MEMORANDUM FROM THE SCOTTISH EXECUTIVE ON THE CAIRNGORMS NATIONAL PARK BOUNDARY BILL

I have attached an Executive Memorandum in response to the Cairngorms National Park Boundary Bill which was introduced by John Swinney MSP on 21 September 2006. I understand that the Parliamentary Bureau has assigned this Bill to your Committee for consideration.

The Scottish Executive will oppose the Bill, and the reasons for this are described in detail in the Memorandum.

ROSS FINNIE
Purpose

1. This memorandum has been prepared by the Scottish Executive to assist consideration by the Environment and Rural Development Committee of the Cairngorms National Park Boundary Bill ("the Bill"). It sets out the Executive's thoughts on the Bill, which was introduced on 21 September 2006.

Background

2. Following Parliament's agreement to the National Parks (Scotland) Act 2000, Scottish Natural Heritage (SNH) was tasked with drawing up proposals for the boundaries of the Cairngorms National Park. Following detailed consultation and analysis, Scottish Ministers determined the boundaries of the National Park. The Designation Order setting out the boundary for the National Park was approved by Parliament on 12 December 2002.

3. The Cairngorms National Park came into operation on 1 September 2003, however since that time, there has been a campaign to extend the boundaries of the National Park to include Eastern and Highland Perthshire. PARC (Perthshire Alliance for the Real Cairngorms) has been set up to press for the extension of the boundaries, and has the support of Mr. Swinney and Perth and Kinross Council.

The Scottish Executive's View

4. A parliamentary question about the boundaries of the Cairngorms National Park was asked on 9 December 2004 at First Minister’s Questions. The First Minister set out the Executive’s view: "I think that it is too soon after the Parliament agreed to adopt the current arrangements for the national park in the Cairngorms to review the boundaries. However, a five-year review was built into the establishment of the Cairngorms park authority and I hope that that issue will be considered when the review takes place.” Cairngorms National Park Authority is a non-departmental public body and all public bodies are reviewed at least every five years. A review is carried out to ensure that the work of the public body is still required, to ensure that the public body remains the best way to carry out the work and to identify ways in which its future performance can be developed and improved. Cairngorms National Park Authority is due a review in 2008.

5. The Scottish Executive remains of the view that it would be premature to consider any amendment to the Designation Order to redefine the boundaries of the National Park while the Park is still in its early stages of establishment. Any consideration of the issues should be left to the Quinquennial Review in 2008, once the National Park has had 5 years to establish itself.

6. While it is encouraging that communities outside the National Park are able to see the benefits of inclusion within its boundaries, changes to the area of the Park would be damaging to the work already carried out by the Park Authority and would almost inevitably prevent completion of both the National Park Plan (a draft of which is currently undergoing public consultation) and the Local Plan. Both of these documents have already taken up significant resources within the National Park Authority, and any amendment at this stage would require substantial work and put back the progress made to date.
7. It has been suggested that inclusion of the Eastern and Highland Perthshire areas could enhance any application for World Heritage Site status. It is not clear that a change in the boundaries would make any difference to the UNESCO assessment of the area. The Park is already the largest in Britain and among the largest in Europe, and size is not necessarily one of the criteria that would affect World Heritage Site status.

**Financial Implications**

8. The Financial Memorandum attached to the Bill estimates the one-off costs to public expenditure as in the region of £48,000, and does not foresee any recurring costs in future years.

9. The Cairngorms National Park Authority estimates that the one-off costs of the Bill would be in the region of £150,000 and recurring costs could amount to approximately £100,000 per annum, for example as a result of a requirement for extra staff particularly in relation to development control and access. There would also be a further cost to the Scottish Executive of re-drawing the ward boundaries for directly elected members.

**Other Implications**

10. The Board of the National Park Authority consists of 10 direct Ministerial appointments, 10 Ministerial appointments from nominations by the Local Authorities within the National Park and 5 members elected directly by the population of the National Park. The Bill makes suggestions for the redistribution of Local Authority Nominated Board Members, reducing the number on the Board nominated by Highland Council from 5 to 4 in order to allow Perth and Kinross Council to nominate one Board Member. However, the Bill does not make any allowance for amending the wards for local directly-elected members to the National Park Board, and as a result the population of the extended area of the National Park would not be represented by a directly-elected Member.

**Consultation**

11. A consultation paper by Mr. Swinney on the extension of the boundaries of the Cairngorms National Park was distributed to 34 organisations and individuals and made available on-line. Responses were received from 27 sources. In the response to the consultation, Mr. Swinney concludes that whilst there was a great deal of support for the boundary change, several organisations felt the change could disrupt the practical progress on the ground across the Park and there were divided opinions on how Perth and Kinross Council could be given a seat on the Board.

**Conclusion**

12. The Scottish Executive will oppose the Bill on the basis that the National Park is still in its early stages of establishment and any boundary change at this stage would interrupt the progress of the Park Authority’s work and its statutory duty to produce a National Park Plan.

Scottish Executive
November 2006