

# **PROPOSAL TO MODIFY THE CAIRNGORMS NATIONAL PARK DESIGNATION, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS (SCOTLAND) ORDER 2003**

## **Introduction**

1. Under the National Parks (Scotland) Act 2000 (the Act), an individual National Park (and its associated National Park Authority) may be established by means of a designation order approved by the Scottish Parliament. The Act also gives Scottish Ministers powers to modify a designation order.
2. Scottish Ministers propose to modify the area of Cairngorms National Park as identified in the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (the Designation Order). The intention to extend the southern boundary of the National Park into the area of Perth and Kinross Council was announced by Minister for Environment, Michael Russell, in the debate on National Parks on 13 March 2008.
3. This document is to be treated as a National Park proposal; it concerns the modification of the above Designation Order.

## **Legislative Background**

4. This proposal is issued under section 30(3) of the Act. Sections 3 to 5 of the Act apply in relation to this proposal. Scottish Natural Heritage (SNH), as Reporter, will provide Scottish Minister with a report on the proposal (section 3 of the Act).

## **Proposal**

5. Area: The proposal is to extend the southern boundary of Cairngorms National Park on, or approximately on, the line indicated in the Cairngorms National Park Boundary Bill (SP Bill 72; session 2 [2006] and Explanatory Notes SP Bill 72-EN; session 2 [2006]) (the Boundary Bill). The proposed boundary includes Calvine, Blair Atholl and Spittal of Glenshee. It excludes Struan and Killiecrankie. The overview map and sixteen boundary maps that accompanied the Boundary Bill are available on the Scottish Parliament's website at <http://www.scottish.parliament.uk/business/bills/72-CairngormsNP/index.htm>.
6. Authority membership: This proposal requires the Reporter, SNH, to make a recommendation for modifying article 5 of the Designation Order regarding the allocation of local authority nominations to the Park Authority Board to take into account the inclusion of a part of Perth and Kinross Council within the boundaries of the National Park. The assumption is that the total number of Local Authority nominations will remain at 10. SNH's recommendation will be without prejudice to any recommendations affecting the future composition of the Board which might emerge from the National Parks Review.

## **Reasons for modification**

7. The evidence to support this proposal is provided by the parliamentary scrutiny of the Cairngorms National Park Boundary Bill by the Environment and Rural Development Committee during January and February 2007 and the Stage 1 debate on the Boundary Bill that took on 21 March 2007. (The Bill fell at the stage 1 debate). At the time, the Environment and Rural Development Committee (the Committee) heard evidence on the Boundary Bill and agreed that persuasive arguments, including the communities' feelings that inclusion in the National Park would bring social and economic benefits, had been made to extend the National Park boundary to include Blair Atholl and part of highland and eastern Perthshire. The Committee concluded that a strong case had been made (Environment and Rural Committee 2<sup>nd</sup> Report, 2007 (Session 2) – Stage 1 Report on the Cairngorms National Park Boundary Bill – Volume 1 – Report [SP Paper 784 Session 2 (2007)]. In light of that conclusion, Scottish Ministers believe that there is reason to modify the boundary of the National Park.

## **Reports on the modification proposal**

8. Scottish Ministers wish to require SNH to consider and report on this proposal by the end of 2008. In accordance with section 3 of the Act, this includes publicising the proposal and carrying out appropriate consultations with stakeholders and the general public. The scope of SNH's work on this proposal will not include any consideration of changes to the current powers and responsibilities of Cairngorms National Park Authority or any other matters at this stage.