

PROPOSAL TO MODIFY THE LOCH LOMOND AND THE TROSSACHS NATIONAL PARK DESIGNATION, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS (SCOTLAND) ORDER 2002

Introduction

1. Under the National Parks (Scotland) Act 2000 (the Act), an individual National Park (and its associated National Park Authority) may be established by means of a designation order approved by the Scottish Parliament. The Act also gives Scottish Ministers powers to modify a designation order.
2. The Scottish Ministers propose to modify The Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (the Designation Order) so as to reduce the size of its membership to take account of the recommendations of the National Parks Review and to make a technical change regarding delegation arrangements for the exercise of planning functions.
3. This document is to be treated as a National Park proposal; it concerns the modification of the above Designation Order.

Legislative Background

4. This proposal is issued under section 30(3) of the Act. Section 4 of the Act applies in relation to this proposal.

Proposals

Constitution of the Authority

5. In August 2009, the Scottish Government published a Consultation Report following consultation on the recommendations from the National Parks Review. In this report, the Scottish Ministers have indicated their intention to reduce the number of members of the Loch Lomond and the Trossachs National Park Authority from 25 to 17, whilst still retaining a mix of the 3 types of member (ie Ministerial appointees, Local Authority nominees and directly elected members). The proposal is therefore to modify the Designation Order to specify that:

- a) there shall be 17 members of the authority
- b) 4 members of the Authority are to be appointed as local members

(The Act details who may be appointed as a local member and requires that at least one fifth of the total number of members should be appointed as such. A person may only be appointed by Scottish Ministers as a local member if a) their sole or main residence is within the National Park; or b) they are a councillor for an electoral ward or a member of a community council any part of whose area is within the National Park. Please note both Ministerial appointees and Local Authority nominees are appointed by Scottish Ministers; either can be appointed as local members.)

- c) the nominated members shall be nominated as follows;
- two members (including one local member) to be nominated by Argyll and Bute Council
 - two members (including one local member) to be nominated by Stirling Council
 - one member nominated by West Dunbartonshire Council
 - one member nominated by Perth & Kinross Council

Planning Functions: Delegation

6. The Loch Lomond and the Trossachs National Park Authority has largely the same planning functions as those exercisable by a local authority. The Planning etc (Scotland) Act 2006 has introduced a requirement for a scheme of delegation for planning applications for certain categories of “local development”. The proposal is to modify the Designation Order to clarify that the Loch Lomond and the Trossachs National Park Authority may also delegate other planning functions.

Reason for modification

Constitution of the Authority

7. The reduction in the number of members of the National Park Authority was recommended in the National Parks Review. Whilst there were clear benefits in the National Park Authorities having large boards when they were first set up, the Review found the Park Authorities were now well established and their strategic directions had been set in the National Park Plans. As such, the Review recommended there was a case for reducing membership size to support effective governance, and streamline decision making, whilst still retaining a mix of Ministerial appointees, Local Authority nominees and directly elected members. A majority of respondents to the public consultation agreed that the number of National Park Authority members should be reduced.

8 The Scottish Ministers have therefore decided to reduce the number of members on the Loch Lomond and the Trossachs National Park Authority to 17. The basis for reducing this number is set out in the National Parks Review Consultation Report and is as follows:

- the two larger local authorities (Stirling and Argyll and Bute) to be invited to make 2 nominations
- the two other local authorities to be invited to make one nomination;
- the number of Ministerial appointees to be the same as the total number of local authority nominees ;
- the number of directly elected members to remain unchanged (although they will make up a larger **proportion** of a smaller board);

Planning Functions: Delegation

9. The reason for this modification is to clarify the way in which the Loch Lomond and the Trossachs National Park Authority may delegate its planning functions, both generally and following the introduction by the Planning etc (Scotland) Act 2006 of a requirement for all planning authorities to implement a scheme of delegation for certain categories of "local developments".

Consultation

10. The National Parks (Scotland) Act 2000 requires this Proposal to be made available for public inspection by the local authorities whose area is within the area to which the Proposal relates. The Act also requires Scottish Ministers to consult on the Proposal.

Comments on the Proposal should be sent by 18 January 2010 to:

Nationalparks@scotland.gsi.gov.uk

Or by mail to:

National Parks and Outdoor Recreation branch
Landscapes and Habitats Division
Rural Directorate
The Scottish Government
1-A North
Victoria Quay
Edinburgh
EH6 6QQ