
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: STRATEGIC REVIEW OF SCOTTISH NATIONAL PARKS: NEXT STEPS

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Purpose

To consider the implications of the Strategic review conclusions for the current and future operation of the CNPA.

Recommendations

That the Board:

- a) Agree the proposed response to the consultation at Annex 1;
- b) Note the proposed work in the wake of the review (Paragraphs 17 and 21)
- c) Note the opportunity to build on the CNPA successfully completing its first five years, and agree to further discussion on positioning the CNPA for the next five (paragraph 27).

Executive Summary

The Strategic review of National Parks in Scotland has reported, and the recommendations are now subject to a consultation by Scottish Government. The recommendations are focused on changes in Board governance, and in particular Board size. A proposed consultation response by the CNPA is presented for the Board to consider. The review also concluded that the two NPAs should develop a plan for sharing services and working more closely – this is in hand, and will require input of time by senior staff here. There is to be no stage 2 of the review – we may therefore take the opportunity to do our own internal assessment of our planning function; we should also take the opportunity to position the CNPA over the next 5 years, building on the successful completion of the Review.

STRATEGIC REVIEW OF SCOTTISH NATIONAL PARKS: NEXT STEPS - FOR DECISION

The Strategic Review – Synopsis

1. The Strategic review of National Parks was announced by the Minister on 13 March 2008, in the following terms: *“in the five years since the Parks were established, they have made good progress. Nevertheless, we are committed to simpler, more effective government and need to ask ourselves if we have the right model for running the Parks and what alternatives there are.”*
2. It is usual practice for public bodies to be subject to a quinquennial review, as a periodic check on their effectiveness, and whether they are still needed. The Review was therefore expected, and was not triggered by any particular issue with National Parks or NPAs; and it made good sense to consider both Parks/NPAs together as part of the commitment to simplifying the public sector landscape.
3. The review itself was thorough, and involved considerable consultation with both Boards and staff, and crucially, with other stakeholders, so we have been able to gain some feedback on views of others about the Cairngorms National Park, and the CNPA, as well as National Parks/NPAs more generally. We should take note of this as we plan our way forward over the next five years, and constantly strive improve our organisation’s effectiveness and efficiency (discussed further later in the paper).
4. The headline conclusions from stage 1 of the review, which concerned itself with issues of governance, were as follows:
 - a) The two existing NPAs should continue to operate as separate, free-standing NDPBs in the medium term. This should be reconsidered if further National parks are created in the future
 - b) The two NPAs should take further steps to increase their joint working and knowledge sharing. Specifically, the NPAs should jointly agree the scope and direction of service sharing and establish a plan and timetable for the work required.
 - c) A Ministerially chaired National Parks Strategy Group should look as the contribution of National parks to wider public policy agendas.
 - d) The size of the Board should be reduced, and within this smaller Board the current mix of three “types” of Member be retained, but the proportion of directly elected members could be increased.
 - e) The Convener and Deputy Conveners to be appointed by Ministers.

5. These are conclusions on which there is now a public consultation ending on 12 February 2009.
6. Stage 2 of the Review was to have looked at powers, as well as boundary changes (other than northern Perthshire which Ministers have already accepted in principle). However, Ministers have concluded: *"...the recommendations contained in the Review should produce significant improvements in the delivery of National Parks policy, and in light of this, [I] have decided against proceeding with the second stage of the review."* From an organisational point of view, it is helpful that the prospect of further review is no longer a distraction.
7. Having summarised where the Review stands, I suggest there are four strands for us to consider:
 - a) How (and whether) to respond to the recommendations of the review, as posed in the consultation;
 - b) What messages/lessons we can take from the views expressed to the Reviewer during the consultations of stage 1 with public and partners;
 - c) Next Steps:
 - i. How to deal with the various issues, mainly to do with our planning function but also some others, now that Stage 2 will not take place;
 - ii. The work we will be undertaking for closer sharing of services and closer strategic alignment with LL&TT NPA;
 - d) How we now "position" the CNPA, building on the fact that we have successfully come through the Review? Is there scope for using this as a springboard for a new approach to the next 5 years?
8. These are now considered in turn below.

Consultation

Should the Board respond?

9. Unlike the earlier stages of Stage 1 there will be no opportunity to meet the reviewer and offer views as individuals. Further, there are now some very specific questions about the practical details of implementing the findings of the Review, and both NPA Boards have useful experience which is relevant. There is therefore a good argument for the Board making a collective formal response reflecting this.
10. *A proposed response is at Annex 1 for the Board to consider.*

Feedback from Views expressed during Stage 1

11. There was a mixture of views expressed by partners and stakeholders, and the Review itself reflects the overall balance of these. From our own point of view, we have to be careful about being selective in the comments we chose to home in on, not least because it is not always clear whether comments referred to this Park. However, the following observations are worthy of note:
 - a) There was a lot of reference to the importance of local responsiveness, and the importance of this not being lost through the creation of a single organisation. There was a general feeling that NPAs had made a reasonably good fist of this. There were also comments however, suggesting that this has been at the expense of a wider national perspective.
 - b) Local engagement crucial, as is forming working relationships.
 - c) Emphasise “enable” and leave the “doing” to others.
 - d) Look at aims, identify what existing bodies share those aims, and then “contract” with those existing bodies to do the work.
 - e) Be strategic
 - f) Be braver.
 - g) Stakeholders want to deliver more.
12. These lend support to our enabling approach, and suggest (at least in the eyes of some) we are on the right track, and should be being braver and more innovative in how we work with others. It also suggests that we have to retain effective ways of interacting locally, but at the same time start to have more of an impact nationally. These are two themes we should return to in the discussion on how we position the CNPA over the next 5 year (see later).
13. But before leaving the issue of the views of others, it is important to note that we constantly need to tune into how we are perceived by our partners and stakeholders. This Strategic Review has been of some limited use. However, there is further work planned: we still have the opinion polling work to repeat soon, as well as the Visitor survey. In addition, ANPA (Association of National Park Authorities) are due to repeat a study on public attitudes to National Parks. Their previous study did not include Scotland, but we have the option of being included this time. Clearly there is potential to gather valuable feedback from these various studies, but need also to make sure they are all complementary, rather than duplicating each other.

Next Steps: Planning and other issues in the absence of Stage 2

14. The issues at Stage 2 were to have been changes to boundaries (other than the Cairngorms southern boundary with Perth & Kinross), and powers – the only issue of significance on powers being that of the Cairngorms NPA call-in powers in respect of planning, and whether these should become full planning powers. The Review makes clear

that NPAs are expected to respond to the Government's agenda for modernisation and reform of the planning system, and that this is more relevant than a change to our current planning powers.

15. Precisely because the call-in power is unique, and the varying opinions on it, it would make sense for the CNPA to undertake its own evaluation of how well this function has operated since its inception 5 years ago. This would not be focused on developing a case for taking on full planning powers (or not), but rather on evaluating how well we are serving the public, whether there are changes we can make to improve our own operations, how to deal with the challenges and opportunities that face us in the next 5 years with the CNPA Local Plan coming on stream; how we respond to the Government's new agenda for modernisation and reform of the planning system.
16. Given the pressures on the planning team at present, we do not have staff available to undertake this, so I propose that we buy-in the capacity for the internal report, but with involvement of the planning team and Board members as appropriate. The intention is that while this piece of work is important, it should not be so major as to be a distraction from the considerable workload which the planning team already handle – indeed, one of the aims of the evaluation will be to consider how we best resource the planning function.
17. *I suggest we should aim to complete this work by mid 2009.*

Next Steps - Work on Sharing Services and Closer Strategic Alignment with LL&TT NPA

18. We are already working with Loch Lomond and The Trossachs NPA to take forward the recommendation that the two NPAs should "agree the scope and direction of service sharing and establish a plan for the work required". A small group comprising the CEO and Head of Corporate Services for CNPA, and CEO and Corporate Services Manager from LL&TT NPA is meeting monthly to develop the requisite plan. It should be noted that in the absence of a senior Head of Corporate Services in LL&TT NPA, the CNPA Head of Corporate Services is advising both NPAs. This in itself, of course, provides an early example of how service sharing could be achieved.
19. I envisage that the plan should also look at the opportunities for developing mechanisms which will ensure more alignment on policy and strategy where appropriate. This does not mean that the two NPAs have to do everything together – rather that we will be looking at how we might have stronger voice on nationally important issues through articulating our position jointly, while still allowing the two Parks to separately focus on their other priorities in keeping with their very different identities.
20. The proposed plan will be brought to the Board prior to submitting to the Scottish Government in late spring 2009.
21. *I suggest that a small Group of members, comprising the Conveners of each of the CNPA Committees keeps a watching brief on this work and its implications for the operation of the organisation, prior to a report coming to the full Board.*

Positioning the CNPA over the Next 5 years

22. The review has been timely – both NPAs are properly established now, and able to move on with some confidence and certainty from "establishment" phase into the next 5 years. The review has left both National Park Authorities in place for the medium term. It has been acknowledged that over the first 5 years the two Parks and Park Authorities have made good progress, and that the creation of a single entity now would be disruptive, at a time when both Parks have just got into their stride. We can take this outcome as a reflection of a considerable degree of support for what has been achieved so far. Nevertheless, the model of separate free-standing NDPBs for each Park is not seen as sustainable if the number of National Parks increases. Further, we cannot be complacent, and it is clear that we will be expected to show we can really "deliver" in the sense of making a difference in the National Parks over the next 5 years.

23. We do not know if and when further National Parks might be a reality, but we should not be distracted by that – it does not alter the fact that it makes good sense for us to look at how we can make the best use of resources, which in the current economic climate will continue to be squeezed. Neither should it distract us from the fact that key to making an impact will be our ability to communicate what we are doing; engaging our partners and stakeholders even more effectively so they have some ownership of and commitment to the National Park.
24. For all these reasons it makes good sense to take forward the requirement in the Review to develop a plan for closer collaborative working with LL&TT NPA so we can (a) secure efficiencies and (b) secure a stronger voice within SEARs as well as within the wider spectrum of Governmental bodies. Alongside that work, we will need to look at how we position ourselves strategically over the next 5 years.
25. This is not the same thing as preparing a plan (we have several of those already) – this is about articulating the principles which will govern how we define and communicate our role, and therefore how we apply ourselves to “delivering”. This is something we have wrestled with over the first 5 years, with some success, but still with some way to go. Among other things, we need to address the comments picked up in paragraphs 11-13 above about starting to make an impact nationally, and being braver about letting go of workstreams and letting others take them on. That is the only way we will get the true “ownership” and partnership which will deliver a world class National Park in the Cairngorms – we can’t do it on our own.
26. There was a particularly telling stakeholder comment in the review: “ [I] don’t see another body that could cover all the Park aims”. We are unique in our role; we must live up to that.
27. *I suggest that we use an early Board informal discussion session to engage Board and staff in reviewing our strategic priorities over the next 5 years.*

Immediate Next Steps

28. The Scottish Government’s consultation ends on 12 February. Ministers’ conclusions from that consultation are expected to become clear at some point in the spring. Those conclusions would then be taken forward through the legislative processes set out in the National Parks (Scotland) Act, involving the preparation of a revised Designation Order and (if needed) Elections Order. Timing is not yet clear, but any changes in appointment of Convener/Deputy Convener, and a change in the maximum Board size will require changes in primary legislation; actual changes in board size and composition can be effected through secondary legislation (designation order and

elections order). It seems possible at this stage that it will be well into 2010 before all these changes can be implemented. However, this remains to be clarified when Ministers announce the conclusions of the current consultation.

29. In the shorter term, we remain uncertain as to how the Scottish Government plan to deal with the Direct Ministerial Appointees whose second successive terms will end in March 2009, and those who will end on March 2010. The most sensible option would be to seek an extension of these Members' terms to the point of the new Board arrangements being implemented. This would provide for continuity; it is also difficult to see how new appointees would be attracted to posts that would only last for up to 18 months. We have asked for this to be considered.

Jane Hope
9 January 2009

Proposed response to Consultation on Strategic Review Proposals

1. The Scottish Government is now undertaking a public consultation on the recommendations of Stage 1 of the Review, ending on 12 February. A proposed response is set out below, taking each of the consultation questions in turn.

What are your views on the recommendation that the present arrangement of free-standing NDPBs for each National Park Authority should continue in the medium term?

2. We welcome the recognition that NPAs have made good progress in their short existence, and that they will be able to continue building on the momentum gained in the first 5 years, avoiding the disruption that a major reorganisation would inevitably bring. This is particularly pertinent given the NPAs' "enabling" role, which depends on delivering through and with others the Review report recognises that "Cairngorms has kept closely to the approach of working through others and this has helped to maintain focus on its core mission"
3. That said, we recognise that there are arguments for having an integrated system of National Parks and NPAs if the number of National parks increases beyond the present two, in particular in respect of creating operational flexibility; alignment of strategic policy making; and ensuring a wider recognition for Scotland's National Parks. The caveat, however, is that the local dimension and distinctiveness of individual Parks can be maintained. The recommendation that the current 2 NDPBs should remain in the medium term, for re-consideration when further National Parks are created, therefore seems eminently sensible. In the meantime the two existing NPAs are working together (see below) with a view to:
 - a) Making best use of our combined financial and staff resources;
 - b) Making sure that we operate collaboratively and can speak with a single powerful voice on important strategic issues;
4. ***What are your views on :***
 - a) ***The recommendation that a ministerially chaired National Strategy Group should be established?***
 - b) ***The proposed remit of the Group?***
5. The proposed Ministerially chaired NP Strategy Group will be very helpful in making the most of National Parks as opportunities for delivering the Scottish Government's ambitions, and making sure they feature on the agenda of public sector organisations. Specifically this could be addressed in a variety of ways, such as, for example:
 - a) The role of National Parks in delivering sustainable development;
 - b) Their role in "Scotland Performs";

- c) Integrating the work of partners (public, private and third sector);
 - d) Using National Parks to promote Scotland;
 - e) Using National Parks as testbeds for rural policy development.
6. The Group should also, as proposed in the Review, act as a preliminary source of advice to Ministers on proposals for changes to existing National Parks (powers, boundaries etc), as well as new National Parks. This does not obviate the need for wider consultation on important issues, but would provide an initial sounding board, as the Review implies, before the more formal consultative processes required by the National Parks (Scotland) Act .
7. Openness and inclusiveness have been principles we have tried to enshrine in the way we operate; it would be unfortunate if the proposed Strategy Group was perceived as small and select making decisions in isolation from wider interests. It therefore needs to be very clear what this group is for, and how it complements the existing groups (such as the Cairngorms National Park Strategy Group which meets once a year to consider delivery of the National Park Plan), and the statutory consultation processes.

Taking account of the above recommendations* what further steps (if any) would you like to see the National Park Authorities making towards working together?

8. *[* the recommendations that the scope for wider sharing of corporate services and increased harmonisation of employer arrangements between NPAs should be examined. The NPAs should jointly agree the scope and direction of service sharing and establish a plan and timetable for the work required. The NPAs should also build on the steps they are already taking to exchange knowledge and develop shared approaches and should intensify their involvement in SEARS.]*
9. The two NPAs already work together in a number of ways, and that will continue. In the wake of the review, and now that both NPAs are fully established, we are preparing a plan for a more structured sharing of services, as well as putting mechanisms in place to ensure that the two NPAs are closely aligned on strategic planning, and on policy issues of national significance. The plan will be submitted to the Scottish Government in Q1/early Q2 2009. It will be based on there being identified benefits of such sharing, and will also recognise that the two National parks are different, with their own characteristics, culture and priorities; any plan for closer working will strike a balance between those things on which it is beneficial to share/adopt the same approach, and those matters on which it is justifiable to operate separately.

Do you agree that the size of NPA Boards should be reduced? Yes or no?

10. The Board of 25 has had certain benefits in the first five years of getting the Park and Park Authority established. We can appreciate the arguments for a smaller Board put forward in the Review. However, it should be noted that one of the roles of Board members is representation of the CNPA, and engagement with communities (of interest as well as locale) – with a smaller number of Members, the capacity at member level for this function may well be stretched.

If yes, what size do you think the size do you think the Board should be?

11. The answer to this is inextricably linked to the answer to question 5(a) – see below.

Do you agree that the NPA Boards should continue to contain a mix of three types of member (directly appointed, nominated by councils, and directly elected)? Yes or no?

12. Yes. The mix is beneficial in providing for knowledge and representation at a local level; recognising the Councils as particularly important local delivery partners; and providing for appropriate skills and expertise. It enables a membership which is equipped to take account of local as well as a wider national perspective on issues. In short, it is this blend and balance on the Board membership which enables it to deliver on its statutory purpose of “ensuring a collective and coordinated” approach.
13. It is worth pointing out that the National Parks (Scotland) Act contains two separate provisions for “local” members. As well as the amendment which provided for 20% of members being directly elected, another amendment was made to the bill in the same session which provided for a minimum of 20% of the Ministerial appointments (ie direct appointments plus council nominees) to be “local” as defined in the Act. There is an argument for reviewing whether that provision is still needed. The Cairngorms Board (as at 31 October 2008) had 18 of its 25 members living within the Park, and a further three just outside it.

If yes, what would be the appropriate balance of the three types of membership?

14. Taking each of the three types of Membership in turn, the practical considerations are as follows:
15. Directly Elected: The current number of directly elected members is 5 for a population of 16,000, and an electoral role of just over 13,000. Under the current arrangement of 5 members, each has an average electoral base of around 2,600 (with three wards around this, and the other two being 989 and 4048), somewhat below the 3,000 electoral base typical of local government. With a 50% turnout at elections,

each Member is elected by around 1300 people (although nearer 500 in the smallest ward and 2000 in the largest).

16. However, the proposed extension of the Park into Perth & Kinross (as recently reported on by SNH) would bring in an additional 928 people – with around 750 assumed to be on the electoral role. This would on its own be a very small ward, and not sufficient to justify creating an additional ward on population base alone, although there could be an argument that the area was sufficiently distinct to warrant its own directly elected member. There is then be a case for re-drawing the electoral ward boundaries, to even up the numbers as far as possible within the aim of creating wards with a degree of internal consistency, and of manageable geographic spread. The number of directly elected members could therefore be 5 or 6.
17. It follows from paragraph 16 there are three options:
 - a) Add the P&K area to one of the existing wards (1 or 5), resulting in 5 wards mostly on the same boundaries as the current wards;
 - b) Keep to 5 wards, but substantially redrawn to better even-up the electoral bases, and bring in P&K;
 - c) Move to 6 wards, with the 6th based on the new area of P&K
18. Council Nominees: With 4 Councils, it makes sense to have at least one nominee from each to ensure the buy-in and support of the councils; and given the much greater size of two of the Council areas, one could extend the argument to suggest that these two Councils should have two nominees. So the Council nominees could be 4 or 6. With the addition of the Perth and Kinross extension as advised by SNH recently, this would become 5 or 7.
19. Direct Ministerial appointments: these could be of any number – but a number equivalent to the other two categories should be sufficient to enable the requisite range and balance of expertise and experience to complement the other categories of membership. This suggests between 5 and 7.
20. Taking these observations into account, for the Cairngorms you can identify an almost endless number of permutations – the following are used to focus the debate on which theoretical models appear workable in practice:

Directly Elected	Council Nominees	Direct Ministerial Appt	Total	Comment
5 (33%)	5	5	15	Even spread; significantly smaller board.
6 (32%)	7	6	19	Reflects the higher end of

				representation – board smaller than current 25, but still large. Allows for the 2 biggest Councils to have 2 members each. Allows for new additional ward in P&K.
5 (42%)	5	2	12	Has been some suggestion that 12 is the largest size desirable – in order to meet this, the number of Direct Ministerial appointments would be significantly reduced – well below the number argued above as being the appropriate balance.

21. I suggest that the last of these demonstrates that a Board of 12 is not feasible, and conclude that the Board size should be between 15 and 19 to be compatible with the needs of a large Park and the clear recommendation that Board size should be reduced. It should be noted that this is still relatively small compared with other English and Welsh National Park Authorities. The majority of these NPAs are 22 members, with one at 24, one at 30, and two at 18. All of these are considerably smaller in physical size than Cairngorms.

What are your views on the recommendation that having Ministers appoint Conveners and Deputy Conveners from among Board Members would help to strengthen the Parks accountability for public funding?

22. The mechanism for making the appointment “from among the Board Members” will require some further thought to take account of the route on to the Board of the directly elected members i.e. in particular, the legislative provision enabling Ministers to extend a Member’s Board appointment if he/she becomes Convenor/Deputy Convenor, so that the term of Convenership is synchronised with the term on the Board.