and the Trossachs, and with a clearer focus on land management functions.

Powers

- 7.4 In relation to Conservation and Environmental Protection SNH propose that a Cairngorms National Park Body should:-

- have concurrent powers with SNH to promote the conservation and enhancement of the natural heritage;
- have the ability to manage land on behalf of other conservation bodies including SNH, Historic Scotland, and the Forestry Commission.

- 7.5 SNH proposals for Recreation and Visitor Management envisage that a Cairngorms National Park Body should:-

- have responsibility for developing a park-wide ranger service which co-ordinates and complements the work of existing ranger services across the area;
- have powers to make by-laws, to enter into management agreements and to provide camping and picnic sites, car parks etc;
- have powers to provide and manage interpretation facilities and relevant information services in conjunction with local tourist bodies.

- 7.6 SNH suggest that the geography of the area lends itself to the continued delivery of the Town and Country Planning Function by the existing local authorities. Greater commonality, convergence and co-ordination of the work of the local authorities is, however, advocated by SNH who propose that a Cairngorms National Park Body should be:-

- the principal partner in the preparation of the Structure Plans covering its area, with each local authority being required to discuss with the National Park Body the proposed contents of the Structure Plan as it affects the National Park area, to work with the National Park Body during its preparation and to obtain from the National Park Body a Certificate of Conformity with National Park objectives prior to submission of the Structure Plan to the relevant Minister for approval;
- the principal partner in the preparation of the Local Plans covering its area, with each local authority being required to agree with the National Park Body the proposed contents of the Local Plan, to work with the National park Body during its preparation and to obtain from the National Park Body a Certificate of Conformity with the National Park Plan prior to deposit;

- the holder of referral powers to the relevant Minister for appropriate cases where it objects to a local authority's development control decision.
- 7.7 In the event of dispute between the local authority and the National Park Body on any aspect of the planning function, SNH propose that there should first be mediation between the bodies through a joint Committee to seek resolution of the case. If this joint Committee cannot resolve the issue, SNH recommend the matter should be referred to the relevant Minister for adjudication.
- 7.8 In addition to the above powers SNH also outline relevant interests of a Cairngorms National Park Body in relation to:-
- Traffic Management;
 - Agriculture, Forestry and Sporting Management;
 - Social and Economic Development.

Geographical Area

- 7.9 SNH's proposals for the minimum and maximum area of the possible Cairngorms National Park are shown on the Map in Appendix 2 to this Report.
- 7.10 The minimum area, geographically centred on the Cairngorms massif, would exclude Angus from the National Park. The maximum area, based on the current Cairngorms Partnership Area would include the Angus Glens with the National Park.
- 7.11 SNH offer no clear final advice on a recommended area for inclusion in a Cairngorms National Park beyond the minimum area identified. SNH do, however, recognise that the inclusion of areas beyond the minimum boundary would be based largely on socio economic grounds and that experience suggests that the geography of the Cairngorms massif and its surrounding area will make final boundary selection in these areas problematic.

Costings

- 7.12 SNH conclude that about £1 million a year will be required to meet the additional core operating costs of the Cairngorms National Park Body resulting from the administration required to support the National Park Board and extra staff envisaged. SNH estimate that:-
- likely total gross costs will be in the order of £3.5 to £4.5m per annum (comprising £1.96m in core operating costs and £1.5 to £2.5m programme costs);
 - the additional costs in year three could be up to £3.5m per annum over the existing arrangements (comprising £0.99m additional core operating costs and £1.5 to £2.5m per programme costs).
- 7.13 SNH also indicate that a National Park which covered the entire area of the existing Cairngorms Partnership would require further core funding and programme expenditure.

8 GOVERNMENT RESPONSE TO SCOTTISH NATURAL HERITAGE'S ADVICE

8.1 In announcing on 2 February 1999 that the Government accepts SNH's advice as the basis on which to prepare proposals for legislation by the Scottish Parliament at an early opportunity, the Secretary of State indicated that proposals will be based on the following main points:-

- New legislation should be introduced to set up National Parks in Scotland to further sustainable development.
- National Parks in Scotland should match the needs and circumstances not just of Scotland as a whole but of the particular areas in which the designation is applied. We must reflect and protect **diversity**.
- The social and economic development needs of **local people** should be specified as a main purpose of National Parks in Scotland. That will be a specification unique to Scotland, up there alongside the protection of the natural and cultural heritage, and the enjoyment and sustainable use of natural resources.
- The Government will aim to ensure that the relevant public sector bodies in the National Park areas work together on the basis of a strong **National Park Plan**. The Park Plan should be prepared as far as possible through consensus, with a zoning system to help reconcile different needs within the National Park area.
- There should be strong **local involvement** in the management of National Parks, and this should be reflected in their governing structures, and their decision-making procedures.
- **Loch Lomond and the Trossachs** should be Scotland's first National Park. A new National Park Authority should be established, and the Government envisage that the detailed powers and composition of the new Authority together with the boundary of the new National Park, should be established through secondary legislation so that the Loch Lomond and Trossachs National Park can become operational from April 2001.
- The Government has also concluded that the **Cairngorms** should also become a National Park. A new National Park Authority should in due course be established for the Cairngorms to succeed the Cairngorms Partnership, with appropriate powers and structures to reflect local circumstances. Detailed decisions on the powers and structure of the new Cairngorms National Park Authority, and the boundaries of the Cairngorms National Park, should be introduced by secondary legislation. The Government envisage that, following further local consultation, the Cairngorms National Park Authority could be up and running by April 2002.
- Proposals for other National Parks should be considered at a later date on the basis of clear criteria which should be set out in primary legislation.

8.2 The Government will now commence preparation of draft legislation to enable National Parks to be introduced in Scotland at an early date by the Scottish Parliament. In the meantime, the Government will be looking to the Cairngorms Partnership to help prepare the way for a National Park by helping to carry out further local consultation on the detail of areas, structures and powers which are appropriate for a Cairngorms National Park. The Secretary of State has also asked

the Chairman of the Cairngorms Partnership to consider how the Partnership should evolve to ensure a smooth transition to a National Park.

9 FINANCIAL IMPLICATIONS

- 9.1 There are no financial implications arising from this Report. The scale and source of funding to establish and operate a National park in the Cairngorms would need to be determined by the Scottish Parliament taking account where appropriate of the advice offered by SNH.

10 CONSULTATION

- 10.1 The Chief Executive, Director of Finance, Director of Law & Administration and Director of Recreation Services have been consulted in the preparation of this Report.

11 CONCLUSION

- 11.1 The significant reservations previously expressed by the Council in relation to the earlier SNH consultative proposals for National Parks in Scotland and for the Cairngorms in particular continue to apply to certain aspects of the current advice and to the Government's response.
- 11.2 These reservations are recognised in part in the contents of the current document which acknowledges less enthusiasm overall for the designation of a National Park in the Cairngorms than in Loch Lomond and the Trossachs. However, SNH firmly propose measures providing for the establishment of a National park in the Cairngorms including an independent authority with a significant budget and powers. This has been accepted by the Government as the appropriate way to proceed.
- 11.3 The recognition in the SNH advice of the need to build on foundations laid by the current arrangements in the Cairngorms rather than being imposed in place of them is welcomed. Similarly, the acknowledgement that the establishment of a National Park in the Cairngorms may take longer than that in Loch Lomond and the Trossachs is realistic and the greater emphasis on a land management focus is appropriate.
- 11.4 Overall the advice of SNH ranges from fairly detailed prescriptive proposals to less firm suggestions. It is clear that many questions remain to be fully answered, not least the appropriate geographical area for any National park based on the Cairngorms. In this respect many of the issues raised in Report 1236/98 remain open for consideration and will need to be more fully addressed in the work which the Government has asked the Cairngorms Partnership to undertake.

NOTE

The following background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) was relied on to a material extent in preparing the above Report.

- National Parks for Scotland - Scottish Natural Heritage's Advice to Government published by SNH - February 1999.

AA/CGR/KW
1 March 1999

Alex Anderson
Director of Planning and Transport

Summary

National Parks for Scotland – A Summary of SNH's Advice to Government

In developing our advice on National Parks, SNH recognised the need to learn from relevant experience from elsewhere, to build on what already exists in the potential National Park areas in Loch Lomond & the Trossachs and the Cairngorms, and to harness the commitment and skills of the many organisations and individuals across Scotland which have the ability to contribute to making National Parks a success. Participation, partnership and flexibility are the essential elements of our approach: participation by all with an interest, both local and national; partnership between the main participants in achieving agreed objectives; and flexibility in structures and powers to allow for different approaches appropriate to meet the needs of different areas.

The key points of SNH's advice on National Parks for Scotland are:

- to place a purpose of social and economic development alongside those concerning the protection and enhancement of the natural and cultural heritage, and the enjoyment, understanding and sustainable use of natural resources;
- to pursue these purposes in ways which seek to be mutually supportive and thereby reduce the conflict between them, but with the balance of interests favouring the long-term protection of the natural resources;
- to have the criteria for National Parks enshrined in legislation, with an opportunity for potential National Parks to be identified by local and national interests;
- to promote local community involvement in the identification, governance and management of National Parks;
- to reconcile different needs through a National Park Plan based on zonal policies, which, inter alia, brings together a tailored agri-environment scheme, forestry framework and deer management plans for the National Park area with relevant planning policies;
- to establish a National Park Body to draw up and help implement each National Park Plan, with powers to complement the activities of existing bodies and to play an important role in conservation, recreation management, town and country planning and land management;
- to draw the greatest proportion of the membership of the governing board of the National Park Body from local authority appointees and those who live and work in the National Park area, with other interests also represented to provide an essential national perspective as well as specialist skills and knowledge;
- to develop a shared responsibility for the preparation and implementation of the National Park Plan by placing statutory duties on Government departments, public bodies and local authorities, and by placing a requirement on the owners and managers of land to prepare whole farm or estate plans on request; and



- to develop a National Park system which can extend into Scotland's marine environment, recognising the distinctive approach which is needed for the management of such marine areas.

To deliver this approach, SNH believes that National Parks in Scotland can best operate if seen as a long-term 'contract' between national and local interests. This contract is formed by national agreement about priorities and control of funding in exchange for local control of implementation and process. All the elements of this contract must clearly be in place if National Parks are to be successful in Scotland. Such an approach requires a two-stage approach to legislation.




At this stage, we propose:

- the establishment of National Parks in Loch Lomond & the Trossachs, and in the Cairngorms, each with an independent National Park Body with a majority of local representation, but with powers and structures specifically constituted for each area; and
- that the Government gives further consideration to the debate about other areas which might merit National Park status at some point in the future, in consultation with COSLA and SNH.

We consider that locally-developed initiatives may well provide the structure for this process to develop. In the light of experience of Loch Lomond & the Trossachs and the Cairngorms, the Government may also wish to consider a more formal mechanism for developing National Park proposals for one or two other areas, based on the establishment of working groups comprising local and national interests.



Figure 6.1
PROPOSALS FOR A
CAIRNGORMS NATIONAL PARK

-  Possible maximum boundary of Cairngorm National Park (Cairngorms Partnership Area)
-  Possible minimum boundary of Cairngorm National Park
-  Local Authority Boundary

Appendix 2

SCALE

0 10 kilometres
 0 10 miles

