EXECUTIVE NOTE

DRAFT : The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order 2010

Introduction

The above instrument will, if approved, be made by the Scottish Ministers in exercise of the powers conferred by sections 30(1) and 34(2) and (4) of the National Parks (Scotland) Act 2000 (the Act). As required by section 6(2) of that Act the Scottish Ministers have had regard to the statement prepared by them under section 4 of that Act. The instrument is subject to the draft affirmative procedure.

Policy Objectives

The policy context for this instrument is the 2008 Strategic Review of the arrangements for delivering National Park functions in Scotland and the Scottish Government's commitment to more effective government.

The instrument will also extend the boundary of the National Park into Perth and Kinross. During the 2006 Parliamentary Session the Environment and Rural Development Committee concluded that there was a strong case to be made for extending the National Park boundary to include Blair Atholl and part of Eastern and Highland Perthshire. Scottish Ministers announced, in 2008, their intention to extend the boundary and appointed Scottish Natural Heritage to report on a recommended boundary. Their report was laid in Parliament in January 2009. A map is attached to this Executive Note; it shows the proposed extension in relation to the existing National Park.

The National Parks Review recommended reducing the number of members of National Park Authorities (NPAs). (The members of a NPA are also known as the board.) The Review found that there were benefits to the NPAs in their initial phase in being able to draw on the resources of a large board, but that the time had come to reduce their size. The Review also found it was important for the board to have a balance of type of member ie ministerial appointee, local authority nominee and directly elected.

The Scottish Government has confirmed its intention to reduce the size of the board of both NPAs whilst retaining a balance of type of member. This instrument reduces the size of the board of the Cairngorms National Park Authority (CNPA) from 25 to 19 members from 2 October 2010. The instrument also specifies the allocation of nominated members: the 2 larger local authorities (the Highland Council and Aberdeenshire) will each be invited to make 2 nominations, the others (Angus, Moray and Perth and Kinross Councils) will each be invited to make one. As a result the smaller board will be made up of 7 local authority nominees, 7 ministerial appointees and 5 directly elected members.

This instrument also clarifies the way in which the CNPA may exercise its planning functions (which do not change). The policy intention is to enable the CNPA to operate in a way which is consistent with recent planning reforms in which delegation contributes to more efficient decision making.

Public consultation

1) In 2008 Scottish Natural Heritage consulted on the line of the proposed boundary of the Cairngorms National Park;

2) In 2008-9, the Scottish Government consulted on the National Park Review recommendation for smaller NPA boards; the results are available on the SG website:
http://www.scotland.gov.uk/Publications/2009/08/17105408/0

3) In 2009-10, the Scottish Government undertook a statutory consultation on a National Park Proposal to modify the Cairngorms National Park Designation Order. Copies of the Proposal were placed on the SG website and the NPA website. It was also sent to each local authority affected by the Proposal, to community councils and those who responded to the consultation on the National Parks Review. The results are available on the SG website:
http://www.scotland.gov.uk/Publications/2010/02/19115042/0

4) In 2010, the Scottish Government undertook a statutory consultation on a draft Modification Order. Comments and views on the draft Modification Order are set out in a statement laid before Parliament at the same time as this Order.

Financial effects

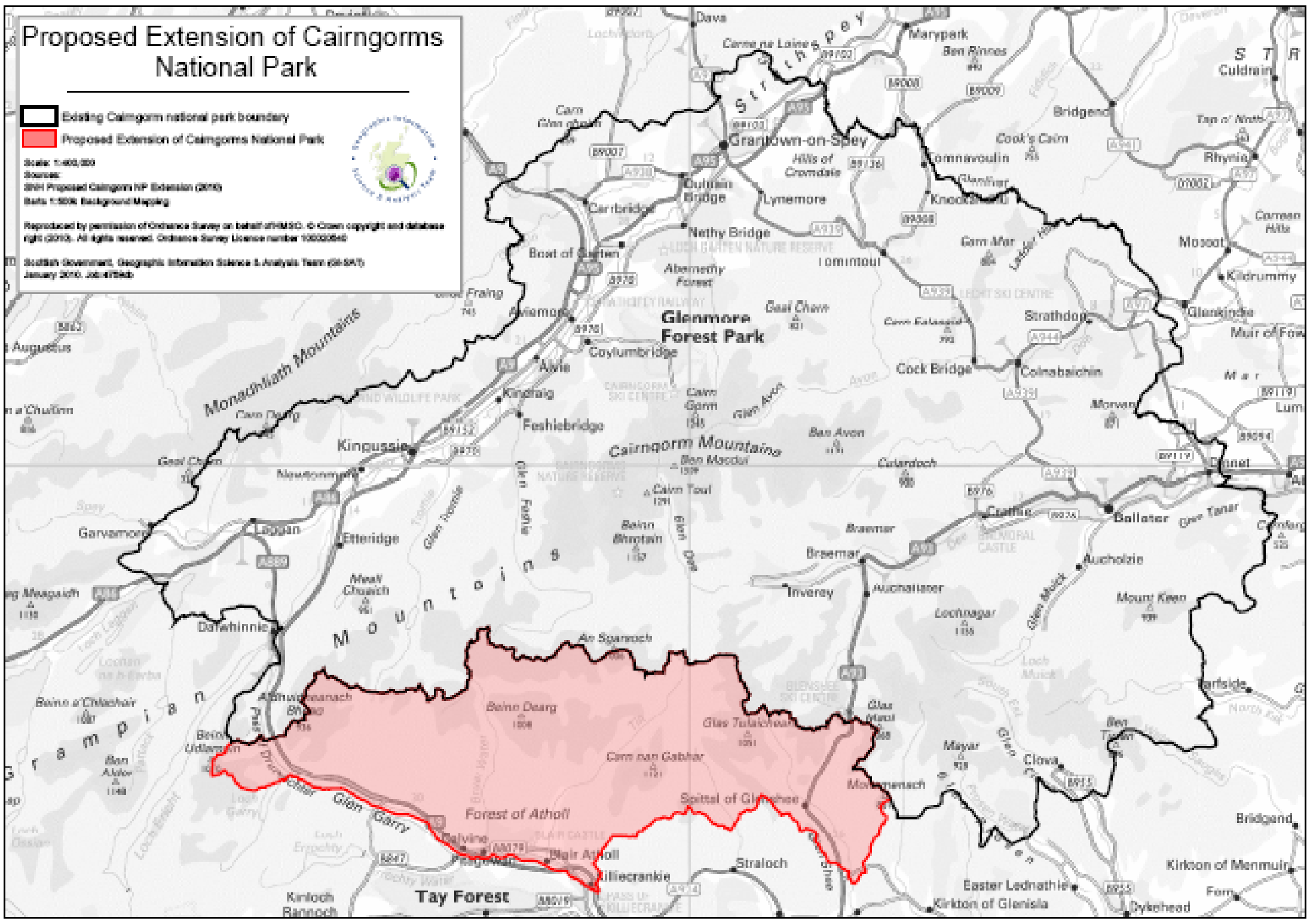
Due to the reduction in membership, it is estimated that there will be a saving of fees paid of around £43,000 pa; there will also be savings on expenses. The proposed clarification regarding planning delegation will give the NPA discretion to make more savings.

The proposed southern boundary extension will require the Cairngorms National Park Authority to operate over a larger area, which will bring consequential costs regarding grants, planning, training schemes, core paths and other initiatives all associated with the increased Park area; recurring costs of around £83,000pa are estimated by the NPA . There is also an estimated cost in the region of £100,000 to install new entry point markers, and move other markers as appropriate to the new boundary

A Business and Regulatory Impact Assessment (BRIA) has been completed in relation to this Order and is attached with this Executive Note.

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18 June 2010


Proposed Extension of Cairngorms National Park
Existing Cairngorm national park boundary
Proposed Extension of Cairngorms National Park
Grantown-on-Spey
Glenmore Forest Park
Cairngorm Mountains
Monadhliath Mountains
Kingussie
Aviemore
Ballater
Braemar
Dalwhinnie
Forest of Atholl
Spittal of Glenshee
Blair Atholl
Killiecrankie
Tay Forest

Business and Regulatory Impact Assessment

Title

The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order 2010

Purpose and intended effect

Objectives

The overarching purpose of this Order is to modify the original Designation Order for the National Park. The designation order is being modified to :

i. extend the boundary of the Cairngorms National Park into Perth and Kinross
ii. reduce the number of members of the Authority (i.e. the board) from 25 to 19 and to clarify the way in which the Cairngorms National Park Authority (CNPA) may exercise its planning functions (which do not change).

Background

The background is :
(i) a recommendation of the Parliament's Environment and Rural Development Committee in 2007
(ii) a Strategic Review of the arrangements for delivering National Park functions in Scotland in 2008.

Rationale for Government intervention

The rationale for intervention on (ii) is the Scottish Government's commitment to more effective government.

Consultation

Public Consultation

There has been separate consultation on (i) and (ii):

(i) by Scottish Natural Heritage on the actual line of the proposed extension of Cairngorms National Park into Perth and Kinross (August 2008 – October 2008);

(ii) by the Scottish Government on the NPA changes ie:
a)on the recommendations from the National Parks Review; the consultation report is available on the Scottish Government website
http://www.scotland.gov.uk/Publications/2009/08/17105408/0
b) a statutory consultation on a National Park Proposal. The consultation report is available on the Scottish Government website
http://www.scotland.gov.uk/Publications/2010/02/19115042/0
c) a statutory consultation on a draft of this modification order; views/comments received are set out in a statement to Parliament being laid at the same time as this order.

Business

(i) There has been consultation with Blair Atholl Area Tourism Association on the effect of the boundary change on business.
(ii) The other changes will have no impact on business.

Options

The only option available for achieving the objectives is an order modifying the original National Park Designation Order: this process is a requirement of the National Parks (Scotland) Act 2000

Costs and Benefits

i. the proposed southern boundary extension will require the CNPA to operate over a larger area which will bring consequential costs to the NPA. There is also an estimated cost to the NPA of approximately £100,000 to install new National Park entry point markers when the boundary is changed. The extension of the boundary of the National Park will benefit the community of Blair Atholl who have campaigned for inclusion within the National Park.

ii. the other changes will impact on the officials and the board of the National Park Authority (NPA). It will enable them to contribute to more effective government. As a result of the reduction in the number of board members, it is estimated that there will be a saving to the NPA of fees paid of approximately £43,000 per annum, excluding expenses.

Scottish Firms Impact Test

(i) The extension of the Cairngorms National Park to include Blair Atholl is expected to have a positive impact on small businesses involved in the provision of tourist facilities. The Blair Atholl Area Tourism Association, a community based group which represents 75 local businesses has been consulted; it welcomes the extension of the National Park and the new opportunities that this will provide for small businesses.

(ii) The other changes will have no impact on Scottish businesses.

Test Run of Business Forms

The proposals introduce no new forms. There is, therefore, no requirement to complete a test run.

Competition Assessment

The proposals will have no impact on competition between firms.

Legal Aid Impact Test

The proposals will not give rise to the increased use of legal processes or create new rights and will have no impact on the legal aid fund.

Enforcement, sanctions and monitoring

The proposals do not require enforcement, sanctions and monitoring.

Implementation and delivery plan

The proposals will be implemented by the NPA once the modifying orders come into effect on 2 October 2010. The Scottish Government will be appointing new NPA members from 2 October to bring about the smaller boards.

Post-implementation review

A review will be conducted within 10 years.

Summary & recommendation

This order is required to modify the original Cairngorms National Park Designation Order.

Declaration and publication

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed……. Date……..

Roseanna Cunningham, Minister for Environment

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