

WEST DUNBARTONSHIRE COUNCIL

Report by the Chief Executive

Council: 16 December 2009

Subject: CONSULTATION ON MODIFICATIONS TO THE LOCH LOMOND AND THE TROSSACHS NATIONAL PARK DESIGNATION ORDER

1. Purpose

1.1 This report deals with proposals to modify the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (the Designation Order).

2. Background

2.1 The Scottish Government published a review report on the National Parks in November 2008, together with a consultation closing in February 2009. In August 2009, it published a report on the key findings and recommendations from the Review.

2.2 It now proposes to modify the Designation Orders so as to reduce the membership of the Boards on the National Parks. It also proposes to make a technical change on delegation arrangements for the exercise of planning functions. The formal Proposal in relation to the Loch Lomond and the Trossachs National Park is attached as the Appendix to this report.

3. Main Issues

3.1 *Board Membership*

3.1.1 The proposal is to reduce the number of members of the Loch Lomond and the Trossachs Park Authority from 25 to 17, while still retaining a mix of the three types of member (ministerial appointees, Local Authority nominees and directly elected members).

3.1.2 The basis for the proposal is that, while there were clear benefits in the Authorities having large boards when they were first set up, these Authorities are now well established and their strategic directions have been set in the National Park Plans. As such, it is recommended that membership be reduced to support effective governance and to streamline decision making.

3.1.3 The proposed new arrangements for Loch Lomond and the Trossachs are as follows:-

- the two larger local authorities (Stirling and Argyll and Bute) be invited each to make two nominations (including one local member)
- the other two local authorities (West Dunbartonshire and Perth and Kinross) be invited each to make one nomination;

- the number of Ministerial appointees to be the same as the total number of local authority nominees; and
- the number of directly elected members to remain unchanged (although they will make up a larger proportion of a smaller board)

3.1.4 The effect of the change would be to reduce the membership of three local authorities, namely Argyll and Bute (reduced from 4-2), Stirling (reduced from 3-2) and West Dunbartonshire (reduced from 2-1). The Perth and Kinross membership would remain the same, at 1. The number of Ministerial appointments would reduce from 10 to 6.

3.1.5 The current representatives of this Council are Provost Agnew and Councillor Craig McLaughlin. In terms of the current arrangement, one of the Council's members has to be local to the National Park area. In the new arrangement, this Council's nominee could be any member, and it would be for the Council to decide whether that member should be from the area local to the Park.

3.1.6 The Proposal arises from the consultation responses, published in August 2009. The majority of respondents agreed that the number of board members on the National Parks should be reduced. West Dunbartonshire Council responded to the consultation at officer level in relation to the bio-diversity profile of the Park, but as part of that response, accepted a reduction in the overall size of the board (without, however, specifying its composition).

3.2 *Planning Functions*

3.2.1 In addition to the membership proposal, there is also a proposed modification to delegation arrangements for the exercise of planning functions. This is in accordance with the requirement under the Planning etc (Scotland) Act 2006 for all planning authorities to implement a scheme of delegation for certain categories of "local developments".

3.3 *Reactions to the Review*

3.3.1 The Convener of the Loch Lomond and the Trossachs National Park Authority has welcomed the findings of the report.

3.3.2 The Proposal has Ministerial support.

3.3.3 CoSLA has asked for a copy of the Council's response, or to be alerted to any contention with the report's recommendations.

4. *Personnel Issues*

4.1 There are no personnel issues arising from this report.

5. Financial Implications

5.1 The report has no financial implications for the Council.

6. Risk Analysis

6.1 A reduction in West Dunbartonshire Council representation could increase the risk of decisions being taken by the Board which are contrary to the Council's interests. However, this could be balanced out by the overall reduction in Board members.

7. Conclusions and Officers' Recommendations

7.1 The current board membership proposal arises from a review which has concluded that it is now appropriate to reduce the number of local authority nominees and ministerial appointees on the Park Authority.

7.2 The proposed modification on the delegation of planning functions is uncontroversial.

7.3 It is unfortunate that the consultation report was not submitted to Council in 2008 to consider the full implications of the recommendations on Board Membership. The response did not consider the impact on the Council's representation on the Board.

7.4 The Council now has two options –

- a) to accept the recommendation of the proposal, recognising that it has Ministerial support and has been welcomed by the Park Authority: or
- b) to challenge it on the basis that the previous response did not have council support and that West Dunbartonshire's representation at Board level should remain at 2, in order to recognise the economic contribution of West Dunbartonshire to the area of the Park.

7.5 If an additional nomination was agreed, the size of the Board would have to be 19, rather than 17, as the number of direct ministerial appointments must equal the number of local authority nominations. (In the case of the Cairngorms National Park Board, the Board is recommended to reduce from 25 to 19, because there are 5 local authorities in that area, each of the smaller local authorities being allowed to nominate 1 Board member.)

7.6 It is recommended that the Council notes the proposal relative to the delegation of planning functions and agrees a response to the proposal on Board membership for submission by the deadline date of 18 January 2010.

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David McMillan
Chief Executive
Date: 4 December 2009

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Appendix 1: Proposal to Modify the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002

Appendix 2: Original response to the National Parks Strategic Review consultation 2008 by the Biodiversity Officer

Background Papers: National Parks Review Report - November 2008:
<http://www.scotland.gov.uk/Resource/Doc/1051/0069461.pdf>

National Parks Review – Strategic Recommendations
<http://www.scotland.gov.uk/Resource/Doc/281970/0085205.pdf>

Proposal to Modify the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002
<http://www.scotland.gov.uk/Publications/2009/10/26101947/1>

Wards Affected: Ward 1 Lomond