

Introduction

1-1 In September 2000, Scottish Ministers made a formal proposal under Section 2 of the National Parks (Scotland) Act 2000 for a National Park in the Cairngorms area. They also asked SNH to act as the statutory reporter on this proposal, as required under Section 3 of the Act. We were required to consult widely on the proposal and to report in the light of the responses to the consultation. This report sets out our findings.

Legislative background

1-2 Under Section 1 of the National Parks (Scotland) Act 2000, the aims of National Parks are:

- a) to conserve and enhance the natural and cultural heritage of the area;
- b) to promote sustainable use of the natural resources of the area;
- c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- d) to promote sustainable economic and social development of the area's communities.

1-3 A National Park and its governing body (the National Park Authority) may be established by means of a Designation Order approved by the Scottish Parliament. The Act sets out the powers, functions and duties available to all National Park Authorities, but it leaves a number of issues to be specified in the Designation Order - notably the Park boundary, details of composition of the Authority, and its functions, including those in respect of Town and Country Planning. The Act also sets out the process of consultation leading to the making of such a Designation Order. This process starts with the publication of a statutory proposal for a National Park. A copy of Ministers' proposal for a National Park in the Cairngorms area is provided at Annex A.

Role of the reporter

1-4 SNH was required by Government to consider and report on a number of matters contained in the proposal, including:

- the desirability of designating the area in question as a National Park;
- the area of the proposed National Park;
- the functions proposed for the National Park Authority;
- the likely annual costs and capital expenses of the Authority; and
- other matters as specified in the proposal, including representation on the governing Board of the National Park Authority and the name of the National Park.

1-5 The Act places a number of duties on the reporter with respect to consultation and the preparation of its advice. Guidance was also provided by Ministers about how SNH should undertake this task. A copy of this requirement is provided at Annex B. Information about the consultation process which SNH led is provided in Section 2 of this report.

1-6 In preparing its report, SNH is required under the Act to consider and report on the views expressed to it during the consultation process. We must also have regard to other relevant matters including, in particular, administrative boundaries and the geography of the area. Section 3 of the Act also makes it clear that the report must include the views of the reporter on the matters specified in the requirement, and that the reporter must take into account any views expressed on the proposal by those who were consulted.

SNH advice on natural heritage matters

1-7 In addition to its role as the reporting body, SNH also has obligations under the Natural Heritage (Scotland) Act 1991 to advise Ministers on natural heritage issues. Ministers instructed us, in addition to recording and reporting on the views expressed by consultees, to make clear and distinct any views which were those of SNH as statutory adviser on the natural heritage. In accordance with these requirements, this report distinguishes, where necessary, between four separate elements for each of the issues under discussion:

- the range of views expressed by consultees and, where possible, the reasoning behind those views;
- any views of SNH as statutory adviser on the natural heritage;
- discussion and analysis of significant points, incorporating the views of SNH, on the strength of the arguments expressed; and
- the reporter's advice.

Structure of the report

1-8 The report deals with the various issues on which SNH was asked to report as follows:

Section 3: The Case for the National Park

Section 4: The Area of the National Park and its Boundary

Section 5: The Functions and Powers of the National Park Authority

Section 6: The Governing Board of the National Park Authority

Section 7: Potential Costs of the National Park Authority

Section 8: The Name of the National Park and Future Management Issues

1-9 The annexes accompanying this report provide additional detailed information about Ministers' proposal for a National Park, the individuals and organisations who provided written responses and how well the area stands up against the statutory conditions for National Parks.

1-10 The views and conclusions set out in this report are based on the analysis of the responses to the consultation. However, as was the case in the recent consultation on the proposal for a National Park in Loch Lomond and the Trossachs, the consultation exercise showed that there was a considerable diversity of views on many of the issues. On some of the major issues there was no clear consensus from the written responses, or from the views of those who participated in the consultation meetings and events. In these circumstances, we have described the range of views expressed to us, and explained the line of reasoning which we have used to come to our conclusions, so that Ministers may decide on the way forward.

1-11 In considering the results of the consultation exercise, a comprehensive stakeholder analysis of the written responses was undertaken. This is contained in a separate report along with details of those who responded in writing and the summaries of the various consultation meetings and events which were part of the consultation process (Report 2). SNH considered that it was important to evaluate the consultation programme. The results of two separate evaluation exercises are presented in Reports 3 and 4. SNH also commissioned several new pieces of work in support of our advice, for example, on the anticipated costs of the National Park Authority. While it is not proposed to publish all these working papers, copies are available for others to see on request.

Next steps

1-12 The next steps towards the establishment of the National Park will be taken by Scottish Ministers. If, on the basis of this report, they are satisfied that their proposal for a National Park in the Cairngorms area has widespread support, they will prepare a draft Designation Order for the National Park. The draft Order will be subject to a further period of consultation undertaken by the Scottish Executive. The draft Designation Order, if necessary in a modified form, will then be laid before the Scottish Parliament along with a report of the views expressed during this second consultation. The Government's intention is for these steps to be completed during early 2002, with the prospect of the formal establishment of a National Park in the Cairngorms during early 2003.

1-13 Alternatively, Ministers may decide to withdraw their proposal, or to hold a public local inquiry, in order to allow examination of those issues which they consider require further scrutiny. Under Section 5 of the National Parks (Scotland) Act 2000, the discretion to hold a public inquiry rests solely with Scottish Ministers.

1-14 Anyone who has questions about any aspect of this report and the process of consultation which underpinned it, should contact Scottish Natural Heritage. Details of how to contact us are given on the back cover.

Distribution of this report

1-15 This report is available on SNH's web-site (www.snh.org.uk). It will be sent to all the individuals and organisations who responded in some way to the consultation exercise and who asked for it to be sent. Copies of the supplementary reports on the consultation process, which are described above, will also be made widely available and will be sent to community councils and associations, local authorities, public bodies and to other groups who contributed to the consultation process. Additional free copies of all reports are available on request.