

# **RURAL DEVELOPMENT COMMITTEE**

Tuesday 26 March 2002  
(*Afternoon*)

Session 1

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## RURAL DEVELOPMENT COMMITTEE

### 9<sup>th</sup> Meeting 2002, Session 1

#### CONVENER

\*Alex Fergusson (South of Scotland) (Con)

#### DEPUTY CONVENER

\*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

#### COMMITTEE MEMBERS

\*Rhoda Grant (Highlands and Islands) (Lab)

\*Richard Lochhead (North-East Scotland) (SNP)

\*Mr Jamie McGrigor (Highlands and Islands) (Con)

Mr Alasdair Morrison (Western Isles) (Lab)

\*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

Irene Oldfather (Cunninghame South) (Lab)

\*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

\*Stewart Stevenson (Banff and Buchan) (SNP)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Andrew Dickson (Scottish Executive Environment and Rural Affairs Department)

Jim Halley (Scottish Executive Environment and Rural Affairs Department)

John Nicolson (Scottish Executive Environment and Rural Affairs Department)

Murray Sinclair (Scottish Executive Environment and Rural Affairs Department)

Allan Wilson (Deputy Minister for Environment and Rural Development)

#### CLERK TO THE COMMITTEE

Richard Davies

#### SENIOR ASSISTANT CLERK

Mark Brough

#### ASSISTANT CLERK

Jake Thomas

#### LOCATION

Committee Room 1



# Scottish Parliament

## Rural Development Committee

*Tuesday 26 March 2002*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:00*]

### Items in Private

**The Convener (Alex Fergusson):** Good afternoon, ladies and gentlemen. Welcome to this Rural Development Committee meeting. It is nice to be back in Edinburgh, although our sojourn to the south of Scotland last week was extremely successful. I am grateful to members who managed to make the trip.

The first item is to consider whether to take items 6 and 7 in private. Item 6 concerns further visits in connection with our inquiry into integrated rural development. As the item relates to the logistics of particular aspects of our work programme, I invite the committee to consider whether to take the item in private.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** My view is that we should not take the item in private. For some time, the Procedures Committee has been highlighting a general trend for committees to discuss far too many items in private. There are reasons for doing so—we are not yet discussing item 7, but I will support private discussion of that when we come to it. However, I do not know why we are even discussing whether item 6 should be taken in private. We have discussed the matter in public on more than one occasion and it would be a retrograde step if we suddenly decided, for reasons that have not been outlined, to take the item in private.

**Stewart Stevenson (Banff and Buchan) (SNP):** The ability to discuss a wide range of options in private is useful. Inevitably, particularly if we are talking about visits—where we might go, what we might do and whom we might see—we may raise unreasonable expectations and create disappointment. I hope that, whatever conclusion we come to, Mr Rumbles will be able to join us on our next trip out of Edinburgh. We were disappointed not to see him down in the Solway firth last week.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Is this about whether to discuss—

**The Convener:** It is about whether to take item

6, on the integrated rural development visits and the arrangements for those visits, in private.

**Fergus Ewing:** I apologise for arriving late.

I gather that there has been controversy about whether the committee should visit Colonsay. It is abundantly clear that we will visit Colonsay. The question is not whether a visit should take place but what shape that visit should take. The matter has attracted a certain amount of press interest. I hope that all members will agree with the statement that we will visit Colonsay and that we are very much looking forward to it. The matter of how it should be organised—whether it should involve the full paraphernalia of a committee meeting, including the cameras, the official report, the clerks and all members, whether it should be a fact-finding visit, or whether it should be something between the two—would be better discussed in private. Therefore I propose that the matter be dealt with in that way.

**Mr Rumbles:** I always err on the side of openness. However, if the majority of the committee wants to discuss the matter in private, I will not make a song and dance about it, except to say that I would prefer as much of our business as possible to be carried out in public. I understand the reasons outlined by Stewart Stevenson and Fergus Ewing. I thank Stewart for pointing out that I could not make it to the meeting last week. It is, I think, the one meeting in the south of Scotland that I have been unable to attend. I would very much look forward to going to Colonsay. I am delighted to hear Fergus Ewing say that we are definitely going to Colonsay. I suddenly suspected that one reason why we might go into private would be to cast doubt on that issue. I am glad that that is not the reason.

**Stewart Stevenson:** We are going.

**Mr Rumbles:** Thank you, Stewart.

**The Convener:** There has never been any doubt that we are going to Colonsay. As Fergus Ewing said, the issue has been the form that the visit will take. Given some of the controversy before and after our previous meeting, my view is that it would help to ensure that the committee made the right decision for the right reasons if it held the discussion in private. I have the impression that no one will oppose that suggestion.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** In an interview on Radio nan Gaidheal this morning, I said that we were going to Colonsay and that it was appropriate that we should go to Colonsay, because the difficulties in going there would show us politicians on the mainland the difficulties that people encounter in rural communities.

**The Convener:** I am delighted that you took the same line as I did on “Good Morning Scotland”. I made the point that the committee, in one form or another, would go to Colonsay. That is a fact. We will discuss the details of how we will do that in private.

**John Farquhar Munro:** I am delighted that we are like-minded on many matters.

**The Convener:** That never ceases to amaze me.

We are agreed that we will take item 6 in private. Item 7 is consideration of stage 1 of the budget process. We will refer to the names and CVs of witnesses. Common practice would be to agree to take the item in private. Can I take that as read?

**Members** *indicated agreement.*

## Petition

### Loch Lomond and the Trossachs National Park (PE471)

**The Convener:** Item 2 is petition PE471 from Dereck Fowles. Members will have received a cover note from the clerks, which sets out the background to the petition. I draw members’ attention to the Public Petitions Committee’s referral, which notes the funding increase that the Scottish Executive announced for the Loch Lomond and the Trossachs national park and recommends that the committee raises the matter with the Deputy Minister for Environment and Rural Development. I suggest that the committee agrees to note the petition and to ask funding questions when we hear from the deputy minister under item 3.

I am sure that members know that when the petition was submitted, the suggested level of funding was considerably less than the amount that Scottish Natural Heritage had proposed. The minister has since increased that figure to a more comparable level. Unless members have comments, I suggest that we simply note the petition.

**Fergus Ewing:** I mention for the record that I may have an interest to declare in relation to this and the next item, as my first matrimonial home was in Drymen, which I believe is within the boundaries of the national park. I do not think that that is an interest, but I mention it in case it is.

**The Convener:** Are members content to note Mr Fowles’s petition and move on?

**Members** *indicated agreement.*

## Subordinate Legislation

### Loch Lomond and the Trossachs National Park Elections (Scotland) Order 2002 (draft)

### Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (draft)

**The Convener:** I invite the minister and his helpers to come to the table. I welcome the Deputy Minister for Environment and Rural Development, Allan Wilson, and his officials, Jim Halley, Andrew Dickson, John Nicolson and Murray Sinclair. I thank them all for attending. We will deal with two affirmative statutory instruments, which relate to the formal establishment of the Loch Lomond and the Trossachs national park—the designation order and the elections order—and two motions in the name of the minister, which invite the committee to recommend to the Parliament that the instruments be approved. I propose that we take the instruments together.

The Subordinate Legislation Committee has made brief comments on both instruments, which are in the report that is before members. In that committee's view, the instruments have no major drafting defects.

We will invite the deputy minister to make an opening statement about the instruments, after which members will be able to ask questions. When members have asked all the questions they want to ask for clarification and explanation, we will debate the motions, if necessary. At that point, the officials will be unable to answer questions, so members are urged to clarify now any points that may require officials' input. I ask the minister to make his opening remarks.

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** I am pleased to present the two draft orders, which are necessary to establish Scotland's first national park, covering Loch Lomond and the Trossachs.

We have waited a long time to have a national park in Scotland. Over the years, there has been considerable discussion of the principles and practice of setting up such parks, but no clear conclusions emerged until the late Donald Dewar announced early in 1999 his intention for the Scottish Parliament to introduce a legislative framework to establish national parks. It is appropriate that we consider the issue today, on the Scottish Parliament's 1,000<sup>th</sup> day, as it was the subject of the first members' business debate in the Parliament, which was led by Sylvia Jackson. The discussion was carried forward in the bill that became the National Parks (Scotland) Act 2000.

Today, we have an opportunity to debate the detailed orders that will enable the establishment of the park.

The advantage of a long period of discussion is that it has allowed us to consider carefully the kind of system of national parks that is appropriate for Scotland and which responds to our particular needs. As we know, Scotland's natural heritage is outstanding and is one of the things that make Scotland special. One of our highest priorities is to maintain and enhance our natural heritage. That heritage has much wider economic and social importance and is central to the economic prosperity of much of rural Scotland. That was brought home to us during the recent foot-and-mouth crisis.

Our natural heritage is important to people in all walks of life, including town and city dwellers, who take pleasure in visiting the countryside. The protection and enhancement of our natural environment is central to our objective of inclusive social justice.

The National Parks (Scotland) Act 2000 responds to the views of a wide range of individuals and organisations in Scotland. The essential national park aims are set out at the beginning of the act:

"a) to conserve and enhance the natural and cultural heritage of the area,

b) to promote sustainable use of the natural resources of the area,

c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and

d) to promote sustainable economic and social development of the area's communities."

The task of balancing and promoting all those aims will be a challenge for the new national park authorities, but I am sure that it is a challenge to which they will rise.

Another feature of the national parks system that gave rise to considerable discussion in Parliament was the composition of the national park authority and the need to balance local and national interests. I see Mr Rumbles's eyes lighting up at the recollection of that debate. Parliament decided that there should be an element of direct election to national park authorities, as well as appointment by ministers of members nominated by local authorities and of others who will represent wider interests and ensure that the national dimension of the national park is fully developed.

In September 2000, the Executive drew up a proposal under section 2(2) of the National Parks (Scotland) Act 2000 to establish a national park in Loch Lomond and the Trossachs. Scottish Natural Heritage was asked to report on the proposal.

SNH undertook an extensive consultation process over 14 weeks, leading to the submission of a report to Scottish ministers in March 2001. The report concluded that the statutory conditions for establishing a national park in the Loch Lomond and the Trossachs area were satisfied and that there was significant public support for such a step.

Following the recommendations in that report, we decided to introduce a draft designation order for further consultation. That consultation process was undertaken in the 15 weeks ending on 21 September 2001. Additional measures to publicise the draft designation order were undertaken and included distributing about 2,700 copies of the consultation document, handing out posters and holding local surgeries. We believe that, through those methods, we reached the vast majority of people with an interest in the proposal to establish a national park in the Loch Lomond and the Trossachs area.

That brings us to the current situation. We have produced a schedule of the responses to the consultation. Perhaps I need only highlight some of the main areas that were commented on—although the committee may feel free to ask questions on any other aspect on which I do not comment. The main areas included the various aspects of the proposed park boundary, the extent of the planning powers that are proposed for the park authority and the importance of Gaelic issues.

I realise that there is a wide range of views on park boundaries. In those circumstances, to please everyone is not possible. However, we have sought to reflect the statutory conditions that are contained in the National Parks (Scotland) Act 2000. We have also taken considerable time and effort to check boundaries, seeking as far as possible to identify lines that will stand the test of time. More often than not, the task of checking boundaries involved landowners, farmers or their representatives. After careful consideration, we have decided that the arguments for the inclusion of the Killin area in the park are persuasive. The boundary has been adjusted accordingly, as I am sure members are aware.

14:15

On planning powers, it is fair to say that there was general consensus in favour of the proposals in the original draft designation order. They provide for the national park authority to be the planning authority as far as development control and local plans are concerned and to be a consultee of the appropriate local authority in the case of structure planning.

I realise that Gaelic issues are of great importance to many of those who commented on

the order. However, it will be for the national park authority to consider how best to take account of those issues. It may decide to adopt a different approach in different areas of the national park.

Comments were also received on funding of the park authority. We have always intended that national parks should be funded adequately. I am sure that the committee is aware of the concerns that have been expressed in recent weeks that the resource allocation in the current budget proposals for the first year of operation of the park authority is not sufficient. Those representations were also made directly to me.

I met the chair of the Loch Lomond and the Trossachs interim committee some two months ago to hear his concerns on funding and to discuss the basis of the committee's budget, because we are committed to ensuring that the park gets off to the best possible start. I am pleased to say that we have been able to allocate additional resources, which will allow the park authority to fund an appropriate programme of activity in its first year. The interim committee has welcomed the additional resources, which take its funding to £4.8 million in 2002-03. That sum compares favourably with the general level of national park funding elsewhere in the United Kingdom.

I hope that the committee agrees that the current position is the end of a process during which we have consulted widely, listened carefully and, where appropriate, acted on the comments and advice that have been submitted to us.

On elections to the park authority, the draft designation order sets out the constitution of the authority, which includes provision for five members to be elected in a local poll. The draft designation order does not set out how those elections are to be conducted. That level of detail is contained in the draft elections order, which has been developed taking into consideration the responses that we received as part of the wider consultation exercise on elections to national park authorities, which was carried out between November 2000 and March 2001. An elections working group was established to give advice on drafting the order. That working group drew its membership from experienced practitioners in local elections. It included the returning officer of Stirling Council, who will be responsible for the overall conduct of the elections to the Loch Lomond and the Trossachs national park authority.

I record my appreciation, and that of my officials, for the working group's helpful input in framing the appropriate provisions for the elections order, which, as I am sure members appreciate, was a complex task. The proposed election system is based on a first-past-the-post, warded system.



Such a system best reflects the wishes of those in the area and the nature of the area itself.

Together, the draft orders set the basis for establishing the park. I am sure that they will allow the establishment of a park worthy of the outstanding qualities that we would all ascribe to Loch Lomond and the Trossachs. Thus, at long last, the first national park will come into being in the country that was the birthplace of John Muir, founder of the worldwide national park movement. I very much hope that the committee will join me in welcoming the orders and the ultimate establishment of the Loch Lomond and the Trossachs national park.

**The Convener:** Thank you, minister. It certainly seems quite a long time ago now since we finished our stage 2 consideration of the original National Parks (Scotland) Bill. We are pleased to see that things are now somewhat nearer the end of the tunnel.

**Mr Rumbles:** I am delighted that the orders have come before the committee now. The establishment of the first national park is a remarkable event, and I am sure that the committee will pass the orders without any great difficulty.

The minister was quite right to say that my eyes lit up at one point during his speech when he mentioned the direct election of five members of the park authority.

**The Convener:** I am not quite sure why. If I remember rightly, it was my vote that saw that provision through.

**Mr Rumbles:** I am most grateful for your support, convener. It was my series of amendments that led to that provision being included, and the committee backed that move fully.

I would like to ask the minister a question about the nitty-gritty of the elections to the park. I am delighted to see that you have taken quite an innovative and radical line by going for elections by post. However, you have also taken a conservative approach, if I can put it like that, by sticking with the first-past-the-post system. In the consultation exercise that took place with all those involved in elections to the park, did you suggest alternative election systems to the consultees? If the consultation exercise did not suggest any alternatives, that might be a problem.

**Allan Wilson:** An important distinction must be drawn. The consultation was on policy as opposed to being about the draft order per se. The essential answer to your question is yes. Consultees were asked whether they would favour a proportional system or a warded system. Although the responses were fairly evenly balanced, the

balance was in favour of the warded system outlined in the order.

**Mr Rumbles:** Was there was a fairly even response?

**Allan Wilson:** Yes. As you might imagine, there was a balanced response as to the most appropriate electoral system to adopt, one which would best reflect the aims and aspirations of the consultees. There was a choice between a system of proportional representation, which would have a single electoral area and a different electoral method, and a warded system, which divides the park area into five wards, each of which elects one representative. The balance of the response from the consultees favoured the latter approach rather than the former, but not by much.

**The Convener:** Did the consultation ask for preferences as to the number of members of the board who should be elected directly? If my memory serves me rightly, there has to be a minimum of 20 per cent of such members, but the proportion can be up to 50 per cent. Was that consulted on?

**Allan Wilson:** Yes.

**The Convener:** What was the result of that consultation? Was it a narrow decision, or was there a unanimous vote that five members would be enough?

**Jim Halley (Scottish Executive Environment and Rural Affairs Department):** If I remember rightly, consultees' opinions were reasonably evenly split between five elected members and seven.

**The Convener:** I appreciate what has been said about the boundaries of the park, but I have recently had a couple of e-mails, which have been circulated to members, concerning boundary issues. A case which has come to my attention in the past two days is that of Mrs Beveridge of Gartlea farm at Gartocharn. Her problem, which I suspect may arise in other areas on the boundary, is that her farm has been split in two by the national park boundary. I understand that that might well happen if the boundary follows a burn or a road, but it seems slightly odd in this instance, given that Mrs Beveridge's farm is also part of an environmentally sensitive area.

It seems likely that the individual business people who have to farm in accordance with both the environmentally sensitive area regulations and those of the national park will experience considerable management difficulties if their farms are split in half by such a boundary. I ask you to comment on that, minister. How many other individual businesses are affected in the same way?

**Allan Wilson:** Before I turn to the individual

issue, it is important to say at the outset that every request that was made to the Executive for a change to the boundary was considered seriously, to the extent that colleagues were out tramping the proposed boundary lines, together with the affected interest, and went over in great detail where the lines were drawn in order to accommodate as far as possible the interests of all concerned. There has been extensive consultation between officials and individuals with an interest in the drawing of those lines.

We endeavoured to be as accommodating as possible in that process when dealing with land-owning interests or farmers. In our view, the proposed changes at Gartlea farm, or at least the changes proposed by the farmer, would offer no additional benefit to the national park. After consultation and after officials had examined the proposition that the road dividing the farm—which leaves part of it within the boundary and part without—we came to the view that that was the most obvious and practical marker. A great deal of effort and time was expended on that, and the overriding criterion was the benefit to the national park. It was on that basis that the decision on Gartlea farm was taken. You may wish to comment on that case, but it is an isolated incident in the overall scheme of things.

**John Nicolson (Scottish Executive Environment and Rural Affairs Department):** Other landholdings, perhaps large estates, may well be split. Obviously, we have tried to avoid that as much as is practically possible, but, particularly in the cases of some of the larger estates, it simply will not be possible.

I was the official who went out to Gartlea farm, and I spent at least a couple of hours there. I walked a great deal of the farm and had a good look. Having given the matter serious consideration and despite having a personal wish to accommodate Mrs Beveridge as much as possible, my colleagues and I were still of a view that the road was the most appropriate line to follow. Given that the road that runs through the farm is a public road, we did not feel that the decision would have any knock-on effect or additional impact on the day-to-day running of the farm or on the practicalities of managing it.

**The Convener:** It seems slightly odd to me that the boundaries of the national park—one of whose principles is to enhance the environmental interests within its area—do not follow the boundaries of a very near environmentally sensitive area, where environmental interests will also be high on the agenda. The decision in such cases seems to be slightly at odds with the geographic reality.

**John Nicolson:** I certainly take your point, convener. There are other areas in the park, for

example, sites of special scientific interest or national scenic areas, that we want to encompass. We tried to encompass those within the park as much as possible, but we literally had to draw the line somewhere. We had to consider what was best for the park as a whole. Those SSSIs and NSAs will still exist, whether they lie within or outwith the park boundary. I take the point, however. Ideally, we would have liked to encompass them within the park.

**The Convener:** I think that ministers have the power to alter the boundaries in the future should a satisfactory case be given for doing so. Can I take it that the minister will keep an open mind on such issues and that, if things prove difficult as time goes by, he will revisit them?

**Allan Wilson:** Yes, that is the case. We will keep an open mind, subject to any review demonstrating that the factors that were in play in making the current decisions have changed. The boundary would be reviewed in accord with any such changes.

Mr Nicolson made an important general point, which is that by designating the Loch Lomond and Trossachs area as a national park we are seeking to meet that area's special needs and ensure that the proposed national park's aims for the area are achieved in a co-ordinated way. That is not to say that an area that is outwith the proposed national park cannot be preserved and conserved by other available devices, such as designating an area as an area of special scientific interest or a special area of conservation or a specially protected area.

In addition, forthcoming water legislation could be used, for example, to ensure proper management of river basins for conservation purposes. The fact that an area is not within the proposed national park does not preclude other methods of conserving habitats and species.

14:30

**Fergus Ewing:** I believe that communities that have fallen just outwith the proposed boundaries have also expressed concerns about the boundaries issue. I refer particularly to Strathendrick and Strathblane. The committee has received representations from Duncan McLaren, who is the vice-chairman of Balfron community council. He said that they learned only indirectly that they were not being included within the proposed national park's boundaries.

Those excluded communities want to know why they were not included. That part of Scotland seems to me to be similar in terms of landscape and scenic interest to much of the area that was included. Can the minister explain to Balfron community council and the communities of Strathblane and Strathendrick why they were left

out of the proposed national park?

**Allan Wilson:** I will certainly try, although you identified that there will always be a problem of communities feeling that they were unnecessarily included or wrongfully excluded. I can reassure you that the aspirations of those communities were fully considered by officials when they were drawing up the boundaries. Although important on heritage grounds, those areas were deemed to have different management needs and character. Endrick Water is undoubtedly a major water catchment for Loch Lomond. However, that fact did not warrant Endrick Water's inclusion in the proposed national park.

We considered carefully the arguments of Balfron and Thornhill for inclusion in the proposed park. However, those areas have a significantly different character from the core area of Loch Lomond and the Trossachs, as they do not have the latter area's intimate mix of mountain, loch, forest and river. We feel that there are better means of ensuring effective management of water catchment areas than simply including them in the proposed park. For example, Endrick Water is designated as a candidate special area for conservation under the habitats directive, to which I referred earlier, and actions are in hand to improve the way that Endrick Water is managed to reflect that designation.

The Lomond catchment area, which includes Strathblane and Strathendrick, is the sole Scottish area that is being researched to develop best practice for catchment management under the water framework directive. We were not persuaded that we should disagree with the recommendation about that area by Scottish Natural Heritage, which was a reporter on the process and is a national heritage adviser. We examined in detail the Lomond area's claims for inclusion, but concluded against them.

**Fergus Ewing:** May I raise a slightly different matter, convener?

**The Convener:** Certainly.

**Fergus Ewing:** Perhaps I overlooked it, but I could not find in either of the Scottish statutory instruments that we have before us the answer to a thorny question. I could not see an attempt to tackle the issue of the Sandford principle in relation to what happens if there is a conflict between one or more of the four aims that have been set out in the 2000 act. The Sandford principle, as I understand it, is a principle of statutory interpretation to the effect that, in the event of a conflict, the first stated principle will be preferred. One can easily envisage a conflict arising between the environment and development.

Will there be a mechanism for defining the

circumstances in which a conflict has arisen, or will that be left to the park authority? People on all sides of the argument would admit that that is a serious and difficult question, both intellectually and in practice.

**Allan Wilson:** The principle is obviously in the National Parks (Scotland) Act 2000. I ask Andrew Dickson to give a detailed response.

**Andrew Dickson (Scottish Executive Environment and Rural Affairs Department):** The Sandford principle is enshrined in section 9(6) of that act, which states:

"In exercising its functions a National Park authority must act with a view to accomplishing the purpose"

of the park,

"but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a)—

that is, the conservation aim—

"and other National Park aims",

such as economic development,

"the authority must give greater weight to the aim set out in section 1(a)."

The framework is already in the act and does not need to be expanded further in general terms in the orders. However, the matter may be the subject of guidance to be issued by ministers to the national park authority in due course. We will think carefully about whether to go into more detail or whether the park authority should have the discretion to judge cases on their merits.

**Allan Wilson:** The issue concerned me when I read the responses to the consultation document. As did the committee, I noted response 193, from the Loch Lomond and Trossachs research group, which asked similar questions. I asked officials how we might expect the park planning committee to apply the Sandford principle in practice if that principle is not to be expressed explicitly.

**Fergus Ewing:** I accept that there is no easy answer to the issue, but I urge the minister to consider introducing guidance in a statutory instrument. How will the park authority be guided on whether there is a conflict? For instance, would it create a conflict if two voluntary conservation bodies object to somebody who wants to build an extension on their house? There is a clearly identifiable potential problem zone. I urge the Executive to introduce an instrument that gives guidance, on which there can be a parliamentary debate.

The matter should not be left to the members of the park authority because that would pass responsibility to them for an issue about which Parliament has a legitimate interest and concern. A number of people who are sceptical of national

parks are afraid that there would be undue interference and impediments in fairly minor matters, such as extending a house or building a business in an area in which there is already an industrial or business presence. The Executive should not leave the matter until after the national park is created.

**Andrew Dickson:** From a procedural point of view, the guidance must be the subject of consultation with the national park authority, which is straightforward and sensible. A draft of any proposed guidance to the authority must be laid before Parliament; it cannot be finalised until 40 days have elapsed from the day on which the draft was laid. Although the guidance would not be a statutory instrument, it would be subject to parliamentary scrutiny.

**Allan Wilson:** Our current thinking is that the guidance would be administrative, but, as Andrew Dickson said, it would still be subject to parliamentary scrutiny, which would allow the issues that Fergus Ewing raised to be addressed.

**Fergus Ewing:** Thank you.

**Rhoda Grant (Highlands and Islands) (Lab):** If the minister is considering issuing guidance, will he take into consideration the board's relationship with outside authorities? One of the concerns that was voiced when we took evidence on the bill was that areas that lie immediately outwith the park's boundaries could become stressed, depending on the activities of the park board. Therefore, it will be important to undertake a lot of consultation with authorities whose areas of responsibility immediately verge on the national park. That will ensure that they are able to plan ahead and that they are not overstressed.

**Allan Wilson:** If your question is about planning issues in particular, I can advise that, as you know, planning legislation for rural areas in general is under review. That review of structure planning as it affects rural areas will have an obvious impact on the rural areas that border the periphery of the proposed national park and I expect that those issues will be taken up in that review.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Will there be a liaison officer for complaints that may arise over teething troubles with the workings of the new national park?

**Jim Halley:** Initially, the Loch Lomond and the Trossachs national park will have an interim chief executive who will be the first port of call for people who have concerns about how the park authority operates. However, I am not aware of any plans to have a specific liaison officer.

**John Nicolson:** Are you asking about the concerns of farmers and landowners?

**Mr McGrigor:** No, not necessarily. Concerns could be raised by anyone. The park is new, and there could easily be complaints about the way in which things are to be organised in comparison with the way in which they were organised previously. I wondered whether there would be some form of liaison between the public and the park authority so that complaints could be addressed.

**Allan Wilson:** We expect the chief executive and staff to undertake, as a matter of course, the necessary liaison and consultation with the public and with affected interests, whether landowning or farming. We also expect that when the park authority is established, its composition will reflect those local interests. That is why there will be 25 persons on the authority who will be accountable in large part to the views of local people. They will be able to reflect that accountability in their deliberations.

**Fergus Ewing:** I understand that the Scottish Executive will appoint 10 members of the authority. Is that correct?

**Allan Wilson:** Yes.

**Fergus Ewing:** I was not asking a trick question, minister.

**The Convener:** It was nearly a trick answer.

**Fergus Ewing:** What criteria will the Scottish Executive use to select those 10 people?

**Allan Wilson:** We will select the most suitable candidates for the posts, based on the criteria that we will apply. Those criteria will include whether candidates are qualified to represent national and local interests.

**Fergus Ewing:** Therefore, selection will be based on candidates' personal characteristics rather than on their membership of a voluntary organisation, for example.

**Allan Wilson:** We will apply the criteria in the person specification to the individual candidates and appoint those whom we consider to be most suitable for the duties imposed by membership of the national park authority.

**Fergus Ewing:** I thank the minister for that answer. I did not think that I would get much more than that, but one tries.

In the case of the Loch Lomond and the Trossachs national park, planning powers—with the exception of the structure plan—are to be conferred on the park authority. I understand that the minister thinks that that approach should not apply to the proposed Cairngorm national park. I would certainly support him if he were minded to proceed in that way, because the circumstances in Cairngorm are different. Of course, we are not discussing Cairngorm today.

We all hope that the large amount of money that is to be spent on Scotland's first national park will be spent on the park and not on a new bureaucracy. Taking the figure of £4.8 million, what is the estimate of the total amount that is to be spent—say in the first year—on creating a parallel planning regime?

14:45

**Allan Wilson:** The planning structure for the Cairngorm national park is a matter for separate determination, which will take place outwith the deliberations on the instruments that we are considering today. I am not sure whether the calculation has been made. I will ask Andrew Dickson to answer.

**Andrew Dickson:** A cost will be involved in setting up the national park authority as a planning authority. Equally, a saving will be gained because the local authorities will no longer have those powers. During the time that the park authority is being set up, there will be transitional and frictional costs. However, we do not intend to put very large amounts of the money that is to go to the national park into setting up the park's administrative systems.

**Fergus Ewing:** I am pleased to hear that, but how many people are to be employed in the planning section of the park authority?

**Andrew Dickson:** The interim committee is discussing that at the moment, but no conclusion has yet been reached. It will be for members of the national park authority, when the authority comes into being, to take a view on what kind of administrative structures it will need. Those structures will not be put in place immediately, although a skeleton will be.

**Allan Wilson:** The decision on the increase in funding was informed by the requirement that would be imposed by the transfer of the planning function. The interim committee will have taken that requirement into account in making its application to us for the additional funds. It was one of the many areas that we discussed with the interim committee, and upon which we based our judgment for the increase in funds.

**Fergus Ewing:** I appreciate that nothing has been fixed yet, except the £4.8 million. Civil servants, SNH and others must have applied fairly clear minds to the problem. Will the amount to be spent on the planning regime exceed £1 million of the £4.8 million?

**Jim Halley:** I cannot recall offhand the split between the planning, education and ranger functions and the other services that the national park authority will be required to discharge. The authority has a full range of functions to perform;

in addition to the planning function, that includes the park's education system, the running of the orientation centre at Balloch and other public services. All those functions go towards making up the bulk of the £4.8 million.

**Rhoda Grant:** The park will take on planning and other public services. Given that local authority employees do those jobs at present, will those employees be transferred across to the park authority and will their conditions be retained as they do so?

**Jim Halley:** We anticipate that their conditions will be the same. We are examining pension arrangements and have been in touch with the Strathclyde pension fund to ensure that the employees who transfer across can remain with that fund.

**Mr Rumbles:** Following on from Fergus Ewing's question, I am confused about the £4.8 million. Is that new money or will some of it be clawed back from allocations to local authorities? If so, how much will be clawed back?

**Allan Wilson:** The national park authority is to receive £1.9 million of new money. That figure is based on the estimates that the authority submitted to us on the cost of setting up the park in its first year. Years 2 and 3 of the park's funding are yet to be determined. That will be done as part of the spending review, and informed by the running of the park in its first year. The park authority, when it is established, will consider some of the issues in greater detail as they arise.

**Mr Rumbles:** I envisage that most of the money for running the park will come from the allocations that would have gone to the local authorities. Is that correct?

**Andrew Dickson:** The situation is not quite as simple as that. As I am sure you know, the local authorities have a well-developed co-operative system to deal with planning and other matters in what will be the national park area through the Loch Lomond and the Trossachs interim committee. That committee is funded only to a minor extent by the local authorities. It is funded largely by grant that is paid through SNH. The cost of the functions, although they are undertaken at the moment by local authority officers, does not, by and large, fall on local authority budgets. That position will be mirrored. There is no question of clawback.

**John Farquhar Munro:** Paragraph (1) of article 5 of the draft Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 says:

"There shall be 25 members of the Authority."

Paragraph (2) mentions five members and paragraph (3) mentions five members. That makes 10 members. Paragraph (4) mentions another 10 members, making a total of 20. What has happened to the other five members?

**Andrew Dickson:** Article 5(3) states:

"Five members of the Authority are to be appointed as local members."

That means local members as defined in the act. However, they will be appointed as part of the allocation of nominated members and part of the members who are appointed directly by Scottish ministers. The breakdown is: five elected members; 10 members, as set out in article 5(4), appointed on the nomination of local authorities; and 10 others, for whom the act rather than the order provides, who are to be appointed directly by the Scottish ministers. We therefore have five, 10 and 10, which adds up to 25 members.

**John Farquhar Munro:** You assure me that the authority has 25 members.

**The Convener:** It is a rather odd way of saying that there will be 25 members.

**John Farquhar Munro:** It is a bit obscure.

**Allan Wilson:** It is a specific provision to ensure that 40 per cent of the members of the authority are local members.

**Murray Sinclair (Scottish Executive Environment and Rural Affairs Department):** I clarify that the remaining members are appointed under paragraph 3(3) of schedule 1 to the National Parks (Scotland) Act 2000, which gives Scottish ministers the power to appoint the remaining members for whose appointment specific provision is not made in the designation order. That is the power in the act to which Andrew Dickson referred.

**The Convener:** Is John Farquhar Munro happy with that?

**John Farquhar Munro:** I will take his word for it.

**The Convener:** On that point, we will have to.

The minister talked about new money—£2.2 million—to bring the total funding up to £4.8 million. Given that SNH originally suggested that a sum of between £5.3 million and £5.8 million would be required, what was the justification for reducing that amount to £2.6 million in the first place?

**Allan Wilson:** It was not a question of reducing the amount. The SNH requirement to which you refer was for the park's third year of operation. We have been successful in getting the park established more quickly than we might have anticipated. The boundaries have also been expanded and other issues have been brought to

bear. We therefore needed to front-load funding to ensure that the park was adequately funded in its first year of operation and to ensure that it would get off to the best possible start. There is no contradiction: the figure from SNH was for the park as originally envisaged in its third year of operation; the new money is to ensure that it gets off to the best possible start.

**The Convener:** Thank you.

*Motions moved,*

that the Rural Development Committee, in consideration of the draft Loch Lomond and the Trossachs National Park Elections (Scotland) Order 2002, recommends that the Order be approved.

that the Rural Development Committee, in consideration of the draft Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002, recommends that the Order be approved.—[*Allan Wilson.*]

*Motions agreed to.*

**The Convener:** I am sure that the committee is pleased that the work on the first national park is at last coming to fruition.

### **Sea Fishing (Enforcement of Community Conservation Measures) (Scotland) Amendment Order 2002 (SSI 2002/81)**

### **Import and Export Restrictions (Foot-and-Mouth Disease) (Scotland) Order (No 3) Revocation Regulations 2002 (SSI 2002/109)**

### **Animals and Animal Products (Import and Export) (Scotland) Amendment Regulations 2002 (SSI 2002/125)**

**The Convener:** Agenda item 4 is consideration of three statutory instruments under the negative procedure. No members have asked to comment on the instruments. Is the committee content to make no recommendations on the instruments?

**Members indicated agreement.**

## Local Government Covenant

**The Convener:** Agenda item 5 is consideration of the local government covenant. We have received a letter from Trish Godman, convener of the Local Government Committee, and a copy of the draft covenant. The Rural Development Committee must comment on the covenant by 26 April. The covenant outlines the proposed working relationship between local government and the Scottish Parliament, following the recommendations of the McIntosh commission.

We are invited to consider and comment on the draft document. It is intended that the covenant should become a topic of committee business in the chamber thereafter. Are members content that we have no comment to make on the draft covenant at this stage?

**Members** *indicated agreement.*

14:57

*Meeting suspended until 14:58 and thereafter continued in private until 16:21.*





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