



# National Parks (Scotland) Act 2000

## 2000 asp 10

### *National Park proposals*

## **2 National Park proposals**

- (1) The Scottish Ministers may, if it appears to them that the conditions in subsection (2) are or may be satisfied in relation to an area, propose—
  - (a) the designation of the area as a National Park, and
  - (b) the establishment of an authority (to be known as a “National Park authority”) to exercise, in relation to that Park, the functions conferred on the authority by virtue of this Act.
- (2) Those conditions are—
  - (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 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.
- (3) A proposal under subsection (1) must be in writing and must set out (in general terms) —
  - (a) the area which it is proposed should be designated as a National Park, and
  - (b) the functions which it is proposed the National Park authority should exercise.
- (4) Such a proposal is referred to in this Act as a “National Park proposal”.

## **3 Reports on National Park proposals**

- (1) The Scottish Ministers may require—
  - (a) Scottish Natural Heritage, or
  - (b) any other public body appearing to them to have expertise relevant to the National Park aims,to consider a National Park proposal and, after complying with subsection (5), to report to them, by such date as they may specify, on such of the matters set out in subsection (2) as the requirement may specify.

- (2) Those matters are—
  - (a) the area which it is proposed should be designated as a National Park,
  - (b) the desirability of designating the area in question (with or without modifications) as a National Park,
  - (c) the functions which it is proposed the National Park authority for the Park should exercise,
  - (d) the likely annual costs and capital expenses of the authority in exercising its functions,
  - (e) such other matters relating to the proposal as the requirement may specify.
- (3) Where the Scottish Ministers impose a requirement under subsection (1) they must send a copy of the National Park proposal to the person who is to provide the report (the “reporter”).
- (4) A requirement under subsection (1) may be addressed to two or more persons and, if so—
  - (a) may impose different obligations on different persons,
  - (b) may contain provision modifying the application of subsection (5) in relation to those persons or any of them,
  - (c) must require those persons to provide their reports in a single document.
- (5) The reporter must, on receipt of the National Park proposal—
  - (a) send a copy of it and of the requirement to every local authority any part of whose area is within the area to which the proposal relates,
  - (b) determine the period (which must be at least 12 weeks) for which the copy proposal and requirement are to be made available for public inspection under subsection (7) and notify every such authority of that period,
  - (c) publicise the proposal in such manner as the reporter thinks fit, and
  - (d) consult—
    - (i) every such authority,
    - (ii) every community council any part of whose area is within the area to which the proposal relates,
    - (iii) such persons as appear to the reporter to be representative of the interests of those who live, work or carry on business in the area to which the proposal relates, and
    - (iv) such other persons as the reporter thinks fit,on the proposal.
- (6) The Scottish Ministers may give the reporter directions as to how the consultation under subsection (5)(d) is to be carried out; and the reporter must comply with those directions.
- (7) A local authority receiving a copy proposal and requirement under subsection (5)
  - (a) must make them available for public inspection for the period referred to in subsection (5)(b).
- (8) In preparing a report under this section the reporter—
  - (a) must consider whether the conditions in section 2(2) are satisfied in relation to the area which it is proposed should be designated as a National Park,
  - (b) must have regard to the National Park aims,
  - (c) must take into account—

- (i) any views on the National Park proposal expressed by those consulted under subsection (5)(d), and
  - (ii) any comments on the proposal received within the period referred to in subsection (5)(b), and
- (d) may have regard to such other matters as the reporter considers relevant including, in particular, administrative boundaries and geographical considerations.
- (9) A report under this section—
  - (a) must include the views of the reporter on the matters specified in the requirement,
  - (b) may include such other matters as the reporter considers relevant.
- (10) The Scottish Ministers must publish and lay before the Parliament a report made to them under this section.

#### **4 Statements by the Scottish Ministers**

- (1) Where the Scottish Ministers do not require a report under section 3(1) in relation to a National Park proposal they must—
  - (a) comply with subsection (3) of this section, and
  - (b) prepare, publish and lay before the Parliament a statement on the proposal dealing with the matters specified in subsection (2) of this section.
- (2) Those matters are—
  - (a) the area which it is proposed should be designated as a National Park,
  - (b) the desirability of designating the area in question (with or without modifications) as a National Park,
  - (c) the functions which it is proposed the National Park authority for the Park should exercise,
  - (d) the likely annual costs and capital expenses of the authority in exercising its functions,
  - (e) such other matters relating to the proposal as the Scottish Ministers think fit.
- (3) Before preparing the statement the Scottish Ministers must—
  - (a) send a copy of the National Park proposal to every local authority any part of whose area is within the area to which the proposal relates,
  - (b) determine the period (which must be at least 12 weeks) for which the copy proposal is to be made available for public inspection under subsection (4) and notify every such authority of that period,
  - (c) publicise the proposal in such manner as they think fit, and
  - (d) consult—
    - (i) every such authority,
    - (ii) every community council any part of whose area is within the area to which the proposal relates,
    - (iii) such persons as appear to them to be representative of the interests of those who live, work or carry on business in the area to which the proposal relates, and
    - (iv) such other persons as they think fit,on the proposal.

- (4) A local authority receiving a copy proposal under subsection (3)(a) must make it available for public inspection for the period referred to in subsection (3)(b).
- (5) In preparing the statement the Scottish Ministers—
  - (a) must consider whether the conditions in section 2(2) are satisfied in relation to the area which it is proposed should be designated as a National Park,
  - (b) must have regard to the National Park aims,
  - (c) must take into account—
    - (i) any views on the National Park proposal expressed by those consulted under subsection (3)(d), and
    - (ii) any comments on the proposal received within the period referred to in subsection (3)(b), and
  - (d) may have regard to such other matters as they consider relevant including, in particular, administrative boundaries and geographical considerations.

## **5 Local inquiries**

- (1) After publication of a report under section 3 or, as the case may be, a statement under section 4 the Scottish Ministers may, if they think fit, cause a local inquiry to be held in relation to any matter arising from the National Park proposal or the report or statement.
- (2) Subsections (2) to (8) of section 210 (local inquiries) of the Local Government (Scotland) Act 1973 (c. 65) apply in relation to such an inquiry.
- (3) The Scottish Ministers must publish and lay before the Parliament the report of the person appointed to hold such an inquiry.