

SCNP & APRS Response to NatureScot Consultation on 'the Future of National
Parks in Scotland'
29 November 2022

Section 1 – The Role of Scotland's National Parks

1. Do you support "leadership of nature recovery and a just transition to net zero" becoming the overarching purpose of Scotland's National Parks? If not, what else would you propose?

The text here is an excellent summary of how more National Parks (NPs) will add value to other Scottish Government (SG) priorities set out in SG strategies and policies and demonstrate the transformational change in land use required to respond to the biodiversity and climate change crises.

We support the idea of leadership on nature recovery and just transition to net zero being a purpose of National Parks, but in addition to their current purposes. These existing statutory aims promote heritage conservation, sustainable resource use, understanding, enjoyment and recreation and the sustainable social and economic development of the area's communities. Demonstrating nature recovery and a just transition to net zero in that wider context should make NPs exemplars for the rest of the country.

However, it is unclear from the consultation what "overarching purpose" means in the context of the Act. It seems to suggest a new hierarchy of statutory aims/ purposes, which inevitably raises questions as to the relative importance to be attached to the present ones. In particular, we wonder what would happen to the so-called Sandford or Boyack principle in the Act that gives greater weight to the first of the existing purposes (*To conserve and enhance the natural and cultural heritage of the area*) if there were such a new overarching purpose? The consultation paper itself says with regards to the Sandford principle in Part A, Scene Setting, Annex B:

*Section 9(6) of the Act sets out an **overarching requirement** for National Park Authorities to safeguard the special qualities of the Park area. This means that the National Park Authority has to give greater weight if there is a conflict between aim one (natural and cultural heritage) and the other aims.*

How would Section 9(6) interact with the proposed new overarching purpose?

Furthermore, although expressed as a single purpose, the prospective "overarching purpose" in fact combines two separate objectives which might at times conflict – or certainly be presented as doing so by parties seeking to create confusion as to where the priority should lie. We see this as in nobody's interest and certainly not as an outcome that Ministers desire. The best way of avoiding it, whilst maintaining the admirable aspirations underlying the proposal, might be to make this public policy ambition the central message of the putative National Park Vision and Mission Statement. Doing so would establish it firmly as the broader

policy context within which Ministers expected National Parks to operate and the lodestone for the exercise of their proposed leadership and demonstration roles.

A related change that we would like to see in order to improve delivery of the NP aims is that the overarching requirement set out in Section 9(6) of the Act should apply to all public bodies and not just the National Park Authority (NPA).

2. Which of the proposed elements of leadership and action set out in the list above do you support? What others - if any - would you propose?

We would support all of the proposed elements, with the caveat that the parameters of “natural capital approaches” need to be clearly explained or defined so it is understood what is actually meant in practice, as the term can be interpreted in different ways.

Other areas of leadership and action we might propose?

We would also support stronger leadership by the NPs on:

- improving access to nature and rural landscapes to promote health equality and wellbeing to people of all backgrounds
- educating visitors and residents alike as to how society relies on properly functioning ecosystems and the full range of services that they provide
- encouraging and facilitating more environmentally sustainable land management and development.

We see all these activities as logical and necessary elements of National Parks’ proposed demonstration role. We also think that it could be useful to consider the findings of the Glover Report (2019) which looked at National Parks and protected landscapes in England and the Marsden Review of Designated Landscapes in Wales (2015). Both reviews considered designated landscapes in the context of how they could help address bio-diversity loss and the climate emergency. Whilst we don’t suggest that the entirety of these reports or their recommendations are applicable to Scotland they do contain useful parallels and proposals.

3. What opportunities are there for National Parks to generate private investment in natural capital?

We assume this means the NPAs leveraging in private funding to advance the Park aims, in addition to public funding. Opportunities for NPs are as potentially diverse as for the wider landscape, but NP status adds to these opportunities due to the world-wide brand recognition of the NP accolade. The range of opportunities for NPs to generate private investment in natural capital could include many aspects of biodiversity restoration, natural carbon capture, and other ecosystem services and could bring community benefits too. Depending on location the focus will vary but might include native woodland restoration and creation, peatland restoration and conservation, water management or blue carbon projects.

Crucial to the successful deployment of private investment to secure environmental goals is clear and widely agreed guidance as to the environmental

objectives and priorities in any given area, along with the relationship between these and social and economic aspirations. National Parks already have the basis for such guidance in their National Park Plans, as has been recognised in their selection as pilot areas for Regional Land Use Partnerships and Frameworks. Not only that but they have staff on the ground who can play the vital role of translating policy ambitions into practical action and assembling packages of activity suitable for private investment and sponsorship. Their value in this respect is already well demonstrated by the major projects for which they have attracted National Lottery and other funding.

As an example of this steering and facilitating role, NPAs could play a part in the guiding the development of the 'carbon economy' within their boundaries, for example by presenting the potential benefits for nature and carbon to be achieved through native woodland expansion rather than just carbon sequestration from planting non-native species.

NPAs will of course need to exercise care over the selection of private partners to avoid taking funding from sources responsible for major environmental harms elsewhere, including pollution and continuing high carbon emissions. Otherwise potentially problematic situations involving greenwashing and unjustified offsetting (ie facilitating continuation of high carbon emissions rather than reducing them) could occur. Furthermore, NPAs could work with the Scottish Government to further refine the Scottish Government's Principles for Responsible Investment in Natural Capital to generate a more stringent set of principles for investing in natural capital within National Parks. This could set out that National Parks are open for responsible investment, but clarify the rules to ensure quality control for nature, climate and community wealth building.

It is also potentially feasible for NPAs to generate funds for other activities in line with NP aims, not just to boost natural capital.

4. What role should local communities play in the National Park and how should National Park authorities work with and for them to secure a just transition?

Communities should have involvement at all levels of NPs activities from membership of NPA Board, either directly elected or as local Councillors, and as inhabitants, workers, volunteers, visitors, and students. Local community representation, and ability to raise potential opportunities, issues and concerns allows local interests to be balanced with the national interest.

Local communities should participate as fully as possible in the preparation of the NP Plan and Local Development Plan. They should also through these and other relevant initiatives and processes have the opportunity to influence the direction of the land management changes that will be needed to address the climate and nature crises and to respond to other economic and technological forces. We might expect communities' precise role to vary from park to park given differences in population and depending on how other national policy changes including land reform evolve eg the potential for more community ownership of land within NPs and the community wealth-building and wellbeing agendas.

NPAs have a huge opportunity to engage with local communities in identifying and implementing the action required to achieve a fair transition to net zero. This could involve playing an advisory or supportive role on initiatives, highlighting what will change in the locality due to climate change, and acting as a catalyst and sounding board for communities undertaking projects such as developing transition plans, local place plans or local emission reduction programmes.

5. Do you support a “vision and mission” for all of Scotland’s National Parks being clearly set out in a national statement? If not why not?

Yes, in principle we would support the production of such a national statement. Our support would be dependent on the detailed wording, which should refer to all four of the existing aims and to the goal of protecting and enhancing landscapes and natural beauty which has always been central to National Park purposes. The statement should also retain and stress the priority given to the first aim under the Sandford principle.

As advocated previously, a vision and mission statement for NPs would provide an ideal opportunity to explain how the imperative to do much more on nature recovery and a just transition fits with the existing NP aims.

6. If you favour a national statement for Scotland’s National Parks being developed, what else should it cover?

The statement should articulate what National Parks do for the nation as well as the local area and the aspirations of the nation in terms of the Parks. We would like to see a vision set out an intention to continue development of the National Park network in Scotland with the goal of including within it high quality examples of a more representative selection of Scotland’s diverse landscape types. The result would, over time, be a suite of National Parks, as we recognise that much more of Scotland is both worthy of the status and would benefit from it.

The statement should also put Scotland’s expectations of NPs into the international context and explain how they fit into the IUCN framework ie as Category V Protected Landscapes (within which there may of course be scope for areas qualifying for other categories).

It should also recognise that virtually all of Scotland’s landscapes are the product of millennia of interaction between people and nature and that much that we value in them reflects this longstanding and ongoing relationship. National Parks should undoubtedly play a leading role in stemming and reversing the environmentally damaging consequences of human activity, but they should also highlight and celebrate examples of people living in and successfully working the land more harmoniously with nature. We see this latter task as an important aspect of National Parks’ intended role as “greenprints” for the future.

We would welcome specific reference in the statement to landscape and what that word and concept encapsulate, both in terms of the combination of landform, wildlife, natural processes and culture that have resulted in areas regarded as having high intrinsic value, very often most readily expressed as great natural

beauty and outstanding scenic qualities, and of large-scale management which could be threatened or greatly reduced by the encroachment of industrial development (of various scales).

A national statement for NPs could also cover:

- The desire to spread NP benefits more widely across Scotland, with the additional resources that this would require, to strengthen Scotland's international reputation for environmental protection and support our crucial tourism industry.
- Recognition of how NPs will be diverse in nature but have a degree of consistency in management, standards etc.
- Reaffirmation of the value and importance of all of Scotland's protected landscapes - including National Scenic Areas (NSAs) and Regional Parks which also have much potential – not yet fully tapped - to contribute to national policy targets and meet social and environmental needs.
- It might also describe ways in which Scotland's National Parks and other protected landscapes could better work together to maximise the benefits that they bring, and the efficiency with which they deliver these, up to and potentially including the option of creating a nationwide National Landscape Service.

7. To what extent should new National Parks be about the future potential of an area for nature restoration as well as what's currently in place?

Despite Scotland's widespread – and we believe justified – renown for natural beauty, we recognise that past and current human activity has taken a severe toll upon its many and varied ecosystems. With this 'shifting baseline' it is very hard for individuals to appreciate just how much richer in wildlife and even more entrancing the country could be. In terms of **selection** of new National Parks we feel the potential of an area for nature restoration should not be the primary consideration - some aspects of the area should already be of demonstrable national interest and value. However, in terms of **future role and management**, National Parks should be at the forefront of nature recovery effort and make significant contributions to national targets such as 30x30. We would expect promoting such recovery to be a priority wherever a NP is located and that NPs would demonstrate how this can be achieved alongside other NP aims.

NPs should also be about future potential for other NP aims such as heritage conservation, sustainable resource use, and enjoyment and recreation, not just nature restoration. However, much greater emphasis needs to be put on nature-based solutions to the climate and nature emergencies, green jobs and a wellbeing economy.

8. Are any specific changes to the existing four Aims required? If so why, and what are they?

No, not necessarily. We feel that the shift in priorities required to address the climate and nature crises **could** happen under the existing Aims, given the flexibility they contain, as long as national policy is clear enough and if NPs are given stronger powers to follow this through. However, if the SG consider that the timescale allows for legislative change, then refreshing the language of the 20+year-old Act could better reflect present day societal concerns - addressing

climate and biodiversity crises, increasing equality of access to NPs, improving people's connection with nature.

In addition, the exposition of the Sandford Principle currently at 9(6) could be made more prominent and the principle applied to all public bodies where their work is within a NP or affects a NP.

It is worth emphasising that, due to the extended timescale required for any potential legislative change, the timetable set out by the Scottish Government means that nominations for new NPs will be received and assessed under the existing legislation. This shouldn't necessarily be problematic so long as the proposed changes are articulated early in the process and all parties understand that legislative changes will be brought in at a later stage.

While the current legislative approach has generally been seen as successful, a number of changes to these statutory Aims could be considered to further strengthen the focus and contribution of National Parks. Some of the possible broad options include:

- 1. retaining the current status quo e.g. keeping the existing four Aims as currently worded;*
- 2. keeping the policy intention of each Aim unchanged but rewording them to better reflect the new vision and mission in the proposed national statement;*
- 3. keeping the four Aims but include a new overarching statutory purpose of National Parks to secure nature recovery and a just transition to net zero;*
- 4. adding additional aims e.g. "to promote the just transition to net zero" or "to increase the accessibility of the areas for all"; and*
- 5. reducing the Aims to the first one only and change the other three Aims to duties, thus giving the National Park a much stronger, single statutory focus on the protection and enhancement of the natural and cultural heritage.*

9. Which of these possible options, or mix of possible options, do you think would help strengthen the focus and contribution of National Parks, and why?

In our judgment and in the light of past experience the impact of existing and future NPs will depend more upon resources, policy and leadership from the Scottish Government, and support and action from other public bodies, than on any reasonably conceivable changes to the legislation under which they operate. The key to NP's success in achieving their purposes, both existing and proposed, will be political willingness to give greater weight than hitherto to environmental and other public interest objectives, as against private and socio-economic ones.

That said, we recognise that now is an appropriate time to consider the merits of possible changes to their founding legislation. As will be seen from our answer to Q8, we believe that the existing aims remain both valid and adequate even to the enhanced brief envisaged for Scottish National Parks, especially if buttressed by a powerful assertion in an accompanying Vision and Mission Statement of the nature recovery and just transition imperatives. Some updating of the wording might be desirable so long as it did not significantly alter the underlying intent. On balance this (Option 2) would be our preferred option.

As indicated previously in our answer to Q1, we have reservations both about superimposing a new overarching purpose (Option 3) and about adding to what is already quite a long list of statutory aims (Option 4) on the grounds of the confusion, controversy and even scope for mischief which such changes could create. If, however, Ministers decide that it is vital to add the objectives enshrined in the “overarching purpose” to the existing statutory aims, Option 4 is the one that we would favour, as the one least likely to disturb perceptions of the designation and thereby potentially erode public support – especially amongst local communities - for the creation of more National Parks.

Option 5 we do not find attractive. Crucial though it is to give precedence to safeguarding the natural and cultural heritage, as required by the Sandford/Boyack principle, experience worldwide confirms that this aim must be combined with due attention to the well-being of human communities, both within the National Parks and outwith their boundaries. The existing Scottish legislation is widely admired internationally for the way in which it attempts to strike this vital balance and to provide the basis for the genuinely integrated management of natural resources. What is more, the proposed role of National Parks as laboratories and demonstration areas for environmentally sustainable lifestyles and socio-economic activity would sit uncomfortably with such a tightly focused goal. Option 5 would move Scotland more towards the English NP model and we would prefer that Scotland retains its more inclusive approach with the four statutory aims and the Sandford principle.

In conclusion, however, we suggest that whatever the outcome in terms of statutory aims, the requirement to further them should in future apply to all public bodies operating within the National Park area, as should the ‘greater weight’ given to ‘conserving and enhancing the natural and cultural heritage of the area’, with nature recovery as a key part of this.

10. Are there other options that could be considered? If so, what are they?

We have no specific alternative legislative options to suggest. Any such legislative changes might be better focused on specific problems that National Parks have to address but are by no means confined to them: deer and other sporting management and harmful agricultural practices being only some examples. Such changes, along with the allocation to National Parks of specific functions and powers relevant to their brief (in some cases related to those same changes), of influence over and advisory roles in relation to key government programmes (notably in the land use field) and of resources adequate to the challenging tasks to be undertaken, are really what is needed if National Parks are to fulfil the ambitions set out for them in this consultation paper.

11. Do you think there should be any changes to the wording in the Act to require public bodies to support delivery of National Park Plans? If so, what would you propose?

Yes, we agree there is a need to strengthen the effect of this duty from the current ‘have regard to the park plan’ so that all public bodies exercising functions within a National Park are required to positively support delivery of National Parks Plans.

All public bodies should be required to **further NP aims and to help to deliver NP Plans.**

In addition, it should be clear that this duty is not just aimed at land management bodies like Forest & Land Scotland but those responsible for a much wider range of public services, including infrastructure such as transport and services such as litter collection. These bodies should ensure that the services provided within NPs take into account the NP aims and that the mode of delivery is more sympathetic to the landscape and to nature. This could apply to future plans or retrospectively. An existing example of such action is the funding provided by Ofgem for undergrounding and otherwise mitigating the adverse impact of power lines in designated landscapes, which reflects the higher sensitivity of such areas to intrusive development.

12. Do you have any other suggestions for improving partnership working to support the implementation of the National Park Plan by all?

We think that there is a huge opportunity to align the proposed reform of agriculture support payments with NP aims and with the relevant Park Plans. This could transform for the better much of the land management within NP boundaries and by bringing it into line with environmental goals eliminate the need for offsetting action and expenditure.

Another potential opportunity arises from the recent Land Reform proposals to require large landholdings to produce management plans taking account of the Scottish Land Rights and Responsibilities Statement. We would suggest that management plans for holdings within NPs should be aligned with NP aims and Park Plans, and that the NPA should be given responsibility for assessing their acceptability, including their compliance with this requirement.

NPAs should also be assigned a continuing role in leading in the preparation and implementation of Regional Land Use Frameworks beyond the current pilots.

At present, the Act provides the following powers and functions to all National Park Authorities:

- *general powers of non-departmental government bodies (charges, advice, research, grant-aid; land acquisition and compulsory purchase etc.);*
- *natural heritage functions of local authorities and NatureScot (for example for countryside management, ranger provision, nature reserves, compulsory purchase and grants etc.); and the*
- *planning and access authority functions of local authorities.*

13. Could any of the existing powers and functions be used more effectively? If so, which ones and how?

Town and Country Planning: We think the ability for all NP Authorities to have both development planning and development management powers should be retained in the legislation, in order to give them maximum influence over built development in their areas. However, the potential to delegate management powers if that is more practical should also remain possible. Having the status of a planning authority means that even if the development management powers are delegated in this

way, they could be taken back in future if that was felt necessary. Irrespective of the precise allocation of responsibilities for development management, NPAs should provide appropriate guidance on the siting and design of different types of development to ensure that it respects local landscape character.

Access: NPAs should be given the local authority role on rights of way as well as the role of access authority to enable for a more joined up approach on access.

14. Are any of the existing powers or functions redundant or unnecessary? If so, which ones and why?

We appreciate that some of the powers and functions have thus far never been used but see no reason to remove any from the legislation.

To take forward a refreshed “vision and mission”, National Park Authorities may require strengthened or new powers and functions in relation to the following areas

- *Improving protection, enhancement and enjoyment of nature*
- *Delivering Net Zero*
- *Better management of land or sea*
- *Funding*
- *Community well-being and development*

15. What, if any, changes to the powers and functions in these areas should be considered and why?

We have no specific proposals but would agree that there may well be a case for changes in any or all of these areas. As mentioned in our response to Q10, we think that quite often the need may be to assign to NPAs responsibility for exercising (or advising on the exercise) in their areas of powers that may be desirable throughout, or at least more widely across, the country.

16. Are there any other areas where strengthened or new powers and functions will be needed by the National Park Authority? If so, what are they?

Greater control or influence over the delivery and prioritisation of SG agricultural and forestry funding support.

As mentioned in our response to Q10 Deer management could be addressed by giving functions to the NPA despite being relevant beyond the NP boundaries.

Rights of Way. NPAs are Access bodies currently but not responsible for Rights of Way.

Where National Parks include marine areas the interaction with marine planning will need to be considered further.

Greater clarity over where responsibilities and duties on visitor management lie might be helpful when problems arise and the priorities of local authorities and an NPA don't align, but the lead role does not lie with the NPA (eg adequate provision of bins and toilet facilities for visitors). Such visitor management issues could be resolved if a duty to deliver the Park Plan was placed on other public bodies.

Other powers that might be worth considering are more emphasis on NPAs taking ownership of land within the NP boundary, particularly where it currently lies with other public bodies. This would be with a view to the NP delivering the integrated management that NP aims require both faster and more effectively. It might, for example, be more in the public interest for public money to fund the purchase of land for an NPA to manage rather than a public body with narrower aims such as FLS. The argument for such a change would of course be weaker if the duty to further the aims of the NP were strengthened to include all public bodies as well as the NPA.

17. Should the powers and functions of National Park Authorities be decided on a Park by Park basis? Should any apply to all National Park Authorities? If so, which ones and why?

We favour a roughly similar model for all National Parks in Scotland as the 'brand' is well understood by the public but agree that powers and functions should be decided on a park by park basis and be adjusted as appropriate to the area via the individual Designation Orders eg coastal and marine areas will likely require some different or adjusted powers.

We think that all NPAs should be entrusted with Town and Country Planning powers. As explained in our answer to Q13, this means that all NP Authorities should have both development planning and development management powers in order to give them maximum influence over built development in their areas. However, we also agree that NPAs should have the option of delegating development management powers if circumstances indicate this would be the most beneficial arrangement.

18. Are there any changes you would want to see to the governance and management arrangements of all National Park Authorities?

The aim should be to have Boards which are as small as possible but still consistent with the requirements set out in the 2000 Act and to retain a balance between the national and local interests on the Boards.

Whatever their number and however they are selected, it is essential that Board members receive adequate training and guidance about National Park purposes and about the role that they have to play in securing public policy objectives as set out not only in legislation but in documents such as the proposed Vision and Mission Statement. This should include specifically instruction about the application of the Sandford/Boyack principle.

It is also very important that at least a majority of Board members have skills and experience relevant to National Park aims and priorities. Given the weight

accorded to the first of the current statutory aims and to the proposed “overarching purpose”, however it finds expression, a good proportion should have in depth (though not necessarily highly specialised) knowledge of natural and cultural heritage matters.

Now is also an obvious opportunity to consider the merits or otherwise of establishing some form of single National Parks Service rather than establishing a new NDPB for each new National Park – although this too would require amendments to the primary legislation. The exact form of such a service could vary from one which simply provided support services to all NPs to something much more comprehensive, potentially embracing the management of other protected landscapes such as NSAs and Regional Parks, although some degree of local accountability would also be vital, especially in the exercise of planning powers. Alternatively it could have a more strategic or research and advisory role. The case for such an umbrella body might well increase in proportion to the number of new National Parks contemplated and thus the eventual size of the National Park (or whole protected landscape) family.

Section 2 – Criteria for selecting National Parks

Key elements of the approach envisaged by Scottish Ministers include:

- *Development and publication of an evaluation framework to assess nominations;*
- *A request for nominations to be made with clear guidance and within a timeframe that encourages nominations from all parts of Scotland;*
- *The provision of advice and other support for potential areas to prepare nominations;*
- *An open and transparent evaluation of the nominations based on the agreed framework;*
- *Decisions on which area or areas to progress made by Scottish Ministers based on recommendations following this evaluation.*

19. Are these the key elements of an effective nomination process for National Parks in Scotland?

Yes, although the commitment to a “bottom-up nomination process for selecting new National Park areas rather than the traditional expert-led, top-down approach” should not be allowed to dilute the significant prestige and value which comes with the NP accolade – all NPs must clearly be of undoubted national importance and the input of experts to the evaluation process will be invaluable.

At earlier stages of the process there have been references to the role of an independent panel in the assessment of nominations to enhance transparency and fairness. It is not clear from bullet point four of the key elements above whether that remains the intended.

20. Do you have suggestions for improving any of the specific elements of the process?

It must be clear which types of organisations will be able to nominate areas for NP status, and whether support from the relevant local Council is essential (we don't think that it should be).

21. Are there additional elements you want to see included, and if so, what are these?

Relevant local Councils should be required to state whether or not they support a nomination for part or all of their area, and if not why that is. Lack of support may be because of the nomination is quite a novel idea or because there are several potentially competing bids within a Council area (ie a capacity or timing issue) rather than a considered objection.

Local Authority support should not be required for a nomination to succeed, as if this had been the case in the past far fewer NPs would have been designated in Britain and the benefits which they bring would not have been secured. However, ideally a local authority, which may have to transfer some its powers to a NPA, would be involved in the early stages of the process and partnership support will be essential later in the development of a new NP.

Criteria for Nomination and Evaluation

Possible criteria that could be included in the Evaluation Framework are as follows

- 1. What are the special qualities of the area that merits its designation as a National Park? ("Outstanding national value")*
- 2. Does the area proposed make sense as a National Park? ("Size and coherence")*
- 3. How would establishing a new Park help deliver nature recovery and a just transition to net zero in this area? ("Need or added value")*
- 4. Is the investment in creating a new National Park Authority for this area justified in terms of these outcomes, or are existing approaches sufficient? ("Need or added value")*
- 5. Is there sufficient evidence of local support for this proposal to be considered further? ("Degree of support")*
- 6. Would the designation of the area increase the impact of Scotland's National Parks as a whole? ("Strategic contribution")*

Outstanding National Importance

Possible components

- Value for biodiversity, landscape and cultural heritage*
- Value for enjoyment and understanding*
- Value of natural capital assets*
- Inclusion of associated marine areas and islands where relevant*

22. Do you agree that outstanding national importance should be a criterion? Could the clarity of it be improved and, if so, how?

Yes. It would support a case if at least some part of the area was already designated for its national importance, eg as a National Scenic Area or National Nature Reserve. We welcome the explicit references to enjoyment and understanding and to the potential for a coastal and marine NP. We prefer the

suggestion that the suite of NPs should be representative of “all of Scotland’s nature and landscape” as the alternative of “the best of Scotland’s landscape” might imply only one type of landscape would be considered for NP status eg Highland mountains and lochs, when the great diversity of Scotland’s landscapes is one of its strengths.

23. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes.

Although value of natural capital assets should be explained.

Size and Coherence

Possible components

- *A definable geographic area including, where relevant, associated settlements*
- *Shared heritage, cultural associations and traditions*
- *A size which allows for the delivery of Park aims*
- *An area in which the special qualities of the Park as a whole would not be undermined by more intensive land or sea uses or large scale infrastructure that exist within, or are proposed for, the area*

24. Do you agree with size and coherence as a criterion? Could the clarity of it be improved and, if so, how?

Yes, particularly the proposal that NPs must be large enough to deliver the NP aims - not necessarily as large as Scotland’s existing NPs but able to support Park aims.

One indicator of coherence would be whether there is an obvious name for the NP whose geographical spread would be widely understood both locally and nationally; for example “Borders”, “Galloway” or “Lochaber” rather than the clumsy “Ben Nevis/ Glen Coe/Rannoch Moor”.

The issue as to whether intensive land or sea uses or large-scale infrastructure could be included or excluded is likely to prove the most contentious. Views differ as to what degree of intensity of land use is inappropriate in a Category V National Park. Any sizeable National Park in Scotland is likely to contain at least some tracts of quite intensively managed ground. Even where that use might be almost universally regarded as excessively intensive, as long as it does not cover too high a proportion of the proposed NP area, it would make more sense to include the land concerned rather than to leave ‘holes’ within the NP boundary which would subsequently prove difficult to amend.

25. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes.

Perhaps some details of potential marine limits for a coastal and marine NP could usefully be set out.

Need or Added-Value

iii. How would establishing a new Park help deliver nature recovery and a just transition to net zero in this area?

Possible components

Are there existing issues and/or future opportunities for

- nature restoration?*
- transforming land or sea use to contribute to net zero?*
- Improving accessibility to nature for all?*
- provision of sustainable transport options?*
- better visitor and tourism management?*
- growing the well-being economy by increasing natural capital, creating nature-based skills and jobs and supporting community capacity and development?*

26. Do you support the consideration of the potential contribution of the National Park in delivering nature recovery and a just transition to net zero as criterion? Could the clarity of it be improved and, if so, how?

We welcome the list given of specific elements which could contribute to delivering these objectives, eg land use transformation or sustainable transport. It must be made clear, however, that NPs must also already be of national importance even if they have potential for nature restoration or climate mitigation or adaptation. The value of the NP brand should not be devalued by using designation as a tool to promote the enhancement of extensive areas which would not in their current state be seen as of significant natural and cultural heritage value.

27. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes. Remote areas with fragile local communities with significant needs for sustainable social and economic development are often also areas with opportunities for this to be based upon natural resources and the visitor economy, for example western Galloway or the southern Borders.

In considering existing issues and future opportunities we wonder if there is a further possible component where there is perceived to be a high level of threat to either the national importance or coherence of an area. Examples of threat could (as has arguably often been the case in past designations) been intense and inadequately managed visitor pressure, but could equally be intrusive industrial development or intensive forms of agriculture or forestry incompatible with current environmental quality.

iv. Is the investment in creating a new National Park Authority for this area justified in terms of these outcomes, or are existing or other approaches sufficient?

Possible components

- Weaknesses or limitations of existing measures*
- Costs of existing measures*

28. Do you support the assessment of the merits of a National Park compared to existing or other approaches as a criterion? Could the clarity of it be improved and, if so, how?

Yes. It might well be worth carrying out an analysis at national level of the limitations of existing measures where this would be relevant to several potential areas. For example we have long considered that National Scenic Areas have been undervalued and little utilised for positive change, despite the potential for this. Regional Parks are underfunded, have inadequate governance and management mechanisms and low levels of public understanding since the regional tier of government was abandoned. On the other hand UNESCO Biospheres and Geoparks have no legislative underpinning and no certainty of permanence.

As for the added value versus the cost of creating a NP Authority, as stated in our response to Q18 above the aim should be to have Boards which are as small as possible consistent with the requirements set out in the 2000 Act and any new NPs should benefit from the experience of the existing NPAs rather than starting from scratch.

29. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes.

The idea of level of threat to the significance, coherence or special qualities of an area and whether that is adequately addressed by the existing measures might also be considered.

Degree of Support

Possible components

- *Support by local community or group*
- *Support by local authority/fit with local authority policy*
- *Indication of national support/fit with national policy*

30. Do you support the consideration of existing support as a criterion? Could the clarity of it be improved?

Yes. Although the text here correctly points out that this will be assessed during the statutory Proposal, Report and Designation stages, expectations should not be raised by accepting nominations from areas where support is absent or unclear. Specific evidence of local support could be required, such as the referendum carried out on Harris in 2008 or the written reports on the widespread consultation exercises carried out both in the Borders and Galloway during 2017-18. However, sparsely populated areas may be harder to assess, as may be the case for areas where the proposal of a NP has only recently been raised.

As detailed in answers to earlier questions, the support of a local authority is desirable but not essential.

Indications of national support, from either communities of interest or based on expert analysis, should also be taken into consideration.

31. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes.

Strategic Contribution

vi. Would the designation of the area increase the impact of Scotland's National Parks as a whole?

Possible components

- An area that could provide an opportunity to develop and test different approaches to nature recovery in a way that supports a just transition*
- An area which contributes to the delivery of 30x30 commitment*
- An area which supports Scotland's strategic approach to visitor management*
- An area where the sustainable social and economic development of its communities, that a National Park could help support, is of strategic importance*

32. Do you support the assessment of the strategic contribution of an area as a criterion? Could the clarity of it be improved?

Yes. The key issues which might be involved with addressing this contribution are clearly set out here. We particularly support the idea of “selecting a range of areas that cover the issues and opportunities that come from the different landscapes and seascapes”, so long as the areas selected qualify in terms of national importance.

33. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes. We have no further suggestions – the list is already quite a long one!

Selection Criteria – Other Issues

34. Are there any significant issues that are not covered by the proposed criteria? If so, what are they?

No.

35. Do you think any of the criteria are more important than others? If so, which ones and why?

Yes. National importance for natural and cultural heritage, enjoyment and recreation.

36. Do you think the selection criteria and proposed components provide the right balance between covering the issues required and simplicity? If not, how could they be improved?

Yes. Also, all of these criteria should be satisfied for an area to be worthy of NP designation, not just some of them. The current requirement that NPs must be of national importance either for natural heritage or for a combination of natural and cultural heritage has worked well and should be kept.

37. Should more of the proposed components be quantifiable? If so, which ones, and how?

Yes – see answers to Q19 and Q22 above regarding national importance and answer to Q30 above regarding evidence of local support.

Where practicable some degree of quantification is clearly desirable. But it is widely recognised that what can be counted is very often not what truly counts. This warning is particularly salient where the values being assessed are to a significant degree intangible. The imposition of spurious metrics should be avoided. This in our view is another powerful argument for expanding the suite of National Parks well beyond three. This would make it much easier to include areas exhibiting different combinations of components and qualities, and often appealing to people of differing interests and attributes, as well as offering the opportunity to demonstrate what delivering the aims and “overarching purpose” entails in different circumstances and settings.

Section 3 – Other Issues

38. Are there any other issues about either Scotland’s approach to National Parks or the selection of new National Parks you would like to raise in your response at this stage?

In order for NPs to be exemplars of integrated land use in the context of the climate and biodiversity emergency they must have supportive public policy and funding streams (potentially private as well as public) geared to achieving its goals eg agricultural and forestry support aligned with National Park Plan objectives. Given the large amount of public money that goes into the existing NP areas under agricultural schemes (compared with other funding streams) it would be nonsensical if this public money was in effect working against the aims of the NP or the delivery of the agreed Park Plan. NPAs do therefore need some influence or control over how this funding is directed.