

# THE HIGHLAND COUNCIL

17 DECEMBER 2009

Agenda Item	13
Report No	HC/39 /09

## Proposal to modify the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

### Report by the Assistant Chief Executive

#### **SUMMARY**

This paper presents Scottish Government proposals to modify the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 in order to take account of the recommendations of the National Parks Review and to make a technical change to delegation arrangements for the exercise of planning powers. Response is sought by 18<sup>th</sup> January 2010. Council is invited to consider the proposals and whether the Council should argue for three board members, including one local member.

#### **1.0 Introduction**

- 1.1 A National Park may be established by means of a Designation Order approved by Ministers under the National Parks (Scotland) Act 2000. The Act also provides Ministers with powers to modify a Designation Order.
- 1.2 Scottish Ministers propose to modify the Cairngorm National Park to reduce the size of its membership to take account of the recommendations of the National Parks Review and to make a technical change to delegation arrangements for the exercise of planning functions.
- 1.3 Ministers have already decided to extend the southern boundary of the Cairngorm National Park to include part of Perth and Kinross. The proposed modifying Order will deal with the extension of the Park boundary and the reduction in the number of members.

#### **2.0 Modification proposals**

##### **2.1 Constitution of the Authority**

In August 2009 the Scottish Government published a consultation report on the recommendations from the National Parks review. In the report, Ministers indicated their intention to reduce the number of members of the Cairngorm National Park Authority from 25 to 19 whilst retaining a mix of the three types of members (Ministerial appointees, Local Authority nominees and directly elected members).

The National Parks Review found that Park Authorities were now well established and their strategic direction has been established in their National Park Plans. As such, the Review found that there was a case for reducing board size to support

effective governance and to streamline decision making. A majority of respondents to public consultation also agreed that the number of National Park Authority members should be reduced.

Ministers propose therefore to modify the Designation Order to specify that:

- a) there shall be 19 members of the National Park Authority,
- b) 5 members of the authority are to be directly elected, and;
- c) 7 members of the authority will be nominated by local authorities as follows:
  - 2 members (including 1 local member) to be nominated by the Highland Council
  - 2 members (including 1 local member) to be nominated by Aberdeenshire Council
  - 1 member nominated by Moray Council
  - 1 member nominated by Angus Council
  - 1 member nominated by Perth and Kinross Council
- d) 7 members of the authority will be ministerial appointments.

## 2.2 Delegation of planning functions

Ministers propose to modify the Designation Order in order that delegation of the specific planning functions exercisable by the Cairngorm National Park Authority is restated with the effect that it can be dealt with by the Authority in a number of ways.

The reason for the modification is to achieve, so far as is possible, consistency between the Cairngorm National Park Authority, the Loch Lomond and the Trossachs National Park Authority and local authorities in the way in which National Park Authorities decide to delegate planning functions. The modification reflects recent planning reform and Ministers consider it should contribute to more efficient decision making.

What is intended is an amendment to allow the Park Board to delegate consideration of which planning applications to call in to a smaller grouping (a sub group) of the Board. At present, the full Park Board meets every fortnight to consider which applications should be called in. The amendment is intended to make the process more efficient and less costly by allowing for this to be done by an appointed sub group of the Board.

## 3.0 **Current constitution of the Cairngorm National Park Authority**

3.1 Currently, the Cairngorm National Park Authority Board has 25 members – of which 10 are appointed by Scottish Ministers and 5 are directly elected by voters living in the Park. The remaining 10 are nominated by the four local authorities within the Park boundary in the following proportions:

- Aberdeenshire Council 3 members
- Angus Council 1 member
- Highland Council 5 members
- Moray Council 1 member

3.2 Local authority nominations are currently made on the basis of each Local Authority having at least one Board member and the remainder being allocated on the basis of the share of the Park's population **and** share of the Park's area.

#### **4.0 Highland Council response**

4.1 Earlier consultation on the proposed boundary change to include Perth and Kinross asked consultees for their views on whether local authority membership should be based on the share of the Park area or on the share of population within the Park. Highland Council responded in favour of membership being based on the share of the population within the Park area. Such an approach would have resulted in Highland Council retaining 5 board members within the existing 25 member board.

4.2 In its response, Highland Council also pointed out that one of the conditions of designation of a National Park is that the designation should meet the special needs of the area. Given that Highland Council has both the largest portion of the population living within the park (est 70%) **and** the largest area of the Park (est 37%), Ministers had a duty to ensure that the population within the Park was adequately represented. Within the extended Park area, Highland Council will remain the largest local authority in terms of population and area.

4.3 It is therefore suggested that the Highland Council should have 3 Board members (including 1 local member). This could be achieved by reducing Ministerial appointments to 6 members.

#### **RECOMMENDATION**

Members are asked to consider the modification proposals set out within this paper and recommend that, given the geographical size of the National Park area and the population contained therein, the Highland Council should have 3 Board members as detailed in Paragraph 4.3 of the report.

Signature:

Designation: Assistant Chief Executive

Date: 9 December 2009

Author: G Hamilton, Countryside, Heritage & Natural Resources Manager

#### Background papers

1. Proposal to Modify the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003.
2. Highland Council response on proposals to extend the Cairngorm National Park into Perth and Kinross – September 2008.