

The Governing Board of the National Park Authority

The proposal

6-1 In the proposal, Ministers suggested that the governing Board of the National Park Authority should have the maximum permitted number of members (25), with the minimum permitted number of directly elected members (5). Ministers sought views on whether the proposed size of the Park Board, and its balance between elected and appointed members, was appropriate to the specific circumstances of the Cairngorms. In addition, they asked SNH to report on the date of the election relative to other events; on the number of members to be appointed on the nomination of each relevant local authority; on the number of local members (as defined by the Act); and on the particular areas of knowledge and expertise represented by directly appointed members.

SNH consultation document

6-2 Depending on the size of the National Park, between three and five local authorities could be included; Aberdeenshire, Highland and Moray and, if the Park were to be larger, Angus, and Perth and Kinross. In the consultation document, we presented various suggestions for the distribution of local authority membership based on both the percentage of population and land area. We also listed the following areas of knowledge and expertise, which we proposed that the appointed members of the Board should cover.

Aim (a) – to conserve and enhance the natural and cultural heritage of the area

- biodiversity and earth heritage
- landscape conservation
- built heritage and archaeology
- history, traditions and language

Aim (b) – to promote sustainable use of the natural resources of the area

- land management
- water management
- food and timber production

Aim (c) - to promote enjoyment (including enjoyment in the form of recreation) and understanding of the special qualities of the area

- countryside recreation and access
- sport
- environmental education

Aim (d) – to promote sustainable economic and social development of the area’s communities

- tourism
- commerce and business
- community development
- fund-raising and media relations

In addition, we suggested that members should have a strong commitment to the overall purpose of National Parks, and that places on the Board should not be reserved for specific public bodies or interest groups.

Size of the Governing Board

Comments generated

6-3 The vast majority of those who were involved in the consultation exercise and who addressed this question agreed that the Board should have 25 members. It was generally agreed that this was necessary to ensure adequate representation of all relevant interests in the National Park. Some respondents suggested a smaller Board – with as few as 10 members suggested by some consultees – to allow for more effective decision-making. A number of alternative sizes were suggested in order to allow for a change in the number of directly elected members. These included a small number of respondents who considered that a Board larger than 25 was necessary (although this would not be possible under the existing legislation).

SNH view as natural heritage adviser

6-4 SNH advised Ministers in 1999 that the governing Boards of National Park Authorities in Scotland should be kept to a maximum of 20 members in order to facilitate effective decision-making. In the Cairngorms, the size of the likely National Park and the range of issues it will need

to address suggests that the maximum size of Board permitted by the legislation, 25 members, would be desirable to ensure that the Park Board contains adequate knowledge and expertise on natural heritage matters.

Discussion

6-5 There is a strong consensus among individuals and organisations for a governing Board of 25 members. We concur with the arguments that that the proposed size would allow maximum involvement and flexibility.

Reporter's Advice

On the basis of the consultation undertaken, we conclude that the governing Board of the National Park Authority should have 25 members.

SNH advice as natural heritage adviser

SNH supports this recommendation.

Number of directly elected members

Comments generated

6-6 The composition of the governing Board attracted a great deal of interest and was discussed in almost all meetings and events, and mentioned in most written responses.

6-7 A small majority of written responses supported Ministers' proposals for five directly elected members. Those in favour included all five local authorities in the area and most national organisations and interest groups. Other respondents were less convinced that five directly elected representatives were sufficient, and a significant number sought a greater proportion of locally accountable representatives. This view was strongly advocated in almost all community-led consultation reports and was also shared by a majority of students who took part in the youth consultation. While no consensus emerged on what proportion of members should be directly elected, a common proposal was for the number to be increased from 5 to 10, with a corresponding reduction in the number of

representatives appointed by Scottish Ministers. Several responses argued the number of these members should be based on the eventual ward coverage of the Park, as determined by the future election order. To ensure proper accountability, it was suggested by some that each directly elected member should represent no more than 2000 people. While not requested to report on this issue, these and other comments on this matter of the election of directly elected members to the Park Authority have been collated and will be presented to the Scottish Executive as part of the stakeholder analysis presented in Report 2.

6-8 A large number of respondents – mainly from outwith the area – also sought direct representation of national interests including conservation of the natural and cultural heritage, and sport or recreation. These arguments were for the maintenance of the national interest on the Board, on the basis that this was a national initiative and that there was a need for accountability in decision-making at a national level. Other common themes to emerge were the desirability of some form of representation on the Board from areas adjacent to the National Park, and the requirement that appointments to the Board be made in an open and transparent manner.

6-9 A small number of responses questioned the principle of directly elected members on the Board but there was a view at some of the meetings held throughout the area that directly elected members were more likely to take an interest in the management of the Park and represent local views effectively. However, reports of the community-led consultation exercise also suggested that local authority councillors should have a strong role on the Board. Many references were also made to the role of existing community councillors within the area. While it was commonly recognised that they could stand for election, it was suggested that some community councillors should be appointed directly by Ministers, or nominated by local authorities.

SNH view as natural heritage adviser

6-10 Any increase in the number of directly elected members to the governing Board would reduce Ministers' scope to make appointments

reflecting the purposes for which the Park has been established. We are of the opinion that the interests of the natural heritage will be best served if Ministers have the flexibility to make appointments as specified by the proposed arrangements and we would not advise increasing the number of directly elected members.

Discussion

6-11 Perhaps not surprisingly, the question of representation on the governing Board of the Park Authority produced some of the strongest comments we received. There is clearly demand from within the proposed Park area for a greater number of directly elected representatives on the Park Board. However, the level of response on this issue was not as substantial as that expressed in the recent consultation for the Loch Lomond and The Trossachs National Park. Nevertheless, a substantial number of local people still feel that

the proportion of directly elected members should be increased, on the grounds that it would strengthen local accountability and local ownership of the Park. Local knowledge is also seen as critical in the management of the area.

6-12 On the other hand, local authorities and national interests are keen not to see their potential share of the Board diminish, arguing that this is a National Park and that if their interests were to be excluded or marginalised, the value of the whole initiative would be devalued. Local authorities, in particular, will continue to be key partners in the work of the Park Authority and will play a key role in integration of the Park with the surrounding area. They therefore need to be fully involved in its key decision-making structures. Equally, the national interest in the Park must be properly reflected in the membership of the Park Board, and that the potential for tension between a locally-led National Park Authority and the wider national interest is minimised.

Reporter's Advice

As we indicated in our advice on Loch Lomond & The Trossachs, the matter of the extent of local representation on the Park Board is essentially a political one and for that reason, is best addressed by Ministers themselves. However, on the basis of the consultation we have undertaken we would not recommend an option which restricted Scottish Ministers' flexibility in appointing key national and local interests, whose expertise and knowledge will be crucial if the National Park Authority is to deliver its four aims as required by the legislation. This suggests that the 5:10:10 balance proposed between directly elected members, local authority nominations and directly appointed appointments is correct. This approach would guarantee that 60% of the Board will either be directly elected or be appointed on the recommendation of the democratically elected structures in the area.

Irrespective of the approach adopted, a key to the success of the National Park Authority will be its ability to generate a sense of common purpose and commitment among all its members. We recommend that Ministers emphasise through guidance and other appropriate measures that members on the governing Board are charged to deliver all the Park aims in a co-ordinated way.

SNH advice as natural heritage adviser

SNH supports this recommendation.

Approach to Local Authority Nominations

Comments Generated

6-13 Relatively few consultees addressed this issue in written responses and it was generally only raised in open meetings and events when prompted by facilitators.

6-14 Of those who did comment, most support was expressed for a formula based on both a share of area and population. This was seen as a means of achieving a fair balance between the local authorities. However, of the five relevant local authorities, only Aberdeenshire specifically supported this approach.

6-15 There was broadly an equal level of support from individuals, local authorities and other organisations both within and outwith the proposed area for the share of local authority nominations to be based on either area or population. Of the local authorities within the area, both Highland and Moray Council supported an approach based on population, while Perth and Kinross argued for an approach based on area. Angus Council suggested that, whatever approach was adopted each local authority within the area should have at least one representative. Arguments for a share based on population were mainly justified by the role of local authorities in ensuring democratic accountability of the Park Board locally. In contrast, arguments for a land-area based approach emphasised the need for balance in the share between local authorities, with some responses also expressing the view that the local authority share should reflect the main role of the National Park being with land and the way it is managed.

6-16 A few respondents suggested that the issue of local authority share of nominations should influence the size and location of the National Park: for example, the case for the largest National Park area would allow a balance in local authority membership whether based on either area or population. Equally, others saw advantages in the smaller National Park options, where the reduced number of local authorities involved would allow for wider range of expertise to be nominated. A few responses

advocating a smaller Park area suggested an equal share of local authority representation, while others argued that all should be represented, but none should be in a majority.

6-17 Finally, as noted above a few reservations were expressed over the choice of local authority nominations, with cases made both for and against the use of elected councillors from within the area or outwith it. A number of respondents emphasised that it was important to bear in mind the knowledge and expertise that local authority nominees brought to the Park Board, rather than just the fact that they would be representative of a particular local authority.

SNH view as natural heritage adviser

6-18 SNH has no comments to make on this issue with respect to the natural heritage.

Discussion

6-19 The comments received suggest that an approach to the share of local authority nominations will have to achieve a balance of representation which is both perceived as fair and also ensures that democratic accountability is maintained. This suggests that an approach based on both population and area would be appropriate.

6-20 Possible allocations of local authority membership of the National Park Authority are shown in Table 6-1, based on estimates of both population and area of the proposed Park proposed in Section 4.

6-21 These figures suggest that, whichever approach is used, Angus, Moray and Perth & Kinross should have one nomination each, and that the number of nominations for Aberdeenshire and Highland Councils should lie between two and three or three and five respectively. Given the slightly higher share of the nominations which would result for Highland Council if the approach was based purely on estimated population, we suggest that this local authority should have four places.

Table 6-1: Potential allocation of local authority nominations based on population and area

Local Authority	by estimated population*		
	Estimated population	Approx. % of Park population	Potential no. of representatives based on population
Aberdeenshire	3990	24	2
Angus	120	1	1
Highland	10490	63	5
Moray	1150	7	1
Perth & Kinross	880	5	1
Total	16630	100	10

* estimates of population were made on the basis of general information supplied by local authorities, and these estimates will need to be refined once the boundary of the area has been determined.

Local Authority	by estimated area		
	Area (km ²)	Approx. % of total area	Potential no. of representatives based on area
Aberdeenshire	1460	32	3
Angus	380	8	1
Highland	1590	35	3 or 4
Moray	450	10	1
Perth & Kinross	700	15	1 or 2
Total	4580	100	10

Reporter's Advice

On the basis of the consultation we have undertaken, we conclude that, on balance, the share of nominations between local authorities should be determined by a combination of both population and area. Based on the area of the Park we suggested in Section 4, each council would be allocated the following number of places in the Designation Order:

Aberdeenshire 3
Angus 1
Highland 4
Moray 1
Perth & Kinross 1

In making this recommendation, we note that, in terms of population alone, a higher number of nominations for Highland Council would be justified. However, this would be difficult to achieve if the other four local authorities are all to be represented. It is also envisaged that the election of directly elected members will be based in part on population, and this should increase representation from the communities within the Highland Council area of the Park

SNH advice as natural heritage adviser

SNH has no comments to make on this matter with respect to the natural heritage.

Potential areas of knowledge and expertise

Comments generated

6-22 The potential areas of knowledge and expertise of Board members attracted a significant number of written comments and the matter was frequently raised in open meetings and events.

6-23 Of the comments made, the majority of consultees emphasised the need for certain areas of knowledge and expertise on the Board. The main suggestions included specific natural and cultural heritage interests (including the terrestrial and aquatic ecology, geology, the historic environment, and Gaelic heritage and language); regular and established recreational users of the Park (including downhill and Nordic skiing, mountaineering and canoeing, and also a range of both local and national interests); farming and crofting; forestry (including native woodland management) and sporting interests (including fishing, field sports and deer management); water use; tourism; local businesses and estate management. Most of these areas were covered in a general sense by the framework proposed by SNH in the consultation document. A number of critical comments were made about our suggestion that expertise on fund-raising and media relations may be required on the Board as this was considered to be a set of skills more appropriately delivered by the staff, or through a contract. Some respondents also queried whether sport, which might include organised activities such as football or shinty, was appropriate for a National Park.

6-24 Some responses contained proposals for other areas of knowledge and expertise to be included on the Board, including experience and expertise in administration, law, property management, planning, architecture, community empowerment, housing, health, education, and transport. The need for the Board to have members with international experience of conservation or the management of protected areas was also stressed by several respondents. A number of responses, including the newly-formed national agency with responsibility for Gaelic, believed that the Park Board should have at least one Gaelic speaker on it, to ensure that

the linguistic heritage and language development was effectively addressed by the National Park. The youth manifesto developed by the Cairngorms Youth Group suggested that a “Young People’s Representative” should sit on the Park Board and further suggestions were made for a Youth Advisory Group.

6-25 While a case was made for the inclusion of representatives from specific bodies (including *Communn na Gaidlig*, sportscotland, the District Salmon Fisheries Boards, Area Tourist Boards, and environmental non-governmental organisations and recreational user groups), a far larger number of respondents did not favour reserving places for representatives in this way. Several respondents considered that the Park Authority should be able to draw on an advisory groups to complement the skills of the Board. The need for advisory groups and sub-committees across the four aims of the Park was highlighted in a significant number of responses, as a way of further involving relevant local and national expertise.

6-26 A number of responses addressed the overall balance of the Park Board. A common theme to emerge was the desirability of a broadly equal split of four to six members between the four aims, although several responses suggested that the first aim and third aims should be numerically dominant, to properly reflect the principal reason for establishing a National Park in the Cairngorms. A number of other responses believed that any division into interests was the wrong approach, instead proposing that Board members should have multiple areas of knowledge and expertise which covered the four Park aims. There was also support for nominations and appointments to have leadership skills, to be apolitical, and for all members of the Board to show a strong commitment to the aims of National Parks, and to the Cairngorms area itself.

SNH view as natural heritage adviser

6-27 As the Government’s natural heritage adviser, we would like to see amongst members of the governing Board of the Park a significant knowledge and expertise of natural heritage issues – including biodiversity, earth heritage,

landscape, enjoyment and understanding, and land management – and there should be a strong commitment to the collective achievement of Park aims. At the same time, we recognise that there are only a limited number of places available on the Board. This suggests that the knowledge and expertise of Board members should be broad-based, or cover several areas, with the more technical expertise in specific subjects drawn from staff and from advisory groups.

Discussion

6-28 The large number of comments generated on this issue highlights the importance that particular interest groups place on representation on the Park Board. However, while a number of specific suggestions have been made concerning the type of interests, we conclude that, overall, there is support for the general skill and knowledge-based approach to Board appointments.

6-29 In addition to the areas of expertise and knowledge listed in the consultation document, we accept the arguments put forward for considering appointment of members with the areas of knowledge put forward in paragraph 6-21. However, not all these interests can be found places on a Board with 25 members. Local authorities and Scottish Ministers should therefore

look to finding individuals with the right general qualities and blend of skills and knowledge.

6-30 In terms of the overall balance of these interests on the Park Board, we see merit in the suggestion that the local authorities and Scottish Ministers should seek to achieve a balance between the aims of National Parks in making their selections. Achieving this in practice may be difficult, with Scottish Ministers playing a key role in making sure that conservation, recreation and land management interests are fairly represented. Against this background, we strongly concur with the case made in some of the responses for all members of the Board to show a strong commitment to the aims of National Parks, and to the area itself.

6-31 In line with a majority of comments, we see no practical benefits for specific places on the Board being reserved for specific interest groups or public bodies such as SNH. In the light of the comments received, we conclude that the Park Authority should consider the active involvement of specific agencies and representatives bodies in establishing its committees and advisory groups in line with the National Parks (Scotland) Act 2000. In this respect, the work of the Cairngorms Partnership Advisory Panel and the four Peer Groups may provide useful experience on which to build.

Reporter's Advice

On the basis of the consultation undertaken, we conclude that the areas of knowledge and expertise of the whole Board should cover the four aims of National Parks. To this end, the Board should include members who have knowledge and expertise of one, and preferably more than one, of the following areas.

Aim (a) – to conserve and enhance the natural and cultural heritage of the area

- **biodiversity**
- **earth heritage**
- **landscape conservation**
- **built heritage and archaeology**
- **history, traditions and language**

Aim (b) – to promote sustainable use of the natural resources of the area

- food and timber production
- water and woodland management
- deer and field sports management
- fisheries management

Aim (c) - to promote enjoyment (including enjoyment in the form of recreation) and understanding of the special qualities of the area

- countryside recreation and access
- active outdoor pursuits
- environmental education

Aim (d) – to promote sustainable economic and social development of the area’s communities

- tourism
- commerce and business
- community development
- planning and transport

In making their appointments, Scottish Ministers in particular should seek to ensure that a balance is achieved between these aims and that conservation of the natural and cultural heritage, recreational interests and land management are all well represented.

As with any Board, it is unlikely to be possible to achieve a perfect mix of expertise and knowledge. Emphasis should therefore be placed on the general qualities of candidates who come forward, their experience of the issues affecting the National Park and their strong commitment to the overall purpose of National Parks in general and to the Cairngorms area itself. However, the inclusion of younger people on the Board or, at the very least, a specific member to represent their interests should be actively considered, as should the inclusion of members with an understanding and commitment to the Gaelic and Doric heritage of the area, including its language. Ideally, one or more Board members should also have knowledge of the management of protected areas outwith Scotland.

Board places should not be reserved for specific public bodies or interest groups, but we would expect to see people with a diverse range of backgrounds appointed to Board as a result of the areas of knowledge and expertise outlined above. In addition, the Park Authority should consider setting up a series of sub-committees and advisory groups to ensure that it can effectively draw on the local and national expertise and knowledge that will be necessary to manage the Park area.

SNH advice as natural heritage adviser

SNH supports this recommendation.

Number of Local Members

Comments generated

6-32 It is clear that some confusion remains in the potential make-up of the Board provided by the National Parks (Scotland) Act 2000. Compared to other issues concerning Board membership, relatively few comments were therefore directly made on the number of designated local members, although many respondents covered this theme indirectly while considering directly elected members.

6-33 Responses to the main consultation document were fairly evenly balanced on this issue. A number of respondents agreed with the minimum requirement of five, although some expected that the number in practice would be greater. However, a larger number of other respondents who commented on this issue suggested that the minimum number of local members should be increased on the grounds of greater accountability and to enhance the ability of the Park to deliver more locally tailored solutions. Both the reports of public meetings and events and the community-led consultation exercise also indicated very strong support for greater local representation through either the directly elected members or the local members. Of those specifically favouring a greater number of local members, a number argued for a minimum of seven to ensure a majority of local representation on the Board. In contrast, others suggested that the number of both directly elected members and local members should be a maximum of ten, on the basis that this would provide greater scope for the nomination of appropriate national and international expertise to the Board.

6-34 Most other comment focused on the proportion of local members to be drawn from local authority nominations. Of those who commented on the issue, a majority argued that local authority nominations should only consist of elected members, with a strong presumption that they would include councillors from the wards included in the Park. It was considered that this would ensure both local and democratic accountability (with directly elected members and local authority nominees making up 60% of the Board). While expressing a preference for this

approach in practice, the local authorities and other individuals and organisations saw benefits in having some flexibility in choosing their nominations. A few responses suggested that local members should be drawn exclusively from local authority nominations, leaving Scottish Ministers with greater flexibility to make appointments representing national interests. Others considered that local members should be identified from within the local authority nominations and Scottish Ministers' appointments.

SNH view as natural heritage adviser

6-35 SNH recognises the value to the Park Authority of having a Board whose members can draw on local knowledge of the area and its natural heritage, and who have experience of living and working in it. At the same time, experience elsewhere suggests that appointees can be important in providing an essential regional or national perspective, as well as other skills and knowledge not always readily available in the area. Together with the proposal to have five directly elected members, we consider that the stipulation of at least a further five local members strikes a fair balance between relevant interests.

Discussion

6-36 Many of the issues raised in the responses which addressed this question are similar to those raised on the issue of the number of directly elected members. People who live and work in the area feel strongly that significant local representation is essential, if there is to be local accountability and local ownership of the Park. We agree with this view. At the same time, several of the local authorities were keen to see few restrictions placed on their nominations to the Board. But many national interests considered that the Board should draw on the best expertise and knowledge available, and argued strongly that appointments by Ministers should not be constrained by the local member qualification. On balance, we therefore advise that the number of local members suggested by Ministers is appropriate.

Reporter's Advice

On the basis of the consultation undertaken, we conclude that in addition to the directly elected members, five members of the Board should be 'local members' as defined by the National Parks (Scotland) Act 2000. This will guarantee that at least 40% of Board members will always be local residents, directly elected by local people or elected representatives of wards or community councils within the Park while 60% of the Board will either be directly elected by local people or be appointed on the recommendation of the democratically elected structures in the area.

SNH advice as natural heritage adviser

SNH supports this recommendation.

Timing of Direct Elections

Comments generated

6-37 Few written comments were received on this issue although it did attract some comment at the meetings and events, especially those within the area.

6-38 Of the comments made, nearly three quarters of written responses were of the view that the direct elections should precede the nomination of local authorities and appointments of Scottish Ministers, thus allowing these appointments to be made in the light of the results of this election. The contrary option was supported on the grounds that local people should be able see the make-up of non-directly elected members of the Board before they vote on local candidates. A number of respondents saw merit in the appointment process and elections taking place in parallel so that the Board was formed as a complete unit.

6-39 A small number of other comments were made on other aspects of the timing of the elections, with the commonest theme to emerge being the need to link the direct elections to the Park Authority to that of the local authority elections to ensure a reasonable level of

participation. Other comments were received on the length of term served by directly appointed members, and on the need to manage the process of appointments and elections to the Board, to allow for continuity.

SNH view as natural heritage adviser

6-40 SNH has no comments to make on this issue with respect to the natural heritage.

Discussion

6-41 It is difficult to separate discussion on this issue from wider consideration of the other arrangements for the process of direct elections and appointments to the Board. However, of the few who commented on this issue a clear majority support the holding of direct elections before the Ministerial appointments are made, on the grounds that this should make it easier to achieve a better balance of interests on the Park Board. In practice, however, the length of time required for making appointments suggests that these processes may need to be managed in parallel.

Reporter's Advice

On the basis of the consultation undertaken, we conclude that direct elections should normally precede the selection of the appointed members of the Board of the National Park Authority.

However, we note that when the Park is first established, the length of time required to make appointments in an open and transparent manner suggests that, in practice, this process may need to be managed simultaneously with the direct elections. Whatever the timing of the elections, care must be taken to ensure the Board is formed as a complete unit with each member being seen to have the same status.

SNH advice as natural heritage adviser

SNH supports this recommendation.