

RURAL DEVELOPMENT COMMITTEE

Tuesday 1 October 2002
(*Afternoon*)

Session 1

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CONTENTS

Tuesday 1 October 2002

Col.

CAIRNGORMS NATIONAL PARK	3485
SUBORDINATE LEGISLATION	3506
Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002 (SSI 2002/418)	3506

RURAL DEVELOPMENT COMMITTEE

22nd 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)

COMMITTEE SUBSTITUTES

George Lyon (Argyll and Bute) (LD)
Mr John McAllion (Dundee East) (Lab)
Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)
John Scott (Ayr) (Con)

*attended

WITNESSES

Andrew Dickson (Scottish Executive Environment and Rural Affairs Department)
Allan Wilson (Deputy Minister for Environment and Rural Development)

ACTING CLERK TO THE COMMITTEE

Tracey Hawe

SENIOR ASSISTANT CLERK

Mark Brough

ASSISTANT CLERK

Jake Thomas

LOCATION

The Chamber

Scottish Parliament

Rural Development Committee

Tuesday 1 October 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

Cairngorms National Park

The Convener (Alex Fergusson): Good afternoon, ladies and gentlemen. I welcome everybody to this meeting of the Rural Development Committee. I ask everybody to ensure that their mobile phones are turned off. We have received apologies from John Farquhar Munro, Richard Lochhead, Irene Oldfather and Jamie McGrigor.

Item 1 is consideration of the draft designation order for the Cairngorms national park. At last week's meeting we heard evidence from officials from the Scottish Executive environment and rural affairs department on the proposals for the national park, about which members expressed a number of concerns.

Following that meeting, I wrote to the Deputy Minister for Environment and Rural Development inviting him to give evidence to the committee prior to making any decisions on the shape of the final order. The deputy minister indicated that it would be helpful to hold that evidence-taking meeting sooner rather than later. I understand that that was on the ground that, if we wished to influence the final designation order, we would need to hear evidence from him today, as opposed to after the October recess. I will turn to that point later.

I know that the minister has been busy working on the Land Reform (Scotland) Bill with the Justice 2 Committee, so I am grateful to him for coming here at relatively short notice. The minister is accompanied by officials who were all present at the previous meeting. They are Jim Halley, John Nicolson, Andrew Dickson, John Gunstone and Steve Dowell.

The Executive's 48-page summary of the 463 responses to the public consultation was sent to members by e-mail on Friday afternoon. Members will also have in front of them a copy of the letter that I sent on the committee's behalf to the Deputy Minister for Environment and Rural Development following our evidence-taking meeting last week.

It is fair to say that members expressed grave concerns about some of the planning and boundary issues—their concerns entirely reflect

the concerns that have been brought to their attention. The committee is keen to be allowed input into the draft designation order before it is formally laid.

The minister will be aware that the committee is to meet in Kingussie on 11 October to hear evidence from the people who are most affected by the creation of the park. Following that meeting, I suggest that the committee write again to the minister to try to influence in the best way possible the Executive's decision and to reflect the evidence that we will take on this extremely important matter. I ask the minister in his opening remarks to give us some assurance that our views will be taken into account prior to laying the draft designation order. I cannot stress enough the depth of the concerns that have been brought to the committee's attention.

I invite the minister to make his opening remarks, following which members will ask questions.

The Deputy Minister for Environment and Rural Development (Allan Wilson): Thank you, convener. I am happy to give that assurance. I was keen to appear before the committee sooner rather than later because I want to take on board members' views and opinions, and those of the people whom they represent. I know that at least a couple of members of the committee have constituency interests in the matter. I certainly place importance on the views of locally elected representatives—MSPs, local authority councillors, community councillors or others—because they represent strands and shades of opinion that are important to our deliberations.

I am pleased to have the opportunity to discuss with the committee the Executive's proposals to establish a national park in the Cairngorms. It is important that we keep our eye on that ball. Our proposals were laid out in "Working Together for Scotland: A Programme for Government", in which we made clear our intention to establish two national parks in Scotland by early next year. We remain on course to fulfil that governmental objective.

As members know, we established the Loch Lomond and the Trossachs national park early in the summer. That significant step took us half way towards meeting our commitment. We are now, quite properly and entirely in accordance with our plans, turning the spotlight on the establishment of the Cairngorms national park.

As long ago as September 2000, ministers published their proposals to establish a national park in the Cairngorms area. As members know, we invited Scottish Natural Heritage—the Executive's reporter on such matters—to give us its views on our proposals, which it did in August

2001. Following our consideration of the SNH report, we decided to introduce a draft designation order for further consultation, which we are here to discuss.

The draft order was subject to a wider consultation exercise, which has ended. As the convener said, there was a substantial response to that consultation. More than 450 individuals or organisations submitted their comments to the Executive and we have summarised the comments that we received and we provided the committee with that summary on Friday in order to assist members' deliberations.

One of the main areas of concern that were highlighted in the responses was the park boundary. Members might have expected that: it replicated partly what happened in Loch Lomond and the Trossachs. The other main area of concern was the planning powers that are to be allocated to the park, which has been a matter of some contention. That contention arises both in relation to our proposals for the Cairngorms and for historical reasons. Given the committee's discussion last week—I have quickly perused the *Official Report* of that meeting—I suspect that those are the principal issues that members will want to raise with me. No doubt, they will also be among the issues that members will discuss when they visit the Cairngorms area on 11 October to take evidence from interested parties. Given that chain of events, I thought it important that I come before the committee as soon as possible to discuss those issues before members discuss them with others.

The issues have also been the subjects of fairly widespread coverage in the media—some reports have been more accurate than others, but that is the nature of the media.

I am pleased to be here and to hear members' detailed views. I shall try to address members' concerns, and if there are any questions that I cannot answer today, I will, if possible, get back to the committee in writing before its visit to Kingussie on 11 October. Much of what I say will obviously have to be couched in the language of uncertainty, because we have still to finalise our proposals. However, I come here with an open mind, because I value members' views as elected representatives. Of course, any designation order that we propose will have to be approved by Parliament so, as a minister, I must have regard to what Parliament wishes. We work to criteria and objectives that were set out by the Parliament in the National Parks (Scotland) Act 2000.

I want a park to be established that makes a difference to the area, that meets the criteria that have been set out by Parliament and that redresses an imbalance that has existed in Scotland for far too long. The first national parks

were established by a Scot in North America and are more than 110 years old; parks in other parts of the United Kingdom are more than 50 years old. We intend that there will be two Scottish national parks come spring next year. That is a comprehensive commitment in our programme for government that we intend to fulfil.

The Convener: I thank the minister for those remarks. I am not absolutely certain that I have heard an assurance that the views of the committee after our meeting in Kingussie will be taken into account, but perhaps we can return to that point.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I appreciate the minister's undertaking to listen to the views of those of us who have a direct constituency interest. You will understand from our connections over the years since the Parliament was created that I genuinely appreciate that. However, you should perhaps have done more than "quickly peruse" the *Official Report* of last week's meeting.

During that meeting, when the civil servants faced probing analysis of boundaries, planning and the Sandford principle, we expressed a number of concerns. My impression of the views of my constituents is that they consider that the boundaries are drawn too narrowly, so that communities are divided and there is a lack of coherence. I went into detail about that last week.

As far as planning is concerned, there are grave concerns that a new bureaucracy would be created. I believe that the predominant opinion in my constituency is that planning should primarily be the function of the local authority, as the democratically elected representative body. The benefit of democratically elected representatives is that they can be voted out of office.

My constituents feel that some of the fears that have been expressed by bodies such as the National Trust for Scotland and the Mountaineering Council of Scotland are ill founded. In particular, they feel that the views of such bodies amount to a slur on local planning officers and the planning department. In my opinion, and in the opinion of the majority of my constituents, the planning officers undertake their duties with professionalism, albeit that one party or other will always be disappointed by the outcome where a planning application is contested. That is in the nature of planning. I wanted to make those brief remarks so that the minister is clear about where I am coming from on the two main issues.

I also suggested last week that the Sandford principle must now become the subject of guidance. The Malt Distillers Association of Scotland has said that it does not want to be in the park, because it has not had assurances that its

members will be able to continue their distilling operations. Such bodies have been offered no comfort: Their submissions refer to the situation in Canada, where no distilling is allowed in national parks because of problems with pollution.

My first question follows the convener's line of questioning. Can you give a clear and unequivocal commitment that the designation order will not be laid, nor will it be finalised, until the committee has reported, following all our evidence taking and particularly the evidence that we shall take next Friday, 11 October, in Kingussie?

Allan Wilson: We work to a very strict timetable. Our intention is to have the park established, if not operational, by spring next year. Because of the strictures of the parliamentary timetable, we want to produce the order for consideration by Parliament by the end of the month. The committee will have to submit its views as soon as possible after 11 October. Subject to that caveat, I confirm that those views will be taken on board in our deliberations on the draft order.

14:15

Fergus Ewing: If we cannot tell the people who contribute to the democratic discussions at our meeting in Kingussie next week that their views will be considered or taken into account, the exercise will be a complete waste of time and something of an embarrassment for the Parliament. My view, which is widely shared, is that the operation of committees is seen as one of the strong points of the Parliament. We are seeking to involve through open debate the views of people who live in a place that will be the heart of the national park. However, if it becomes evident during that process that you have already fired ahead towards producing a designation order, the exercise will be a sham, a fiasco and a waste of time. That would be extremely sad for the Parliament. Will you give a specific assurance that, before finalising your proposals and introducing the designation order, you will await the committee's report on the matter, after we have taken evidence in Kingussie?

The Convener: You mentioned that there is a very tight timetable. When planning the timing of its report, the committee was not informed of the tightness of that timetable. It was never intimated to us that we should report before the October recess. That is a matter of concern, given the committee's role in scrutiny.

Allan Wilson: I understood that the clerk to the committee had liaised with our officials on the timetable to which we are working. We have not kept that timetable secret.

No amount of hyperbole from Fergus Ewing can disguise what I said, which I will repeat for the

record. The matter is very much in the committee's hands. The committee will meet in Kingussie on 11 October and receive representations. My officials will be present at that meeting. If the committee puts together its views promptly after the meeting, we will consider them before publishing the order. I cannot be clearer than that.

Fergus Ewing: You have said that you have a strict timetable. You must have a specific deadline in mind for the introduction of the designation order. What is that deadline? When will the order be laid before Parliament?

Allan Wilson: When may we expect to receive the committee's views? Will that happen before the deadline to which I must work? I have told the committee that I intend to introduce a designation order by the end of the month. I am looking to the committee to publish a report on its deliberations as soon as possible after 11 October. That is not beyond the bounds of possibility.

Fergus Ewing: The committee has taken the sensible approach of trying to accommodate the Executive in the way in which it operates. However, in this case we cannot do that unless you state what your deadline is. You have said that you have a deadline, so please share it with us. What is the latest date by which the designation order must be introduced to comply with the timetable that you have said exists?

The Convener: I suggest to members that we communicate our findings to the minister by letter following our meeting in Kingussie. Can you give an undertaking that the environment and rural affairs department will treat a letter from the committee with the same gravity as it would a formal report, which would be our preferred option?

Allan Wilson: I am happy to do so. I am not trying to be difficult—I am trying to ensure that the committee's views are taken on board and accommodated, because I value them. I am merely saying that we have to work to a timetable and that I am anxious to adhere to that timetable to ensure that we have a national park by the spring of next year. That is the objective that I have in mind. I am keeping my eye firmly on that ball. I seek the committee's co-operation in ensuring that its views are passed to us expeditiously—as soon as possible after 11 October. That is not an unreasonable proposition.

The Convener: If you accept that a letter from the committee would fulfil the requirements, by when would you like to receive such a letter?

Allan Wilson: I hope to introduce the order by the end of the month, so I would like to receive the letter as soon as possible after 11 October. I do not know how the committee's meetings work.

The Convener: We meet every week, but we have a two-week recess, as you will be aware.

Allan Wilson: Some of us will be working during the recess.

The Convener: Indeed; most of us will, but not in committee.

I will clear up what our clerks were told about the time scale. They were told that the time scale was “in October”. As we understand it, there was no specified date in October by which we had to report.

Allan Wilson: I argue that “in October” means by the end of October.

The Convener: I agree entirely. Our opinions do not differ on that. We should move on. We will send a letter to you as soon as we possibly can after our meeting in Kingussie, in which we will relay our findings. We would appreciate your undertaking that that letter will be treated with the same sincerity and gravity as a proper report.

Allan Wilson: I give you that assurance again.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The first bill that the committee dealt with, when we were the Rural Affairs Committee, was the National Parks (Scotland) Bill. I cannot help thinking that we might be heading for the same sort of difficulties on local representation that we encountered with that bill.

I want to focus on the consultation process. If one thinks back to the original enabling legislation, the National Parks (Scotland) Act 2000, one of the first things that the committee examined was the effectiveness of the consultation process. The committee felt that the Executive and Sarah Boyack, who was the relevant minister at the time, did not respond well enough to the consultation about local representation. The *Official Report* of meetings at which the committee considered the National Parks (Scotland) Bill shows that we felt that the whole point of a consultation is to listen to what people say. If one does not agree with what is being said, one should give specific reasons why one is not going to act in the way in which the majority of people want one to act. We felt that in relation to direct elections to the national parks.

When looking at the Scottish Executive's breakdown of the consultation process on the Cairngorms national park, I feel a sense of déjà vu. We will consider the boundary issue first. Less than 10 per cent of the consultees agreed with the draft designation order boundaries; 75 per cent opposed the boundaries. I probed the civil servants on that point at our previous meeting. They are with you, so they will be able to confirm what I say. If you peruse the relevant *Official Report*, you will see my questions and their responses. The only explanation that we could get

from the officials last week for why you are ignoring the wishes of the respondents to the consultation was that the Cairngorms and Loch Lomond and the Trossachs had “different histories” in relation to planning. I could not get any answer that I could understand in relation to the boundaries. The civil servants gave me their answers and it might be my fault that I could not understand them. I like answers to be given in straightforward language because I am a lay person, but we are not getting straightforward answers.

Why are you ignoring the wishes of the respondents to the consultation? Scottish Natural Heritage's “Report on the proposal for a National Park in the Cairngorms” showed that 67 per cent wanted the larger boundary for the national park. There has been no explanation provided. So; over to you.

Allan Wilson: I am happy to address some of those issues. The consultation to date has, as Mike Rumbles says, been long, varied, extensive and useful to me in my new job of determining where the boundaries should lie. I have met Mike Rumbles and others during that process to get the local perspective as well as that of SNH.

That so many of those who were consulted wish to be part of the national park area is testimony to what we propose. The problem that I have as minister—which members will appreciate—is that, for a variety of reasons, not everybody who wants to be a part of the park can be accommodated within it. We set criteria—which are the same as those that SNH used—for determining where the park boundaries should lie. For the *Official Report*, it is perhaps as well for me to set out those criteria, which applied when ministers sought to determine where the park boundaries should lie.

The first criterion was

“that the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage”.

SNH, as you know, had a number of tests—subjective tests, it must be said—for whether an area fitted that criterion. The second criterion was

“that the area has a distinctive character and a coherent identity”.

Again, there were tests for whether an area that was applying for inclusion fulfilled that criterion. The other criterion was

“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 are collectively achieved in relation to the area in a co-ordinated way.”

Those were the criteria that the Parliament set, as the committee will recall, in the first weeks and months of the institution's existence. The National

Parks (Scotland) Act 2000 was the first act that the Parliament passed. We use all, one or part of those criteria taken cumulatively. Some areas therefore had strong reasons for inclusion under the SNH categorisation, but others were excluded. There were different categories in between the strong and weak cases. We took the areas that had strong categorisation and contained them within the more compact boundary that is proposed in the draft order so that the park would have a strong and coherent identity and so that designating the park in that area would make a difference.

We issued the draft order and are engaged in an extensive consultation exercise in which proposals for inclusion have been put to use at a macro level—for instance, the Angus glens or the Perthshire approaches—and at a micro level; for example, in the Lecht. There might be boundary changes that fit the local circumstances better. I am taking close account of all the consultation responses and will return with a designation order that the Parliament can, I hope, agree to.

Mr Rumbles: I would have been happy with that answer before the draft designation order was published. It sounds like a reasonable and helpful answer, but we must consider the facts. It is a matter of opinion what fits the criteria. For many people, the smaller park that is in the draft designation order does not fit the criteria that you have just outlined.

If the designation order comes back with only minor tinkering and no radical overhaul, there will be a problem. You are the Executive minister in charge of the order and you make the decisions, but the Parliament also makes decisions. You have a right to make your decisions and we have the right to reject them. I do not want to be in the position in which the committee must reject the designation order; rather, I want the committee to agree to it. If, however, it is anything like the draft designation order, I will vote against it.

14:30

Allan Wilson: We must all—the Executive and members of the Scottish Parliament, who represent the people—keep our eyes on the ball. The ball is the creation of our second national park. There will be disagreement about the margins of the boundary, which is inevitable when so many people are involved in the process. When the designation order is debated in Parliament, I hope and expect to secure the support of members. I will take on board the results of the consultation exercise and I will address the issues at a macro as well as at a micro level.

Mr Rumbles: Thank you. That is a helpful response.

Mr Alasdair Morrison (Western Isles) (Lab): I refer back to the first remarks in today's discussion about our meeting in Kingussie on 11 October. I have every confidence that the convener's letter will accurately reflect the tone and content of our deliberations, but I wish that some members would confine themselves to dealing with the substantive issues, rather than wasting everyone's time discussing irrelevancies.

That aside, I ask the minister an open-ended question. We all appreciate that planning is important. You said that you will take cognisance of the different views of representatives at different levels, but how do we balance local and national interest?

Allan Wilson: With considerable care and some difficulty. If one peruses the responses to the consultation, one will note that there has been opposition to the proposals in the park plan on planning responsibilities. Essentially, we proposed that the structured planning responsibility should remain with local authorities, but the local planning responsibility should go to the national park authority. Development control remains with the local authority, but the national park authority has the power to call in applications that are of general significance to the aims of the park. That has not met with widespread approval, yet we hear today that letting planning control rest with local authorities is the preferred solution of Fergus Ewing and the people he purports to represent.

A balance must be struck, which we sought to do in the draft designation order. The balance was between the people who wanted planning control and development control to rest with the local authority and the people who wanted those controls transferred to the national park authority. We proposed a compromise to those conflicting and competing interests. It remains to be seen whether the compromise is sustainable. Our proposal was on a par with that of SNH, albeit in a different format.

We do not believe that it is ministers' job to get involved at a macro-political level—if you like—in the micro-developmental decisions that are taken daily in the local park area. We do not want to be involved constantly in approving development control applications from local people. In my view, such matters are best dealt with locally.

Fergus Ewing raised an important question about the degree of democratic accountability in the decision-making process. There will be local elected members on the national park authority and other members will be appointed as local representatives by local authorities and others. The argument is not black and white; there are shades of grey. The designation order must take on board both those considerations in coming to a conclusion on where development control

responsibility ought to lie. I suspect that there will be different views among colleagues on precisely that point.

The Convener: Before Stewart Stevenson asks his question, I hope that members will agree that it is up to me, as convener, to determine what is relevant to the discussion.

Stewart Stevenson (Banff and Buchan) (SNP): It is a great pleasure to sit once again in the committee chamber across from Mr Wilson. My absence from the committee for the past few weeks has been because the committee's meetings have conflicted with consideration of the Land Reform (Scotland) Bill by the Justice 2 Committee, of which Alasdair Morrison and I are members.

I want to pick out something from the Land Reform (Scotland) Bill that relates to today's discussion. Section 26, which gives certain duties to Scottish Natural Heritage, provides a definition of natural heritage that includes six items: flora, fauna, geology, natural physiognomy, natural beauty and amenity. Before I move on to a more substantial question, will the minister clarify whether that is the same definition that is used in determining the boundaries of the proposed national park? The minister referred to "natural heritage".

Allan Wilson: Sorry, I did not catch that.

Stewart Stevenson: When the minister referred to "natural heritage", was he using the same definition as is used in the section of the Land Reform (Scotland) Bill that deals with Scottish Natural Heritage?

Allan Wilson: Yes.

Stewart Stevenson: That is helpful. I suspected that that would be the answer, as it would not make sense to proceed without the same definition.

Given that that is the case, I am uncertain about the application of that definition, especially the part about natural beauty and amenity. It would help members of the committee to understand the boundary decisions if the minister could give a couple of examples of areas that were excluded on the ground that they did not meet the natural heritage criteria. Will the minister describe how he came to specific exclusions, so that, by turning what has been a rather abstract discussion into a specific one, we can understand his reasoning?

Allan Wilson: It is good to see Stewart Stevenson in the chamber again.

Scottish Natural Heritage's extensive report, "The Report on the proposal for a National Park in the Cairngorms", is probably what Stewart Stevenson is looking for. On page 110 is the

"Summary assessment of the case for inclusion and exclusion of sub-areas", which shows largely what we took account of when we came to conclusions on the draft designation. The categories given in the table are "Natural and cultural heritage importance", "Distinctive character and coherent identity" and "Special needs". The column headed "Assessment of case for inclusion" gives the various assessments, which range from "Very strong" through to "Exclude" for each of the 29 sub-units within the area under consideration.

The "Very strong" case for inclusion was our bottom line, as it were. The case for a given area may not have been classified as "Very strong" if it scored strongly under natural heritage but less strongly under "Distinctive character and coherent identity". Basically, there will be areas outside the proposed park boundaries that scored highly in natural heritage terms but scored less highly in terms of their special needs or on the coherent identity argument. The core of the Cairngorm park area scored highly on all the factors and so was included.

Stewart Stevenson: Thank you. That is very much what I suspected. In essence, you are saying that the country, its shape and form and the points-scoring system that you adopted are considerably more important than are the views of the communities who have made representations on having different boundaries from those that you have introduced.

Allan Wilson: No. That would be unfair, if you do not mind me saying so. We have to have regard to the advice that SNH and others give us. As I said in response to Mike Rumbles's question, I was struck by the fact that only 10 per cent of the responses to the most recent consultation were negative in that people said that they did not want their area to be part of the park. I am trying to accommodate the wishes of the other 90 per cent of respondents who want their area to be in the park. I will propose that some of those areas be brought within the new boundaries, which are for Parliament's approval, but we will not be able to accommodate every individual's desire for their community to be part of this great new park.

As far as possible, we will use as the guiding principles for the creation of the park the criteria that the committee and the Parliament set. We are being consistent with the principles that Parliament laid down for the establishment of the park.

Stewart Stevenson: How many points would an area need for it to be included?

Allan Wilson: Ultimately, ministers will have to make a subjective decision, which Parliament will have to approve. I assure the member that the decisions will be made with the interests of the

park and the local communities at heart, using the criteria that I have outlined. Some areas will be in; some areas will be out. That is an inevitable consequence of our having to draw a line.

Rhoda Grant (Highlands and Islands) (Lab): I have one or two questions if that is okay.

Last week, I asked the minister's officials about the weighting given to the responses to the consultation exercise and I was told that each response would be given equal weighting. I want to put a scenario to the minister. If I were a member of a community council that made a response to the national park consultation and I agreed with the response, I would not make my own response. However, if I was not happy with the response, I would make an individual response. The minister's officials told me that an individual's response would be given the same weighting as that of a community council. Is that the case?

Allan Wilson: It is right in so far as we would want to take into account the representation of everyone who took the time, trouble and effort to put pen to paper or e-mail us with their views. Everybody's views have to be taken into account. Within that broad spectrum of opinion, I have met the Association of Scottish Community Councils, which gives an overview of the individual community councils that are within it. I meet local authorities, the Cairngorms partnership, the committee and individual MSPs, each of whom, in their own right, represents larger bodies of opinion. Within that broad political framework, the weighting that we attach to the views of individuals and other organisations depends on whom they represent.

14:45

Rhoda Grant: That is reassuring.

Concerns have been expressed to me about planning being taken out of local authority control. It has been put to me that the national park authority might have to deal with approximately 700 planning applications a year, which means that it would be a planning authority only and would have no time to deal with the other, important tasks that it should take on. If it were given full planning powers, it would become another bureaucracy. In fact, it would almost not be needed, because local authorities already carry out the work.

Allan Wilson: The figure of 700 is different from the estimate that I have been given. I am told that the figure is upwards of 400 but certainly less than 600. However, Rhoda Grant's substantive point is important and we must consider it.

During my discussions with officials before the

meeting, I asked about plans. There are five structure plans and four or five local plans for the area. The number of plans would grow if we were to extend the boundaries south into Angus and Perthshire. We must have regard to the existing structure and local plans and to the different approaches taken in the Cairngorms in comparison with, for example, Loch Lomond and the Trossachs, where there is a history of local authority co-operation.

Local authorities in Loch Lomond and the Trossachs were involved in park planning before national park status was secured. Indeed, the interim committee was up and running two years before then. That scenario has not been replicated in the Cairngorms area. The three local authority plans that we propose to incorporate within the park plan take three different approaches to development control in each of the local authority areas. If the park were extended into other local authority areas, the problem would become even more acute.

Some might argue that, in order to accommodate existing local plans, it is even more imperative to develop a single park plan. As I mull over those points, I am interested in hearing members' views because I value the advice that members give me.

Rhoda Grant: The draft designation order gives the national park responsibility for the local plan. Surely that gives the national park the power to direct planning guidelines for the area. The local authorities would have to consider planning applications in the context of the local plan.

Allan Wilson: Our compromise proposition was for development control to remain with the local authorities, but that did not meet with universal favour. The situation in the Cairngorms is not a replica of that in Loch Lomond and the Trossachs, for the reasons that I outlined. There are competing interests. The local authorities wish to retain control of development and planning in the park area, whereas environmental non-governmental organisations and other respondents to the consultation exercise want planning control to transfer to the park authority, which is what happened in Loch Lomond and the Trossachs. My stated position that one size does not necessarily fit all has been criticised by environmental NGOs and others as one that, in their eyes, somehow diminishes the status of the national park. I do not necessarily share those views, but I must take account of them when drawing my conclusions.

Rhoda Grant: I visited the community at Laggan, where people are concerned that the boundary excludes them from the national park. One of their concerns is that the area is designated as an environmentally sensitive area

and will lie outwith the national park. The rural stewardship scheme does not include as many farmers as the ESA scheme did. They regard being part of the national park as providing the opportunity for them to continue the environmental work that they have started and which has been successful. They also suggested that the same situation existed for other farmland—not at Laggan, but on the outskirts of the proposed boundary.

Will you consider those boundaries and farmland, given that one of the benefits of the national park is marketing produce? As the boundary stands, there would be limited scope for that.

Allan Wilson: My initial perusal of the *Official Report* of the committee's deliberations last week gave me the opportunity to read your views and those of Fergus Ewing on Laggan. It is one of the areas of contention with which we are currently wrestling. We receive conflicting advice about the merits or demerits of its prospective inclusion. I give you a categorical assurance that the arguments that you, Fergus Ewing and others have made in favour of its inclusion will be considered by officials and by me before we reach any definitive conclusion about the designation order. You have made a strong case for inclusion.

The Convener: It might help members to know that the Laggan farmers action group has petitioned the Parliament on the subject because its members felt that, because of other work, they were unable to make a formal submission to the Executive.

Allan Wilson: I have been struck by the strength of feeling about what we seek to do. With few exceptions, everyone wants to be involved. That is good in many ways, but it makes it difficult for us, because not everyone can participate.

We are proposing the largest national park in the UK, as well as one of the largest in Europe. We must retain the coherent identity that we seek to bestow on the area and not allow it to be dissipated by extending the boundaries here, there and everywhere.

The Convener: I am happy to take further questions as long as the minister has time, which I believe he does. We should not go over the generalities that we have discussed already.

Mr Rumbles: I take the opposite view on planning to Fergus Ewing and Rhoda Grant. Planning should be the responsibility of the national park. From the minister's answer to Rhoda Grant, I gather that the reason why planning will not be the responsibility of the Cairngorms national park—although it is the responsibility of the Loch Lomond and the Trossachs and of all the national parks south of

the border—is that the councils do not want it. It appears there is no history of local co-operation and so it was down to the lobbying of the minister by Highland Council and Aberdeenshire Council that planning is not the park's responsibility.

If one considers the consultation results, one notes that 80 per cent of the respondents wanted planning to rest with the national park authority. I return to my point about boundaries: the Scottish Executive is duty-bound to upgrade to a decent consultation process. Last week, I said:

"A principle on which the Parliament is founded is that consultation must be real and genuine. If the consultation produces results that the Executive does not wish to acknowledge, it is duty-bound to explain in detail why it has rejected the results." —[*Official Report, Rural Development Committee*, 24 September 2002; c 3467.]

The only explanation I can find is from Andrew Dickson, who gave evidence last week. He said that "the history is different". The minister tells us now that the local authorities have never had a history of co-operation and that they do not want it. That seems to fly in the face of facts. I wonder whether the minister's advisers have given him the right facts. Is he aware of the Cairngorms working party that was set up 10 years ago? Is he aware of the Cairngorms partnership area that was set up in 1995?

The issues are real and there is genuine anxiety and outrage—that may be a strong word, but that is how it has been put to me—that the Scottish Executive is ignoring the consultation that was set up on planning. The Executive has not given a detailed explanation of why it is not accepting the results of the consultation and the views of respondents. What is the view of the Scottish Executive and why has it rejected the outcome of the consultation on planning?

Allan Wilson: I believe your basic premise to be wrong. In reporting to us, SNH proposed a compromise solution that was not dissimilar in essence from that which we subsequently proposed. Our concern with what was proposed relates to the answer that I gave to Alasdair Morrison. We felt that we would be dragged unnecessarily into determining issues that were best determined locally. SNH's recommendations would have made the park authority a structure plan authority with joint responsibility with the relevant local authorities for preparing plans for the area.

The report envisaged the establishment of a joint committee of local authorities and the national park authority to prepare a single local plan. In cases of disagreement, either the park authority or the local authorities would have the power of referral to Scottish ministers. We felt that that would have led to a welter of such referrals and that that was not necessarily the best approach to

take, hence the compromise position that we proposed in the draft designation order. It was not a question of the local authorities, the environmental NGOs or other interests holding sway. It was a question of a compromise solution that offered the best prospects for the park to get off on the right footing, accommodating local interests but also taking on board important environmental and natural heritage interests.

I sought to achieve the middle way—the third way, so to speak—which I agree did not command universal agreement, but it obviously does not command universal agreement in the committee either.

Mr Rumbles: That is perfectly true and obvious, but I am focusing specifically on the consultation, which is important. According to the Executive's figures, as laid out in the paper that was provided to us, the number of respondents who wished planning to rest with the national park authority was 229 out of the 286 who commented. That figure represents 80 per cent of respondents; what you are proposing is not a compromise position.

Rhoda Grant and others have argued that one of the reasons for concern might be that the park would not be democratically accountable, but the Parliament has ensured that 60 per cent of members of the park board will be democratically accountable in one way or another. I understand what you say about your proposal being the result of a compromise, but I am still not clear where that compromise has come from. If 80 per cent of respondents and the experience south of the border are telling you that you have got it wrong, and if the experience of Loch Lomond and the Trossachs has told you what the best solution is for that park, why is the proposal for the Cairngorms park different? I still have not got an answer.

Allan Wilson: What is perfectly true is that the result of the most recent consultation exercise came out substantially against what you propose in relation to planning powers—if you look at the bulk of respondents rather than whom they represent or what interest they were elected to represent. There is a difference. I believe in democratic accountability and the power of the ballot box, and I believe that we should have regard to the views of people who are elected, as you have been, to represent a specific interest.

I explained to Rhoda Grant the rationale and history behind our making proposals that differed from those that are now in place in Loch Lomond and the Trossachs. There are valid reasons for making the proposals that we have made. We must take account of the outcome of the consultation. You would not expect me to do otherwise. As I said, I look forward to hearing the views of the committee on that point, among others, prior to finalising the designation order.

Fergus Ewing: Last week, when I asked about the national park's budget, I was advised that the budget had not been decided. Will that decision be made and announced at the same time as the designation order is laid?

Allan Wilson: No. The estimates in the SNH report suggest a funding requirement in the third year of operation of £4.1 million to £5.5 million. The breadth of the potential costs is fairly substantial and I want to pin down the costs between now and then. The figure is based on a bigger national park area than we propose and on a full-time equivalent staffing level of 76 to 84. As members are aware, we offered Loch Lomond and the Trossachs £4.8 million in its first year of operation and set aside a further £900,000 for the Cairngorms this year. We must take on board a number of considerations, but we can do so properly only in the wake of the outcome of the consultation on the draft designation order, the publication of the designation order and the deliberations of the Parliament on both this matter and the Scottish budget. The Parliament has yet to conclude its consideration of the Scottish budget as a whole.

15:00

Fergus Ewing: There is a feeling that the boundaries have been drawn tightly as a precursor to a smaller budget—the smaller the park, the smaller the budget. Can you dispel that notion?

Allan Wilson: I thought that Andrew Dickson dispelled that—

Fergus Ewing: No—he said that that was not uppermost in your mind, but he did not dispel it.

Andrew Dickson (Scottish Executive Environment and Rural Affairs Department): That is what I said.

Allan Wilson: It is a matter of record that such considerations were not uppermost in our minds. I would argue that that should dispel the notion that financial considerations led to the setting of the more compact boundaries.

Over the piece, the media and others have put that allegation to me and, on every occasion, I have been at pains to dispel that notion. It is not a question of financial consideration—it is a question of creating a strong and coherent park identity by including areas in the park that meet the criteria that the Executive and SNH set. We also want to ensure that the taxpayer gets full value for every pound—there will be millions of them—that we will put into the establishment of the Cairngorms national park. We must have regard to the size of the park and its boundaries when we seek to get full value for every penny that we intend to expend. You would not expect us to do otherwise.

Fergus Ewing: Quite so. As far as the boundaries are concerned, there is a strong case for the entire Badenoch and Strathspey area to be included in the park. You would expect me to say that, but I do so because my impression is that such boundaries would be logical, sensible and coherent on all grounds. As I said last week, a number of communities are split by the proposed boundaries in the draft designation order: Carrbridge, Cromdale, Newtonmore and, of course, Laggan, which has also been excluded. I noticed from the 463 representations in the analysis that we have received since our meeting last week that a large number specifically state that the whole of Badenoch and Strathspey should be included in the park.

Lest there be any thought that that is purely a nimby argument and that I am solely interested in my constituency, I share Mr Rumbles's views. I attended various meetings during the summer, including a meeting with the Cairngorms community councils group, which has projected a fairly united front in arguing a common line on this matter—

Mr Rumbles: Including Strathdon.

Fergus Ewing: Yes.

Today, I do not expect certainty—I expect only the uncertainty that we were promised at an early stage. However, I hope that those strong views will be taken into account. It would be useful if the minister gave an indication of his thinking on that.

Allan Wilson: We are required to take on board the cogent representations that have been made to us by different parties, including—as I pointed out to Rhoda Grant—the committee. Where the case has been well made, as it has been for certain areas, we will adjust the draft boundaries to accommodate those representations. Unfortunately, we will not be able to accommodate everyone who has made representations and who wishes to be included. We believe that we will come up with a designation order that the Parliament will approve and which will adjust the boundaries at both macro and micro levels to accommodate the representations that have been made. We will keep our eye on the ball of creating a second national park in the Cairngorms area, which would be a tremendous prize for us all.

Fergus Ewing: I have one point about planning. I hope that the minister is aware of my argument that there is a difference between the economic situation in the proposed Cairngorms national park and that in the Loch Lomond and the Trossachs national park. The difference is that in Badenoch and Strathspey there is ample scope, and a need, for more development. There is no doubt about that. The business community and the community

at large are concerned that the national park could be a gigantic quango in which even sustainable development is impossible. Local representatives—including councillors, community councillors and me—are united, virtually to a person, in trying to persuade the constituents that the national park should be grasped as a positive opportunity and should not be perceived as a threat. If planning decisions are taken away from the local authorities and there is a giant bureaucratic system that involves duplication of planning work, the local perception might be adverse.

Badenoch and Strathspey is a centre of excellence for outdoor pursuits and recreation. Glenmore Lodge is Scotland's national outdoor centre, but there are also facilities such as Badaguish, which for more than two decades has provided facilities to allow young disabled people to enjoy sport. I hope that the Executive will take account of the opportunities for recreation and sustainable economic development, because that will buttress the arguments that have been advanced for local authorities to retain substantial control over planning matters. Is that in line with the Executive's thinking?

Allan Wilson: I cannot be drawn on the likely outcome of the consultation exercise. I can say only that you make in part the case for proposals that differ from those that were implemented in Loch Lomond and the Trossachs. As I said, those proposals were implemented for sound reasons.

Irrespective of the final decision on the division of responsibility on planning considerations, the creation of the national park will be a tremendous opportunity for all concerned, including those who live within the area and those who visit it to enjoy its scenic beauty. The national park must take account of the special needs of the area, a number of which Fergus Ewing referred to. From a former ministerial job, I am familiar with the sports centres to which he referred, which do tremendous work. I see nothing in what we propose that would jeopardise the future functioning of those sports centres or others within the park area.

Mr Rumbles: It has been put to me that without full control over planning, the park has no chance of achieving the status of a world heritage site. Is that true?

Allan Wilson: I have heard that view expressed, but it is merely the subjective opinion of the person or people who express it.

Mr Rumbles: What is your opinion?

Allan Wilson: My opinion is that I must be responsible to you and your colleagues and to the National Parks (Scotland) Act 2000. I must be loyal to the criteria, which I have outlined, that were established at that time. That is my job as an

Executive minister. I must be responsible to MSPs in the Parliament and ultimately to the people who put us in the Parliament. We will make our decision on all those criteria rather than on the subjective opinion of other individuals whom—

Mr Rumbles: Can I have a yes or no opinion?

Allan Wilson: I do not have a view on the matter. I have heard the view expressed that not having control over planning would make it less likely that the park would secure world heritage site status. However, as you know and as we debated not that long ago, there are substantial obstacles in the way of the Cairngorms securing world heritage site status. I believe that the creation of the national park would in itself remove several of those obstacles. Therefore, keep your eye on the ball.

The Convener: Members have completed their questioning. I have what I hope is one simple question. It was put to us last week, and in letters that I received, that perhaps the reasoning for the Executive's decisions on the draft designation order lies in the consultation responses that the Executive received. Can you confirm that the Executive's summary of responses is now publicly available?

Allan Wilson: Yes.

The Convener: Thank you very much. On that note, I thank you and your officials for coming to us. We will undertake to get our thoughts and opinions to you as soon as we can following our meeting in Kingussie. I will suggest to the committee the use of reporters to sign off our letter. I am grateful to you for acknowledging that you will treat the matter with some severity. I hope that your officials feel that a taxi will get them home more safely than the ambulance that, I gather, they said they might need last week. Thank you for attending.

Allan Wilson: Thank you, convener and committee members.

Subordinate Legislation

Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002 (SSI 2002/418)

The Convener: Under agenda item 2, we will consider an instrument that is subject to negative procedure. The Subordinate Legislation Committee has considered the regulations and had nothing to report. Do any members wish to comment on the regulations?

Mr Rumbles: Yes. I support the measure, which is valuable for our salmon and freshwater fisheries industry, particularly in places such as the River Dee, which I know. However, in pursuit of our discussion last week about retrospective legislation, I note that the regulations come into effect today. Therefore, they may not quite be considered retrospective. I just wanted to make that point.

Stewart Stevenson: Just on a point of information—because I cannot remember—when does the rod fishing season end?

The Convener: Oh, good grief. Jamie McGrigor is not here.

Stewart Stevenson: I ask merely because I think that the season has ended. That is the point.

The Convener: It changes river by river.

Stewart Stevenson: Yes.

The Convener: It is normally around the middle to the end of October, certainly in my part of Scotland

Stewart Stevenson: Okay. I simply could not remember. I agree with Mike Rumbles's general point, but if the regulations were not of any practical limitation to people—but then we do not have an explanation, so we will not know.

The Convener: I presume that other members do not wish to comment. My only concern about the regulations is whether they are policeable; I think that they will be difficult to police. However, I do not think that anybody argues with the thinking behind them. On that basis, I am certainly content to recommend that we make no recommendation to Parliament and allow the regulations to proceed. Are we agreed?

Members indicated agreement.

The Convener: The committee will now move into private session.

15:14

Meeting continued in private until 16:37.

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