

The Report on the proposal for a Loch Lomond and The Trossachs National Park

'a new way of caring for a special place'

This Report has been published on behalf of the Scottish Executive
under Section 3 of the National Parks (Scotland) Act 2000

Working with Scotland's people to care for our natural heritage

**SCOTTISH
NATURAL
HERITAGE**



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Loch Lomond and the Trossachs Interim Committee

Foreword

When SNH was asked by Scottish Ministers to be the Reporter on the proposal to establish a National Park in the Loch Lomond and The Trossachs area, we knew that we had been set one of our sternest challenges. Our staff, who have travelled many miles and worked many hours over the last few months, will testify that this has indeed proved the case.

We have been amply rewarded. The effort we have put in to this consultation has been matched both by the scale of response we have received and by the quality of debate and argument that has been generated. I would therefore like to thank all those who contributed to the consultation in some way – be it by braving the cold winter nights to attend and contribute to meetings, by dropping in and talking to our staff at the public surgeries, by spending a few minutes being interviewed in the street, or by writing to us in response to the consultation paper or summary leaflet. Those who participated in the Youth Consultation also deserve a special mention for their efforts in revising the presentation and considering the points raised in the consultation document. It is after all, a National Park fit for their future that is proposed.

Since the consultation closed on February 9th, all the views expressed to us have been carefully recorded and analysed. This document now sets out the Report as required under Section 3 of the National Parks (Scotland) Act. The analysis of the consultation process is contained in a separate report while a further report provides a more detailed account of the public meetings and other events held.

In recommending this Report to you, I am only too aware that it will not please everyone. Nor can it. Many of the issues relating to the area of the Park and the powers and composition of the Park Authority generated a vast range of comments, some of which cannot be reconciled. Our task as Reporter has been to listen carefully to the debate and provide advice to Ministers on the best way forward for the National Park. In doing so, we have endeavoured to look not only at the challenges currently facing the area, which have created the need for the Park, but also at the long-term opportunities which a Park may itself bring for conservation, recreation, land and water management and community development.

If there is one thing that has been apparent to us throughout the debate, it has been everyone's obvious deep affection for the area and their concerns for its well being and their many aspirations for its future. In whatever way Scottish Ministers now choose to move forward with the designation process, I believe this of itself provides a firm basis for the establishment of Scotland's first National Park – a park of which, in years to come, we and our successors will be justifiably proud.



John Markland
Chairman
Scottish Natural Heritage

Executive Summary

In September 2000, Scottish Ministers made a formal proposal under Section 2 of the National Parks (Scotland) Act 2000 to establish Scotland's first National Park in Loch Lomond and The Trossachs. They also asked SNH to act as the statutory Reporter on the proposal as required under Section 3 of this Act. As Reporter, we were required to consult widely on the proposal and to make our report in the light of the responses to this consultation. Following completion of these tasks, this Report sets out our findings. It also contains SNH's own views as statutory advisor on natural heritage issues.

Consultation and Analysis

SNH consulted for a period of 14 weeks and received over 500 written responses. This included a significant number of responses from individuals from within the area as well as from community councils, the Interim Committee, the 4 local authorities and a range of public agencies and interest groups. Collectively, these formal responses have provided the backbone of the analysis we have undertaken to inform our conclusions as the Reporter. However, in recording and reporting on the debate on each issue, we have also carefully examined the other elements of the consultation process, and in particular the public meetings and surgeries that were held throughout the area, which attracted nearly 1000 people.

Many of the issues relating to the area, powers and composition of the Park Authority generated a vast amount of comment, some of which cannot be simply reconciled. To support consideration of our Report to Ministers, we have therefore prepared a comprehensive analysis of the views expressed. This is contained in a separate report that summarises the consultation process and the main views of stakeholders. A third report contains reports of the various consultation meetings and events which were part of the consultation process.

Reporter's Conclusions

On the basis of the consultation undertaken, we conclude that

General

- The general area meets the conditions for establishing a National Park set out in the National Parks (Scotland) Act 2000.
- The National Park Authority should play a leading role in the future planning of land-use, transport and built development within its area to increase co-ordination of these activities and to raise standards through the provision of advice and incentives.

Area

The Park area should include

- the core area identified in SNH's consultation paper (with the boundary drawn to include Callander and the community of Balloch north of the A811)
- Upper Glen Fruin (with the boundary at the north west end of the glen drawn to exclude any land currently owned by MoD and used for live firing).
- the Argyll Forest Park (with the boundary drawn to include Glen Massan)
- Ben Vorlich, Glen Ogle and Loch Earn (with the boundary drawn along the watershed boundary to the north of Loch Earn).
- the Lake of Menteith (with the boundary drawn tightly around the Lake to restrict any impact on the agricultural management of the Carse)

The Park area should exclude:

- Glen Dochart and Strathfillan; Flanders Moss; Strath Endrick and Strath Blane; Loch Goil, Loch Long and Holy Loch; and the Rosneath Peninsula

Powers

- The National Park Authority should have the general powers and functions set out in the National Park (Scotland) Act 2000. It should also be a statutory consultee on all matters affecting the area dealt with by the local and national roads authorities, transport operators, statutory undertakers, the Crown Estate, Water Authorities and the Forestry Commission. It should prepare a Local Biodiversity Action Plan and Local Forest Framework for its area.
- The National Park Authority should have responsibility for the preparing the local plan for its area and for making development control decisions based on it. Local authorities should retain responsibility for structure planning with the National Park Authority becoming a consultee on its preparation.
- The National Park Authority should prepare the local plan for its area alongside the National Park Plan. Scottish Ministers should provide guidance on these arrangements to highlight the primary importance of the National Park Plan for the area.
- There should be a general obligation on both the National Park Authority, and each local authority, to consult each other on development control cases of significance to the implementation of each other's policy aims and objectives. Ministers should have discretion to call in any of these applications for determination when there is disagreement between the National Park Authority or the local authority.
- Any planning sub-committee of the National Park Authority should have the same ratio of directly elected members to local authority nominations to national appointments as the Park Board itself, provided that the combination of directly elected members and local authority councillors are in the majority.

Representation

- Because of the essentially political nature of the issue, no single recommendation is made on the number of directly elected members. However, in the light of the strong support locally for increased local representation on the Board three possible options are proposed for consideration by Ministers. These are:
 - increase the number of directly elected members; or
 - keep the proposed 5:10:10 split but stipulate that each local authority must nominate all the local ward councillors in the Park area; or
 - keep the proposed 5:10:10 split but instruct the National Park Authority to establish appropriate advisory structures to enable it to engage all the communities within the park.

Other recommendations include:

- the size of the National Park Authority should be 25;
- on the basis of the area proposed the ratio of the 10 local authority nominations between Stirling Council, Argyll and Bute, West Dunbartonshire, and Perth and Kinross should be 4:3:2:1.
- the areas of knowledge and expertise of the whole Board should cover the four aims of National Parks, and in making their appointments Scottish Ministers should seek to ensure that balance is achieved between these aims;
- emphasis should be placed on the general qualities of candidates who come forward and their strong commitment to the overall purpose of National Parks and the area itself;
- the areas of knowledge and expertise should include: biodiversity; earth heritage; landscape; built heritage and archaeology; local history and culture; water and woodland management; food and timber production; sporting management; informal recreation and access on land and water; sport; environmental education; tourism; commerce and business; community development; and, fund-raising and media;
- the inclusion of younger people on the Board should be actively considered and a least one member should have an understanding of Gaelic culture;
- places on the Board should not be reserved for specific public bodies or interest groups, but the National Park Authority should consider setting up a series of sub-committees and topic based advisory groups to ensure that it can effectively draw on local and national expertise and the knowledge that will be necessary to manage the Park area;
- in addition to the directly elected members, at least 5 other members of the Board should be 'local members'; and
- direct elections should normally precede the selection of the non-directly members of the Board of the National Park Authority.

Costs

The costs of a National Park in the Loch Lomond and The Trossachs area will be in the region of £5.3 to £5.8 million per annum at 2000/01 prices (comprising £2.4 to £2.9 million supporting some 98-110 FTE staff, core operating costs and £2.2 million programme costs).

Name

The name of the National Park should be Loch Lomond and The Trossachs National Park.

SNH Advice

As the Government's advisor on natural heritage issues, SNH strongly agrees with most of these recommendations. However, on a number of issues we reach a different conclusion to the Reporter.

In terms of the area of the Park we see a strong natural heritage case for West Glen Dochart and Strathfillan to be included in the area of the National Park. At the same time, we retain doubts as to whether the whole of the Argyll Forest Park should be included in the National Park.

In terms of the planning function, we consider that the National Park Authority should be a structure planning authority with responsibility for taking forward joint structure plans with each of the four local authorities. We also suggest that Ministers should give consideration to measures for simplifying the structure planning arrangements across the Park area.

Finally, to ensure that the National Park aims are collectively achieved in relation to the area in a co-ordinated way, we believe that the National Park Authority should also have a strong measure of influence over the activities of other public bodies and have the powers to be able to play a positive role in promoting the sustainable use of the natural resources of the area. We consider that such an approach is essential if the National Park Authority is to be able to provide a strong lead to all landowners and managers in the Park to act in ways which sustain the special qualities of the area for the long term.

Next Steps

In addition to being published and being placed on SNH's web-site (www.snh.org.uk), this Report is being sent to all the individuals and organisations who responded to the consultation, and who wished to be sent it. Copies of the supplementary reports on the consultation process will also be made widely available, and will be distributed to community councils, local authorities, public bodies and to other groups who contributed to the consultation process. Comments on any aspect of these reports, and the process of consultation which underpinned them may, therefore, be sent to Scottish Ministers as they consider their next steps.

Introduction

1-1 In September 2000, Scottish Ministers made a formal proposal under Section 2 of the National Parks (Scotland) Act 2000 to establish Scotland's first National Park in Loch Lomond and The Trossachs. They also asked SNH to act as the statutory Reporter on the proposal, as required under Section 3 of this Act. As Reporter, we were required to consult widely on the proposal and to make our report in the light of the responses to this consultation. Following completion of these tasks, this Report now sets out our findings. Additionally, and clearly distinguished from these findings, it sets out SNH's own views as statutory advisor on natural heritage issues.

Legislative Background

1-2 Under the National Parks (Scotland) Act 2000, 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 potentially 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 the Proposal for Loch Lomond and The Trossachs is contained at Annex A.

Role of Reporter

1-3 As Reporter, 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;
- the area of the proposed National Park;
- the functions proposed for the National Park Authority;
- 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; and
- the likely annual costs and capital expenses of the authority.

1-4 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 the Requirement is contained at Annex B, and further information on the consultation process is provided in section 2 of this report.

SNH's Advice

1-5 In preparing its report, the Reporter is required under the Act to consider and report on the views expressed to it during the consultation process. It must also have regard to other relevant matters including, in particular, administrative boundaries and the geography of the area.

1-6 Section 3 of the Act makes it clear that the Reporter must not only record but also come to a view on the issues raised by the proposal. In addition to its role as Reporter, SNH also has obligations under the Natural Heritage (Scotland) Act 1991 to advise Ministers on natural heritage issues. To ensure that SNH clearly differentiated these roles, Ministers instructed us to record and report on the views expressed by consultees, and to make clear and distinct any views which were those of SNH as statutory advisor on natural heritage issues. In accordance with these requirements, this report clearly distinguishes between these separate elements within the advice offered:

- a brief account and discussion of the range of views expressed to us on each of the issues that SNH has been asked to report on;
- SNH's conclusions as Reporter; and
- SNH's advice as the Government's natural heritage advisor.

Layout of Report

1-7 The report deals with the various issues on which SNH was asked to report on 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 of the National Park Authority

- Section 6: The Governing Board of the National Park Authority
- Section 7: Potential Costs of the National Park
- Section 8: Name of the National Park

The annexes accompanying this report provide more detailed information:

- Annex A: Proposal
- Annex B: Requirement
- Annex C: Responses to the main consultation paper and leaflet
- Annex D: Methodology for selecting the Park area
- Annex E: Proposed boundary of the National Park

1-8 The views and conclusions set out in these sections are informed by the analysis of the responses to the consultation. However, on some issues there was no consensus as to the best approach. Analysis shows that this diversity in opinion was not a simple case of conservation versus development, nor national interest versus local interest, nor short-term versus long-term aspirations. Rather, it revealed a range of legitimate and sincerely held views which reflect differing perspectives on the merits and role of the proposed National Park. To support consideration of this Report to Ministers, a comprehensive stakeholder analysis of the views expressed is contained in a separate report on the consultation process itself. This includes material on issues raised by the consultation but upon which SNH was not asked to report, such as views on direct elections or aspects of future Park management. A further report contains the records prepared of the various consultation meetings and events which were part of the consultation process.

Next Steps

1-9 Scottish Ministers will consider this Report. If they are satisfied that their proposal for a National Park in this area remains justified, they will prepare a draft Designation Order for the National Park which will be subject to further period of statutory consultation, prior to its formal consideration by the Scottish Parliament. The Government's announced intention is for these

steps to be completed during 2001, leading to the establishment of a National Park in Loch Lomond and The Trossachs in April 2002. Alternatively, Ministers may decide to withdraw their proposal, or hold a public inquiry under Section 5 of the Act, to examine in greater detail those issues which they consider require further scrutiny. Under the National Parks (Scotland) Act 2000, the discretion to hold a public inquiry rests solely with Scottish Ministers.

1-10 In addition to being published and being placed on SNH's web-site (www.snh.org.uk), this Report is being sent to all the individuals and organisations who responded in some way to the consultation, and who wished to be sent it. Copies of the supplementary reports on the consultation process, mentioned above, will also be made widely available and will be distributed to community councils, local authorities, public bodies and to other groups who contributed to the consultation process. Comments on any aspect of these reports, and the process of consultation which underpinned them may, therefore, be sent to Scottish Ministers as they consider their next steps.

2

The Consultation Process

2-1 In preparing the Report, SNH was required to consult widely with individuals and organisations both within and outwith the proposed area. The following section summarises how we undertook this task and reports on our evaluation of its effectiveness.

Background

2-2 In devising the consultation programme, we drew on good practice guidance on consultation produced by the Cabinet Office and the Scottish Executive, and also on the lessons learned from the consultation we undertook in the area in 1998. We also discussed with local interests and organisations across the Loch Lomond and The Trossachs area, including the local authorities and community councils, on how they wanted the consultation process to be run and on aspects of its content. Special effort was made to ensure that it was seen locally as a continuation of the process of dialogue we had established with local communities and interests during the whole of the last year as we undertook work on behalf of Scottish Ministers to prepare the way for a formal proposal for the area.

Main Elements

2-3 The formal consultation period commenced on the 6th November 2000 with the press launch of the main consultation report. Responses were requested by the 9th February 2001. The 14 week consultation period that resulted spanned the Christmas and New Year holidays, but was two weeks longer than the 12 week minimum set down in the Act. The range of materials specifically developed for the consultation is outlined in Table 1.

2-4 To ensure that all statutory consultees defined by the Act were consulted, the programme included the following elements:

- widespread distribution of the main consultation document and summary leaflet both locally and across Scotland;
- a series of public drop-in surgeries and information displays in the area and also in Edinburgh, Glasgow, Perth and Stirling;

Table 1: Consultation Materials

● Main Consultation Document

The main consultation document set out in detail the issues for consideration, and provided background information on National Parks, the methodology for developing the proposal for the area, and on costings. Some 4,500 copies of the consultation document were distributed to individuals, interests, community councils, local authorities, and to others who had expressed an interest through previous consultations.

● Summary leaflet

This provided a brief summary of the consultation document, a 'response form' to encourage participation, and information on the surgeries and public meetings planned during the consultation period. Over 58,000 copies of the leaflet were distributed, to households within the general area being considered in the proposal, and to local offices and other public buildings/venues. Leaflets were also distributed at public meetings and other events.

● Information resources

A series of information sheets was prepared to provide general information on National Parks. Topics covered included: Common Questions about National Parks, Issues and Opportunities; How to be Involved; Key Steps in Establishing a National Park; Guide to the National Park (Scotland) Act; Implications for Land Managers; and a Brief History of National Park Proposals. The sheets were available free on request from SNH.

● Static display material

A series of display boards were used at public surgeries and interest group/public meetings. These displays included a detailed map of the proposed area, plus a summary of the proposal and other relevant information from the consultation report and information sheets.

● Web Site

A section of the SNH web-site (www.snh.org.uk) provided information on the National Park proposals, including the text and maps from the consultation document and information sheets and details of the public surgeries and meetings. The site was updated during the consultation to provide further information and feedback on the process.

- a series of meetings held with local authorities, community councils, interest groups and public agencies;
- a series of independently facilitated and recorded public meetings;
- a number of facilitated meetings and interviews with specific interests in the proposed area (e.g. farming; chambers of commerce and interested individuals); and
- further debate of the issues raised by the consultation document by the five reporting groups of the Interim Committee for Loch Lomond and The Trossachs.

2-5 Within the area, special effort was made to ensure that people knew about the proposal and had an opportunity to discuss the issues it raised. This effort included the following measures:

- adverts placed in the local press announcing the launch of the consultation period, and providing information on the planned programme of consultation events;
- a summary leaflet distributed to households in the area;
- a telephone help-desk established in the SNH office in Stirling, manned during office hours, to answer questions and respond to requests for further consultation materials;
- eleven public drop-in surgeries held across the area in December to provide people with an opportunity to look at the display materials and to ask SNH staff any questions they had. Large maps of the proposed area and its outline boundary were placed for public examination in the SNH office in Stirling and the Loch Lomond and The Trossachs Interim Committee Office in Balloch;
- a number of street surveys undertaken across the area to record the views of individuals who might otherwise not get involved in the consultation;
- twelve public meetings held across the area

in January to provide local people with an opportunity to debate matters of interest to them. These meetings were set up by SNH but facilitated by an independent consultant, who prepared and distributed a summary of main points recorded; and

- land-owners whose property lay at the proposed Park boundary were also sent detailed maps of the proposed boundary, and SNH offered to meet anyone on a one to one basis to discuss the proposals with those who requested it.

2-6 The programme included some special efforts to seek the views of young people in the area. These included;

- a residential event involving young people from across the area;
- a survey questionnaire in five secondary schools (designed by a 'Youth Team');
- youth focus group discussions;
- a special session on National Parks with representatives of the Scottish Youth Parliament; and
- visits/presentations in five primary schools.

2-7 We anticipated that a small number of requests would be made for the consultation materials to be available in Gaelic. While we did not expect a demand sufficient to justify the costs of reprinting the consultation document, we translated the summary document into Gaelic and explored the use of the Gaelic speaking media to raise interest in the consultation. While no requests were made for a version of any of the consultation materials for the visually impaired, we assembled some general briefing material on the National Park proposals for this group.

Breakdown of Consultees

2-8 SNH received 327 responses to the main consultation report and 223 to the summary leaflet. These included a significant number of responses from individuals from within the area. Responses to the written consultation material

were also received from all community councils within the area, the Interim Committee, the four local authorities and a range of public agencies and interest groups. A full breakdown of these responses is provided in Annex C.

2-9 Collectively, these formal responses have provided the main basis for the analysis we have undertaken to inform our conclusions as the Reporter. However, in recording and reporting on the debate on each issue, we have also carefully examined the other feedback generated through the consultation process detailed in paragraphs 2-4 and 2-5.

Assessment of consultation process

2-10 The statutory requirement issued to us by Ministers under Section 3 of the National Parks (Scotland) Act 2000 set out a number of aims for the consultation process. In addition, SNH also identified a number of specific objectives based on its previous experience of consultation work in the area. A review of the consultation process in terms of these aims and objectives is presented in Table 2.

2-11 Feedback on the consultation process was also provided in some of the written responses,

Table 2 Assessment of Consultation Process against the aims set by Scottish Ministers

| Aims | Assessment |
|---|---|
| To consult with all statutory consultees including local authorities, community councils and those people who appear to be representative of the interests of those who live, work or carry on business in or near the area to which the proposal relates, as well as any other people SNH considers appropriate. | Largely achieved. Views and responses were recorded from the fullest range of statutory consultees, including all community councils within the area and a significant number of representative groups. The extent of this is illustrated in the report on the consultation process. Although the number of responses from individual households and businesses within the area was relatively small, particularly given the extensive distribution of the leaflet throughout the area, this was partially offset by information gathered about people's views through other consultation methods adopted. |
| To ensure that the consultation was participatory, and that steps were taken to ensure that people have an opportunity to discuss issues, and suggest and consider alternatives. Meetings with interested groups should be part of the process. | Achieved. The format of the public meetings, and the use of professional facilitators, provided for debate and allowed the contributions of all those attending meetings to be heard and recorded. The work of the reporting groups, the involvement of youth groups and the series of other meetings within the area provided further opportunities for active discussion of the issues. |
| To ensure that Agencies and public bodies representative of relevant interests, including those representative of social and economic interests, of the proposed Park, were consulted, and their views reported. | Achieved. Over 80 responses from interest groups and public bodies were received, of which over one third were from those representative of social and economic interests. The work of the reporting groups, the series of other meetings within the area and the interviews undertaken by the consultants provided further opportunities for these organisations to express their views. |
| To build on the preparatory work undertaken at the request of the Scottish Ministers during 2000, which paved the way for a formal consultation. | Achieved. The consultation document contained a proposed area based on this work. It also described the methodology used to identify the proposed area, and the views of the reporting groups and community meetings which had informed it |
| To develop and report on objective criteria (based on the conditions in section 2(1)) of the National Parks (Scotland) Act 2000) and an associated methodology against which SNH make their assessments of the proposal and any comments and suggestions for modification. | Achieved. The consultation document set out the methodology used to identify the proposed area, and the views of the reporting groups and community meetings which had informed it. |

Table 2: Assessment of Consultation Process against Objectives set by SNH

| Objectives | Assessment |
|---|--|
| To ensure the effective participation of both local and national interests | Achieved. The balance of local and national responses to the consultation document was approximately 4:1. While effort was concentrated on the proposed area, the main consultation paper, website, national displays and meetings with public agencies provided opportunities for national interests to contribute. |
| To encourage a significantly greater level of involvement from local people than the previous consultation in the area in 1998 (circa 110 responses to the main consultation document from individuals and organisations from within the area; 452 responses in total; and 250 people attending public meetings held in the area); | Achieved. Some 195 responses received from individuals and organisations within the proposed area out of a total of 560, and some 450 people attended public meetings in the area. In addition at least 250 people visited the local surgeries and a similar number took part in street surveys. Approximately 500 school children took part in the consultation process. |
| To build on the existing structures for involvement in the area, notably the Association of Community Councils and four reporting groups established by the Interim Committee (which includes representatives of some 100 plus organisations ranging from local interests groups such as the Loch Lomond Association and NFUS branches, regional bodies such as the Local Enterprise Companies and Area Tourist Boards, and national agencies such as Forestry Commission, Historic Scotland and Scottish Environment Protection Agency); | Achieved. The outcomes of the reporting groups conference held in December fed into the response of the Interim Committee. The discussions and reports prepared by the reporting groups will also have fed into the thinking and responses of the organisations represented on the reporting groups. |
| To build on the process of dialogue with local communities and interests which had been established during the previous months as we undertook the work requested by Government to prepare the way for a formal proposal for the area. | Achieved. The main consultation document reported on the outcomes of previous meetings allowing communities to see how their views had influenced SNH's thinking to date. In consultation with the Association of Community Councils, the programme of public meetings was also extended from 11 to 12 meetings to include other communities, as well as meeting two other Community Councils. |
| To involve land owners and managers whose land may lie at the proposed Park Boundary; | Partly achieved. Maps of the proposed boundary were circulated to owners at the edge of the possible Park area. Responses and comment were received from 18 landowners on the proposed edge of the Park. SNH met all requests from landowners to discuss the proposals further. |
| To provide for the involvement of certain target groups (e.g. farmers, business, and young people); | Partly achieved. Separate meetings were held with NFUS, and telephone interviews were carried out to ascertain the views of the local Chambers of Commerce. Both groups also had opportunities to contribute via the reporting groups. A separate youth programme involved approximately 500 people. Separate meetings or events were offered to nature conservation and recreation interests but these were not felt to be necessary, probably because of the existence of the interim reporting groups on these subjects. |
| To promote a better understanding of the legislative and policy framework for Scottish National Parks, and the issues and opportunities involved in their designation | Achieved. Information was made freely available in several forms (information leaflets, displays, web-site and help-desk). The discussions at the series of local community meetings also provided an opportunity for many to ask SNH staff questions on any aspect of the Act. |

with the majority commenting favourably on both the content and the clarity of the consultation material and the effort that had gone into the consultation process generally. A small minority were critical, casting doubt on SNH's analysis and the methodology underpinning it. Balfron Community Council specifically questioned SNH's competence to be the Reporter and a further response questioned the legality of our role under EC Human Rights legislation.

2-12 In addition to its own assessment, SNH also asked the professional facilitators it had contracted to manage the consultation process to make an independent assessment of its effectiveness. They concluded that as well as allowing for effective debate and response by the many anticipated interests in the Proposal, a significant number of participants were involved in the process for the first time. Of particular note were the youth consultation, which raised the interest of young people, generated comments, identified issues, and involved establishment of a young persons National Park group and the

primary schools consultation, which again engaged a target audience which had not been involved before and stimulated their interest. The street surveys reached an adult population who do not normally attend meetings. Including those who attended the national displays but did not register or comment, it is estimated that over 5,000 people are more informed and aware of the proposal to establish a National Park in Loch Lomond and The Trossachs. Evidence collected during the consultation also suggests that most people found the various events and opportunities provided both helpful and useful. Their findings are detailed in the separate reports of the consultation process.

2-13 The evaluation has nevertheless revealed areas where there is scope for improvement in any future exercise of this type. In retrospect, we could have done better in publicising events in advance and in preparing more focused materials for particular audiences. Action on these fronts should ideally have been built into an overall communications strategy from the outset.

The Case for the National Park

This section discusses the case for a National Park and its future management

The Proposal

3-1 In their proposal, Scottish Ministers formally sought views on whether the conditions for establishing a National Park as set out in the National Park (Scotland) Act 2000 were, or were likely to be, met in relation to the general area of Loch Lomond and The Trossachs. These conditions are that:

- the area is of outstanding national importance because of its natural heritage or its combination of natural and cultural heritage;
- that the area has a distinctive character and coherent identity; and,
- that designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the aims of the National Park are achieved in a co-ordinated way.

Comments Generated

3-2 The vast majority of respondents who specifically addressed this question agreed that the general area of Loch Lomond and The Trossachs merited designation as a National Park on the basis of the legislative conditions. Of the nearly 70 recorded comments on this issue, only 4 specifically disagreed - of which 3 were from within the area. A significant proportion of respondents did not address this question, but commented in detail on whether a specific area should be included or excluded from the Park. These comments are addressed in Section 4 of this report along with comments received through the summary leaflets, public meetings and street interviews.

Discussion

3-3 It has long been generally accepted, both locally and nationally, that the natural heritage of Loch Lomond and The Trossachs area is of outstanding national importance. Proposals to establish a National Park in the Loch Lomond and The Trossachs area formally date back to the Ramsay reports of the 1940s. More recently, the case was set out in the report National Parks for Scotland: SNH's Advice to Government, 1999. In this advice, SNH drew on the report of the 1994 working party chaired by Sir Peter

Hutchison, which had identified a number of issues which seemed to justify action to improve the management of the area. These issues included the need to:

- safeguard and enhance the natural and cultural heritage;
- provide better management of out-door recreation;
- maintain a working countryside; and
- promote community development.

The continued relevance of many of these issues was underlined during the 1998 consultation. In the view of the majority of the respondents and SNH, they provided a sound case for establishing a National Park in the Loch Lomond and The Trossachs area.

3-4 In the consultation paper issued in November, we suggested that the challenges facing the area identified by these earlier reports remained. In addition, we highlighted the following main issues.

The need to maintain a working countryside had become even more critical with further reductions in the profitability of agriculture, the fall in timber values and the downward trend in longer-stay tourism.

The challenge of managing recreational pressures had continued to grow as the hill paths became increasingly eroded, traffic congestion continued, issues relating to water recreation remained unresolved, and the proposals for access legislation gathered pace.

Greater recognition of the outstanding natural heritage of the area through the Natura programme of site designation under the European Union's (EU) Habitats and Birds Directives, pointed to a need for more management of the natural heritage of the area in both these designated sites and their wider setting.

There was a need to give greater care to the cultural heritage of the area, including the aspects of the historic landscape identified in the work undertaken by Historic Scotland and the Royal Commission on Ancient and Historical Monuments of Scotland.

Finally, there was a need for action on community development, especially in terms of meeting equitably the diversity of needs in relation to housing, employment and services.

We argued that a National Park was needed to tackle these issues and to provide a stronger focus for planning and management of this nationally important area. We suggested accordingly that, in line with SNH's previous advice, all three of the legislative conditions were likely to be met.

3-5 The importance of these issues and of tackling them collectively was confirmed by many of the responses to the consultation, with several placing them in the wider context of the 'Sandford principle' enshrined in the Act. This principle seeks to secure the special qualities of the area for the long term by requiring the National Park Authority to give priority to the conservation of the natural and cultural heritage of the area in the event of irreconcilable conflict between this aim and any other.

3-6 Other broad themes to emerge included the importance of the new National Park Authority establishing a long-term vision for its area and of its role in working in partnership with the existing local authorities and national agencies. The important part played by individual land managers and businesses within the area was also emphasised, as was the role of the local communities. Several responses once again highlighted the weight that they believed the proposed National Park should accord to the Gaelic heritage within the area.

3-7 Overall there is, therefore, very strong support for the establishment of a National Park to deliver more integrated management of this nationally important area, in ways that conserve its special qualities in the long term. There are also high expectations which will need to be properly managed in the run-up to and early days of the National Park. A few respondents remained to be convinced of the need for a National Park, expressed concern at the name, or were not convinced by the concept itself. But these constituted a very small minority of the views expressed.

Reporter's Conclusion

On the basis of the consultation we have undertaken, the general area of Loch Lomond and The Trossachs meets the conditions for establishing a National Park set out in the National Parks (Scotland) Act 2000. There is also significant support for the proposed National Park, both locally and nationally.

SNH Advice

As the Government's natural heritage advisor, SNH strongly supports this conclusion.

Future Management Issues

Comments Generated

3-8 At the same time as supporting the case for a National Park, a number of more general comments were made, both in the written responses and at the public meetings, about its future management. A number of related themes emerge from these comments. First, several respondents emphasised the need for the Park to secure higher standards in built development within the area, and in the quality of the services it provided to visitors. Others focused on the importance of traffic management, and of investment on transport infrastructure in the Park. Many also commented on the need to find new means to support the role played by farmers and estates in maintaining the special qualities of the area. Given the significant amount of land within the proposed park already in public ownership, notably that of the Forestry Commission, several respondents emphasised the need to give the National Park Authority strong powers to influence the activities of other public bodies. It was also suggested that the National Park Authority should have a more direct role in the management of this public land.

Discussion

3-9 Without question, one significant feature of the proposed Park area is the extent of publicly owned land. This is primarily held by Forest Enterprise and the Water Authorities, with smaller areas held by SNH, Scottish Agricultural Colleges and the local authorities. Some of this Council land is likely to pass to the Park itself. In addition, the Ministry of Defence is a substantial landowner in critical areas close to the likely Park boundary and, although outside, the appearance and ground management of this land makes an important contribution to the setting of the Park.

3-10 These public lands are important to their manager's functions. The forested lands are

significant components of the productive state forest; the water catchment role of the Park is crucial to serving public needs across a wide area of west and east central Scotland; and the military functions undertaken close to the Park are of the highest national significance. Most of the public bodies concerned have over the years made some considerable effort, within the constraints of their primary role, to meet other public sector objectives – such as conservation or access for open-air recreation. Yet the role of National Parks, public's expectations of this designation, and the international analogues all highlight the need to ensure that these and other wider public benefits enjoy at least equal weight with the land managers pursuing responsibilities in future management decisions.

Reporter's Advice

On the basis of the consultation we have undertaken, there seems to be widespread support for the National Park Authority playing a leading role in the future planning of landuse, transport and built development within its area, to increase co-ordination of these activities and to raise standards through the provision of advice and incentives.

A particular issue for this Park will be the tension that may develop between competing national purposes and also between different expectations of where the primary national interest lies. If the core values of the National Park cannot be met because they are overridden by other national goals, then the Park will soon be seen to be failing in delivering its purpose of safeguarding in perpetuity those special values, which constituted the original justification for designation. There are mechanisms to help to determine how other public purposes are to be balanced against the roles of the Park – the Park Plan, the role of the Park Authority as a consultee on other bodies' operations, and the various non-statutory mechanisms which will be created by the Park to effect good liaison and mediation when problems arise. Ultimately, it would fall to Scottish Ministers to resolve disputes involving tension between different national purposes.

SNH Advice

As the Government's advisor on natural heritage issues, we strongly support these aspirations for the future management of the National Park. SNH also agrees that public land within the Park area will have a key role to play in delivering the aims and objectives of the National Park Authority. We are therefore strongly of the view that the establishment of the new Authority for the area must be used as an opportunity to create a framework for the integrated management of public land within the Park which gives primacy to Park aims, so long as vital public services are not compromised. To ensure that the National Park aims are collectively achieved in relation to the area in a co-ordinated way, we believe that the National Park Authority should also have a strong measure of influence over the activities of other public bodies; possible approaches to this are discussed in Section 5. We consider that such a role is essential not only to ensure that public land is managed in accordance with the aims of the National Park, but also to ensure that the manager of such land provides a strong lead to other landowners and managers in the Park, demonstrating what is required if the special qualities of the area are to be safeguarded for the long term.

4

The Proposed Area of the National Park

The Proposal

4-1 In its proposal, Government suggested for consideration the same broad Park area that SNH had recommended in its advice to Government in 1999. In addition, it sought specific consideration of the case for the inclusion of the Argyll Forest Park which had been subject of a Parliamentary debate on 29th March 2000. However, the proposal noted that consideration of the optimal area for the National Park would need to take account, as required by the Act, of each of the conditions in section 2(2), which include outstanding national quality, distinctive character and coherent identity, as well as meeting the special needs of the area. It also noted that the Scottish Ministers would wish to ensure that the overall size of the designated area, as well as its precise location, was commensurate with effective and efficient administration by the Park authority of its functions, and the delivery of its purposes.

SNH Consultation Paper

4-2 To develop a proposed area for consultation, SNH applied the three conditions of the National Parks (Scotland) Act 2000 both to the core area we identified in our 1999 advice, and to the surrounding areas we recommended at the time as meriting further consideration. This application and subsequent assessment was informed by a commentary from Historic Scotland on aspects of the cultural heritage; and drew on the advice and work of the 'Reporting Groups' established by the Loch Lomond and The Trossachs Interim Committee, including the Association of Community Councils (ACC) for the area. This approach was further explored in a workshop run by the Interim Committee in May 2000, and it was subject to debate in a series of 11 public meetings arranged in advance of the consultation through the ACC during the summer of 2000.

4-3 From these discussions, SNH drew up a potential area and detailed boundary for the proposed National Park that could be used as a basis for the consultation. This comprised an area for inclusion (commonly referred to as the core area) where we considered that all the conditions of the Act were met, and a number of other areas where we judged that the conditions were

met in part. We grouped these other areas on terms of a 'strong case for inclusion' and a 'weak case for inclusion'. To provide an opportunity for comment on the justification for the proposed area, Annexes 3-5 of the consultation report outlined the methodology we had used, the comments we had received from the consultation exercise and also the results of the assessment exercise. Further details of the methodology of selecting the area are outlined in Annex D.

4-4 Against this background, views were sought on:

- whether the proposed area of the National Park generally adhered to the conditions set out in the National Park (Scotland) Act 2000;
- whether the proposed area was the right size to enable the aims of the National Park to be effectively delivered; and on
- the detail of the boundary proposed for the area.

4-5 In addition, views were specifically sought on the inclusion or exclusion of the areas termed as having a strong or weak case which lay outside the core area, specifically: the Argyll Forest Park; Strathfillan and Glen Dochart, Loch Earn and Ben Vorlich, Flanders Moss and Menteith, and Strath Endrick and Strath Blane.

The Proposed Area

Comments Generated

4-6 Most respondents who addressed this question agreed that the general Loch Lomond and The Trossachs area met the conditions of the Act, and endorsed the proposed area in the consultation document. However, the vast majority of these responses were qualified by comments on the specific areas noted in paragraph 4-5 as being considered for inclusion and exclusion in the National Park. The fact that there was not a unanimous view on any of these areas illustrates the broad range of views that exist on the area of the Park.

4-7 A small percentage of respondents did indicate that the core area was an appropriate size for the Park, and a few felt it should in fact be smaller. However, the majority of respondents argued for the inclusion of one or more of the

additional areas outlined in the consultation document. Numerous reasons were put forward in support of these views, with a common thread that the Park should be an area of sufficient size to allow for integrated delivery of the four aims set out in the Act. A strong theme to emerge was that restricting the Park to the core area alone would inhibit effective management, and would not build on the experience of other National Parks in Britain and elsewhere. Similarly, while some respondents advocated a 'small at first and review later' approach (for example, Stirling Council indicated that effectiveness of the National Park should be monitored with a view to re-examining the inclusion of additional "strong case" areas within 5 years), the majority of respondents believed that it was important to try and get the boundary right from the outset. At the same time, many respondents drew attention to the relationship between size and costs, with many arguing that the budget of the National Park should be determined by the size and functions of the Park. This view was suitably summed up by a response to the Youth Consultation that the Park should be 'big and best and not cheap and small'.

4-8 A significant proportion of respondents made comments on the detail of the boundary for the National Park, with many advocating the use, or sole use, of water catchments. One or two of these respondents qualified this suggestion by arguing for the boundary line to lie some 100 metres beyond any watershed to allow for management of mountain ridges and ensure that any future development outwith the immediate boundary would not impact on the integrity of the Park itself. The desirability of not splitting land management units was also pressed strongly by many landowners and reinforced at discussion with members of NFUS. There was also some unease about the use of man-made features such as railway lines – whether in use or disused. Others accepted that, in practice, no single principle could be applied in determining the whole boundary, and that a degree of flexibility and pragmatism was required.

Discussion

4-9 Debate on the overall size of the Park area needs to be informed by detailed consideration

of the merits of including or excluding specific areas. The Park area SNH proposed in the consultation paper covered some 1660 km² and has a population of just over 14,000 people. Setting aside a future Cairngorms (or South Downs) National Park, this would make it Britain's fourth largest National Park (after Lake District, Snowdonia and Yorkshire Dales), and its ninth most populous. It would also score below the average for both visitor days and development control cases within National Parks. This comparison emphasises the desirability of considering any additional area for inclusion or exclusion against the three legislative conditions set out in the Act, and not arbitrarily restricting the area to the 'core'. In terms of the choice of boundary feature, watersheds provide an attractive option, both in terms of water management and also because they often mark changes in land tenure. However, experience from elsewhere suggests that other boundary features can be used effectively to include parts of a Park area for different purposes. SNH's approach to boundary selection is outlined further in Annex E.

Core Area

Comments Generated

Area

4-10 As indicated earlier, the vast majority of respondents accepted the case for the inclusion of the core area outlined in the consultation document. In addition, a number of respondents and comments at the Public and Interest Group Meetings and Street Survey proposed the inclusion of Glen Fruin. These included the Interim Committee as well as a number of individuals and organisations, both locally and nationally. A very small number of respondents advocated a smaller area than the core, proposing for example the exclusion of Strathyre, Loch Lubnaig and Balquhidder. The latter view was not unexpected, given that a large public meeting held by residents of Balquhidder in the autumn had been reported to us as concluding that the Glen should not be in the Park on the basis that amongst other things it would result in more visitors being attracted to the area.

Boundary

4-11 Debate over the boundary of the core area revolved mainly around the merits of including the large communities of Callander and Balloch. For the latter, suggestions included drawing the boundary tightly around the Loch (to exclude the built up area entirely), using the A811 or extending it further to include more of the urban area of the Vale of Leven. Concern was also expressed by Ministry of Defence (MoD) estates over the inclusion of a small area of MoD land to the north of the Glen Douglas road, and also over the live firing activities in Glen Fruin if that area were to be included. A few comments were also received on the case for including the Pots of Gartness and suggestions on amending the boundary to tie in with land management units.

Discussion

4-12 The case for including at least the whole core area outlined in the consultation paper would seem to be overwhelmingly accepted. For Glen Fruin, the consultation document proposed exclusion of the area on the grounds that it did not meet the three conditions set out in the Act. This view was not challenged by many. However, respondents who advanced arguments for its inclusion made reference to its cultural heritage interests and its water conservation importance as part of the Loch Lomond catchment. These arguments are similar in nature to those put forward for the inclusion of Strath Endrick and Strath Blane and by themselves do not necessarily satisfy the conditions for its inclusion. However, it is clear there is a real issue over the potential isolation of this small and relatively undeveloped area if it were to be excluded, thereby becoming a sort of 'no mans land' between the Park and MoD operations. In this respect, and noting in particular the views and experience of the Interim Committee regarding the broader context of future management relating to land, planning, transportation, interpretation and recreational issues, there would seem to be benefits from including the area within the National Park to secure its planning and management with the Park. Though contested by some, it was widely accepted that MoD land close to the fringes of the prospective park used for live firing should remain outside the

Park as it would always be extremely difficult to marry that use with Park purposes.

4-13 We note the small number of responses which have argued for the exclusion of Balquhiddar Glen, but also that this is not the view of all residents, nor the view of a majority of those who responded. For example a response from the area indicated that 'though sympathetic to anxieties expressed by Balquhiddar residents I do not think that exclusion from the National Park would be in Balquhiddar's interests'. Current visitor management problems that were highlighted at various meetings suggest that the area would benefit from the enhanced management that a Park would bring, although this will need to be undertaken sensitively to maintain its peaceful qualities. Similarly, the views put forward at the Public Meetings reinforced the community links between Balquhiddar and both Strathyre and Lochearnhead.

4-14 The communities of Callander and to a lesser extent Balloch, are strongly dependent on the sustainable use of the natural resources of the area to underpin the tourism economy. As gateways to the area, both provide important services to other communities within the Park. This view was strongly advanced at the public meetings held in these communities. It is recognised that putting forward the case for only part of Balloch to be included is contrary to the aim of not splitting communities, but many respondents believe that in this instance there is a tangible break in the coherence of the community that allows for this. Some reassurance on this was provided by the suggestions from West Dunbartonshire Council, the Interim Committee and the community councils in the area to use the A811 as the boundary within Balloch. This boundary amendment was also suggested by a number of residents who attended the public meeting in Balloch.

4-15 Several arguments for the exclusion of Callander and Balloch were put forward. These included fears over the encroachment of urban areas within the Park, a feeling that these areas are not of outstanding national importance, and the need to ensure a fair representation of all Park communities through the directly elected members. It was suggested that the former could

be addressed by including only part of Balloch and, while noting the latter as a potential problem, the view was expressed that it could be overcome by using a ward basis for the election. Further, although not considered relevant in determining the park boundary, another issue in respect of Balloch raised by house building interests concerns the potential impact of National Park designation on current housing allocations within the structure plans covering the area.

Reporter's Conclusion

In conclusion, there was overwhelming support in the consultation for the inclusion of the core area. In addition it is recommended that the community of Balloch north of the A811 should be included and that both Callander and Balquhiddier Glen should be within the Park. The arguments favouring inclusion of Glen Fruin are accepted in order to provide for its management as part of the National Park. However, the boundary at the north west end of the glen should be drawn to exclude any land currently owned by MoD and used for live firing.

SNH Advice

As the Government's natural heritage advisor, SNH strongly supports this recommendation.

Argyll Forest Park

Comments Generated

Area

4-16 The case advanced for including the area approximating to the whole of the Argyll Forest Park was strongly supported locally within Cowal, by Argyll and Bute Council, the Interim Committee and by many public bodies and other organisations including the Forestry Commission itself. Its inclusion was favoured by the majority of those who responded to the main consultation document – a view reiterated at the various meetings held in the area (including unanimous agreement at the Dunoon public meeting). The main arguments for inclusion centred on the management opportunities for enhancing its natural heritage and recreation interests. Regarding the latter, there is also a view that the area could accommodate further recreation activities and thereby alleviate pressures elsewhere as a means of progressing effective integrated planning and management. This view was supported by a large proportion of respondents, with an eye on the potential socio-economic benefits that could follow from this, and also by the clearly expressed aspirations to influence the work of Forest Enterprise. Many respondents also stressed that the area was not just a commercial conifer forest, reiterating the assessment outlined in the consultation document that the area has many natural and cultural heritage interests that are of national importance, including Lock Eck and Benmore Gardens, as well as highlighting the natural association with the wider Loch Lomond area brought about by the strong interaction of water, forest and mountain elements. There was also a view that the difference in natural and cultural character between Loch Earn and Lock Eck (advanced by some as a reason for exclusion) was not as wide as some people had suggested, with the underpinning geology around the highland boundary fault providing the overall Park area a common landscape of steep and rocky topography.

4-17 At the same time a number of respondents did not feel that the area was of outstanding national importance in terms of its natural and cultural qualities. Further, many respondents –

most notably individuals and community councils in the east of the proposed Park area - argued that the Argyll Forest Park is traditionally linked to the communities in Cowal and has stronger communications by road to the west and Argyll. They also raised concerns about the potential size of a Park which could extend from Cowal to mid Perthshire and suggested that many of the management aspirations associated with the Forest Park could be taken forward through existing mechanisms and effective liaison and co-operative working with the National Park Authority. The MoD expressed concern that the significant existing use of the Forest Park for military training should not be restricted.

4-18 Two other areas were also put forward as meriting further consideration should upper Loch Long and the Argyll Forest Park be included: the greater part of Cowal and the Rosneath Peninsula. Support for this came almost exclusively from local residents, meetings held in Dunoon and Garelochhead, local councillors and Argyll and Bute Council.

Boundary

4-19 A number of comments advanced extending the boundary in this area to include all of the Forest Park, at least part of the Holy Loch, and Glen Massan. Some respondents also felt that the boundary should be extended westwards to the shore of Loch Fyne and further north. A few organisations questioned the way in which a length of the proposed boundary ran down the centre of Loch Long. MoD also expressed some concern over the inclusion of the current outer safety zones (designated around their military facilities in the area) in the Argyll Forest Park, and also about the implications of the proposed Loch Long boundary for current military use of the Loch. Some responses have also suggested that the Park boundary only needed to extend to the low water mark to influence shoreline development and access/egress to the loch for recreation management purposes. Comments were also advanced that a much tighter boundary should be drawn to simply encompass the important recreation management requirements in the proximity of the 'Rest and be thankful' and the popular hills widely known as the 'Arrochar Alps'.

Discussion

4-20 The case put forward in the consultation document for the inclusion of the Argyll Forest Park has without doubt been widely supported. Many saw the recreation management issues associated with Loch Eck as similar to those also which had been put forward as a justification for including Loch Earn. However, it should be noted that this support has generally been dependent upon designation achieving a commitment to better management of the Forest Park itself, and to some guarantee that this comes under the more direct influence of the National Park Authority. Opportunities for better tourism development arising from designation were also identified. Measures for achieving this are discussed in Section 5. Concern was raised in responses that inclusion of the Forest Park should not dilute the resources available to the National Park, and we address this issue in Section 8 of the report.

4-21 For other parts of Cowal, the case for inclusion was made on its heritage qualities and particularly the opportunities and needs for social and economic development through enhanced visitor management. Typical of this case was comment by Highlands and Islands Enterprise which highlighted its interest in ensuring that the proposed National Park brings socio-economic benefit to areas in Argyll and complements efforts to regenerate Dunoon and the West Cowal Fragile Area. However, it is also clear that the inclusion of the remainder of Cowal would accentuate concerns about the overall coherence and character of the National Park and its effective administration. While parts of Cowal are of outstanding national importance for their natural heritage, other parts are of more local significance. Moreover, whilst the need for the issues facing the area to be effectively tackled is not in question, the existing Area Tourism Strategy initiative does provide a means for progressing the needs of this wider area as also, potentially, does a National Scenic Area (NSA) Management Strategy for the Kyles of Bute, as proposed in SNH's advice to government on the future of NSA designation.

4-22 For Rosneath and Garelochhead, the relative qualities of the area's heritage and need to initiate economic recovery were the dominant

factors in the many responses received from local individuals. Many of these contended that if the area was not so strongly shaped by the MoD and associated industrial activities, it would merit inclusion. However, few responses from outwith the immediate area supported the case for

inclusion of the area on its intrinsic heritage qualities and the presence of the military operations is simply a fact of life. This is despite the presence of some attractive scenery in the area and its traditional association with the west of Loch Lomond.

Reporter's Conclusion

In conclusion, and on the basis of the consultation we have undertaken, we recognise the widespread support for the inclusion of the Argyll Forest Park and acknowledge the views presented to us which relate the area to the three conditions set out in the Act. We thus conclude that the National Park boundary should be extended to encompass the existing Forest Park, including Glen Massan. We accept the arguments in favour of drawing a boundary at low water mark on coasts, and accordingly recommend that Loch Goil, Loch Long and Holy Loch should be excluded below low water mark. The case for inclusion of Rosneath and Garelochhead, though keenly presented, is unpersuasive on the grounds that so much of the land has been significantly altered, and is intensively used, by the MoD.

SNH Advice

As the government's advisor on natural heritage issues, the Main Board of SNH retains some doubt about the national importance of the heritage interests within the broad area of the Argyll Forest Park and has continuing concerns about the cohesiveness of the overall Park area if the Forest Park to be included. These concerns about cohesiveness stem from both the implications of the physical separation of parts of the Forest area for the effective and practical operation of Park management; and from a recent review of Landscape Character Assessment that has identified the Argyll Forest Park and Loch Eck hills as sharing more characteristics with areas to the west than with Loch Lomond and The Trossachs to the east.

Thus, whilst sympathetic to many of the reasons advanced by respondents for inclusion, and indeed recognising our own initial assessment of the area outlined in the consultation document, SNH does not on balance concur with the Reporter's conclusions. We would be content, however, for that part of the Argyll Forest Park approximately within the current Interim Committee area to be included in the National Park. In taking this view SNH does not in any way contest the fact that improvements in recreational management and landscape design are desirable in the existing Forest Park. These can, and should, be pursued by other means.

Strathfillan and Glen Dochart

Comments Generated

Area

4-23 The responses received – both written submissions and comments made at public and interest group meetings – reinforce the views expressed in the consultation document that the question of whether or not to include whole or part of Glen Dochart raises some very tricky issues. Indeed, the arguments for including or excluding Strathfillan and Glen Dochart are far from clear-cut. There are clearly nationally important heritage interests in the west of the area and opportunities to improve management of recreation pressures in the immediate proximity of Ben More and Ben Lui. Considerable comment was received on the issue of whether these qualities and needs extended throughout Glen Dochart or were concentrated exclusively in the west. Whilst Crianlarich was considered by some as a gateway to Loch Lomond, on balance respondents suggested that the cultural heritage and traditional links with the Trossachs strengthened as one progressed eastwards. Further, it was argued by some socio-economic interests that the need for effective signage, tourism management and service provision points to the inclusion of all the A84 and Killin within the Park. This reasoning was also advanced as a justification for the inclusion of East Glen Dochart.

4-24 However, the strength of the case for including the whole of the Glen was weakened by the view that East Glen Dochart is seen as a different geographical landscape and community focus (as illustrated by the existence of two Community Councils), and that both the natural and traditional associations are by no means confined to those with Loch Lomond and The Trossachs. Rather, these associations link the glen more with the heritage and management of both Breadalbane and the Highlands than with Loch Lomond and The Trossachs. The consequent lack of consensus amongst the various community interests on these issues has been apparent from the wide variety of responses received. For example, some responses viewed Killin as the gateway to the Trossachs, with others viewing Tyndrum as the gateway to the Highlands.

Boundary

4-25 Two issues dominated responses on this issue. First, it was argued that if Strathfillan was included, the railway line was an inappropriate boundary and it should instead follow the Ben Challum watershed. This would allow for integrated access management within Strathfillan and the inclusion of the SAC's innovative Hill Sheep and Native Woodland demonstration project. Second, it was suggested that if West Glen Dochart was included, then the boundary should be drawn to include Killin and not split the 'Glen Dochart' community. This was a view supported by many living and working in the area. A few responses, including the Interim Committee, recommended the boundary be redrawn to include the whole of the Ben Lui NNR. In addition, some respondents indicated that if Killin was included in the Park, then there was also a case for amending the boundary to include Glen Lochay and an area along the southwest shore of Loch Tay. The basis for these suggested amendments was the heritage qualities, the recreation management needs and the practicalities of effective administration of these areas.

Discussion

4-26 The splitting of Glen Dochart, as proposed in the consultation document, may be justified in terms of the natural character of the area and its management needs. A large proportion of respondents suggested the view that there is a distinct landscape change in the proximity of Loch Lubhair. However, whilst the national importance of the heritage interests may be stronger in the west, this is countered by other tourism management interests that are advanced as being a sufficient reason not to fragment the Glen in terms of integrated management. The community and other interests around Killin put this argument forward particularly strongly.

4-27 The issue therefore appears to be whether to include or exclude Strathfillan and Glen Dochart as a whole. On heritage grounds alone there may be a case for inclusion. In terms of the contribution that the Glen makes to the distinctive character and coherent identity of the Park area as a whole, the position is ambivalent. The key

question therefore is the management need of the area. In this respect, it appears that the pressures and opportunities in the east of the Glen are more localised, tipping the balance towards exclusion. If the area is excluded, however, close working between the Park Authority and other organisations and authorities would be required to ensure that the recreational links into the Park area were effectively managed, and that future development in this area was appropriate to the special qualities of the Park itself.

Reporter's Conclusion

On the basis of the consultation we have undertaken, the arguments for inclusion and exclusion of this area are finely balanced. In the light of the frequently stated view that the whole of Glen Dochart and Strathfillan should be treated together, our conclusion is that the area be excluded. This decision is grounded in the absence of any consensus in the area, or nationally, in favour of inclusion. However, we note the strong and growing reliance of the communities of the area upon tourism, hill walking and mountaineering. This may mean that a future Park Authority will wish to work with Stirling Council and others on joint strategies for the management and development of opportunities in the area. We note, too, the particular local support in Killin for the Park to include that community.

SNH Advice

As the government's advisor on natural heritage issues, SNH does not support this conclusion and would recommend that Strathfillan and West Glen Dochart (including the communities of Tyndrum and Crianlarich) should be included in the Park. This takes into account the mixed views put forward in the consultation, but considers the outstanding heritage interests in the area, the opportunities for enhanced recreation management on the popular mountains in the area and the significance of the Tyndrum-Crianlarich community as a gateway to the Park, are sufficient to merit inclusion. If this advice is accepted, the recommended boundary of the National Park in this area would be to include the Ben Challum watershed to the east.

Loch Earn and Ben Vorlich

Comments Generated

Area

The case for inclusion included recognition by many respondents of the heritage quality of the area: the scenic importance of Ben Vorlich and Loch Earn itself; the SSSIs at its western end, and its historic associations - notably Edinample Castle and Dundurn. It was also highlighted that the area has some natural cohesion to the wider Trossachs area because of its loch, woodland and mountain landscape, with a number of respondents from Callander pointing to the importance of Ben Vorlich and Stuc a Chroin in the localised landscape. A large number of respondents, both nationally and locally, commented on the high and varied recreational use of both the mountains and the loch, and argued that this required better management. For example, the Scottish Outdoor Recreation Network considered it important that Loch Earn was included in any integrated approach to water sports management that might be adopted in the national park. This view was shared and reinforced by a number of other respondents, including **sports**scotland and residents of both Lochearnhead and St Fillans. It was also suggested that involvement of Perth and Kinross Council through inclusion of the area would lead to wider benefits - facilitating partnership between the Council and the Park Authority for management of other peripheral areas - viz: western Loch Tay, Glen Artney and the Comrie to St Fillans National Scenic Area.

4-29 That said, a number of arguments for exclusion of this area were also advanced by respondents. The national importance of the heritage interest was questioned and some viewed Loch Earn as physically and traditionally detached from the core area of the Trossachs. However, the main case for exclusion centred on the administrative issues arising from involvement of a fourth local authority. Whilst many argued that the area of a national park should not be determined by politics, the practical difficulties of involving a further local authority in the management of the park were raised and considerable comment indicated that it would be hard to arrange for fair representation on the

Park Board if a seat had to be reserved for Perth and Kinross Council.

4-30 It was also suggested that the recreation management issues associated with the loch and hills could be tackled by other means, including more effective partnership arrangements between the adjacent local authorities. This view was put forward by land-owning interests, who expressed concerns about the impact of increased recreation activity on footpath erosion and deer management.

Boundary

4-31 Four main boundary issues were raised. It was suggested that if Loch Earn was not included, then the boundary should be pulled back to the proximity of Strathyre. If the Loch was included, the use of the disused railway line along the north of the loch was questioned, with a water catchment or watershed boundary preferred. A few responses also addressed the extent to which the boundary should extend into the Glen Artney catchment. The fourth suggestion was for a compromise, whereby Lochearnhead would be included together with Glen Ogle, but with a boundary running around the shores of the Loch and thereby excluding the whole of Loch

Earn along with any land currently under the administration of Perth and Kinross Council. This latter suggestion was supported by the Interim Committee.

Discussion

4-32 It is again evident that there are credible cases for both inclusion and exclusion. At meetings in the localised area and from consideration of the overall balance of written comments received, there appears to be a slight preference in favour of including both Ben Vorlich and Loch Earn, whilst comments received from within the wider Park area itself indicate that there is slight preference for exclusion or the boundary compromise. However, on balance, the case advanced for meeting the long-term management needs of the area outweighed the problems associated with the addition of a fourth local authority area. Whilst partnership arrangements between Perth and Kinross Council and the Park Authority could be constructed to secure effective management of the area, the simpler solution (as advanced by Perth and Kinross Council) is to incorporate the area, along with respective local authority participation on the Park Board, into the Park.

Reporter's Conclusion

On the basis of the consultation we have undertaken, we conclude that Ben Vorlich, Glen Ogle and Loch Earn should be included in the park area, with the boundary drawn along the watershed boundary to the north.

SNH Advice

SNH, as the government's advisor on natural heritage issues, supports the inclusion of this area. However, we do not consider that there is a need to draw the boundary along the watershed to the north of Loch Earn because this would lead to the inclusion of a large block of land which neither meets the conditions for inclusion in the Park, nor provides any management benefit. Although watersheds make justifiable boundaries where the reasons for including an area are principally related to water quality and associated ecology, in this instance the main reason for including Loch Earn is the need to secure better recreational management, and to link the arrangements for this with management elsewhere in the park. This can be achieved with a tighter boundary. We would recommend an approach to the boundary in the area which either used the disused railway line (and thereby including the main recreation management sites associated with access to the loch and the majority of community of St Fillans) or took in the lower slopes above the north shore of Loch Earn to incorporate the woodland within the immediate watershed. If this latter option was chosen, further investigation of the boundary would be needed.

Flanders Moss

Comments Generated

Area

4-33 The case for inclusion of the Flanders Moss area is based on the national importance of its natural heritage. It is a raised bog of international importance. Respondents did not question this and indeed its significance was amplified by the responses that also advanced the cultural heritage value of the area. However, the vast majority of those who attended the range of meetings and responded to the consultation also highlighted the fact that the area was very much lowland in character and more akin to the wider Carse of Stirling than the adjoining Trossachs. Similarly, many felt that its management interests were safeguarded through the work of SNH, Forest Enterprise and adjoining land management interests in their initiatives for progressing the objectives of the National Nature Reserve. Locally, it was also very clear that the majority of farmers and landowners do not support its inclusion

Boundary

4-34 Minor comment on the detailed boundary was received. There was a recommendation that the boundary should be drawn to include the young woodlands to the west of Flanders Moss and to the east of the A81, along with a suggestion that only the eastern part of Flanders Moss is included within the Park.

Discussion

4-35 Without question, Flanders Moss is of outstanding natural heritage value and cultural heritage interest. However, its association with the wider Loch Lomond and Trossachs area is at best weak. The existing management arrangements are also deemed sufficient for its future conservation, although this fact should not preclude close co-operation between the relevant authorities to ensure that this is taken forward in ways which complement the management of the Park area.

Reporter's Conclusion

On the basis of the consultation we have undertaken, we conclude that Flanders Moss should be excluded from the Park area.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation.

Menteith

Comments Generated

Area

4-36 Numerous comments were received on the inclusion of the Lake of Menteith and its immediate surrounds although, of these, all but two of the written submissions originated from outwith the area of Menteith proposed for inclusion. The common aspect of these responses was recognition of the natural and cultural heritage and recreation importance of the Lake. Some respondents drew attention to the historic linkages between Lomond and Menteith. However, respondents differed about the contribution that the area made to the overall character of the Park area and the integrated management requirements (and subsequent benefits) for the area – a difference of opinion which emerged very strongly at the public meeting.

4-37 With respect to the contribution of the area to the overall distinctive character of the Park, many respondents saw the area as integral and traditional to the foreground and to the Trossachs. In contrast, others viewed it as having a separate identity and being more associated with the Moss and agricultural operations on the Carse of Stirling to the south. These differing links were reflected in the views heard at public meeting and illustrated the different concerns and aspirations for the National Park from within the local community.

4-38 Few respondents doubted that the existing heritage designations provided a robust framework for on-going conservation. In accepting the heritage qualities of the area, the main aspect of debate is therefore whether visitor management (e.g. car park maintenance, provision of information and interpretation, and marketing) and recreation could be enhanced by including the area in the Park. There are those who are persuaded that these sorts of advantages merit inclusion whilst there are also those, particularly from the farming community in the area, who do not think that these are sufficiently tangible benefits and argue strongly that the risk of further restrictions on their businesses is high.

Boundary

4-39 If the area was to be included, the main concern with the boundary is how to include the immediate area of the Lake without dividing the Port of Menteith Community Council area. Unfortunately this does not appear possible, unless the Park encompasses a much wider area of the Carse. It has also been suggested that the boundary should include Rednock House (because of its designed landscape) and more of the area surrounding the Lake.

Discussion

4-40 Of all the areas considered, Menteith has generated the most polarised views – with differing responses from both local and national interests, as well as from various interests within the community. There are those who see the benefits of the status quo and advocate exclusion; and those who advance its heritage attributes and links with the Trossachs as justifying inclusion. It is clear that there is no consensus and a split of opinion between local and national interests. The option of the Park undertaking visitor management operations outwith its boundary has been put forward as a middle ground solution. However, this is also viewed as a compromise and does not address the requirement for effective management of the area in the context of the developing policies for the Park.

4-41 The truth is perhaps that Menteith is equally associated both with the Trossachs area and with the wider Carse of Stirling. Historically it has always looked both ways. Being at one of the few crossing points across the mosses which once covered the Carse, it has for centuries been a true gateway to and from the highland area.

4-42 There is agreement in the responses that the area does receive considerable visitor numbers, and associated problems relating to traffic congestion, parking and access to the Lake. Where the local consensus breaks down is whether a National Park would bring net benefits to the community or not. Considering the evidence from the consultation, the balance of respondents is towards a view that the Menteith area is associated with the identity of the Trossachs and wider area and has a very special

heritage importance both culturally and naturally. As a gateway, and as a popular visitor destination in itself, the area also shares many of the visitor management issues which apply throughout the Loch Lomond and Trossachs area.

4-43 We also note that a tightly drawn boundary could, if drawn close to the Loch itself, allow the Park Authority to tackle the management of the heritage of the area whilst providing for its continued enjoyment. This could minimise impingement on the farmland around Ruskie and the Carse.

Reporter's Conclusion

On the basis of the consultation, we conclude that the Lake of Menteith should be included in the Park area with the boundary drawn tightly around the Lake to restrict any impact on the agricultural management of the Carse. Although there is considerable opposition to the idea in a significant portion of the local community, it is concluded from the consultation that the attributes of the area do strongly meet the three conditions set out in the National Parks (Scotland) Act, and that inclusion is widely supported outwith the immediate locality.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation. In making this judgement, SNH accepts that it does not enjoy majority support in the local community

Strath Endrick and Strath Blane

Comments Generated

Area

4-44 The balance of respondents supported the case put forward in the consultation document for exclusion, arguing that the area was different in terms of character and management needs. The national heritage importance associated with the water catchment management of the Endrick and Loch Lomond was recognised by many, but the wider heritage interests of landscape and recreation were not seen as being of anything like the same quality. Furthermore, land management interests indicated that their requirements and needs were different from those for the areas to the north.

4-45 There were also mixed views on the natural and traditional associations of the area. Although the area is a key part of the Loch Lomond catchment and, by that definition, is therefore part of the land associated with the loch, it does not share the scenic, cultural or natural heritage characteristics of the Loch Lomond or Trossachs areas.

4-46 That said, a number of respondents, both locally and nationally, felt that the heritage interests alone were sufficient to merit inclusion. Indeed, it was argued that on catchment management grounds it was inconceivable to include Loch Lomond and not the waters that feed it, with one respondent pointing out that 'it does not stand up to scrutiny that the major inflow into Loch Lomond (representing ca. 30% of the inflow and over 50% of the catchment area) should be excluded from its management regime.' Respondents of this mind argued that integrated land management was the main benefit to be conferred by a National Park Authority, and that this could best be (indeed, could only be) delivered on a catchment basis. The inclusion of the catchments of the Endrick and the Blane was almost universally supported by scientific opinion, and indeed carried the support of SNH's own West Areas Board. The three community councils in the area were also strongly supportive of the inclusion of the area, mounting a robust challenge to the case made by SNH in the consultation document. As well as making the

case for inclusion in terms of the legislative conditions, these communities also expressed strong concerns over the consequences for the area of its exclusion from the Park, in particular in terms of demand for new housing and other types of development.

Boundary

4-47 The main issue concerning the boundary is how extensive the area would have to be if the basis for inclusion was the need to manage the catchment. The rational boundary in respect of catchment management would stretch as far south as Blanefield, and towards the urban fringe of Milngavie, and up into the Campsies almost to the Carron Valley reservoir beyond Fintry. Some respondents also suggested drawing a boundary that included key recreation areas, for example the Queen's View car park, and other specific heritage interests such as those on the Carbeth Estate. In addition it was suggested that there could be merit in including that corridor of land traversed by the West Highland Way.

Discussion

4.48 It is an incontrovertible fact that the proper conservation of Loch Lomond requires sensitive management of its catchment. The central question to address is whether the National Park is the best, the appropriate or the necessary management mechanism to secure this critical end. The River Endrick is designated as a candidate Special Area for Conservation under the Habitats Directive, and actions are already in hand to improve the way in which it is managed to reflect the objectives this status brings with it. In addition, the Lomond Catchment (including Strath Blane and Strath Endrick) is the sole Scottish area currently being researched with a view to developing 'best practice' for catchment management under the Water Framework Directive. Both these initiatives will provide enhanced management and care for the rivers.

4.49 The management regime which will emerge from these initiatives will depend upon the co-operative approach of several agencies – in particular SEPA, the Local Authorities and SNH. The next question to be addressed, therefore, is whether a National Park Authority

with an agreed Park Plan would add to this. No one has suggested to us that the Park Authority should either have any additional specific powers to enable it to regulate land use in relation to water catchment; or that it should take on any of the powers currently exercised by SEPA, for example. It is difficult, therefore, to see what additional benefit to the catchment the Park could be beyond that already delivered under a Catchment plan and management and planning policies directed at the safeguarding of the interests for which the Endrick has been designated at the European level.

4.50 If there were other commanding issues, for instance also relating to recreational pressures and use, such as exist in the core of the Loch Lomond and Trossachs area; or if there were

clear opportunities for visitor management and interpretation in the area which would assist in the management of the core area, then a better case for inclusion of this very considerable area into the Park might be made. Experience from other areas surrounding other National Parks in Britain suggests that future development pressures can be effectively managed through strong planning policies. This suggests that for all its value the area does not require to be included in the National Park either to sustain that value, or to contribute to the conservation of the core area – as these challenges can be adequately addressed by alternative means. Any recreational management issues in the hill land may be better addressed through the creation of a Regional Park for the Campsies, as advocated in the Glasgow and Clyde Valley Structure Plan.

Reporter's Conclusions

On the basis of the consultation undertaken, we conclude that Strath Endrick and Strath Blane should be excluded from the Park area. In making this recommendation, we note the strong case made to us on catchment management grounds for its inclusion, and also the strongly supportive views of the three community councils in the area. Ministers will wish to ensure that effective mechanisms are in place and ensure that the catchment is managed to meet the requirements of the Habitats and Water Framework Directives.

SNH Advice

As the Government's natural heritage advisor, SNH concurs with the conclusion. We do so on the basis that the National Park is not in our view a necessary, or even the best, means of meeting the undoubted requirements for sensitive catchment management. However, if Ministers are minded to accept this recommendation, they must also recognise the importance of the catchment management issue raised in the consultation and guarantee that steps will be taken to ensure that the waters that feed into Loch Lomond from this area can be effectively managed in ways which support the policies set out National Park Plan. This requirement is likely to be met in part by the proposed designation of parts of the River Endrick as an SAC.

4.51 Taking into account the conclusions and recommendations of the Reporter, the area proposed for inclusion as a National Park is illustrated in Map 1. (Inserted in sleeve of back cover).

4.52 A map of the area proposed for inclusion respecting SNH's advice as advisor on natural heritage matters is illustrated in Map 2. (Inserted in sleeve of back cover).

5

The Proposed Functions and Powers of the National Park Authority

The Proposal

5-1 In the proposal, Ministers indicated their preference for the National Park Authority to become the planning authority for the area under the Town and Country Planning (Scotland) Act 1997, having responsibility for preparing the local plan and making development control decisions based upon it. They also considered that local authorities could retain responsibility for the structure plans which cover the area and become statutory consultees on both the local plan and development control functions of the National Park Authority. Ministers also sought views on the consultation arrangements that should exist between the National Park Authority and the local authorities under these (or other) arrangements, and also on the composition of any sub-committee that a National Park Authority may establish to undertake its planning function.

5-2 Apart from a number of planning powers related to the development control function, the proposal envisaged no further powers for the Park Authority. However, Ministers sought views on any additional powers that might be needed. They also sought views on the need for the transfer of responsibility for Loch Lomond byelaws and their implementation and enforcement by rangers to the National Park Authority.

5-3 Approximately half of all responses to the main consultation document addressed the issue of the planning function, although significantly fewer addressed the more technical issues concerning consultation arrangements or composition of the sub-committee. Significantly fewer comments were made on other powers except to welcome those listed in Table 1 of the consultation document, which will be available to all National Park authorities through the National Park (Scotland) Act 2000

The Planning Function

Comments generated on the planning function

5-4 Most of the written comments received on this question fell into four categories:

- those in favour of the National Park Authority becoming the planning authority as set out in the proposal;
- those in favour of the National Park Authority having sole responsibility for structure planning, in addition to local planning and development control functions;
- those in favour of the National Park Authority and Local Authorities being jointly responsible for structure plan preparation with the NPA being responsible for local planning and development control;
- those in favour of planning functions remaining with the local authorities.

5-5 The option of the National Park Authority becoming the planning authority, as set out in the proposal, was favoured by nearly three quarters of responses which expressed a preference for one of these four options, including all the four local authorities covering the proposed area, the Interim Committee, and a number of national agencies. Of the professional bodies, the Royal Town Planning Institute (RTPI) and Royal Institution of Chartered Surveyors (RICS) accepted the proposal, although the Scottish Society of Directors of Planning (SSDP) did not, recommending instead that the local authorities should retain all planning functions.

5-6 The reasons given for supporting the Ministers' proposal included the view that the proposed split of functions made sense in terms of integration of the Park with the surrounding area; that the removal of development control powers from the local authorities would increase local accountability for decision making; minimise costs and delays; and, that it would enable a consistent approach to the planning functions to be achieved. The fact that local plans are already prepared on a joint basis and that development control has been delegated to the

Interim Committee were cited as further arguments in favour of the proposal. A number of potential disadvantages associated with other options were also identified.

5-7 At the same time, some of these responses sounded a note of caution over the need for the Scottish Ministers to ensure that relevant structure plans took due cognisance of the National Park Plan. It was emphasised by many that close working with the local authorities would be needed to overcome concerns about democratic accountability in delivering the planning function, and to secure social and economic development as well as the need to liaise over functions and services which would continue to be provided by the local authorities. Grants and subsidies to help achieve higher design standards were also seen as essential by several respondents.

5-8 A significant number of the other responses favoured the National Park Authority having the additional responsibility for structure planning. Among these were the Association of Community Councils, **sportscotland**, Scottish Environment Link and most of the national environmental NGOs. The main arguments put for this option centred on the view that it would be difficult to ensure a uniform approach across the Park if it fell within the territory of three or four different structure plans, each with its own distinct approach to different pressures and priorities outwith the Park area, and working to different timetables and review dates. Other respondents considered that potential conflicts between Councils and the National Park Authority, and the possibility of the National Park Plan being unduly influenced by the content of existing structure plans, would be avoided if the National Park Authority produced the structure plan. Explicit in some comments, and implicit in others, was a view that there should be one single structure plan for the Park area.

5-9 As an alternative, a number of responses took the view that the National Park Authority and Local Authorities should be jointly responsible for preparing relevant structure plans. One reason cited for favouring this option was that joint structure planning responsibilities would encourage the National Park Authority to give full consideration to issues beyond its boundaries. By involving the surrounding local authorities it

would also encourage interest in the future well-being of the Park and help to create a wider sense of ownership.

5-10 It was also said that experience elsewhere in Britain demonstrated the value of the National Park Authority being the Planning Authority with responsibility for the local plan and development control, and sharing responsibility for Structure plan preparation. It was argued that where several local authorities are producing different structure plans for parts of the Park, the National Park Authority brings coherence by: i) sharing responsibility with the local authorities (which have wider interests) for the preparation of a single structure plan for the Park area and; by ii) production of the local plan and Park Plan, and implementation of the same through development control. It was further considered that differences between the National Park Authority and a local authority could be resolved by Ministers.

5-11 Only a small number of comments held that planning functions should be retained by the local authorities, although interestingly these included the SSDP. Reasons cited included concerns about the duplication of powers, confusion and costs.

5-12 Finally, a small number of other options were proposed by individual respondents, including:

- the National Park Authority having structure planning responsibility but with local plan and development control functions remaining with local authorities;
- the National Park Authority and local authorities jointly preparing the local plan and the National Park Authority having responsibility for development control;
- the National Park Authority having responsibility for the structure plan and development control but with local authorities retaining the local plan function;
- the creation of a non-political, professional and independent body responsible for structure planning in Scotland; and,
- the Park area becoming a new local authority area.

5-13 An important sub-theme to emerge on the planning function was the need not to add to the length, costs or complexity of the planning process. This view was strongly voiced by a number of individuals and businesses within the proposed area.

Discussion

5-14 In its 1999 advice, SNH proposed that the National Park Authority for this area should have responsibility for local plan preparation and development control within its area. However, we took the view that structure planning should remain with local authorities on the basis that this would provide the necessary integration of strategic planning policy between the Park area and the surrounding area. An important safeguard would be provided by Scottish Ministers who would approve both structure plans and the National Park Plan. It has been noted that this option has a majority of support, including from the four local authorities whose structure plans cover the current area. The Interim Committee also favour this option.

5-15 At the same time, we acknowledge the arguments put forward by many within the area and also from a range of national organisations in favour of the National Park Authority becoming either a structure plan authority with sole responsibility for a single structure plan covering the Park area or sharing responsibility for the preparation of structure plans covering the area with the local authorities. A variant of the first option which has not been generated by the responses, but which could be considered, would be for the National Park Authority to have responsibility for creating a unitary development plan for its area which would include both structure and local planning policies.

5-16 The core of the case put forward for the National Park Authority having a more prominent role is the observation that local plans must conform to structure plans (hence the importance of the structure plan in determining the approach to planning in an area), and the need for consistency of structure planning policy across the area. However, it is questionable whether the proposed Park area makes much sense as a single structure plan (or unitary development plan) area, given that the issues driving the

strategic planning of the area – notably housing, employment, recreation and transport – are too intimately linked to the towns and cities which surround it. A single structure plan would therefore be unlikely to provide coherence and integration with the surrounding areas. Such an argument gives weight to the second option of making the National Park Authority a joint structure plan authority alongside the four existing local authorities.

5-17 There is no doubt that consistency and integration in structure plan policy will be essential if the objectives of the Park Authority in respect to built development are to be achieved. Once the National Park Plan is in place, it will provide the necessary lead for structure planning policy across the area. In the interim period prior to finalisation of this Park Plan, effective liaison and consultation arrangements will be critical. Equally, given the duty on local authorities to only 'have regard to' the Park plan in their policy and operations, the role of Scottish Ministers in development planning issues will remain an important safeguard in the resolution of differences of opinion between the National Park Authority and Local Authorities

5-18 Finally, thought also needs to be given to the sequence of plans the National Park Authority would need to prepare for its area once it was established. For example, if it was solely responsible for preparation of a structure plan for the area, there could be resultant delays in preparation and adoption of the local plan pending finalisation of the former. Equally, if the National Park Authority became a joint structure planning authority, it would potentially have four parts of structure plans to review in addition to the preparation of the Local Plan. Again, it is difficult not to see this delaying the preparation and adoption of its own local plan, with a knock-on effect for its development control functions. In both cases there may also be consequential effects for the preparation of the Park Plan. If responsibility for structure planning remained with the local authorities, the Park could take forward the preparation of the Park Plan and local plan side by side. Once these plans were formally approved, a new structure planning cycle could begin taking its lead from the National Park Plan. Before these new structure plans were in place, case law would seem to suggest that both the

National Park Plan and local plan would carry considerable weight in the determination of planning cases where the extant structure plan is no longer considered up-to-date and appropriate for the area.

5-19 There is very limited support for any of the other options, including the status quo. We consider that the concerns raised in terms of maintaining full democratic accountability and minimising potential disruption and delay are capable of being effectively addressed through the composition of the any planning sub-committee established up by the Park Authority and having effective consultation arrangements set up between the local authority and the National Park Authority. Other considerations – notably in respect to the implications for the National Park Authority of taking on these statutory and fairly onerous functions are perhaps less relevant to this area given the noted importance of planning to the attainment of Park aims.

Reporter's Conclusions

On the basis of the consultation we have undertaken, we conclude that on balance the National Park Authority should have responsibility for the preparing the local plan for its area and for making development control decisions based on it. To complement these functions:

- **the National Park Authority should take on the functions which are generally exercised by the planning authority with respect to: tree preservation orders, enforcement, administering conservation areas and listed building consent, administering advertising control, administering minerals consent and applying controls relating to hazardous substances; and**
- **The local authorities should retain responsibility for structure planning with the National Park Authority becoming a consultee on their preparation.**

The National Park Authority should prepare the local plan for its area alongside the National Park Plan. Both plans should be formally approved within three years of the National Park being established.

It is also recommended that Scottish Ministers should provide guidance on these arrangements to highlight the primary importance of the National Park Plan for the area. Prior to the formal approval of the National Park Plan, Ministers may also need to be prepared to intervene to secure consistency of structure plan policy across the Park area.

We were impressed by the cogency of the views, expressed by a minority, on the need for the Park Authority to be more involved in structure planning, and in favour of the National Park Authority having joint responsibility for preparing the structure plans covering its territory.

SNH Advice

As the Government's advisor on natural heritage issues, SNH supports these recommendations in respect of local planning and development control. However, we remain concerned that such arrangements may not provide the necessary integration and clarity in development planning that are required for the effective management of the area. In addition to the National Park Authority having responsibility for local planning and development control, we therefore recommend that it should also be a structure planning authority with joint responsibility for preparing the parts of the four structure plans covering its area.

We recognise that this advice in respect of structure planning differs from that SNH has previously given for this area. We however, believe it is now justified on the following five grounds:

- The importance of the structure plan in the development control process as reflected in Section 25 of Town and Country (Scotland) Act 1997. This provides that determinations under the planning legislation must be made in accordance with the development plan unless material considerations indicate otherwise. Structure plan policies relating to housing, economic development, infrastructure, the environment, conservation and tourism will all have an important bearing on land allocations within the National Park.
- The requirement to secure that, in formulating proposals for a local plan, the plan must conform generally to the structure plan as it stands for the time being (1997 Act, s.11(5))
- Apparent shortcomings in the merit testing procedures for structure plans. There is no provision for a public inquiry into objections and the Examination in Public has fallen into disuse. If the National Park Authority were to disagree with a planning authority over the content of a structure plan as it related to the National Park, their only remedy would be to write a letter of objection to the Scottish Ministers.

- The importance of ensuring that all structure plans covering a part of the Park are broadly consistent in their policies as they apply to the Park.
- The uncertainty over what weight the National Park Plan will carry in development control decisions compared to the development plan

In our opinion, these arguments lend weight to the option of making the National Park Authority a joint structure plan authority alongside the four existing structure plan authorities. Joint structure plans are quite common under the arrangements introduced by the Local Government, etc. (Scotland) Act 1994 and statutory procedures are in place in the planning legislation for implementing such an arrangement. If this recommendation were accepted, it would be desirable for Scottish Ministers to require a review of the relevant structure plans after the establishment of the Park

Once the new arrangements are in place and bedding down, further consideration should also be given to simplifying the development planning framework for the area. Possible ways of achieving this would be for the Park to become a unitary plan area or for it to be included within one structure plan area. If the strategic review of planning to be initiated by the Scottish Executive results in a decision to create some form of strategic planning framework for Central Scotland, to sit above and inform structure plans, the Executive should also consider including the Park area within its geographical territory. This could be eminently justified in terms of the role that the area plays as a recreational and amenity resource for the urban core and indeed of the existence of substantial commuting from the Park area into the latter – both south and east. This strategic framework could provide a degree of consistency in the treatment of the key planning and transport issues that would be reflected in the separate structure plans covering the Park area.

Consultation Arrangements

Comments generated on consultation arrangements for the planning function

5-20 The majority of respondents supported the suggestion in the proposal that the National Park Authority need only consult with local authorities on those planning applications which had a particular significance for the local authority. The main reasons for this support concerned the need to reduce the risk of delays, duplication and unnecessary bureaucracy, and to avoid overburdening the operation of the National Park Authority. Most of these respondents qualified their remarks by suggesting that a formal agreement between the National Park Authority and the local authorities should specify the categories of development upon which there would be consultation. A number of respondents – including three of the local authorities – specifically suggested that the National Park Authority should circulate a weekly planning list to local authorities and others with an interest in planning applications (such as community councils); this would provide these parties with an opportunity to hear of all proposed developments while at the same time giving them the flexibility to seek involvement only with those cases which were considered to have significant implications for them.

5-21 In contrast, other respondents contended that the National Park Authority should consult the relevant local authorities on all planning applications. Such an approach was taken by one other local authority in the proposed area. Reasons given in support of this approach included: the avoidance of difficulties in identifying categories of development for consultation; opportunities for the local authorities to note trends, cumulative impacts or developments which raise novel issues; and the need for extra care during the early years of the Park and the phasing-in of working arrangements. It was also argued that consultation on all cases was needed to ensure that local authorities were aware of developments having implications for services and functions still under their auspices.

5-22 A number of respondents favoured consultation on all developments for an initial

period and then a review of arrangements, whilst others emphasised the need for good communication between the National Park Authority and the local authorities.

5-23 Yet other responses highlighted the need for local authorities to consult the Park Authority on applications outwith the Park boundary where these could have implications for the Park, and similarly, where proposals within the Park would affect an adjoining local authority area, that local authority should be consulted by the National Park Authority. It was also suggested by several respondents, including two local authorities in the proposed area, that where the National Park Authority wished to refuse or impose conditions on a proposal contrary to the recommendation of a local authority, the National Park Authority should be obliged to notify the Scottish Ministers. The same argument was made by some respondents for cases where a local authority proposed to either approve or refuse a proposal against the recommendations of the National Park Authority.

5-24 A small number of comments expressed concern over the issue of parity in the treatment of planning applications between those within and those just on the outside of the Park boundary. They considered that those on the outside should not find their applications being referred through two development control mechanisms e.g. that of the local authority and the National Park Authority. It was felt that such a situation would lead to delay, inefficiency and frustration.

Discussion

5-25 The balance of views clearly favour provisions which would allow discretion for the National Park Authority and local authorities over arrangements for consultation on development proposals. The reasons cited in favour of consultation on all applications have been noted, although we consider that it should be possible to reach agreement over categories of development for consultation, and for dialogue to address issues of trends, cumulative impacts, novel proposals and proposals close to or likely to have implications for the National Park. However, there may be merit in combining the suggestion of consultation on all applications for

an initial period of time and thereafter, once working arrangements have bedded down, introducing procedures for consultation only on specific types of development.

5-26 In terms of the specific circumstances for notifying Scottish Ministers, it would seem to be both logical and fair for there to be a requirement on the planning authority – be it the National Park Authority within the park or the local authority outwith it - to notify Scottish Ministers on all proposals where it is minded to go against the view of the statutory consultee. This would allow Scottish Ministers to intervene, if they so chose, not just on development planning and selected development control cases as currently proposed, but on all development control cases where the planning authority's intention is to recommend contrary to the advice of the consulted party.

Reporter's Conclusions

On the basis of the consultation we have undertaken, we conclude that there should be a general obligation on both the National Park Authority, and every relevant individual local authority, to consult each other on development control cases of significance to the implementation of each other's policy aims and objectives. In the early days of the National Park, we suggest that the National Park Authority and each local authority should circulate a weekly list of planning cases to each other. At the same time, the National Park Authority and local authorities should seek to agree a mutually satisfactory mechanism for engaging each other in development control casework both within and on the periphery of the Park.

In cases where the National Park Authority is minded to refuse a proposal contrary to the recommendation of a local authority, we suggest that the National Park Authority should be obliged to notify Scottish Ministers. The same approach should apply with respect to cases where a local authority propose to approve a proposal against the recommendations of the National Park Authority. In both cases, Ministers should have discretion to call in any of these applications for determination.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation.

Composition of Planning Sub-committee

Comments generated on the composition of the sub-committee

5-27 Only around 65 responses to the main consultation document dealt with this issue. Of these, almost one half sought a majority of elected members on any planning sub-committee. Of these responses, some also stated a clear preference for this majority to comprise either both directly elected and local authority nominations, or directly elected members only. A number of respondents considered that a reflection of the composition of the Park Board (20%:40%:40%) on the planning committee would ensure democratic accountability. Of the local authorities within the proposed area, three stated a preference for a majority of elected members, with two specifying that this majority should consist of both elected councillors and directly elected members. The remaining authority noted that all four authorities should be represented on the planning committee.

5-28 A number of the other responses did not express a view on the committee composition but did agree with the need for a planning sub-committee in the event that there was not a majority of elected representatives on the Park Board (for example should local authorities choose to nominate individuals rather than councillors). A number of respondents considered that the composition of the Park Board ought to guarantee democratic accountability in the first instance.

5-29 Several respondents including the Interim Committee considered that the planning sub-committee must also include, or have access to, natural heritage and other special interest advice. Other respondents suggested that: it have a majority of local authority nominations; have one member from each local authority; it should not be dominated by a majority of members from any one local authority; and, equal weight should be given to the votes of all members. Another view held that whilst there should be a majority of elected members they should not comprise more than 60%, in order to allow appropriate representation by national interests.

5-30 A number of specific concerns and

qualifying remarks were registered along with the above responses. Several expressed concern that a planning sub-committee might be necessary because democratic accountability could not be guaranteed through the Park Board. A number also felt strongly that Board members nominated by Local Authorities should not be considered democratically accountable even if they were elected councillors unless they represented wards within the Park area. Some took this case further to argue that, with the exception of directly elected members, democratic accountability should be through the Scottish Executive which would be responsible for appointments to the Board, while one respondent suggested that the principle of democratic accountability should be regarded as only one of the factors upon which the Park concept is founded. In one response, concern was expressed that there was insufficient information upon which to base a judgement, citing the lack of information about the proposed upward, lateral and downward accountabilities of the National Park Authority, and how these would work in practice.

5-31 On the subject of delegation to the planning sub-committee, one view held that full delegation to the sub-committee would be necessary whilst another considered that there should be extensive delegation to officials so that the sub-committee only dealt with significant applications. Another respondent considered that where a planning decision had the potential to make a significant impact on any aspect of the National Park aims, it should be referred to the full Park Board, and the Sandford principle applied where conflict arose. Another respondent suggested that training for all sub-committee members would be essential.

Discussion

5-32 Some of the points raised by the respondents on the composition of any planning sub-committee are intimately linked to the issue of representation on the Park Board discussed in Section 6. The principle of democratic accountability for planning decisions is generally supported, and this has implications for both the composition of the Park Board and any sub-committee it may establish to deal with its planning function. There are mixed views on whether local authority councillors and directly

elected members should have equal status. However, the arguments that local authority councillors whose wards are outwith the Park area should not be seen as democratically accountable would appear weak. The importance of non-elected members on any planning committee is relatively understated, but is seen to be important by some in terms of the wider expertise and knowledge they can bring.

Reporter's Conclusions

On the basis of the consultation undertaken, we conclude that any planning sub-committee of the National Park Authority should have the same ratio of directly elected members to local authority nominations to national appointments as the Park Board itself, provided that the combination of directly elected members and local authority councillors are in the majority.

The need for a planning committee and the extent of delegation to officers is an issue that needs to be given further consideration by the Board of the National Park Authority itself.

SNH Advice

As the Government's natural heritage advisor, SNH supports this overall approach to the composition of the planning sub-committee. Within this framework, we believe that it will be important that the most suitably experienced members of the National Park Authority are selected. In view of the importance of the Sandford principle enshrined in the Act, we also suggest that any development proposal which requires consideration of Section 9 (6) of the National Park (Scotland) Act 2000 should be considered by the full board.

Other Powers

Comments generated on other powers

5-33 Relatively small numbers of comments were received on which other powers should be available to the National Park Authority, with over one third of these strongly welcoming the range of powers listed in the consultation paper. Specific comments on these powers included:

- the National Park Authority must be able to offer grants for, or otherwise subsidise works, outwith the Park boundary and receive monies from the European Union or other non-Treasury sources;
- the National Park Authority should be able to impose a speed limit on watercraft, limit the numbers and confine power boats and jet skis to a limited area;
- the National Park Authority must be able to address a range of matters associated with activities on the loch, including: noise and the loss of tranquillity; the need for adequate insurance cover for crafts and their owners/drivers; competence to drive watercraft; and, the abuse of alcohol;
- byelaws need to be properly enforced for various activities, including damaging and anti-social behaviour such as depositing litter, cutting down live trees, allowing dogs to roam unsupervised, and discharging sewage directly into Loch Lomond;
- adequate numbers of Rangers and police would be necessary to enforce byelaws, resolve access disputes and conflicts between users on the loch, and to control traffic; and
- the National Park Authority should prepare a Local Biodiversity Action Plan and Local Forestry Framework for its area.

5-34 A small number of responses also noted the need for powers in respect of: ancient monument consents; disposal of land; incentives; and control of types of aircraft which land on lochs. Clarification was also sought as to whether the National Park Authority will have powers to implement the consequences of Traffic Orders

made by the Scottish Ministers, given the proposed retention of roads and transportation powers by local authorities.

5-35 A number of responses raised queries concerning the implementation of powers. For example, questions were asked about the extent to which the National Park Authority would assume SNH's powers; how a National Park Authority may resolve conflicts between different loch users claiming to exercise a right of navigation; and on what the implications of powers to improve waterways on the rights currently enjoyed by angling clubs were. There was also some general concern at the possibility of duplication with powers held by existing public agencies. A small number of responses from land managers and recreational interests also expressed fears as to how powers for compulsory purchase and for charging for access to water (respectively) might be used.

5-36 Suggestions for additional powers included:

- powers to influence all land and water management activities including farming, forestry, water management, field sports, fisheries and access, and to control developments by statutory utilities and telecommunications companies
- statutory consultation rights in respect to roads and transport developments;
- powers to control or influence the Water Authorities in respect of management of loch water levels; and
- powers of last resort to address issues which are at this stage unforeseen (but only in agreement with Scottish Ministers).

Of these issues, the need for effective influence and control by the National Park Authority over Crown activities, and particularly forestry, was the most prominent, with concern on this score being voiced by individuals and organisations both locally and nationally.

Discussion

5-37 There would seem to be clear support for the National Park Authority having at its command the powers listed in the consultation paper. But there was some disquiet as to how these would operate and how effective they would be – particularly with respect to the control of sport and recreation on the lochs in the area. The concern expressed about the powers of compulsory purchase should also be noted, although it should be remembered that these powers are already available to local and national government bodies in the area, but are very rarely used.

5-38 The issues identified as justifying new powers in SNH's view are all valid, and were for the most part identified in our 1999 advice. At the time, we argued that, rather than giving the National Park Authority specific new powers to address these issues, the National Park Plan would provide the means to identify and resolve potential conflicts and agree solutions. However, as noted earlier, the weaker duty now placed on public bodies to have regard to the Park plan in their policy and operations, compared to SNH's original proposals, means that some doubt will always remain, and significant reliance may therefore have to be placed on the ability of Scottish Ministers to intervene in such circumstances through their powers of direction.

5-39 As the planning authority for its area, the National Park Authority will also have the power through Article 4 Directions to bring under planning control land-use activities which currently are deemed permitted development. However, these powers are rarely used by existing planning authorities and are generally understood to require compensation. Some support for their use by the National Park Authority by Scottish Ministers – for example through approval of the Park Plan – may therefore be necessary.

5-40 The considerable extent of forestry within the proposed area of the Park raises significant issues in terms of the National Park Authority's ability to influence activities over a large part of its area except through the Park Plan or through the formal extension of planning control. One option for strengthening the National Park

Authority's influence would be to make it a statutory consultee on WGS applications, EIA procedures and Crown developments (currently deemed permitted development). Alternatively, responsibility for these functions (or parts thereof) could be transferred to the National Park Authority itself.

5-41 The National Park Authority could be given some form of joint responsibility for the management of the public forest within the proposed area, notably the Queen Elizabeth and Argyll Forest Parks. Such an approach would provide the Park Authority with a strong locus in land management to support its aims, as well as creating a more genuinely local engagement in forest management. We note that a similar arrangement might apply in the case of other public agencies that own and manage land, such as SNH or Historic Scotland – for similar reasons.

5-42 To be effective, such an approach would have to go beyond the voluntary mechanism of concordats between FE and the National Park Authority, or even formal direction by Scottish Ministers to FE to manage their land in accordance with the National Park Plan. Rather, more formal arrangements for joint management would be required. Possible options include a special Forest Board, comprising representatives of both Forest Enterprise and the National Park Authority, or a special sub-committee of the Authority, with representatives from Forest Enterprise and other key stakeholders. In either case the task of the body would be to manage the land concerned in a manner that met the objectives of the Park Plan. A further option would of course be for the Park Authority to take over the management of the Forest Park completely (including staff and other resources). Whichever route is ultimately followed, it is crucial that the management of the forests within the Park area is not inhibited by rules and guidelines geared to the quite different circumstances and objectives of the state forestry sector at large.

Reporter's Conclusions

On the basis of the consultation undertaken, we conclude that the National Park Authority should have the general powers and functions set out in the National Park (Scotland) Act 2000. In addition, it should be a statutory consultee on all matters affecting the area dealt with by the local and national roads authorities, transport operators, statutory undertakers, the Crown Estate, the Water Authorities and the Forestry Commission. It should prepare a Local Biodiversity Action Plan and Local Forest Framework for its area.

SNH Advice

As the Government's natural heritage advisor, SNH supports this conclusion. It also recommends that other approaches are actively considered to provide the National Park Authority with a more positive role in promoting the sustainable use of natural resources within the Park in accordance with the other park aims. Measures that could be adopted include the development of a locally tailored agri-environment scheme and a specific Woodland Grant Scheme, to be operated by the Park Authority on behalf of SERAD and FC respectively. The creation of a sub-committee or special Forest Board to manage the forest parks in the area jointly with FE should also be considered, as should the transfer of management responsibilities for NNRs from SNH to the National Park Authority. Of these, a local agri-environment scheme would be widely welcomed in the area. A sub-committee or special Forest Board could also go a long way towards alleviating the concerns commonly expressed in the area about forest operations – and could be a key means by which the Park Authority could actively address its objectives over a large area of the Park.

The Proposal

6-1 In the proposal, Ministers suggested that the governing Board of the National Park Authority for this area should have the maximum permitted number of members (25), with the minimum permitted number of directly elected members (5) on the grounds that this would allow maximum flexibility for appointments to cover the need to identify both local members and representatives of particular interest groups. In addition, the proposal sought views on the balance of local authority representation on the Park Board; the areas of knowledge and expertise that appointments to the Board should have; the number of its 'local' members as defined by the legislation; and the timing of direct elections.

SNH Consultation Paper

6-2 Potentially the area of three or four local authorities may be included in the Park: Stirling; Argyll and Bute, West Dunbartonshire and Perth and Kinross. Based on the population and ward coverage of the proposed area, SNH therefore proposed in the consultation paper a possible split in local authority membership of 4:3:2:1, or 5:3:2 if the area excluded Perth and Kinross. 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
- built heritage and archaeology

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

- informal 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

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

Size of Park Body

Comments generated

6-3 The vast majority of the nearly 80 respondents who addressed this question agreed that the Board should have 25 members, and this was necessary to ensure representation of all relevant stakeholders. Of the others who responded, a common theme to emerge was the need for smaller board - with as few as 10 members suggested by one or two individuals - to allow for more effective decision-making. A number of alternative sizes were proposed in order to allow for a change in the number of directly elected members. These included one or two respondents who considered that a Board larger than 25 was necessary.

Discussion

6-4 There is a very strong consensus among individuals and organisations for the size of the Board as proposed. While SNH in its earlier advice argued for the principle of a smaller board on the grounds of effectiveness, we concur with the arguments that that the proposed size would allow maximum flexibility for appointments to cover the need to identify both local members and representatives of particular interests.

Reporter's Conclusion

On the basis of the consultation undertaken, we conclude that the size of the National Park Authority should be 25. To increase effectiveness, the National Park Authority should establish sub-committees to take forward decision making in areas that do not require the consideration of the full authority.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation.

Number of Directly Elected Members

Comments generated

6-5 This issue generated more comment than any other in the written responses to the consultation and in the various meetings and street interviews undertaken throughout the area, with the vast majority of individuals within the area seeking a much higher proportion of directly elected members on the grounds of democracy. The suggestions for the number of directly elected members varied considerably, although a 1/3:1/3:1/3 split was commonest (suggesting a Board of 24). Others thought the number of directly elected members would need to be at least 9 to reflect the potential number of electoral wards that would be needed to ensure fair representation of all communities within the Park.

6-6 In contrast to this, local authorities, the Interim Committee, public bodies and other national and local interests were much more supportive of the proposed 20%:40%:40% split, believing it allowed for a locally elected majority, but also a framework within which national and other local interests such as farming could be effectively represented. A number of individuals strongly believed this split was the wrong framework for the Board altogether, with alternatives ranging from the inclusion of executive officers within a much smaller board, to a larger board comprising an overall majority of directly elected members. The range of interests identified as meriting inclusion on the Board was very long, from today's pressures and interests to tomorrow's vision and aspirations. On the latter, the youth consultation also highlighted the need for their interests to be suitably represented.

Discussion

6-7 Not surprisingly in view of the debate on this issue during passage of the legislation, the question of representation on the governing board of the Park Authority produced some of the strongest comments we received. It also produced some of the most polarised views, particularly over the interpretation of the Act's statement that 'at least' 5 members of the Board should be directly elected members.

6-8 Without doubt, local people feel very strongly that the proportion of directly elected members should be increased on the grounds that it would increase local accountability and local ownership of the Park. Local knowledge is also seen as critical in the management of the area. Such feelings are particularly noticeable in West Dunbartonshire and Stirling where several rural communities within the proposed Park area feel very distant both geographically and politically from their largely urban-based local authorities.

6-9 On the other hand, local authorities and national interests are keen not to see their potential share of the Board diminish. After all, the Park is a National Park and such interests should not be excluded or marginalised. The arguments for this are equally strong. Local authorities will continue to be key partners in the work of the Park and need to be fully involved in its key decision making structure. Equally, other interests need to be adequately represented to ensure that the national interest in the Park is properly reflected in decisions affecting it, and that the potential for tension between a locally-led National Park Authority and the wider national interest in the Park is minimised. As well as conservation and recreation, these interests include other local interests such as farming and local recreational user groups, which do not feel they will be effectively represented by directly elected members.

Reporter's Conclusion

There is widespread demand within the proposed Park area for a significant increase in the number of directly elected representatives on the Park Board. This consensus of view in the area has to be set against the view represented to us by local authorities and other bodies, that representation from Councils and national interests is also crucial to the effective working of the Park. In our view the issue of the extent of local representation on the Park Board is essentially political and is for that reason one that is best addressed by Ministers themselves. As we see it, there are perhaps three obvious options available to them.

The simplest way for the Ministers to provide what most people in the area seem to desire by way of increased local representation would be to raise the number of directly elected members. However, such an option would reduce the flexibility in the selection of the non-directly elected members. In particular, increasing local representation by direct election is likely to reduce the strength of the presumption that local authorities will look to nominate ward councillors in the first instance.

An alternative to increasing 'local' representation through directly elected members would be for Ministers to stipulate that each local authority must nominate all those councillors in the Park area. This would curtail the flexibility of the Local Authority nominations, thus running the risk of the Park being politically marginalised from the administration of the local authorities. Ministers could also make a greater number of local appointments from their share, although this would carry with it the risk of important specialist or national perspectives going unrepresented.

Views on this option are discussed further in paragraphs 6-25 to 6-28.

The final approach would be to keep the 5:10:10 split which Ministers proposed. Such a split would reflect the balance that the Scottish Parliament agreed to last year after due consideration. If so, Ministers should give further thought to the advisory structures that the National Park Authority would need to ensure that it was fully aware of the views of communities within its area. Although this would be a particular responsibility of the directly elected members, it should apply to all Board members. The current Association of Community Councils provides one possible model to build on although a broader based body such as a National Park Assembly could also be considered.

SNH Advice

As the Government's natural heritage advisor we would not recommend an option which restricted Scottish Ministers' flexibility in selecting national and local interests whose expertise and knowledge of conservation, recreation and land-use will be crucial if the National Park Authority is to deliver its four aims. Within the framework provided by the Act, this would seem to rule out any approach which did not keep the proposed 5:10:10 split.

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. There is therefore an important role to be played in guidance prepared by Scottish Ministers to members of the Authority. In particular this guidance will need to emphasise that members are there to champion the collective achievement of the Park aims, rather than specific local or national interests.

Approach to Local Authority Nominations

Comments generated

6-10 Relatively few responses addressed this question and it was not raised at any of the public meetings. Of those who commented, over two thirds were generally content with the approach proposed, although some expressed a clear view on the 4:3:2:1 or 5:3:2 split based on their preference for the area. West Dunbartonshire Council and Argyll and Bute Council stated their view that their share should not fall below 2 and 3 respectively, whilst a few responses from individuals argued for a greater share for these councils based on the previous administrative boundaries and the importance of the A82 as a transport road respectively. A few responses suggested an approach based on the different structure and size of the Park Board they had proposed.

6-11 While agreeing with the weighting being based on ward coverage, one respondent suggested that other factors may be important. Similarly, a small number of other respondents emphasised the importance on the areas of the knowledge and expertise that the local authority brought to the Park Board, rather than their representation of a particular council.

Discussion

6-12 The comments received suggest that the approach to the share of local authority nomination is generally accepted by both the local authorities concerned and the individuals and organisations who addressed this question. At the same time, it is recognised that there are strong concerns over the inclusion a fourth council area and the implications this may have for the share of local authority nominations. The related issues raised in relation to whom local authorities should nominate and what areas of knowledge and expertise they should have are addressed in the paragraphs which deal with potential areas of knowledge and expertise and with the number of local members.

6-13 There are still nine wards substantially in the area proposed in Section 4, of which three are in Argyll and Bute and Stirling, two are in

West Dunbartonshire and one is in Perth and Kinross. In addition, a small part of a further two wards, one in Argyll and Bute and one in West Dunbartonshire, are also within this area. This suggests that the proposed ratio of 4:3:2:1 remains fair, with the extra nomination for Stirling Council reflecting their larger proportion of area and population. However, the data on population and area contained in the following tables suggest that a higher share for Stirling Council may be justified, although this is difficult to achieve within the framework of 10 nominations (Note: Data derived by Interim Committee from 2001 projections provided by CACI Ltd. Data © copyright GRO(Scotland), CACI Ltd and Ordnance Survey).

by estimated population

| Local Authority | Estimated Population | Approx. % of Park Population | Potential No. of Representatives Based on Population |
|---------------------|----------------------|------------------------------|--|
| Argyll and Bute | 3204 | 23 | 2 |
| Perth & Kinross | 248 | 2 | 1 |
| Stirling | 7712 | 56 | 5 |
| West Dunbartonshire | 2661 | 19 | 2 |
| Total | 13825 | 100 | 10 |

by estimated area

| Local Authority | Area (km ²) | Area (% of Total Area of Option) | Potential No. of Representatives Based on Area |
|---------------------|-------------------------|----------------------------------|--|
| Argyll and Bute | 583 | 35 | 3 |
| Perth & Kinross | 72 | 4 | 1 |
| Stirling | 963 | 58 | 5 |
| West Dunbartonshire | 57 | 3 | 1 |
| Total | 1675 | 100 | 10 |

Reporter's Conclusions

On the basis of the consultation undertaken, we conclude that on balance the share of nominations between local authorities should be largely derived from ward coverage within the Park. Based on the area proposed in Section 4, this suggests a split of 4:3:2:1 between Stirling Council, Argyll and Bute, West Dunbartonshire and Perth and Kinross. In making this recommendation, we note that in terms of both population and area, a higher number of nominations for Stirling Council may possibly be justified. However, it is not possible to achieve this without reducing representation from Argyll and Bute or West Dunbartonshire Councils to a level which would not be fair on the grounds of either their ward coverage or population (for West Dunbartonshire) or area (for Argyll and Bute).

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation. However, if the Argyll Forest Park was left outside the Park, and Strathfillan included, we calculate that the ratio would become 5:2:2:1.

Potential Areas of Knowledge and Expertise

Comments generated

6-14 Nearly two-thirds of respondents to the main consultation document addressed this issue. Of these, the vast majority emphasised the need for certain areas of knowledge and expertise to be specifically represented. In practice many of these areas were effectively covered by the general framework proposed by SNH. The main suggestions included specific natural and cultural heritage interests (including the terrestrial and aquatic ecology, the historic environment, Gaelic and Scots culture) regular and established recreational users of the Park (land and water-based); farming, forestry (including native woodland management) and sporting interests (including fishing and deer management); water use; tourism and local businesses. The youth programme of consultation also highlighted the desire from young people within the area to have a voice on the Park Authority.

6-15 A number of other responses suggested that the proposed framework was comprehensive and effectively covered all of the Park's aims. However, other responses contained a number of proposals for other areas of knowledge and expertise to be included on the Park Board, including experience and expertise in property management and planning, architecture, renewable energy, policing and science. A significant 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 Gaelic language was effectively addressed by the National Park.

6-16 While a case was made for the inclusion of representatives from specific bodies such as the District Salmon Fisheries Boards, the Forestry Commission or the Water Authorities, a larger number of respondents generally favoured exclusion of such representatives. One or two respondents questioned the need for any expertise, believing that it would be better for the Park Authority to be able to draw on an advisory panel. The need for advisory groups and sub-committees across the four aims of the park was highlighted in a significant number of responses,

in order to involve relevant local and national expertise. A very small number of respondents were of the view that this would merely add to bureaucracy and the inefficiency in decision making.

6-17 A number of responses addressed the overall balance of the Park Board across these areas of knowledge and expertise. A common theme to emerge was the desirability of a broadly equal split of 5-6 members between the four aims, although several responses suggested that the first aim should be numerically dominant to reflect the underlying purpose of the National Park Authority. 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, or be able to make the connections between them. 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 area itself.

Discussion

6-18 The number of comments generated on this issue highlights the importance that particular interests place on representation on the Park Board. This is understandable and ranged from the various sectoral interests such as farming, to demographic groups such as young people. Regarding the latter, the message was loud and clear that in the past they felt their needs had been ignored and that the Park provided an opportunity to be innovative in engaging their views. However, while a number of specific suggestions have been made concerning the type of interests, we would concur that, overall, there would seem to be support for the general knowledge-based approach proposed by SNH. However, a number of specific interests may have a strong case for representation. In the light of the composition of the Board proposed earlier in this section, SNH's view contained in its 1999 advice that sectoral skills may have to be considered to ensure that certain key interests (particularly owners and managers of land and water) are represented, would still appear to be relevant.

6-19 In addition to the areas of expertise and knowledge listed in the consultation paper we accept the arguments put forward for considering the nomination or appointment of members with the areas of knowledge put forward in paragraphs 6-17 and 6-18. However, it has to be accepted that not all these interests can be found places on a Board of 25. Local authorities and Scottish Ministers should therefore look to finding individuals with the right general qualities rather than particular specialisms. However, in view of the aims of the National Park with respect to the cultural heritage, there is a case for the designation order to give a prominence to Gaelic which reflects its historical and cultural importance in the area.

6-20 In terms of the overall balance of these interests on the Park Board, there is clearly merit in the suggestion that the local authorities and Scottish Ministers should seek to achieve a balance between the aims 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, 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 would seem to be a strong one.

6-21 In line with the majority of comments, there appears to be few practical benefits to the Board gained by including representation from specific bodies, although in the light of the comments concerning expertise and involvement, the National Park Authority should consider setting up a series of sub-committees covering a number of land-use issues including deer management, fisheries, forestry and farming. In addition, a number of topic based advisory groups should be set up building on the current reporting groups of the Interim Committee.

Reporter's Conclusion

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. In making their appointments, Scottish Ministers in particular should seek to ensure that an equal balance is achieved between these aims.

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 and their strong commitment to the overall purpose of National Parks and the area itself. The inclusion of younger people on the Board should be actively considered. At least one member of the Board should have an understanding of Gaelic culture. In addition, the areas of knowledge and expertise should be drawn from the following list.

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

- **biodiversity**
- **earth heritage**
- **landscape**
- **built heritage and archaeology**
- **local history and culture**

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

- water and woodland management
- food and timber production
- sporting management

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

- informal recreation and access on land and water
- 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

Board places should not be reserved for specific public bodies or interest groups. However, the Park Authority should consider setting up a series of sub-committees and topic based 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 the Government's natural heritage advisor, SNH strongly supports these recommendations.

Number of Local Members

Comments generated

6-22 Only around 60 comments were generated on this issue. Of these, a number agreed with the minimum requirement of five, although some expected that the number in practice would be greater. In line with the argument put forward in respect to the composition of the Board of the National Park Authority, a number of respondents suggested that the minimum number of local members should be increased on the grounds of greater accountability and more locally tailored solutions.

6-23 However, most comment focused on the proportion of local members to be drawn from local authority nominations. Of those who commented on the issue, a significant number argued that local authority nominations should only consist of elected members, with a strong presumption that they would include all councillors from the wards included in the Park. While expressing a preference for this approach in practice, the local authorities and other individuals and organisations saw benefits in having some flexibility in their nominations, with the key criterion the knowledge and expertise they brought, rather than residency within the area or the individual's role as an elected member for it. A few responses suggested that local members should be drawn exclusively from local authority nominations, leaving Scottish Ministers with greater flexibility to make national appointments.

Discussion

6-24 Many of the issues raised in the responses which addressed this question are similar to those that have been discussed earlier in respect to the composition of the Park Board. As noted in paragraph 6-8, local people feel very strongly that the local representation by people who live in the area and are elected to represent it is essential if there is to local accountability and local ownership of the Park. At the same time local authorities and national interests are keen not to see any restrictions placed on their selections to the Board which may work to undermine the Authority's commitment to the Park, or work against the selection of people

from outwith the area with important knowledge and expertise to contribute. This would seem a sensible approach given the uncertainty surrounding how the new Board may operate in practice, and the possible need for Scottish Ministers and local authorities to adjust the composition of its membership within the terms of the Act as experience is gained

Reporter's Advice

On the basis of the consultation undertaken, and in line with the advice offered earlier in respect to the composition of the Board, we conclude that in addition to the directly elected members, at least five other members of the Board should be 'local members'. However, in practice, local authorities should be encouraged to nominate ward councillors from within the Park area and this will ensure that at least 10 members of the nominated and directly elected members of the Board will live in or be elected to represent the area.

SNH Advice

As the Government's natural heritage advisor, SNH supports these recommendations.

Timing of Direct Elections

Comments generated

6-25 Only around 60 comments were made on this issue, many of which were combined with other comments on direct elections which are recorded in the report of the consultation process.

6-26 Of these responses, two thirds 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. Only a handful of responses suggested the reverse option on the grounds that local people should be able see the make-up of non-directly elected members of the Board before their vote on local candidates. Equally, a small number of respondents saw merit in the appointment process beginning before the direct elections took place, so that local people would know the list of potential Board members being considered by local authorities and Scottish Ministers. A further variant suggested was for the direct elections to take place before the Scottish ministerial appointments were made, but after the local authority nominations had been made. One respondent believed that the Board should be formed as a complete unit, and that the selection of its various elements should therefore be synchronised.

Discussion

6-27 It is difficult to separate discussion on this issue from wider consideration of the other arrangements for the process of direct elections and the consultation arrangements envisaged for the non-directly elected members of the Board. However, a clear majority seem to support the holding of direct elections before the non-directly elected members are selected, 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 Conclusion

On the basis of the consultation undertaken, we conclude that direct elections should normally precede the selection of the non-directly members of the Board of the National Park Authority. However, we note that the length of time required to make appointments suggests that in practice this process may need to be managed simultaneously with the direct elections.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation.

7-1 Under Section 3(1) of the National Parks (Scotland) Act 2000, the Reporter is required to provide advice on the likely annual costs and capital expenses of a National Park Authority. As part of its 1999 advice, SNH had already provided cost estimates for the National Park which have been accepted by Government as a basis for its future spending forecasts. In this section, we review these figures in the light of the current proposal.

Costings Proposed in 1999

7-2 In our advice to Government in 1999, SNH estimated that the total potential costs of a National Park in the Loch Lomond and Trossachs area would be in the region of:

£4.9 to £5.4 million per annum (comprising £2.4 million core operating costs supporting some 98 FTE staff, £1.5 to £2.0 million new programme costs plus the existing £1.0 million programme costs).

These estimates were for the core operating and revenue costs in the third year of operation of a National Park Authority, stated at 1998 price levels. While these costings were based on a number of assumptions, they were believed to be in the correct order of magnitude given the proposed size of the area, the cost indications given to Government by the Joint Interim Committee (proposal to Scottish Office, dated 5 October 1998), the proposed functions of the Park and experience of existing National and Regional Parks in Britain.

Comments generated

7-3 To allow for further discussion of our previous advice, the consultation report contained details of the costings we proposed in 1999. Comments received indicate that there is overwhelming support for what is expected to be Scotland's first National Park to be properly funded. For some individuals and organisations this strengthened the case for a smaller Park.

7-4 However, the general reaction from both the public meetings and the written responses

which addressed this issue - including from the Interim Committee - is one of concern at the inadequacy of the 1999 figures for the proposed area. In particular, two key points were regularly raised.

- The costs of the National Park should be determined once the Area and Functions have been agreed; there should not be a pre-determined budget.
- The costs produced by SNH were an underestimate of the real requirements of the National Park. This was particularly so if the Park was to make a real difference in maintaining and enhancing the quality of the environment and in delivering the required management service.

Although few responses gave detailed reasons, the need for enhanced road maintenance and greater investment generally in visitor facilities such as toilets was widely expressed. A small number of responses were also critical of the balance between staff costs and programme spend, believing that the latter should have greater priority.

Discussion

7-5 This apparent mismatch between the 1999 costings and the expectations for funding the Park are to a significant degree driven by misunderstanding of what the National Park Authority is for and how it will work in facilitating capital programmes funded by mainly others. The comments are also made largely in isolation of previous costings for the area of approximately £2.1 million made by both CCS and Sir Peter Hutchison's working group, as well as of the current costs associated with existing National Parks in England and Wales.

7-6 In preparing the 1999 costings, SNH made a number of assumptions, the key ones being as follows.

- a large national park area of 1880km² (including the mountain areas to the north and east of Loch Lomond and The Trossachs e.g. Ben Lui, Ben More, Ben Vorlich), the upper Endrick catchment and Lake of

Menteith, North Cowal, and key gateway settlements e.g. Arrochar, Tyndrum, Callander, Drymen, parts of Balloch, Thornhill

- an emphasis, in recognition of progress on countryside recreation, rural tourism and environmental enhancement schemes in Loch Lomond and Trossachs, on developing a strong visitor management capability, rather than a continuation of the scale of capital projects and programmes previously required.
- national park activities - the national park body would implement the powers, function and tasks outlined in the 1998 SNH consultation paper (e.g. national park planning; resource management; visitor and access management; communications and understanding; town and country planning (local plan and development control) and transport; community liaison, support and development; and corporate planning
- a pro-active approach to national park management, building on the capabilities and staff resources of the Loch Lomond Park Authority and developing the wider range of staff and external support services envisaged to deliver the key programmes of this national park
- responsibilities for key visitor sites only including Balloch Country Park, National Park orientation and boat launching facilities associated with the Drumkinnon Bay project, and other visitor facilities/sites (e.g. picnic areas, cycleways, orientation points) currently managed by the respective local authority.
- the National Park Authority would adopt a devolved area management structure comprising four area management teams: West Loch Lomond and North Cowal, South and East Loch Lomond (excluding ranger services at Balloch Castle Country Park and on Loch Lomond), the Trossachs, and the Callander-Tyndrum corridor and Balquhiddie Glen.
- staff would be appointed at similar grades to those currently adopted by the Loch Lomond Park Authority, with the exception of staff such as countryside managers/rangers, whose salaries would be at a slightly higher grade to reflect a change to 'all-hours worked' contracts, rather than the present arrangements for overtime payments.

7-7 A number of items were also specifically excluded from the cost estimates. These included:

- initial establishment costs (e.g. purchase of office equipment, vehicles, etc.)
- delivery and funding of Government or national agency support schemes (e.g. agri-environment, forestry schemes)
- costs of Natura 2000 site identification, management or monitoring costs and annual payments for management agreements relating to SNH's statutory functions
- support for exceptional capital projects (e.g. Drumkinnon Bay Project); and
- funding support of private, voluntary sector, and FE and HIE ranger/warden services.

7-8 While many of these principles remain valid SNH has re-examined its 1999 costs in terms of the proposed area and functions outlined in this advice. This has revealed that the staff complement required for the National Park may be some 10 posts higher than we predicted in 1999. These additional staff would allow for:

- a greater on-the-ground presence throughout the (smaller) proposed Park area;
- a more comprehensive staffing for year round operation of the Orientation Centre at the Lomond Shores development; and
- a greater range of specialist staff to provide expertise and advice on all the Park aims (including aspects of land management).

7-10 Although it is not for SNH to pre-judge the staff structure for the NPA (e.g. it was suggested that some ranger activities could be contracted out to local land managers), its accommodation requirements (it was suggested that the staff should be dispersed throughout the area) or its remuneration of Board Members (some suggested an annual payment would secure a higher quality of Member), this staffing level represents a doubling of the existing Interim Committee staff resource. The Interim Committee has indicated that this would cost in the region of £2.9 million at 2000/01 prices, compared to the £2.4 million we estimated in 1999.

7-11 In addition to this, and as outlined in the consultation document, if the National Park Authority is to make a difference, it will need resources for the following programmes:

- preparation of the National Park Plan (including consultation, publication and public inquiry work);
- incentives for an enhanced quality of visitor management service and maintenance infrastructure;
- land and property management, lease and purchase;
- visitor management facility development, improvement and maintenance;
- environmental education (including interpretation and information materials) and promotion of responsible access;
- rights of way, path network upland footpath and long distance route management, maintenance and improvement;
- traffic management schemes and support for public transport;
- native woods, woodland management and tree planting;
- habitat enhancement and implementation of biodiversity action plans;
- community regeneration schemes;
- community and rural services surveys and reports; and
- additional support for land management

7-12 If the National Park Authority was to deliver these programmes by itself, its budget would need to be very large. However, many other agencies already have significant

programmes in the area which can be used to implement the Park Plan. For example, SNH currently puts in excess of £0.5 million into the area through support for the Interim Committee's current capital projects programme. Likewise, Scottish Enterprise Forth Valley and Scottish Enterprise Dunbartonshire have some £6 million allocated for projects in the coming three years. In addition, the experience of the Interim Committee suggests that there is a substantial scope for leveraging and securing matching funding from external sources such as European and Lottery funds.

7-13 Taking into account the SNH contribution, the current Interim Committee programme budget is £0.7 million. We are still of the view that making an additional £1.5 million of new money available to the Park Authority for programme activities would allow it to initiate or pump-prime the activities of other agencies as well as securing funding from other sources. This could generate a more focused and integrated approach by the agencies involved in carrying out this work in the Park area and implementing the Park Plan.

Thus, taking into account other core costs (including information technology, travel, accommodation and administration), we conclude that an annual budget by year three of the National Park would be in

| Annual Budget | Full Time Equivalent (FTE) | Staffing Costs <i>£ million</i> | Other Core Costs (Net) <i>£ million</i> | Programme Costs <i>£ million</i> | Total Core Operating Net Costs <i>£ million</i> |
|---|-----------------------------------|---|---|--|---|
| Loch Lomond Park Authority (1998/99 budget) | 33 | 0.60 | 0.30 | | 0.90 |
| Loch Lomond and Trossachs Interim Committee (2000/01 budget) | 52 | 1.1 | 0.3 | 0.7 | 2.1 |
| National Park Proposal for Loch Lomond (by year three) | 110 - 120 | 2.4 to 2.9 | 0.7 | 2.2 | 5.3 to 5.8 |
| N York Moors NP | 105 | 1.8 | | 3.9 | 5.7 |
| Broads Authority | 105 | 2.0 | | 1.5 | 3.5 |
| Lake District NP | 154 | 3.4 | | 2.9 | 6.3 |
| Dartmoor NP | 94 | 1.8 | | 1.4 | 3.2 |

the region of £5.3 - £5.8 million at 2000/01 prices.

7-14 As is illustrated by the comparable figures with National Parks in England and Wales, the proposed costs per staff member are greater. However, and taking into account the potential variation in allocating costs between staff and programme budgets, the total cost proposed for a

Loch Lomond and The Trossachs National Park is comparable with the North York Moors National Park that has a similar sized staff complement. While Scotland's first National Park will have its own priorities and consequent budget requirements, there is also similarity in the costs proposed with other comparable indicators in other National Parks. For example,

| | Size (km2) | Population | Planning Cases | Annual Budget (million) |
|--|------------|------------|----------------|-------------------------|
| Lake District National Park | 2292 | 42,239 | 1300 | £6.6 |
| Proposed Loch Lomond and The Trossachs National Park | 1675 | 13825 | 400 | £5.3 to £5.8 |
| N York Moors National Park | 1432 | 25,500 | 625 | £5.7 |
| Dartmoor National Park | 945 | 32,804 | 707 | £3.2 |
| Broads Authority | 228 | 5,300 | 210 | £3.5 |

Reporters Advice

On the basis of the consultation undertaken, and the subsequent area and functions recommended, we conclude that the costs of a National Park in the Loch Lomond and The Trossachs area as set out in this report will be in the region of £5.3 to £5.8 million per annum at 2000/01 prices (comprising £2.4 to £2.9 million supporting some 98-110 FTE staff, core operating costs and £2.2 million programme costs).

SNH Advice

If the area and functions recommended by SNH are accepted by Ministers, the costs set out above would need to be adjusted to reflect the additional responsibilities in relation to Strathfillan and reduced ones in the Argyll Forest Park, and the role envisaged for the National Park Authority in structure planning. However, we consider that these adjustments would not result in a significant change in the net range of estimated costs of £5.3 to £5.8 million per annum at 2000/01 prices.

8-1 This final section deals with the name of the proposed National Park. It also records the other issues which were addressed in responses to the consultation

Name of the National Park

The Proposal

8-2 The proposal sought views on the name of the proposed National Park.

Comments generated

8-3 Of those who addressed this question, the largest number suggested that the current name was appropriate. However, a significant number proposed the Loch Lomond National Park as the name, on the basis that this was an internationally recognised name and was more appropriate for an area which included both the Trossachs, and potentially parts of Glen Dochart, Loch Earn and the Argyll Forest Park. Other suggestions were made which also reflected the wider area now being considered. These included the Southern Highlands National Park, the Central Highlands National Park. Other names put forward included the Queen Elizabeth or Prince Charles National Park, the Caledonian National Park and the Ben Lomond National Park.

8-4 While not advocating a specific name, a few responses called for it be short while others supported the use of the promotional line 'Scotland's First National Park'. A few responses promoted a Gaelic bilingual name while one or two questioned the use of the name National Park and proposed a Loch Lomond (or Loch Lomond and The Trossachs) Authority

Discussion

8-5 Responses to the consultation revealed more appetite for changing the name of National Park than perhaps expected. Of the alternative names put forward, Loch Lomond has most merit in being short and having international recognition. However, there are clearly strong arguments and much support for keeping the current name of Loch Lomond and The Trossachs.

Reporter's Advice

On the basis of the consultation undertaken and the area recommended for inclusion in the National Park in Section 4, we conclude that the name of the National Park should be Loch Lomond and The Trossachs National Park.

SNH Advice

As the Government's natural heritage advisor, SNH supports this recommendation.

Annex A: National Park Proposal - Loch Lomond and The Trossachs

Introduction

1. Under The National Parks (Scotland) 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 sets out powers, functions and duties for all National Park authorities, but leaves a number of issues - notably Park boundaries, details of composition of the authority, and functions including those in respect of Town and Country Planning - to be specified in the designation order.
2. The Act also sets out the process of consultation which must precede the making of such a designation order. That starts with the publication of, and consultation on, a proposal for a National Park, covering the matters to be included in the eventual designation order setting up that Park.
3. This document is the National Park proposal for a National Park in Loch Lomond & the Trossachs.

Legislative Background

4. This proposal is issued under section 2(1) of The National Parks (Scotland) Act 2000.
5. If Ministers are satisfied that the conditions in section 2(2) of that Act are, or may be, satisfied, they may under section 2(1) issue a National Park proposal. The conditions are:
 - (a) that the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
 - (b) that the area has a distinctive character and a coherent identity; and
 - (c) that designating the area as a National Park would meet the special needs of the area, and would be the best means of ensuring that the National Park aims set out at section 1 of the Act are collectively achieved in relation to the area in a co-ordinated way.
6. The proposal must propose the designation of an area as a National Park, and the

establishment of a National Park authority to exercise in relation to that Park, the functions conferred on it by the Act. The proposal must be in writing and must set out (in general terms):

(a) the area which it is proposed should be designated as a National Park;

(b) the functions which it is proposed the National Park authority should exercise.

Meeting the Conditions

7. Advice was given to the Government by Scottish Natural Heritage in February 1999 in relation to the appropriateness and suitability of the establishment of a National Park in the general area of Loch Lomond and the Trossachs. Having regard to that advice, the Scottish Ministers are satisfied that the conditions in section 2(2) of the Act are or will be met in relation to the general area of Loch Lomond and the Trossachs.

Proposal

8. *Area:* The general area proposed for consideration under section 2 of the Act is the indicative area set out in the SNH advice to Government of 1999. However, the consideration of the optimal area for the National Park will need to take account, as required by the Act, of the conditions in section 2(2), which include distinctive character and coherent identity, as well as meeting the special needs of the area. The Scottish Ministers will wish to ensure that the overall size of the designated area, as well as its precise location, is commensurate with effective and efficient administration by the Park authority of its functions and delivery of its purpose. The case for inclusion of the Argyll Forest Park should be addressed, following the debate in the Scottish Parliament on 29 March.

9. **Planning Functions:** The National Parks (Scotland) Act 2000 sets out certain functions (namely duties and powers) which all National Parks will exercise. However, section 10 provides for the exercise of powers under the Town and Country Planning (Scotland) Act 1997 to be decided for each Park individually, and specified

in the relevant designation order. Paragraph 10 of this proposal therefore addresses the question of the planning functions within the proposed National park.

10. On the basis of SNH's advice to Government in February 1999, the proposed planning arrangements are as follows:

- the function of structure plan preparation should remain with local authorities, and the National Park authority should be a statutory consultee on structure plan preparation;
- the National Park authority should take on the function of planning authority in relation to preparation of one or more local plans (but with local authorities as statutory consultees)
- the National Park authority should take on the function of planning authority in relation to development control (but with local authorities to be statutory consultees);
- the National Park authority should take on the other functions which are generally exercised by the planning authority:
 - TPOs (Tree Preservation Orders)
 - enforcement
 - administering conservation area and listed building consent
 - administering advertisement consent
 - administering minerals consent
 - applying controls relating to hazardous substances

As statutory consultees, the NPA or the local authority, whoever it may be, will be able to influence the outcome of planning decisions. In respect of structure plans, the NPA will be able to make representations direct to the Scottish Ministers following submission of the draft plan to the Scottish Ministers for their approval by the planning authority. On local plans, if a local authority maintains an objection this will trigger a local plan inquiry and subsequently submission of the plan to the Scottish Ministers for determination as to whether the planning authority (i.e. the NPA) can adopt it. On development control, they will not only be able to

object to any planning applications but in specified cases the planning authority will be obliged to notify the Scottish Ministers if they were minded to give planning permission despite the objections of the local authority, or without any conditions sought by the local authority, so that they can decide whether or not to call-in the application for their determination.

11. As a related matter, democratic accountability for planning decisions needs to be addressed. It is proposed that the designation order should specify that decisions on planning matters should be taken by a planning committee of the NPA, which should have a majority of elected members (i.e. local authority councillors or elected NPA members), but views on alternative arrangements will be considered.

12. Views are sought on this proposed option, the types of cases that should be notified to Scottish Ministers by the National Park Authority acting as the planning authority, and the need for the planning committee of the National Park Authority to have a majority of elected members,

13. However, although this is the Executive's proposal, and must be consulted upon, views should be sought on alternative arrangements. In particular, the Executive would be interested to know whether there is merit in, and support for, (a) the development control function remaining with local authorities, (b) the 'other' functions listed above remaining with local authorities.

14. Authority membership: There has been a general understanding that authorities will have the maximum permitted number of members (25), with the minimum permitted number of directly elected members (5). These figures would allow maximum flexibility for appointments to cover the need to identify both local members and representatives of particular interest groups.

15. However, although this is the Executive's proposal, and must be consulted upon, the Executive would be interested to know the views of consultees on whether the proposed ratio of elected to appointed members is appropriate.

16. Other Functions: As mentioned above, the functions which all National Park authorities will exercise are set out in the National Parks

(Scotland) Act 2000, and are not the subject of this proposal.

17. However, one additional function which it is proposed should be specified in the designation order, is the transfer to the National Park authority of responsibility for Loch Lomond Park byelaws and their implementation/enforcement by Rangers.

18. The Scottish Executive has no other proposals for powers or functions which should be included in the designation order; however suggestions made during the consultation on this proposal for further functions to be conferred on the National Park authority, will be considered carefully.

THE SCOTTISH EXECUTIVE
SEPTEMBER 2000

Annex B: Requirement on SNH under Section 3(1) of the National Parks Scotland Act 2000

Introduction

1. As part of the process preliminary to the establishment of a National Park under the National Parks (Scotland) Act 2000, the Scottish Ministers must publish a National Park proposal. Such a proposal in relation to the area of Loch Lomond and the Trossachs was published on 19 September 2000. Following this publication, the Scottish Ministers may undertake a process of consultation themselves (under section 4 of that Act), in which case they must publish a statement at the conclusion of the consultation. Alternatively, they may require an appropriate public body to undertake a process of consideration of, or consultation on the proposal (under section 3 of that Act), and report to them on this. The report required under section 3 it to be published and laid before the Scottish Parliament.

2. The Scottish Ministers have decided, in relation to the National Park proposal for the Loch Lomond and Trossachs area, to proceed under section 3 of that Act and that the appropriate body to act as a Reporter for this purposes is Scottish Natural Heritage (SNH). This document therefore constitutes a requirement on Scottish Natural Heritage to undertake the obligations set out in section 3(1) of that Act.

Legislative Background

3. Section 3(1) empowers Scottish Ministers to require the person on whom the requirement is imposed to consider and report to them on a National Park proposal, by a specified date, on the following matters:

- (a) The area which it is proposed should be designated as a National Park;
- (b) The desirability of designating the area in question (with or without modifications) as a National Park;
- (c) The functions which it is proposed the National Park authority for the Park should exercise;
- (d) The likely annual costs and capital expenses of the authority in exercising its functions;
- (e) Such other matters relating to the proposal as the requirement may specify.

4. The Scottish Ministers are required to send a copy of the proposal and requirement to the Reporter, who must then comply with the process set out in section 3(5), 3(8) and 3(9). Under section 3(6) Scottish Ministers may give the Reporter directions as to how the consultation under 3(5)(d) is to be carried out (these provisions were added during Parliament's consideration of the Bill, specifically in response to concerns that the consultation should be fully participatory, and that copies of the consultation document should be sent to all community councils).

Requirement

5. In terms of section 3 of the Act, SNH are by virtue of this requirement required to report on all of the matters set out at section 3(2)(a) to (e) of the Act. In supplement to the matter at section 3(2)(d), SNH are required to reconsider the figures on costs included in their published advice to the Government of 1999, in light of the provisions of the Act, and the proposed boundaries and functions.

A) In relation to section 3(2)(e), SNH are required to consider the following matters:

- The name of the National Park
- An analysis of the balance of opinion on the matters considered, including specific reference to the views expressed by bodies and agencies representative of interests which fall outside SNH's main remit.
- Who the major stakeholders and interest groups are (a point that was raised during the passage of the Bill).
- Appointments and Elections to Park Authorities:
 - (a) Size of National Park authority;
 - (b) Number of elected members;
 - (c) Date of election: it is difficult to be precise at this stage, but the date must give sufficient time after the approval of the designation order to allow prospective elected members to decide whether to stand for election and also ensure that elected members will be identified no later than appointed members. A decision will be taken when the designation order is drafted, and other timings are clearer. However,

any views of consultees on when the election should be held relative to other events - namely the approval of the designation order, and the establishment of the Park authority - will be helpful to this decision, and should be recorded.

- (d) Number of appointed members (the difference between (a) and (b));
- (e) Number of members to be appointed on the nomination of each relevant local authority: this will depend upon the boundaries of the Park, and the basis on which each local authority 'share' is determined.
- (f) Number of 'local' members: The numbers to be included in the members nominated by each relevant local authority will depend upon the conclusions to (e).
- (g) Particular expertise/experience/interests represented of directly appointed members (as set out in schedule 1, paragraph 6(2)).

Note on Elections/Appointments: The context of these electoral/appointment matters is provided by the Act which sets out the constitution of National Park authorities as follows:

- authority to be maximum of 25 members (actual number to be specified in the designation order);
- a minimum of one fifth of members (number to be specified in designation order) to be elected in special elections for the National Park authority. (Election arrangements will be determined by an Election Order);
- the remainder to be appointed by Scottish Ministers, but half will be appointed on the nomination of the local authorities. Of these appointed members, a number equal to no less than one fifth of the total membership, must be 'local' members as defined in the Act. The designation order must specify how many members are to be nominated by each relevant local authority, and how many of these are to be 'local'. (The remaining members will be subject to direct appointment by Scottish Ministers.)
- All appointees must have knowledge or experience relevant to the functions of the

National Park authority or National Park. However, in respect of members directly appointed by Scottish Ministers, the designation order can specify particular knowledge or experience, or particular interests, which appointees (or some appointees) must have or represent.

The processes governing the election of members or appointment of members are not (with the exceptions, set out above) the subject of consultation. The election process will be the subject of an election Order, which will be drawn up and consulted on separately, before consideration by the Scottish Parliament in summer 2001. Appointments will be subject to the usual requirements of openness and transparency, and as required by the Act, Scottish Ministers will consult (i.e. advertise the posts, and seek expressions of interest) before making any direct appointments.

The proposed elements of those appointment/election matters which are to be specified in the designation order, and on which the Reporter should consult, are as set out above in (a) to (g).

B) In terms of section 3(1) of the Act, the report is required to be submitted to the Scottish Ministers in writing by 19 March 2001.

Directions

6. In connection with the requirement that Scottish Natural Heritage (SNH) act as Reporter, the following directions are issued to SNH under section 3(6) of the National Parks (Scotland) Act 2000, as to how the consultation must be carried out.

7. SNH are reminded of the duties imposed upon them, as Reporter, by the relevant sections of the Act. Section 3(5) requires SNH, upon receipt of the attached proposal, to send a copy of it, together with a copy of this requirement, to every local authority any part of whose area is within the area to which the proposal relates. Those local authorities are then required to make copies of both documents available for public inspection for the duration of the consultation. The dates are to be specified by SNH, but the

period for consultation must be a minimum of 12 weeks.

8. SNH must also publicise the proposal in such a manner as they think fit. In the context of the other provisions of the Act, SNH must take all reasonable steps to ensure that those likely to have a legitimate interest in the proposal, and especially those living, working, or carrying on business within the proposed area are aware that the consultation is taking place. The use of local newspapers, Community Councils and other community groups, and local meetings are an obvious means of raising local awareness.

9. SNH are also reminded that under section 3(5) they are required to consult (on the proposal) every local authority and every community council to which the proposal relates, those people who appear to be representative of the interests of those who live, work or carry on business in the area to which the proposal relates, as well as any other people SNH consider appropriate. Following up the concerns expressed during the passage of the Bill, and under the powers given the Scottish Ministers under section 3(6) to issue directions to a Reporter, SNH shall:

- Ensure that those who are statutory consultees (as described above) are sent a copy of the consultation documents. Every relevant local authority and community council must be sent copies. Copies should also be sent to local authorities and community councils with borders adjacent to the proposed area, and sent to the relevant bodies in the area of the Argyll Forest in the Cowal Peninsula (see paragraph 8 of the National Park proposal).
- Ensure that the consultation is participatory, and that steps are taken to ensure that people have an opportunity to discuss issues, and suggest and consider alternatives. Meetings with interested groups should be part of the process.
- Ensure that Agencies and public bodies representative of relevant interests are consulted, and their views reported. In particular, these should include those representative of social and economic interests of the proposed Park.
- Build on the preparatory work by SNH in 2000, at the request of the Scottish Ministers,

and done in conjunction with other relevant bodies in the area, paving the way for a formal consultation. This work should be described in the consultation papers which SNH produce as part of the consultation on the proposal, so that consultees can see how this work has informed the conduct of the consultation. This work should also be covered in the report to the Scottish Ministers.

- Develop and report on objective criteria (based on the conditions in section 2(1)) and an associated methodology against which SNH make their assessments of the proposal and any comments and suggestions for modification.
- In carrying out its role as Reporter, shall seek to record and report on the views expressed by consultees, and shall make quite clear and distinct any views which are those of SNH as statutory adviser on natural heritage matters.

THE SCOTTISH EXECUTIVE
SEPTEMBER 2000

Annex C: Breakdown of responses to the main consultation paper and leaflet

| Main Consultation paper | | | |
|---|--------------|---|-------------|
| | Code | No of Responses (total/percentage) | |
| By type of respondee | Total | 327 | 100% |
| individuals/individual households | A | 117 | 36 |
| individual landowners/managers/factors | B | 3 | 10 |
| individual companies and businesses | C | 26 | 8 |
| community councils | D | 22 | 7 |
| local authorities | E | 14 | 4 |
| MSPs/MPs/LA Councillors | F | 7 | 2 |
| National agencies | G | 10 | 3 |
| Regional/local public agencies | H | 14 | 4 |
| land management interest groups e.g. NFUS, Deer Management Groups | J | 4 | 1 |
| natural and cultural heritage interest groups | K | 30 | 9 |
| recreation/sport interest groups | L | 23 | 7 |
| social and economic interest groups | M | 5 | 1 |
| professional bodies | N | 6 | 1 |
| research/ academic organisations & individuals | O | 14 | 4 |
| other/unknown | P | 2 | - |
| By origin of response | Total | 327 | 100% |
| Within proposed Park area | | 107 | 33 |
| core | W1 | 65 | |
| Argyll Forest Park | W2 | 19 | |
| West Glen Dochart | W3 | 11 | |
| Loch Earn/Ben Vorlich | W4 | 10 | |
| Port of Menteith | W5 | 2 | |
| unknown | W6 | 0 | |
| Adjacent Areas | | 22 | 7 |
| Strath Blane/Strath Endrick | X1 | 10 | |
| Flanders Moss | X2 | 3 | |
| East Glen Dochart | X3 | 4 | |
| Glen Lochay | X4 | 1 | |
| SW Loch Tay | X5 | 2 | |
| Glen Fruin | X6 | 1 | |
| Unknown | X7 | 1 | |
| Others | | | |
| from within the 4 LA areas | Y1 | 84 | 25 |
| from within Scotland | Y2 | 100 | 31 |
| outwith Scotland | Y3 | 14 | 4 |
| Unknown | Z | 0 | - |

Breakdown of responses to Summary Leaflet Paper

| | Code | No of Responses (total/percentage) | |
|---|--------------|---------------------------------------|-------------|
| By type of respondee | Total | 223 | 100% |
| individuals/individual households | A | 213 | 96 |
| individual landowners/managers/factors | B | 5 | 2 |
| individual companies and businesses | C | 2 | >1 |
| community councils | D | - | |
| local authorities | E | - | |
| MSPs/MPs/LA Councillors | F | 1 | >1 |
| National agencies | G | - | |
| Regional/local public agencies | H | - | |
| land management interest groups e.g. NFUS, Deer Management Groups | J | - | |
| natural and cultural heritage interest groups | K | 1 | >1 |
| recreation/sport interest groups | L | - | |
| social and economic interest groups | M | - | |
| professional bodies | N | - | |
| research/ academic organisations & individuals | O | - | |
| other/unknown | P | 1 | >1 |
| By origin of response | Total | 223 | 100% |
| Within proposed Park area | | 88 | 39 |
| core | W1 | 58 | 26 |
| Argyll Forest Park | W2 | 13 | 6 |
| West Glen Dochart | W3 | 3 | 1 |
| Loch Earn/Ben Vorlich | W4 | 6 | 3 |
| Port of Menteith | W5 | 8 | 3 |
| unknown | W6 | - | - |
| Adjacent Areas | | 43 | 19 |
| Strath Blane/Strath Endrick | X1 | 25 | 11 |
| Flanders Moss | X2 | 7 | 3 |
| East Glen Dochart | X3 | 6 | 3 |
| Glen Lochay | X4 | - | - |
| SW Loch Tay | X5 | - | - |
| Glen Fruin | X6 | 2 | >1 |
| Unknown | X7 | 1 | >1 |
| Others | | | |
| from within the 4 LA areas | Y1 | 68 | 30 |
| from within Scotland | Y2 | 18 | 8 |
| outwith Scotland | Y3 | - | - |
| Unknown | Z | 6 | 1 |

Annex D: Methodology for Selecting the National Park Area

In preparing its advice, SNH was formally asked by Government to develop and report on objective criteria (based on the conditions in section 2(1)) and an associated methodology against which it made assessments of the proposal and any comments and suggestions for modification. To meet this requirement, this annex outlines the methodology developed by SNH for considering potential options for the geographic area of a National Park and for determining its boundaries.

Overview of Methodology

Experience in establishing protected areas in Scotland and elsewhere has shown that the identification of a proposed area is a matter of judgement and not a precise science. As such there are few right or wrong answers (David Tyldesley and Associates, A Review of experience in the UK of defining and reviewing boundaries of administrative purposes, SNH Research Report, 2000). Nevertheless, the experience has shown that a structured approach can help in considering the proposed area of a National Park and its boundary. In particular, it is useful to:

- differentiate between the broad geographic area (i.e. what areas should be in or out) before turning to detailed consideration of a precise boundary;
- develop a framework of criteria useful to those making and explaining the judgements;
- prepare a rational explanation to accompany the options; and to
- take into account the relationship that the future National Park will have with the planning and management of the surrounding area.

Figure D1 presents a diagram of the approach SNH adopted in preparing the main proposals map used in the consultation paper. The development of this methodology was aided by discussions with a number of key partners, including the reporting groups established by the Loch Lomond and the Trossachs Interim Committee.

The Evaluation Framework

The conditions set out in Section 2 (2) of the National Parks (Scotland) Act 2000 provide the framework for the consideration of the area. These conditions were been developed into a number of indicators against which SNH evaluated the case for inclusion or exclusion of particular tracts of land. This evaluative framework is presented in Table D2.

As Reporter, SNH was also obliged to take into account other factors in considering the area for a Park. In addition to geography and administration, these factors included:

- irreconcilable land uses with the special qualities of a National Park (e.g. certain military activities, intrusive developments and major towns and cities);
- appropriate scale of the proposed area to allow the National Park Authority to be capable of effective planning and management; and
- community support for any particular settlement or tract of land to be included or excluded from the National Park.

Developing the detail of the proposed area

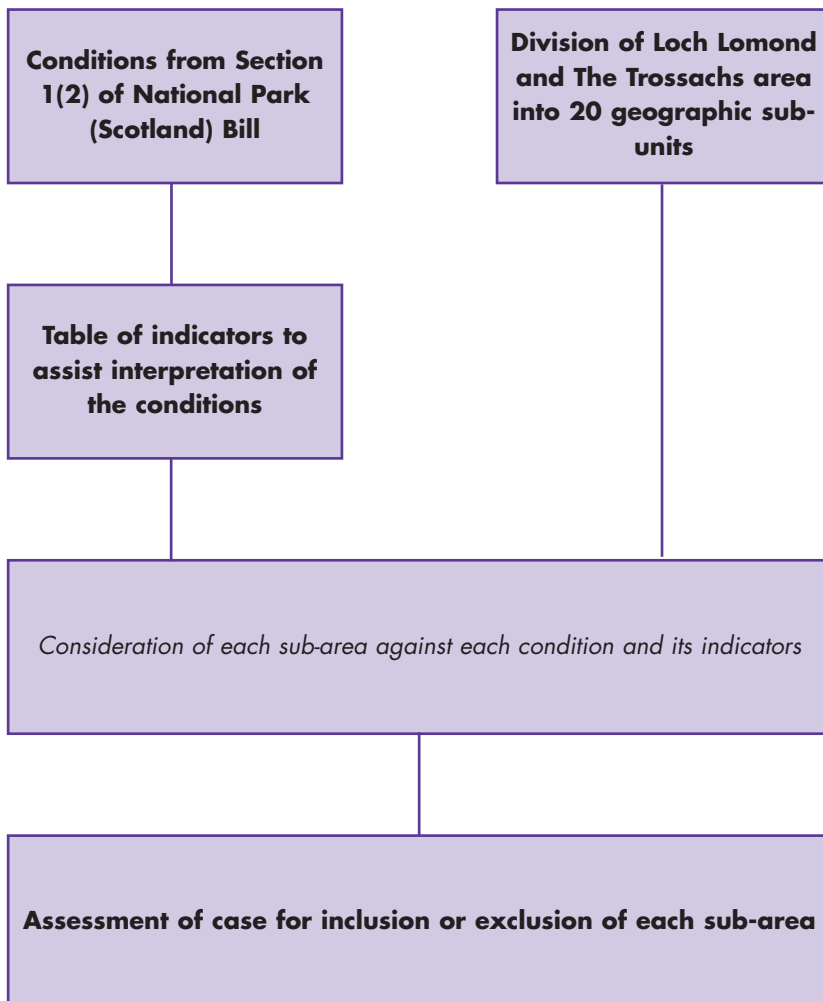
The next part of the process was to consider the three legislative conditions against the potential area for the Park. To do this in a managed and structured manner, we considered each of these conditions for smaller area units - what we termed sub-areas. We recognised that there was no precise science to breaking down the general area into sub-units, and we therefore welcomed suggestions in responses to the consultation for linking any of the sub-units we used, for example because they share a common community link or land management need.

Following the identification of these sub-areas, the extent to which each met the three conditions was assessed as extensive, significant, partial, minor or minimal. For each sub-area, we then generated a case for inclusion or exclusion as follows:

- **include:** where all three conditions are fully or almost fully met (extensive or significant);
- **stronger case for inclusion:** where the three conditions are all met to various degrees (extensive, significant or partial);
- **weaker case for inclusion:** where the case for inclusion is primarily based on the strength of a single condition;
- **exclude:** when the conditions are only weakly met (minor or minimal)

While this process was a relatively broad-brushed approach, it helped to ensure that a structured approach was taken to the consideration of the case for the inclusion or exclusion of each sub-area in line with the legislative

Figure 1: The approach used by SNH to develop options for the area of the proposed Loch Lomond and The Trossachs National Park



conditions. In view of the complexity of analysis and need for consistency in assessments, a number of site visits and discussions were undertaken to check and confirm the initial conclusions. These were augmented by feedback from the Loch Lomond and The Trossachs Interim Committee Reporting Groups Workshop in May, and by the series of public meetings held during July and August which were reported on in Annex 4 of the consultation paper.

Assessment of Methodology

On the whole this methodology was not challenged during the consultation, suggesting that it was generally accepted as a valid way of developing thinking for an area of a Park. Important in this respect was the development of the methodology and also the detailed assessments of each sub-unit through phases of discussion with key interests. Having said this, a small number of respondents did question its scientific rigour and also the detailed assessments we had made for particular areas. For example, it was pointed out that at least one area (Strath Endrick and Strath Blane) classed as a weak case for inclusion had been given the same or a similar score as other areas which were proposed as strong cases. Some people also felt that they would have scored certain conditions differently to SNH and one respondent suggested that one of the sub-areas should be reassessed entirely.

In terms of the evaluation framework, we suggest that it would be difficult to move towards a more scientific approach, nor would it necessarily be desirable for either the second or third conditions. Since that evaluation was made, SNH, Historic Scotland and the Interim Committee have however commissioned consultants to prepare a Landscape Character Assessment (LCA) for the general area of the Loch Lomond and The Trossachs. Whilst this project is not yet complete, an interim report has been produced and its findings largely help to reinforce the conclusions reached by SNH in its assessment of the sub-areas against the second of the legislative conditions. For information, some of the key findings of this draft report are provided in Table D3.

Table 2: Indicators to assist with the identification of options for the area of the proposed National Park

| Legislative Conditions | Components | Possible Indicators |
|--|---|---|
| Natural and cultural heritage importance | <ul style="list-style-type: none"> ● does the area contain nature conservation, landscape or cultural heritage interests of the highest national significance, extent and quality? | <ul style="list-style-type: none"> ● Nature conservation interests - range of coverage of national, European and international designations (e.g. SSSI, NNR, Natura), local designations (wildlife sites, RIGs) and interest outwith these sites ● Landscape conservation interests - range and coverage of national and international designations (NSAs), local designations (AGLVs) and the interests outwith these sites described in the landscape character assessments ● Cultural heritage interests - range and coverage of national and international designations (e.g. Historic Gardens and Designed Landscapes, Ancient Monuments and Historic buildings) local designations (e.g. conservation areas) and cultural heritage interests outwith these sites |
| | <ul style="list-style-type: none"> ● are natural systems and processes predominant in the area? | <ul style="list-style-type: none"> ● extensive areas of semi-natural habitat, dynamic river systems and/or coastal processes (N.B. Although possibly more applicable in 'wilder' areas of Scotland such as the Cairngorms, this is an indicator to provide a steer on the intensity of management found in the area) |
| | <ul style="list-style-type: none"> ● do the special qualities of the area provide opportunities of national importance for enjoyment and understanding of the natural heritage? | <ul style="list-style-type: none"> ● range, scale and significance of outdoor recreational and educational activities dependent on the special qualities of the area |
| Distinctive character and coherent identity of the area | <ul style="list-style-type: none"> ● what is the contribution to the distinctive character of the area? | <ul style="list-style-type: none"> ● relative contribution of each sub-area to an overall 'Loch Lomond and Trossachs' area of complex character dominated by a strong interaction of forests, water and mountains, marking the transition between the rugged highlands and the gentler lowlands |
| | <ul style="list-style-type: none"> ● what is the contribution to the coherent identity of the area? | <ul style="list-style-type: none"> ● relative contribution of each sub-area to the whole area in terms of local traditions and language, administrative geographic boundaries, community links or 'building blocks', and historical and artistic associations |
| Special needs of the area | <ul style="list-style-type: none"> ● are the threats to the natural, cultural heritage and recreational qualities of the area, or opportunities for their enhancement, sufficient to merit national effort and enhanced resources? | <ul style="list-style-type: none"> ● loss or deterioration of natural and cultural heritage interests, or potential for their enhancement ● scale and significance of path erosion, overcrowding, and traffic congestion ● pressures for inappropriate development |
| | <ul style="list-style-type: none"> ● does the management of the natural resources of the area require the more integrated and specialised approach of a National Park? | <ul style="list-style-type: none"> ● scale and significance of conflicts between different land-uses, between land management activities and recreation use, and between different recreational uses |
| | <ul style="list-style-type: none"> ● are there likely to be specific social and economic benefits for the area of designation as a National Park? | <ul style="list-style-type: none"> ● Dependence of the local economy on the sustainable use of its natural resources, and the natural and cultural heritage of the area |

Table 3 Summary of Conclusions from a Landscape Character Assessment of the Loch Lomond and The Trossachs Area

| Common Characteristics | Divergent Characteristics of surrounding areas |
|---|--|
| <ul style="list-style-type: none"> ● the majority of the proposed Park area is an upland mosaic of hills, linear lochs, wooded glens and large areas of plantation forestry, with the exception of parts of the following (potential character) areas: Lower Lomond and Islands, Kippen Muir, Flanders Moss and Teith Valley; ● the mountains, lochs and glens are used for upland farming and recreational activities such as scenic drives, hill walking, mountain biking, climbing and water sports; ● the character of the proposed Park area is very much dictated by its geomorphological attributes and features, geology and past glaciation still shapes the landscape of today. Roads and railways follow glens, settlement is associated with the limited flat land available at the heads and outflows of lochs; ● characteristics of designed and managed estate landscapes with planting from the Victorian era. The proposed Park area is a long established traditional recreational area for wealthier people from Glasgow and the Central Belt; ● Victorian engineering (reservoirs and railways) is characteristic throughout much of the proposed Park area, as well as more recent and less sympathetically designed structures - hydro-power stations and lines of pylons; ● the proposed Park area is more intimate and enclosed than many parts of the Highlands, with open craggy hills above enclosed wooded glens, twisting roads following loch sides and white water of mountain rivers; ● historical and cultural attributes are associated with past settlement and communication, using glens and lochs as passes through the hills. Typical features include crannogs, mottes, castles, standing stones, duns, forts, cup and ring marks. There tends to be more evidence of historic remains in glens and along glen sides. Shielings are sometimes present in glen heads in the mountains and are evidence of former upland pastures. Rectilinear field systems are largely confined to the Kippen Muir area. | <ul style="list-style-type: none"> ● south of proposed Park area the landscapes are more urban and agricultural, the land is lower and more settled, it is strongly degraded throughout much of the Central Belt. This is a communication corridor and the most densely settled part of Scotland. There are no mountains and few lochs; ● west of the proposed Park area the influence of the sea and long penetrating sea lochs is strong. The hills of Argyll are lower than those of proposed area and less used for recreation. In many ways it is a wilder landscape, less familiar to and well travelled by the people of the Central Belt. Argyll Forest Park, Ben Donich and Loch Goil hills, Loch Long and Loch Eck hills have more of the characteristics of the west than much of the proposed Park area; ● north-west of the proposed Park area the Loch Etive hills, Ben Starav, Ben Cruachan and areas north of Glen Lochay are different, both in terms of their geography and experiential qualities. The mountains are high and wild, and the influence of the sea is stronger the further west one travels; ● travelling north from the proposed area there is a gradual change in character, which is most apparent as one rises to Rannoch Moor. There is a less definite, but nevertheless perceptible change north of the A85, with Glen Lyon, Glen Dochart, Glen Lochay and Loch Tay being distinct east-west orientated glens of large scale open character, with more extensive areas of flat land in their valley bottoms than the glens further south; ● change to the east is gradual and difficult to delineate, with the hills becoming gentler and more rounded and falling to the lower landscapes around Crieff and Perth. |

From the interim report on the Loch Lomond and the Trossachs Landscape Character Assessment (LCA) and Historic Landuse Development Project, ERM, 2001

Annex E: Proposed Boundary of the National Park

Context

In 1999, SNH commissioned David Tyldesley Associates to review the experience of defining and reviewing boundaries for administrative purposes in the United Kingdom (SNH research report, 2000). The report concluded that a number of principles could be considered relevant when defining boundaries for National Parks in Scotland. These principles were subsequently used by SNH in drafting the boundary contained in its consultation report. In drawing that boundary, SNH also considered the views of the Interim Committee's reporting groups on this issue.

Whilst many of the principles identified by David Tyldesley Associates remain relevant, SNH has also listened to the large number of comments which have been on the detail and principles of boundary setting throughout the recent consultation period. We have also considered the approach taken recently by The Countryside Agency in drafting a boundary for the proposed National Park in the New Forest.

As with the identification of a proposed area for National Park designation, boundary setting is a matter of judgement rather than a precise science. It is not concerned with the rigid application of a set of criteria but requires a flexible approach which reflects the unique features and the range of landscape types and settings which may be found at the margins of a National Park area.

Principles

The boundary of the area proposed by SNH as the Reporter for the Loch Lomond and The Trossachs National Park is shown in the accompanying maps. The following principles have been used to inform the identification of a boundary for this area.

- Where possible, preference should be given to easily distinguishable and permanent natural features such as a watershed or break in slope;
- Where administrative boundaries follow such features they should be adopted. In most other cases these boundaries should not normally be followed unless there is a specific intention to exclude the area of a particular community council or local authority for administrative reasons;
- Where man-made features are followed, these should be robust, easily distinguishable and likely to be long-standing;
- Towns and villages should normally be either wholly included or excluded, depending on whether they contribute to or are dependent on the Park's special qualities;
- Peripheral areas with planning permission for activities that would otherwise be contrary to policies likely to be applied in the designated area should normally be excluded;
- Public or private land ownership should generally not be a determining factor because this can be subject to change, however, consideration should be given to the impacts of boundary setting on land management operations;
- The boundary should be the outer edge of the width of a line;
- When field boundaries, paths or roads are used they should be wholly included within the National Park;
- Where watercourses are used, they should be wholly included in the National Park. If the watercourse alters its course naturally

than the boundary will move with the outer bank, even if this is no longer the line marked on the map;

- Generally, only areas which meet the criteria for inclusion should lie within the Park boundary, however, discretion should be employed in including small areas of atypical land where this would allow for a logical and sustainable boundary;
- Buffer zones should generally not be included in the main designation, but may merit some alternative, lesser or local designation;
- Boundaries should normally extend to Mean Low Water Mark Ordinary Spring Tides (MLWMOST) at coastal areas but may extend to subtidal areas to cross rivers, estuaries, bays etc. Where MLWMOST moves as a result of coastal processes, the boundary would move with the water mark;
- Where the boundaries of other designations come close to the line that would normally be chosen for the National Park, the boundaries should be matched to the extent that it is reasonable to do so, including or excluding small areas of land as may be appropriate in particular circumstances. However, the different purposes of designations should be respected and are always likely to lead to differences in boundary treatment.