EXECUTIVE NOTE
DRAFT SSI: THE LOCH LOMOND AND THE TROSSACHS NATIONAL PARK DESIGNATION, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS (SCOTLAND) ORDER 2002 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) 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 National Parks Review recommended reducing the number of members of National Park Authorities (NPAs).(The members of an 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 Loch Lomond and the Trossachs National Park Authority (LLTNPA) from 25 to 17 members from 2 October 2010. The instrument also specifies the allocation of nominated members: the 2 larger local authorities (Stirling and Argyll and Bute) will each be invited to make 2 nominations, the others (West Dunbartonshire and Perth and Kinross Councils) will each be invited to make one. As a result the smaller board will be made up of 6 local authority nominees, 6 ministerial appointees and 5 directly elected members.

This instrument also clarifies the way in which the LLTNPA may exercise its planning functions (which do not change). The policy intention is to enable the LLTNPA 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 2008-9, 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

2) In 2009-10 , the Scottish Government undertook a statutory consultation on a National Park Proposal to modify the Loch Lomond and the Trossachs 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

3) 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 £56,000 pa; there will also be savings on expenses. The proposed clarification regarding planning delegation will give the NPA discretion to make more savings.

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

Scottish Government
Victoria Quay
Leith
EH6 6QQ
18 June 2010

Business and Regulatory Impact Assessment

Title

The Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 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 reduce the number of members of the Authority (i.e. the board) from 25 to 17 and to clarify the way in which the Cairngorms National Park Authority (CNPA) may exercise its planning functions (which do not change).

Background

The policy context is the 2008 Strategic Review of the arrangements for delivering National Park functions in Scotland.

Rationale for Government intervention

The rationale is the Scottish Government's commitment to more effective government

Consultation

Public Consultation

There has been consultation by the Scottish Government on
a) a recommendation from the National Parks Review for smaller NPA boards; the consultation report is on the Scottish Government website at http://www.scotland.gov.uk/Publications/2009/08/17105408/0
b) on a National Park Proposal ; the consultation report is on the Scottish Government website at http://www.scotland.gov.uk/Publications/2010/02/19115042/0
c) 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

This proposal will have no effect on businesses.

Options

The only option available for achieving the policy 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

This order 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 £56,000 per annum, excluding expenses.

Scottish Firms Impact Test

The proposals have no effect on Scottish businesses therefore there is no requirement to complete a Scottish Firms Impact Test.

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 have no effect on business. There is, therefore, no requirement to complete a competition assessment.

Legal Aid Impact Test

This will not give rise to the increased use of legal processes or create new rights or responsibilities 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 proposed changes 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 Loch Lomond and Trossachs 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.

Signed……. Date……..

Roseanna Cunningham, Minister for Environment

Contact – Helen Jones
The Scottish Government – Rural and Environment Directorate
Natural Resources Division – National Parks and Outdoor Recreation
1D-North

Victoria Quay
Edinburgh
EH6 6QQ
0131 244 6516 helen.e.jones@scotland.gsi.gov.uk