Cairngorms National Park Local Plan Inquiry

The Cairngorms National Park – Establishment of the Park Boundary

(SSE - 4)

on behalf of





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1 Introduction

1.1 Introduction

1.1.1 This report has been prepared by Jones Lang LaSalle on behalf of Scottish Hydro Electric Transmission Limited (SHETL). The report relates to the consideration of the policy assessment relating to the part of the proposed Beauly to Denny 400kV Overhead Transmission Line which is aligned through the Cairngorms National Park Authority administrative area (see Figure 1.1). The report considers 'The establishment of the Cairngorms National Park Boundary'.

1.2 Purpose and Scope

- 1.2.1 The purpose of the report is to provide information on the process and establishment of the Cairngorms National Park (CNP) boundary. The paper focuses on investigating and recording the basis for the current CNP boundary. Reference to relevant historical matters on the CNP area and boundaries is provided. Particular attention is given to analysing the predominant factors that informed the boundary decision eg landscape considerations, political/administrative factors etc. The report also considers baseline statistical information of the CNP relative to other United Kingdom (UK) National Parks.
- 1.2.2 The report is generated to inform the overall policy assessment for the proposed project and draws together data from a variety of sources. The report, whilst focusing on the consideration of how the CNP boundary was established, explores the route taken by Scottish Ministers in proposing the final designation Order.

1.3 Structure of Report

- 1.3.1 The report is structured as follows:
 - Chapter 2 sets out the background to the evolution of National Parks in Scotland and throughout the UK, and outlines the characteristics of the Park and the role of the Cairngorms National Park Authority (CNPA).
 - Chapter 3 outlines the historical evolution of the CNP up to the present day.
 This chapter forms the key focus of the report, analysing the debate surrounding the establishment of the park boundaries and outlines what are considered to be the key factors that influenced this process, and indeed the final designation by Ministers.
 - Chapter 4 examines the CNP and other National Parks in the UK in relation to the presence of existing overhead transmission lines.
 - Chapter 5 provides overall conclusions.



2 Background to National Parks

2.1 Introduction

2.1.1 This chapter provides a background to the evolution of National Parks within Scotland and indeed the UK as a whole. Reference is made to the role and function of the CNPA. The chapter draws on material provided from various sources. A bibliography of relevant documents is provided in Appendix 1.

2.2 Scottish National Parks

Evolution and Legislation

- 2.2.1 In 2000, new legislation, The National Parks (Scotland) Act 2000 (hereafter referred to as "the 2000 Act") (CNPA 11) was passed to provide a framework upon which National Parks in Scotland could be created. Since that time, two National Parks have been established, the Loch Lomond and Trossachs Park established in 2002 and the Cairngorms National Park, established in 2003.
- 2.2.2 The 2000 Act (section 2(2)) provides that National Parks must satisfy three specific conditions:
 - (a) That the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
 - (b) That the area has a distinctive character and a coherent identity; and
 - (c) That designating the area as a National Park will 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.
- 2.2.3 In addition, the 2000 Act (section 1) sets four aims for National Parks, namely:
 - (a) To conserve and enhance the natural and cultural heritage of the area;
 - (b) To promote the 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 the sustainable economic and social development of the area's communities.
- 2.2.4 This approach to the establishment of National Parks is distinct from the requirements of National Parks elsewhere in the UK. Indeed, it is noted that National Parks vary in their objectives and management throughout the world. There is no 'one approach that fits all' and as such, comparative exercises are of limited value in terms of



- benchmarking the criteria upon which Parks and their boundaries have been established.
- 2.2.5 The key criteria upon which National Parks are established is based upon the aims and conditions of designation, as set out in legislation created to enable the formation of National Parks, in each country.

Classification

- 2.2.6 It is noted, however, that the World Conservation Union has classified protected areas into six categories which are predominantly defined by their principal management objectives. Principal management objectives range from areas of scientific research and strict wilderness (Category I), to landscape and community interaction. The Scottish National Parks fall into 'Category V' which are defined as: "Areas of land with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinctive character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area".
- 2.2.7 The IUCN provides that this categorisation is not aimed at classifying the National Parks by importance, rather it aims to promote the most appropriate management of each national park character and provide guidance on the assessment of how well such an area is performing under this management. In general terms, therefore, the IUCN categories "imply a gradation of human intervention, ranging from effectively none at all in the case of some Category I areas, to quite high levels of intervention in Category V areas". (The IUCN Protected Area Management Categories, Information Sheet Number 2, July 2002, www.cardiff.ac.uk/cplan/sacl). (APL/CNP-36).



Designation Process

- 2.2.8 The Scottish Parliament Information Centre prepared a useful briefing paper (APL-9/4) on the proposals for the CNP which documents the historic timeline to the designation of the CNP in 2003. The process has been ongoing in some form or other for over 70 years. In 1945-1947 the Ramsay Committee recommended that the Cairngorms, and four other areas in Scotland, be designated as a National Park, however the enabling legislation did not extend to Scotland.
- 2.2.9 In 1953, the Cairngorms were designated as a National Nature Reserve (NNR). In 1981, the Cairngorms massif and the adjacent upper Deeside and Lochnagar areas were designated as National Scenic Areas (NSAs). In 1991 following the formation of Scottish Natural Heritage (SNH), and the former Countryside Commission's Review of Scotland's Mountain Areas in "The Mountain Areas of Scotland" (APL-9/11), and the enactment of the Natural Heritage (Scotland) Act 1991, the Cairngorms were recommended for designation as a National Park. As a result of this recommendation, a 'Cairngorms Working Party' was formed which carried out a detailed review of the needs of the Cairngorms area. The partnership was charged with forming a management strategy for the Cairngorms.
- 2.2.10 In 1997 the new Labour Government announced plans to introduce legislation facilitating the designation of National Parks in Scotland and identified Loch Lomond and the Trossachs as the first National Park. At this time, SNH were charged with developing proposals as a basis for the new legislation. This advice was submitted to Ministers in 1999 and formed the basis of the National Parks (Scotland) Bill 2000. The National Parks (Scotland) Act 2000 now sets out procedures for the designation of a National Park. These include:
 - Specification by the Scottish Ministers of area of the proposed Park and the mechanism for administration and planning in the Park area;
 - The appointment of SNH or any other public body with relevant expertise, to consider the National Park proposal. The factors to be taken into consideration include:
 - Whether the proposed area should be designated as a National Park;
 - The desirability of designating the areas in question with or without modifications;
 - o The functions of the National Park Authority;
 - Likely annual cost and capital expense.



2.2.11 Following publication of their findings in a report to Scottish Ministers, Ministers can, if required, hold a public inquiry. Having then decided that a Designation Order is to be made and agreed on its policy and content, a Draft Designation Order will be drawn up. The Order will then be laid in Parliament and scrutinised by the relevant parliamentary committees. If subsequently approved by Parliament, the Draft Order can be made.

2.3 Outline of the Cairngorms National Park

- 2.3.1 The CNP is the largest National Park in the UK covering 3,800 sqkm in area, incorporating many of Scotland's highest mountains. There are 52 peaks over 900m and 10% of the Park area is over 800m in height. The area above 600m in height is known as the 'montane zone' referred to as arctic wilderness, which is the largest arctic mountain landscape in the British Isles. Approximately 68% of the entire area is 400m above sea level. The lower reaches of the Park are characterised by the Spey, Don and Dee valleys. The Park contains two National Scenic Areas which focus on the montane zone. Significantly, some 39% of the Park area is designated for its nature heritage importance, 25% of which is considered to be of European importance. The boundary of the CNPA is illustrated in Figure 1.1.
- 2.3.2 Within the National Park land area there are approximately 16,000 residents living in a range of settlements from large towns to small villages and isolated properties. The overall density of the National Park is very low, equating to circa 4.2 people per square kilometre. A number of major centres of population which are important Scottish tourist destinations are located within the Park area including Aviemore, Grantown on Spey, Ballater, Braemar, and Tomintoul. Tourism accounts for a significant part of the economy in the Park area.
- 2.3.3 In terms of wildlife, habitats and ecological value, the Park offers a diverse range of species and habitats. Many of the UK's endangered or threatened species are found in the National Park.

Cairngorms National Park Authority (CNPA)

- 2.3.4 The CNPA was formed as the administrative body responsible for looking after the interests of the CNP. The CNP is located partly within four local authority areas Highland, Aberdeenshire, Angus, and Moray.
- 2.3.5 Fundamentally, the CNPA must facilitate the Park in meeting its aims, carry out research, repairs, protection, provide facilities for visitors and education, and be a consultee on relevant matters. Its limited regulatory powers extend to its ability to 'call-in' planning applications that may have significant impacts on the Park, and, in making management laws.



- 2.3.6 Over and above those duties noted above, the CNPA is responsible for the preparation of a National Park Plan and ensuring that it uses its resources efficiently, effectively and economically. The CNPA is also responsible for the preparation of a Local Plan to guide future development control decisions and to inform those applications which it chooses to 'call in' due to potential significance of impact on the Park area. The CNPA is notified of all planning applications received by the Councils. The CNPA has a specific time period to decide whether to 'call in' and determine applications which they consider 'significant'.
- 2.3.7 The boundary of the CNP is not denoted specifically by existing local government boundaries other than on the south western boundary, where the Park boundary is exactly formed by the local government boundary between Highland, Aberdeenshire and Angus Councils, and with that of Perth and Kinross i.e. the northernmost boundary line of Perth and Kinross Council forms the boundary with the CNP.
- 2.3.8 The exclusion of any land area of the Park falling within the administrative area of Perth and Kinross Council is an area of significant historical and current debate.

The Park Plan

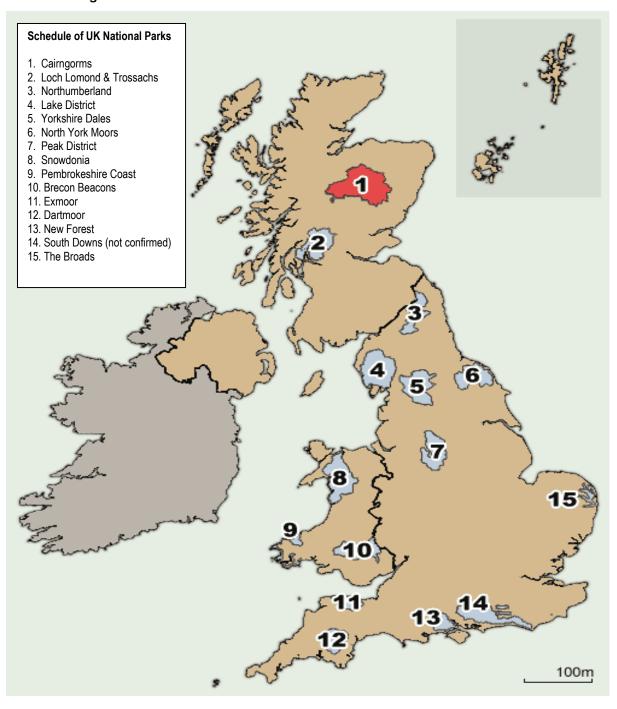
- 2.3.9 The CNPA is responsible for the regulation and management of the Park and has prepared a Park Plan to guide future development and decision making. The Park Plan was approved by Ministers in March 2007 (CNPA 24) and by the CNPA Board on 20th April 2007. The Park Plan for the CNP (for the period to 2030) emphasises conservation, promotes the enhancement of the special qualities of the area, and management. The Park Plan refers to special qualities of the Park (page 25) and lists them as: distinctive landscape, rich biodiversity, mountains, moorland, forests and woodland, straths and farmland, rivers and lochs, recreation and enjoyment, the built environment and culture and traditions.
- 2.3.10 As such, the definition of the boundary of the CNP is important to ensure that these issues can be effectively and properly addressed for all areas of importance to the core cultural and social areas of interest to this area.

2.4 UK National Parks – Facts and Figures

2.4.1 There are currently 15 designated National Parks within the UK, one of which – South Downs, is awaiting confirmation. Figure 2.1 below shows the location of these Parks:



Figure 2.1: UK National Parks



- 2.4.2 As can be seen from Figure 2.1, National Parks in England and Wales are significantly smaller than the CNP with the next largest park, The Loch Lomond and Trossachs National Park, extending to 1,865 sqkm. Further comparative information on National Parks is provided in Chapter 4.
- 2.4.3 As noted above, the processes to establish a National Park in England and Wales are distinct from that in Scotland. In England and Wales they have been established for a considerably longer time period. In 1947 the Hobhouse Committee proposed special legal status for the best and most important landscapes in England and Wales in order to preserve them for the benefit of the nation in perpetuity. The result of this recommendation was the National Parks and Access to the Countryside Act 1949 this legislation provides the legal basis upon which National Parks are designated in England and Wales.
- 2.4.4 As in Scotland, the Minister appoints the Countryside Agency (the equivalent to SNH in Scotland) to review the criteria for designation National Parks and advise on appropriate designations. Thereafter, an Agency Board decides to promote the proposed National Park designation, and conducts consultation and an inquiry thereafter.



3 Evolution of the Cairngorms National Park

3.1 Introduction

3.1.1 This chapter provides a detailed review of the evolution of the CNP, examining the historical context to the formation of the National Park and summarising the time line to designation. In particular, the chapter examines the scope of debate on the boundary of the National Park and assesses the key drivers that were considered to have defined the boundary as designated in 2003. Thereafter, the chapter documents more recent debate on the proposed expansion/alteration to the CNP boundary and outlines the key reasons why change is being called for.

3.2 Historic Context

Summary Overview

- 3.2.1 The evolution of the CNP, as noted in Chapter 2, has been ongoing for some 70 years or more. The first attempt to secure legislation in the interest of public recreation in the Scottish countryside was made in the Access to the Mountains (Scotland) Bill 1884. The Bill did not reach statute. However, it is recorded as the beginning of formalising access to the countryside for recreation alongside an interest in developing a mechanism which could, at the same time, conserve the areas of the Scottish countryside which were at the time considered as being of high landscape quality.
- 3.2.2 The evolution of the Park has followed a long path, succinctly described in Annex 4 of the Countryside Commission for Scotland's (CCS) Report on 'The Mountain Areas of Scotland' (1990) (APL-9/11) as follows:

"The area [the Cairngorms] was identified as being of National Park quality in the Addison Committee report on National Parks in the early 1930s. The Cairngorms were identified again for such status in the Ramsay Reports of 1945 and 1947, and the report of the Scottish Wildlife Conservations Committee (a sub-committee of the Ramsay Committee) identified the high ground of the Cairngorms — above 2,500' — as deserving the status of National Park reserve, essentially an inner core to the proposed National Park where wildlife would have special protection. The Ramsay proposals for National Park status fell and part of the areas was declared a National Nature reserve in 1953. Prior to that date, the Scottish Office had given the area the designation of National Park Direction Area, as interim protection for possible National Park status in the future. The NPDA was superseded by the designation of National Scenic Area (1981)"



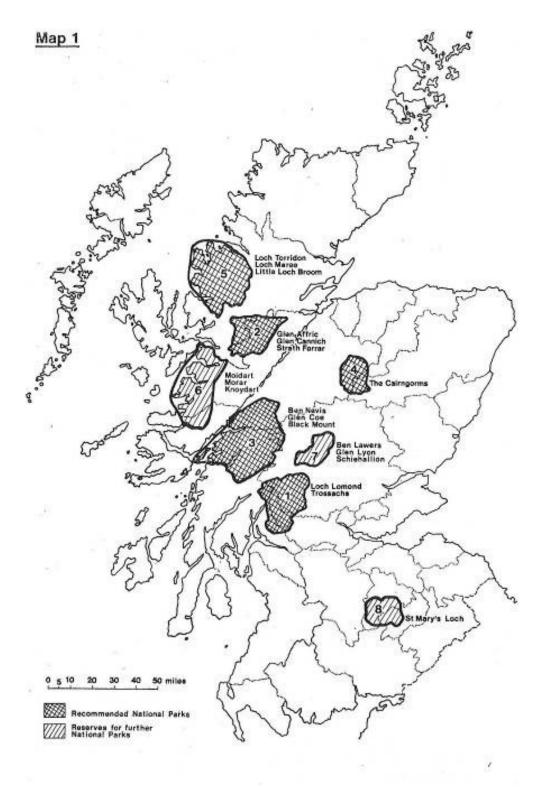
3.2.3 The CCS was replaced by SNH in 1991, and the Cairngorms Partnership was established in 1994. The purpose of this Partnership was to establish a management strategy for the Cairngorms area, as proposed within the review of Scotland's Mountain Areas (Mountain Areas of Scotland, 1990) carried out by the CCS. Further detailed consideration of the creation of a National Park for the Cairngorms was put on hold until such time as the Labour Government instigated new legislation to facilitate the creation of National Parks in Scotland, in 1997.

Detailed Historical Review of CNP Evolution pre-1997

- 3.2.4 The following paragraphs provide a more detailed review of the investigative reports and considerations which informed the route to designation of the CNP.
- 3.2.5 As detailed above, in 1945, the Ramsay Committee prepared a report on National Parks and recommended the creation of five such parks within Scotland. The total area of these Parks was proposed to extend to 1,870 square miles. The proposed area of The Cairngorms National Park at this time was 180 square miles: interestingly, this land area was by far the smallest Park proposed. Three further areas were identified for a 'reserves list' for consideration at a later date. It can be seen from Figure 3.1 below that the National Parks proposed by the Ramsay Committee were:
 - 1. Loch Lomond/Trossachs (320 square miles);
 - 2. Glen Affric/Glen Cannich/Strathfarrar (260 square miles);
 - 3. Ben Nevis/Glen Coe/Black Mount (610 square miles);
 - 4. The Cairngorms (180 square miles); and
 - 5. Loch Torridon/Loch Maree/Little Loch Broom (500 square miles).



Figure 3.1: Extract from 'A Park System for Scotland' (1974) showing National Parks proposed in 1945.



(Source: CCS, A Park System for Scotland, 1974) (APL-9/9).

- 3.2.6 At this time, however, a series of debates resulted in legislation for National Parks not being taken forward in Scotland. In 1948 the Secretary of State for Scotland identified five of those listed in the Ramsay Report in National Park Direction Areas (NPDAs) Orders.
- 3.2.7 The National Parks and Access to the Countryside Act 1949 provides legislation on the designation of National and Local Nature Reserves, Areas of Great Landscape Value/other landscape designations, and such areas were designated in the Cairngorms area at this time.
- 3.2.8 The CCS report entitled "A Park System for Scotland" (1974) (APL-9/9) considered National Parks. The CCS stated "that the creation of national parks in the international sense of that term may not be the only or the most effective way to achieve the potentially conflicting objectives of improving or developing facilities for the enjoyment of the Scotlish countryside and conserving its natural beauty and amenity". (CCS, 'A Park System for Scotland' APL 9/9 pg.9).
- 3.2.9 This statement is interesting in the context of the international definition as stated at this time which "requires that the protected areas should not be materially altered by human exploitation…" (CCS, 'A Park System for Scotland' pg.9).
- 3.2.10 The CCS noted that in the UK there were a number of areas included on the potential list of sites for National Parks and equivalent reserves, mostly National Nature Reserves, but that they only represented a small fraction of the total area of the countryside that was of significance for recreational or landscape purposes and quality. Furthermore, the CCS was concerned at the establishment of a national agency to manage such areas, and considered that such areas of value were perhaps more extensive than those identified, and, that their management could be better handled at a more local, interactive and responsive level.
- 3.2.11 The CCS conclusion was that "...we do not recommend that national parks in the internationally accepted sense are necessary to conserve landscape as such in Scotland". (CCS, 'A Park System for Scotland' pg.26) The CCS went on to state: "...there is a school of thought that the mere act of designation without the most stringent control policies affecting development and visitor use contains the seed of destruction of the very resource it is sought to protect..." (CCS, 'A Park System for Scotland' pg.26).



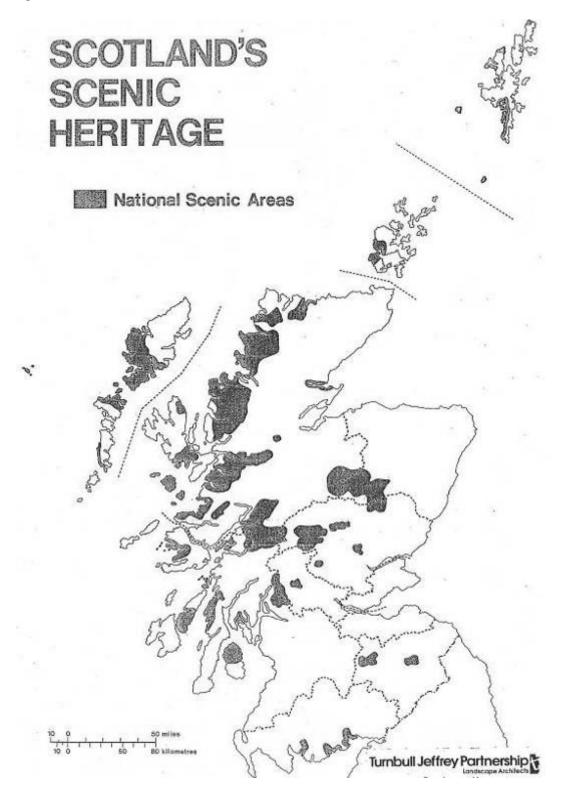
3.2.12 The Commission were, however, supportive of the protection of landscapes which were of "unsurpassed attractiveness" (CCS, 'A Park System for Scotland' pg 26) which should be protected as part of the national heritage. Such areas are generally identified as being remote from major centres of population and were not therefore considered to be under any significant pressures for development. Such areas were recommended for regional protection, to be provided for within relevant statutory Development Plans.

Scenic Heritage - Designation of Landscapes

- 3.2.13 Following on from the report on "A Park System for Scotland" a further report was prepared by the CCS advising on "Scotland's Scenic Heritage" (1978) (APL-9/10). The report provides a review of important landscape areas which are identified for protection and sets out recommendations to the Secretary of State: some 40 areas were identified as being of outstanding scenic beauty. The assessment was the first of its kind, and offered a new framework for landscape conservation. The main aim of the report was to: "focus the attention of planning authorities on areas of particular scenic distinction which, from the national standpoint, are of outstanding importance". (CCS, 'Scotland's Scenic Heritage', Foreword).
- 3.2.14 The study followed on from the work undertaken to inform the CCSs' "Park System for Scotland" report of 1974 and undertook an examination of the scenic resources of Scotland. The Commission sought to "identify scenery which best combines those features which are most frequently regarded as beautiful", (CCS, 'Scotland's Scenic Heritage' pg.5).
- 3.2.15 The process identified 40 areas which they considered to be of 'national scenic significance' and which they considered to be of "unsurpassed attractiveness" (CCS, 'Scotland's Scenic Heritage' pg.7) which should be conserved as part of Scotland's national heritage. Figure 3.2 illustrates the National Scenic Areas identified in this paper:



Figure 3.2: Scotland's National Scenic Areas



(Source: CCS, Scotland's Scenic Heritage,

1978) (APL-9/10).

3.2.16 The Cairngorm Mountains, totalling a land area of 67,200 ha were identified for designation as a National Scenic Area (NSAs) – of this total land area, 37,400 ha are located in the former Highland Region and 29,800 ha are in Grampian Region. The area proposed for designation contained "...the Cairngorms National Nature Reserve and Site of Special Scientific Interest in the Eastern Cairngorms, and at Inchrory, Abernethy Forest, Alvie, and at the River Spey-Insh Marshes where there is an RSPB reserve. The Glen More Forest Park as well as parts of the Queens Forest and Inshriach Forest lie within the areas. The existing National Park Direction Area is also contained within the proposed areas. There is a Scottish Wildlife Trust Reserve at Pass of Ryvoan". (CCS, 'Scotland's Scenic Heritage', pg.53). A diagram of the proposed boundaries to the Cairngorms NSA is produced below as Figure 3.3, extracted from the CCS Report.

DEESIDE KINCARDINE KINHOSS

Figure 3.3: The Cairngorm's National Scenic Area

(Source: CCS, Scotland's Scenic Heritage, 1978) (APL-9/10).



Mountain Areas

- 3.2.17 A further report produced by the CCS in 1990 considered "The Mountain Areas of Scotland" (APL-9/11) and it examined the importance of these assets and proposed mechanisms for the protection of their heritage for the benefit of their use and enjoyment in the long term. Annex 4 of this report considers the Cairngorms. In particular it states that the area is noted for its: "distinctive scenic character, for its strong sense of wildness, and for its wildlife, recognised as the most extensive and least modified high montane habitat in Britain" (CCS, 'The Mountain Areas of Scotland', pg.48).
- 3.2.18 The report provides a summary of the Commission's assessment of the Cairngorm Mountains and notes that, whilst the mountain range forms the centrepiece of the area, they gain their impressiveness from "...the wider expanse of the sparsely populated Grampian Hills to the south and east. Also important are the flanking glens with their remnants of Caledonian pinewood" (CCS 'The Mountain Areas of Scotland', pg.48)
- 3.2.19 The paper notes that the area considered by the Commission for particular designation "is drawn widely, with three regional and four district councils represented" (CCS 'The Mountain Areas of Scotland', pg.48).
- 3.2.20 The key characteristics of the area are noted on page 48 of the 'Mountain Areas of Scotland' report and can be summarised as follows:
 - Outstanding landscape which derives from the spaciousness of the high plateau, deep cut glens and rocky corries and vegetation contrasts;
 - Wild land qualities derived from distance from roads along with elevation roughness and naturalness;
 - Montane vegetation and wildlife valued in particular for ecological benefits;
 - Recreational value of the mountain environment best snow holding environment in Britain – good rock climbing, and opportunities for year round sports;
 - Year round tourist importance of the Strathspey/Glen More area.
- 3.2.21 The report noted the problems that arise given the split in administrative control over the proposed designation area. In particular, the report recommended the creation of a single coherent strategy for the area in order to encourage better management of natural resources, facilitate regeneration of species and woodland, improve interpretation and access arrangements for recreation and appreciation of the grand asset that the Cairngorms provide, and to achieve higher standards of planning and design of built development.



- 3.2.22 The resultant land area proposed for 'zoning' was acknowledged as being 'large' in order to recognise the amount of wild land and to allow "planning to protect these areas of natural value as well as to support communities on their periphery" (CCS 'The Mountain Areas of Scotland', pg.50).
- 3.2.23 Given the large land area covered, the Commission advocated zoning to indicate broad policy areas but allowing "varied local application of policies" (CCS 'The Mountain Areas of Scotland', pg.50).
- 3.2.24 Figure 3.4 below demonstrates the land area and zonings proposed at that time.



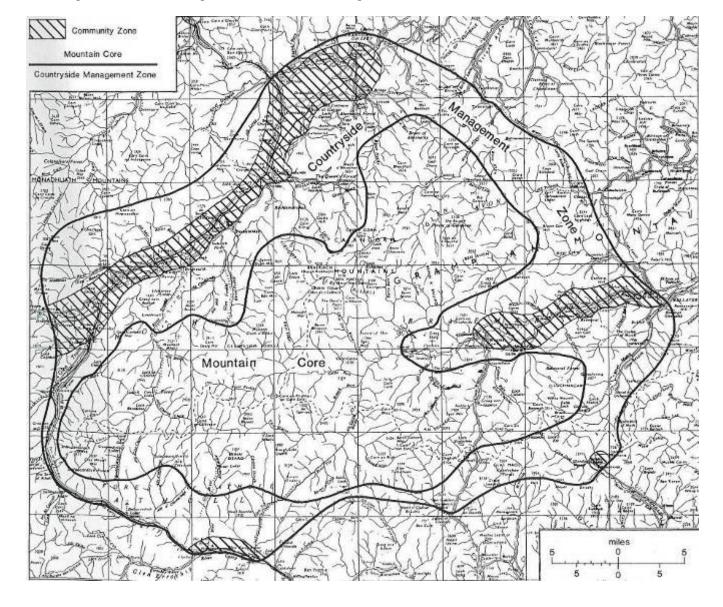


Figure 3.4: The Cairngorms – Indicative Zoning

(Source: 'The Mountain Areas of Scotland, Countryside Commission for Scotland, 1990) (APL-9/11).

- 3.2.25 The following is a description of the proposed zonings which provides a useful 'ranking' of the areas importance and tolerance to development:
 - Mountain Core: an inner zone of high conservation value, where the prime objectives of management would be conservation, low-intensity recreation and game management;
 - Countryside Management zone: a peripheral zone where the land would be under more traditional land management and would include development and recreation uses. In this zone the aim would be to enhance the recreation and conservation value of the areas and permit any minor development in support of existing activities;
 - Community zone: including major settlements and trunk routes where a
 wider range of development in conformity with development plan needs
 would be permitted.
- 3.2.26 In 1991 the CCS was replaced by SNH. At this time, SNH recommended that the Cairngorms be designated as a National Park as a direct result of the review of *Scotland's Mountain Areas* as referred to above. In response, the 'Cairngorms Working Party' was established to undertake a detailed review of the needs of the Cairngorms area. The Working Party reported in 1992 and their recommendations resulted in the creation of the 'Cairngorms Partnership' in 1994. The Partnership's key role was to prepare and implement a Management Strategy for the Cairngorms area.

Post 1997

- 3.2.27 In 1997, the 'new Labour' Government announced that legislation would be enacted to facilitate the creation of National Parks in Scotland. This section provides a summary of the process undertaken which resulted in the designation of the National Park. The information is drawn from a variety of sources, but principally draws on the Scottish Parliament Information Centre e-briefing (SPICe) of 31 July 2002, "Proposals for Cairngorms National Park" (APL-9/4).
- 3.2.28 In September 1997, Scottish Ministers instructed SNH to prepare advice on how National Parks could best operate in Scotland.
- 3.2.29 In 1999, SNH submitted an advisory report ('National Parks for Scotland Scottish Natural Heritage's advice to Government') (APL/CNP-27) to the Scottish Executive following extensive consultation. The report made a number of recommendations on the area of the CNP and the planning powers that could be delegated to the Park Authority.



- 3.2.30 In September 2000, the Scottish Executive accepted much of SNHs' recommendations and supported the adoption of the larger of the two park areas proposed (see further details in section 3.3 below regarding the evolution of Park boundary). At this time the Scottish Ministers appointed SNH, under the provisions of the new Act, to consult and report on their proposals for a National Park in the Cairngorms. SNH was instructed by the Scottish Ministers to be the statutory Reporter under section 3 of the 2000 Act.
- 3.2.31 In August 2001 SNH published a report to Scottish Ministers (*Report on the proposal for a National Park in the Cairngorms 'a new way of caring for a special place'*) (APL / CNP 33) following significant consultation, proposing the boundary and make up of the CNP. SNH recommended a CNP of 4,580sqkm. It was also recommended that a National Park Authority should consist of 25 members, 5 directly elected, 10 appointed by the Local Authorities to which the Park will fall within, and 10 appointed by Ministers. A copy of the proposed boundary plan is contained in APL/CNP-33.
- 3.2.32 In May 2002 a final consultation on a Draft National Park Designation Order (APL / CNP 32) was launched by Ministers. The proposals differed from those in previous documents with the Ministers proposing a CNP some 50% smaller than the original SNH recommendations. The area incorporated the Cairngorms massif and the Grantown on Spey area. Changes were also suggested to the planning powers originally proposed by SNH.
- 3.2.33 In the consultation period to 22 August 2002, there was significant debate in relation to the boundary and area coverage of the Park and proposed changes to planning powers.
- 3.2.34 In 2003 the Designation Order for the CNP was made for an area of 3,800 sqkm. In the next section of this report the evolution of the Cairngorms National Park in the period between the SNH report and the Designation Order is examined in finer detail. What will become clear from the analysis of the evolution of the CNP, and the factors which ultimately informed the final designation, is that the Park boundary has not been determined solely by natural heritage considerations: rather, cultural and social factors also had a strong influence.

3.3 Establishing the Boundary

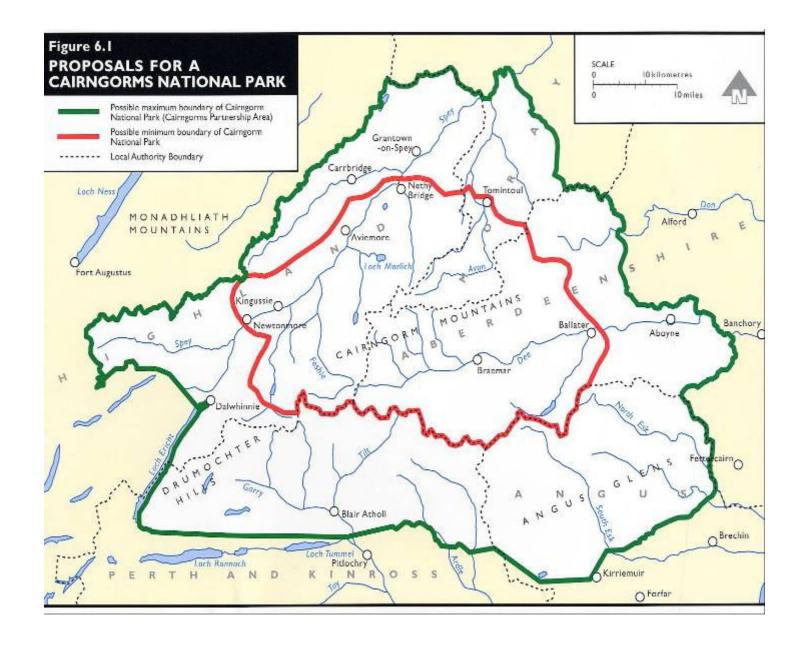
SNH Advice to Government, 1999

3.3.1 In 1999, following consultation and review, SNH submitted their advice to Government (National Parks for Scotland, Scotlish Natural Heritage's Advice to Government) (APL/CNP-27) on the proposed CNP boundary. SNH noted (para 6.26) that "many favoured the approach SNH proposed of drawing the boundaries more tightly to focus on key natural heritage and informal recreational resources of the area".



- 3.3.2 At this time they promoted two possible boundaries (see Figure 3.5 below):
 - A 'minimum' area. A park with boundaries drawn to focus on the important natural heritage and informal recreational resources of the areas – based around the Cairngorms massif and including settlements of Braemar, Ballater, Newtonmore, Kingussie, Kincraig, Aviemore, Boat of Garten, Nethy Bridge and Tomintoul.
 - 2. A 'maximum' area. A larger park boundary which reflects the views emerged from consultation which are considered to aid conservation management and socio-economic issues. This larger areas covered the areas as proposed in option 1 above, plus the Dromochter Hills, Laggan, Ben Rinnes and land to the west, parts of middle Deeside, Finzean and the Angus Glens.

Figure 3.5: SNH Proposals for a Cairngorms National Park



Source: National Parks for Scotland, Scottish Natural Heritage's Advice to Government, 1999 (APL/CNP-27)

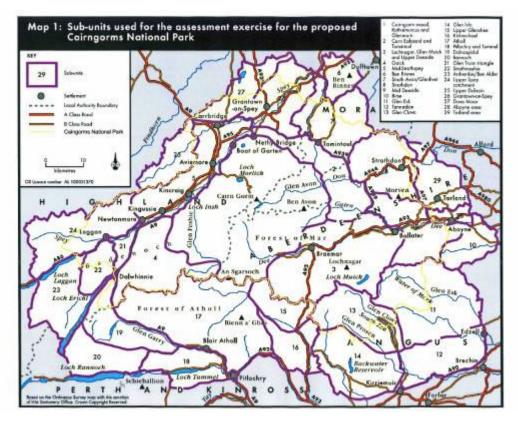
SNH in the Role of stautory Reporter

- 3.3.3 Following submission of SNHs' advice to Government, and, as noted above, SNH was instructed by the Scottish Ministers to be the statutory Reporter under section 3 of the 2000 Act. In August 2001, following considerable consultation, SNH published a report to Scottish Ministers (Report on the proposal for a National Park in the Cairngorms 'a new way of caring for a special place') (APL / CNP 33) proposing the boundary and make up of the CNP.
- 3.3.4 In August 2001 in response to consultation, SNH proposed that the park should cover an area of 4,590sgkm and **include the following key features:**
 - o Cairngorms massif, Rothiemurchus and Glenmore;
 - Carn Ealasaid and Tomintoul;
 - Lochnagar/White Mounth, Glen Muick and Upper Deeside;
 - Mid-Strathspey.
- 3.3.5 With regard to consultation responses concerning Badenoch and Strathspey, it is notable that in this report (page 30, at paragraph 4.30) it is observed that, "there is a substantial body of opinion in the favour of westward extension to include the whole of Badenoch. This view was sometimes based on the quality of the natural and cultural heritage, including the pictish fort of Dun da Lamh and the historic Corrieyarick pass....Kinlochlaggan residents had no wish to be included. A related argument for westward extension was based on the need for integrated management of the Upper Spey".
- 3.3.6 At para 4-36, the SNH Reporter stated that they considered that "the natural heritage of the area west of Newtonmore has stronger affinities to the Western Highlands. We therefore have reservations about the inclusion of the land to the west of Newtonmore and Dalwhinnie on these grounds and consider that their special needs can be met in other ways".
- 3.3.7 At para 4-39, SNH Reporter goes on to express the view that "we consider that a National Park is not necessarily the best way to address catchment-wide issues".
- 3.3.8 Page 32 contains the "Reporter's Advice" and this states: "To the south and west, the Park should include the settlement of Laggan and the area immediately to the north and east, encompassing Glen Banchor and parts of the Monadhliath..." This approach would therefore exclude the area further west which includes Kinloch Laggan and Glen Shirra. The Reporters had noted that the western area had greater affinity with the Western Highlands than with the Cairngorms massif.



3.3.9 The Reporters, in assessing the area to be included within the proposed boundary of the National Park, carried out an assessment of what they termed 'sub-areas' for exclusion and inclusion. A summary of the relative performance of the various sub-areas was included in the SNH report (page 110). The sub-areas were shown in 'Map 10' of Annexe D of the Reporter's Report. The sub-areas identified are illustrated in Figure 3.6. It should be noted that the National Park boundary that was eventually confirmed in the Designation Order of 2003 (CNPA 12) has been superimposed on Figure 3.6 for illustrative purposes.

Figure 3.6: Sub-Units Assessed for the proposed National Park with the Existing Boundary of the National Park added



Source: The Report on the Proposals for a National Park in the Cairngorms (APL/CNP – 33, Annexe D) with existing National Park boundary superimposed by Jones Lang LaSalle.

Map 2: Results of the assessment exercise for the proposed Cairngorms National Park

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Figure 3.7: Sub-Units Assessed for the proposed National Park with the Existing Boundary of the National Park added

Source: The Report on the Proposals for a National Park in the Cairngorms (APL/CNP – 33, Annexe D) with existing National Park boundary superimposed by Jones Lang LaSalle.

- 3.3.10 The results of the assessment of the 'sub-areas' that the Reporters recommended for exclusion and inclusion were provided in Map 2 of Annexe D. This is reproduced as Figure 3.8 below. Again, it should be noted that the National Park boundary that was eventually confirmed in the Designation Order of 2003 (CNPA 12) has been superimposed on Figure 3.7 for illustrative purposes.
- 3.3.11 Figure 3.8 illustrates the "recommended boundary for the proposed Cairngorms National Park" which was contained as Map 3 in the Reporter's Report. Although the boundary is not on an OS base, the boundary wraps fairly tightly around Laggan, excludes the Glen Shirra and Kinloch Laggan areas and takes approximately the line of Glen Markie as its westernmost boundary. It will be noted also that the south western boundary was not considered to be an area where further consideration was required to establish the most appropriate boundary.



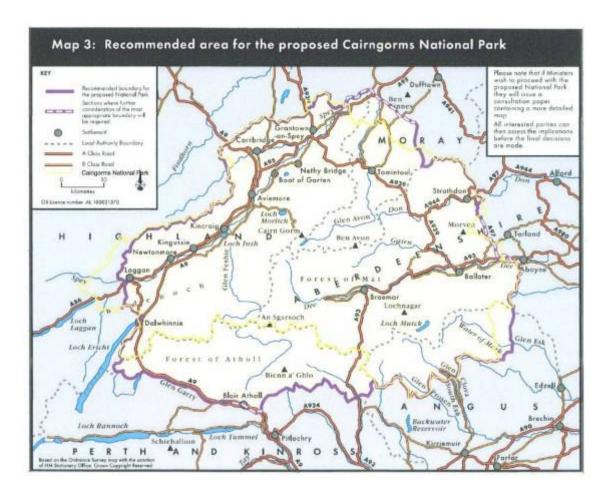


Figure 3.8: Recommended Boundary for the proposed Cairngorms National Park

Source: The Report on the Proposals for a National Park in the Cairngorms (APL/CNP - 33, Annexe D) with existing National Park Boundary superimposed by Jones Lang LaSalle.



3.3.12 The next step in the process was the development of a detailed boundary, and, as noted above, that was contained in the Draft Designation Order for the establishment of the Cairngorms National Park.

Cairngorms National Park, Consultation on Draft Designation Order, May 2002

- 3.3.13 In May 2002 the Scottish Executive launched consultation with the publication of the Consultation on a Draft Designation Order¹ (APL / CNP 32). At this time the Executive proposed a changed Park area (reduced by some 50%) and boundary, deciding against the SNH advice as provided in August 2001, in their role as Reporter. The view of Ministers was that the Park should consist of the main Cairngorms massif and adjacent settlements together with the Grantown-on-Spey area (para 6 (APL / CNP 32).
- 3.3.14 No reasons for the rejection of SNH's advice were provided in the Draft Designation Order text. The draft Order contains detailed plans (1:10,000) scale of the proposed boundary, together with an overall boundary plan². What is clear is that the boundary to the west of the proposed Park has moved further east. The boundary wraps tightly around the urban area of Newtonmore and <u>excludes</u> the upper Spey Vally, Laggan, Glen Shira, Dalwhinnie and Drumochter.
- 3.3.15 In August 2002, SNH wrote to the Executive and noted the absence in the Draft Designation Order of any reasons or rationale for the change to SNH final boundary proposals. At this time, SNH continued to express their view that the CNP should cover a larger area and should include the areas proposed within Perthshire.

The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003³

3.3.16 The final Designation Order (CNPA 12) responded to consultation, in part, by adding parts of the Laggan area and parts of Angus into the National Park; however Perthshire remained excluded in its entirety from the Park boundary. The boundary in the Designation Order is as illustrated in Figure 1.1 in chapter 1. The Rural Development Committee in the Scottish Executive, noted within their motion to approve the order that it: "regrets the exclusion from the boundaries of the Cairngorms National Park of those areas of Highland Perthshire and Drumochter....all of which were recommended for inclusion within the park's boundary by Scottish Natural Heritage....and is concerned

³ Scottish Statutory Instrument 2003 No.1.



¹ Scottish Executive Paper No. 2002/17.

² The overall plan in the Draft Designation Order is of poor reproductive quality and is not produced in this report. The original Draft Designation Order should therefore be referred to (APL/CNP-32).

- that, if these areas remain excluded, the attainment of the park of World Heritage Status may be put in jeopardy".
- 3.3.17 Dissatisfaction with the boundary, and the reasons for its change by the Executive continued thereafter. A review of documents into the route to designating the National Park boundary provides varying commentary on the boundary process and the reasons which led to the current boundary. From our review the process has not been totally transparent.
- 3.3.18 On 17th July 2002⁴, the Scottish Executive issued a briefing note on (APL-9/3) on the proposed National Park boundary. The paper stated (paragraph 1) that the "boundaries proposed sought to reflect a combination of suitable natural features, marked tracks and roadways." The paper also refers to the principles which the Scottish Ministers adopted in assessing exclusions from the Park area. In very general terms, it is noted (paragraph 2) that: "Ministers sought to have a Park with a clear focus and identity and one where the overall size of the areas was commensurate with effective and efficient administration". The paper (paragraph 2) stated that "Any case for significant extension of this area would have to be very convincingly argued".
- 3.3.19 The paper stated (paragraph 5) that although "Laggan lies in the Upper Spey catchment area (sub-unit 24), classified by the Reporter as a strong case for inclusion", the paper notes that "support for inclusion was rather equivocal and that many residents had considerable doubts about inclusion. On balance, therefore, Ministers took the view that the area should be excluded".

3.4 Recent Expansion Aspirations

- 3.4.1 Further pressure to amend the boundary of the Park has been made by a variety of organisations with an interest in the Cairngorms and the surrounding areas. Particularly vocal have been the Mountaineering Council of Scotland (MCoS) who believe that "the boundary proposed by the Scotlish Executive in its recent designation order is seriously flawed, has been drawn up for political rather than natural heritage reasons, and if passed is likely to lead to years of conflict and ineffective management..." ('www.mountaineering-scotalnd.org.uk/news/cnp-release3.html', 11th December 2002).
- 3.4.2 In particular, the MCoS (11th December 2002) raised a view that the south west boundary of the Park had "been drawn to fit an artificial local authority boundary", as opposed to fulfilling the criteria for boundary selection as laid down in the 2000 Act. A Scottish Executive briefing note, which considered the proposed boundary for the CNP noted that the Scottish Ministers considered that: "the optimal area for the National Park would need to take into account the distinctive character, coherent identity and special

⁴ Actual issue date was June 2002: the Scottish Executive website publication date was 17th July 2002.



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- needs of the area". ('www.mountaineering-scotalnd.org.uk/news/cnp-release3.html', 11th December 2002). It is this that MCoS do not consider has been adhered to in the final boundary designated.
- 3.4.3 This view is supported by 'The Cairngorms Campaign' which comprises 16 leading environment/outdoor bodies who came together to promote their discontent at the CNP boundary. They submitted representations to the Scottish Ministers on this issue in July 2002. Again, they consider that the boundaries as proposed by the Scottish Ministers at that time failed to meet the intention of the National Park and ignored the advice of SNH, as Reporter. They considered that: "the boundary is both illogical and arbitrary when measured against the statutory requirement for an area of "coherent identity" and entirely disregards all prior expectations of what the Cairngorms area covers, as recognised by the Cairngorms Partnership and Scottish Natural Heritage" ('www.cairngormscampaign.org.uk/cairngorms_draft_designation.php', 15th July 2002).
- 3.4.4 The Cairngorms Campaign notes in particular, within further documents produced on the launch of the CNP, that the areas of Perthshire excluded from the park were done so against the Reporter's recommendation, despite the Perthshire areas "scoring higher in the formal Reporter assessment than some areas that were included" ("www.cairngormscampaign.org.uk/cairngorms_draft_designation.php", 15th July 2002).
- 3.4.5 On 21st September 2006, John Swinney MSP introduced the "Cairngorms National Park Boundary Bill" to the Scottish Parliament to extend the CNP boundary. The Bill proposed to extend the existing boundary to bring parts of Highland and Eastern Perthshire within the National Park. This inclusion would also add a further administrative body Perth and Kinross Council into the Park Authority membership and would have resulted in Highland Council's representation falling from their current five person membership to four.
- 3.4.6 The Bill recognised the CNP aims as stated previously, and stated that the objective of the Bill to extend the boundary is designed in order to further these aims within the Cairngorms area. The Bill provided that the inclusion of the Forest of Atholl and Blair Atholl itself would help to provide a "natural gateway to the National Park in terms of economic opportunity and access through Glen Tilt to the Cairngorm mountains". The extended boundary, it was argued would: "enable entire mountain summits to be managed in a more sustainable and cohesive manner over a wider area". ('Cairngorms National Park Boundary Bill, Policy Memorandum', 21 September 2006, paragraph 7). In addition it was considered by the supporters of the Bill that this would facilitate the easier delivery of biodiversity and would help create a good 'buffer area' to the central Cairngorms massif.



3.4.7 The current position with the Bill is that it is no longer before Parliament for debate. A 'stage 1' report on the Bill, produced by the Environment and Rural Development Committee, was introduced to Parliament on the 6th March 2007, and Parliament debated the stage 1 report on the 26th March 2007. A Parliamentary vote was held and the majority favoured to take the proposed Bill no further.

4 Transmission Lines in UK National Parks

4.1 Introduction

4.1.1 This chapter provides a review of existing overhead transmission lines routed within UK National Parks and provides factual information on, and comparisons with, the existing situation in the CNP. The presence of transmission lines is relevant to the consideration of the CNP boundary.

4.2 The UK Position

4.2.1 There are currently twelve approved National Parks in the England and Wales, with a further two located in Scotland. A further National Park in the South Downs is provisionally agreed. Within England and Wales, the Office of the Deputy Prime Minister (ODPM), Planning and Environment Group (May 2005) established (APL / CNP – 29) that some 195km, of overhead transmission lines and 5km of underground cables are located within designated National Parks. This equates to approximately 1.5% of the total National Grid System⁵.

4.3 The Cairngorms National Park

- 4.3.1 A section of the existing 132kV transmission line linking north and central Scotland is currently within the CNP. There are also other transmission lines within the Park. The existing 132kV line currently extends some 36km through the Park and is supported by 128 towers. The proposed Beauly to Denny 400kV line alters this route and would reduce the length of the transmission line in the Park area to 28km, decreasing the number of supporting towers to 76. In particular, the proposed routeing aims to reduce the impact of the transmission line on the Park, and has been designed to follow closer to the boundary of the designated area and to avoid settlements and popular tourist routes, as far as possible.
- 4.3.2 The presence of the existing 132kV line at the time of the Cairngorms National Park designation did not prevent the area affected by the transmission line from fulfilling the statutory conditions of designation. This further supports the conclusion that the boundary of the CNP was not simply formed for landscape and wider natural heritage reasons. If the presence of the overhead transmission line within the proposed park boundary was not acceptable, then the CNP boundary would never have been designated in its current form.

⁵ The total National Grid System is 7,000 km of overhead transmission line and 650 km of cable, in England and Wales.



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4.4 Comparable Review of Transmission Lines in UK National Parks

4.4.1 Table 4.1 provides an overview of data on the existence of transmission lines in the UK's designated National Parks. This information is sourced from the Planning and Environment Group's paper "National Grid Lines in National Parks", (May 2005), supplemented with additional information in relation to Scotland as sourced by SHETL/JLL.

Table 4.1: Overview of Transmission Lines in UK National Parks

National Park	Designated	Area of	Total Length	Line	Line		
	Date	Park	of NGC Line	Voltage	Commissioned		
		(sqkm)	in Park (Km)	in Park	after		
					designation?		
Peak District	1951	1,438	13.5	400kV	Yes (1966/68)		
			5.06 (cable)				
Lake District	1951	2,292	3.5	400kV	Yes (1959)		
Snowdonia	1951	2,142	63	275 &	Yes (1961-		
				400kV	1968)		
Dartmoor	1951	954	0		N/A		
Pembrokeshire	1952	584	0		N/A		
Coast							
North York Moors	1952	1,436	1.5	400kV	Yes (1972)		
Yorkshire Dales	1954	1,769	0		N/A		
Exmoor	1954	693	0		N/A		
Northumberland	1956	1,049	0		N/A		
Brecon Beacons	1957	1,351	17	400kV	Yes (1967)		
The Broads	1989	303	0		N/A		
The New Forest	2005	571	27	400kV	No		
The South Downs (Provisional)	TBC	TBC	65	400kV	Unknown		
			125.50				
Total			195.56				
The Cairngorms	2003	3800	36km		Proposed		
			(proposed				
			reduction to				
			28km)				
ource, "National Grid Lines in National Parks", Planning and Environment Groups (May 2005))							

(Source, "National Grid Lines in National Parks", Planning and Environment Groups (May 2005))



4.4.2 It can be seen from Table 4.1 that seven English and Welsh National Parks contain 400kV overhead transmission lines. It is noted that in five of the Parks, 400kV overhead transmission lines were commissioned after designation of the respective National Parks.

5 Conclusions

5.1 Summary Conclusions

- 5.1.1 Drawing together the analysis presented in this report, the following conclusions have been reached:
 - There is a very long historical context for environmental protection of the Cairngorms which has culminated in the current National Park designation;
 - The core montane area has been protected in the long term by means of various designations including National Nature Reserve and National Scenic Areas designations which remain in place;
 - There are a number of seminal reports which have underpinned the formation of the Park and influenced the boundaries:
 - o CCS, 'A Park System for Scotland';
 - o CCS, 'Scotland's Scenic Heritage'; and
 - o CCS, 'The Mountain Areas of Scotland'.
 - The CCS report entitled 'The Mountain Areas of Scotland' produced a
 zoning plan for the Cairngorms which provides a useful guide on the levels
 of importance of the wider area in terms of protection, setting and gateway
 to the montane area. This also states that differing levels of development
 and land uses would be expected and should be planned for within different
 land zonings of the Cairngorms (see Figure 3.4);
 - The strong drive to create a National Park in the Cairngorms emerged from the formation of new Labour government in 1997 and their commitment to the establishment of National Parks in Scotland;
 - The establishment of the current boundary of the CNP has been contentious and various factors have influenced the identification of the designated area, including political expediency and administrative convenience;
 - The special qualities of the CNP identified by the CCS included the high plateaux (at a scale which provides distinctiveness), the steep slopes (edge of the plateaux) and forests at the foot of the plateaux;
 - The Cairngorms National Park Plan takes a broader view of the special qualities of the Park, including distinctive landscape, rich biodiversity, mountains, moorland, forests and woodland etc (see section 2.3 above);



- The importance of natural heritage considerations has not been the single driver for delineation of the CNP boundary: rather, the influence of cultural heritage and social factors has equally informed the designated area, with the contribution of communities and settlements being of significant importance;
- The actual process of arriving at the current boundary does not seem entirely transparent. From the review of available documentation that has been carried out, the process by which the Scottish Ministers arrived at the current boundary following SNHs' final report, in their role as statutory Reporter, has not been clearly reported or established;
- In their role as Reporter, to the Scottish Ministers, SNH recommend that the parts of the Upper Spey Valley, Kinloch Laggan and Glen Shirra should be excluded from the National Park boundary. The Scottish Ministers, on publishing the draft Designation Order that was subject to consultation in 2002, excluded not only Glen Shirra and Kinloch Laggan, but also the Upper Spey Valley, Laggan, Dalwhinnie and Drumochter. It seems it was only as a result of very final consultation responses, that these areas were included within the final National Park boundary.
- It is notable that the CNP boundary excludes any land area within the administrative control of Perth and Kinross Council, despite such land areas being promoted by SNH for inclusion within their final report to Scottish Minister of 2001. Interestingly, the south-western boundary of the Park follows exactly the Perth and Kinross Council boundary with its neighbouring authorities of Highland, Aberdeenshire and Angus Councils, for some considerable distance, circa 70km in total. To this end, it is questionable whether the boundary of the Park has been fully established on the basis of the statutory aims of the CNP, e.g. to conserve and enhance the natural and cultural heritage, rather, the boundary would appear to have been established on a political/administrative basis in this location, and indeed perhaps for management reasons. Thus, the National Park designation is considered to represent more of a 'planning designation' than a specific natural heritage designation. In summary, the designation has been established due to a mix of considerations, which include natural heritage, cultural and administrative reasons. designation of the Park was strongly influenced by the ability to manage the park, particularly through the planning system.



- The CNP contained overhead transmission lines when the designation was made. The presence of these lines has not therefore prevented the designation of the National Park and the conditions of designation as set out in the 2000 Act were considered to have been met by the Scottish Ministers.
- The existence of overhead transmission lines in National Parks is not unique to the Cairngorms: indeed 7 out of 13 National Parks in England and Wales contain lengths of overhead transmission lines within their designated boundaries. The majority of these transmission lines have been consented and built following the respective designation of the National Parks. All of these examples include 400kV lines.
- The analysis of the historical evolution of the Cairngorms National Park has illustrated that there has, over time, been little in the way of consensus as to the special qualities of the areas which are considered to combine in such a way as to provide a distinctive character and coherence of identity. Indeed, the advice of the SNH Reporter provides a basis for concluding that the south western fringe of the National Park within the boundary of the Park is less strong than other areas of land within the National Park.



Appendix 1 - Bibliography

Documents on the Beauly Denny Strategic Inquiry session document list were referred to in addition to:

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