

SCOTTISH COUNCIL FOR NATIONAL PARKS

RESPONSE TO THE DRAFT DESIGNATION ORDER FOR THE CAIRNGORMS NATIONAL PARK

Council welcome the proposals that the Park Authority should have development control powers for the calling-in and determination of planning applications affecting the Park. Council nevertheless believes that the obvious inefficiencies and opportunities for conflict produced by this "compromise" solution could be avoided by the simple transfer of all development control to the Park Authority. This would conform with the majority of opinions expressed during the public consultation and with 2/3rds of the significant written submissions by bodies many of which are experienced in countryside management at national level. Development control is not only a negative power: in comparable National Park areas in England most applications can, it has been found, be approved if altered by discussions with the Park Authority before submission. Under the current proposal for the Cairngorms, the Park Authority would be unable to carry out these pre-submission negotiations and so the positive aspects of development control would be lost.

We consider it is important for the National Park Authority to prepare guidance on the Development Control Quality Standards to be adopted within the National Park. Application of these standards would obviously be best managed by the staff of the Authority which promoted them. Although there could, of course, be guidance to a local authority staff they would also be possibly in competition with existing policies and standards developed by the local authority and, of course, being applied by staff who were reporting to that Authority, not the National Park. This would clearly be the cause of many actions by the National Park Authority to call in applications which they wished to determine themselves and would have the effect of presenting to the public a National Park Authority which "always says no".

It is unfortunate that the development control powers and the powers to produce the Local Plan for the Park which it is proposed the Park Authority should be given, are circumscribed by the proposed retention of Structure Planning by the Local Authorities. The Park Authority would have only a role as consultee when Structure Plans were revised. A Local Plan must, in law, conform with the Structure Plan for its area and the new Park Authority could find major strategic planning policies already determined by 3 - different - Structure Plans. This could be crippling for a National Park Authority which had been constituted to promote national as well as local objectives in what has been determined an outstanding scenic and conservation area. Its strategic policies can, by their nature, only be applied to the Park as a whole and although they may embrace existing local authority policies they cannot be controlled by them.

However, this proposal to leave Structure Planning with the local authorities is surprising in that it appears to conflict with the terms of the "Review of Strategic Planning" (June 2002)* In this statement

by the Scottish Executive it is specifically stated that the National Park Plan would incorporate Strategic Issues in the same way as most Local Plans would when - as the Review states - separate Structure Plans will be retained only for the city regions. Council does, of course, welcome this recommendation but it seems unfortunate if there is to be an interim period in which emerging Park Plan policies in the Cairngorm National Park are to be subject to the Local Authorities' Structure Plans.

It would be much preferable to allow the National Park Authority during this interim stage to evolve its own strategic policies and to relate them properly to the National Park Plan which it would be also preparing. Council believes, therefore, that the Scottish Executive have constructed an overwhelming case for leaving Structure Planning with the National Park Authority during the interim period.

The situation which would arise after the adoption of a National Park Plan incorporating Strategic Issues would make the retention of development control powers by the local authorities irrational and anomalous. Development Control in the Park would be carried out in accordance with strategic and local policies and proposals of the National Park Authority and the Local Authority staff would have to work under divided allegiances and under different policies. There will be no case at all for development control to be managed by local authority staff when the guiding policies and precedents would be entirely the responsibility of another planning authority - the National Park.

* Q13 'Conclusion' - 'In addition, the Executive intends that in National Parks the strategic planning component should be part of the National Park Plan'.

All these problems arising during the interim period would be made even more difficult by the proposal (also in the Review of Strategic Planning) that Highland Council would prepare a pilot unitary plan during the interim period. This would result in Highland Council preparing both Structure and Local Plan policies for parts of the National Park area during which the National Park Authority would be similarly developing its own National Park Plan including Strategic Issues.

There are obviously immense problems and anomalies in a situation such as this. Attempting to resolve the conflicts and inconsistencies between the National Park Authority and the Local Authorities would be immensely difficult as well as wasteful of staff and members' time and confusion for them and the public. Fortunately this situation can be simply resolved by giving the National Park Authority Structure Planning powers now so that there would be no ambiguities during the interim period and the National Park Authority could properly prepare what would in effect be a unitary plan for its area. We believe the arguments for this approach are overwhelming and ask the Scottish Executive to consider urgently the situation which has been created by the Review of Strategic Planning as well as the general arguments which we have reiterated in this submission.

A final matter on which we wish to comment is the proposed reduction in the boundary to the National Park which was recommended by the Reporter. Once set, the boundaries of a National Park are very difficult to alter. It is therefore important to make the right decision based on principle at the outset.

Council recognises that the SNH advice to government on this issue was based on the principles outlined in the primary legislation: distinctive character, coherent identity and special needs. It also recognises that some 61% of respondents to the consultation saw merit in having a national park area a great deal larger than Option A. The area chosen must be commensurate with effective and efficient administration by the Park Authority of its purposes and functions. The past work of the Cairngorms Partnership amply demonstrates that an area based on either Option B or C would be appropriate in this new context. Given the detailed scrutiny by SNH of this process - based on a sound set of principles - we agree with its advice on the park area and boundaries.

Council notes that the only substantial reason given for a park area based on Option A is administrative efficiency - which is without reason to the criteria in the National Park legislation. Hence it is difficult not to conclude that the reduction in size by exclusion of Perth and Kinross and Angus local authority areas is an attempt to simplify the spread of planning powers between the National Park and 3 rather than 5 local authorities.

Neither the reduction in Park area nor the proposed boundary conform with logic, landscape compositions, land uses nor the unity of the whole range of the Cairngorms Mountains. It would give rise to major anomalies such as the splitting of the Lecht Ski Centre, the omission of internationally important natural heritage sites and the splitting of others. It would also present a boundary which has little regard to watersheds or skylines and makes use of roads and river banks, all of which mean problems for future management. Council recommends that the boundary incorporating the whole mountain massif and its setting as recommended by the Reporter, should be adopted.

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18 July 2002