



FOLLAT Response to NatureScot Consultation on 'the Future of National Parks in Scotland'

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?

We have some concerns about this potentially diluting some of the existing 4 aims and focus of existing and future National Parks and would suggest instead of becoming the overarching purpose it should become a 5th aim. We are very concerned that if it was the overarching aim that investment in supporting the delivery of the other existing aims would potentially suffer with less investment and focus. The change could be an excuse for taking no action in furthering some of the existing aims which are currently well understood and established with the Sandford principle taking precedence in the event of a conflict when planning matters are considered.

It is unclear what "just transition" means as this is not made clear anywhere, so we are therefore uneasy with that.

Providing improved access for the public in responsible ways to enjoy nature and landscape and seeking the highest possible standards in everything that is done should also be overarching purposes as should be supporting the well-being of local communities.

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?

All of them

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

There are clearly opportunities and more private sector companies are expressing interest in being involved. However, it is important that planning powers are not abused or distorted as part of any mechanism to deliver private investment in natural capital. There are opportunities for planning gain in certain circumstances, but clear guidelines require to be developed and agreed by NPA Boards.



There should be scope to secure funds to establish grant scheme to support local natural capital initiatives.

The world-wide recognition of the NP brand should be exploited and opportunities sought to work with private partners, although great care should be taken to ensure National Parks are simply not used for worthless “greenwashing” by some commercial companies.

National Parks have a duty to contribute to worldwide efforts to tackle the climate and nature emergency and they must be prepared to develop new ways of working with the commercial world to do so but with certain safeguards and principles built in which further the aims of National Parks.

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?

Again uneasy about the “just transition” phrase, but a balanced membership of NPA Board, whether locally elected, nominated nationally, co-opted or representing relevant bodies such as local authorities, pressure groups and charities. It is important local communities are encouraged to participate as much as possible in preparation of NP Plan and Local Development Plan. Many NP residents have a wealth of knowledge and expertise which should be tapped into as much as possible to further the aims of National Parks and ensure practical delivery on the ground. The need to balance local and national interests should not be forgotten.

National Parks should always be looking for ways to engage positively with relevant organisations, residents, employees, volunteers, visitors, students and children.

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, but great care in drafting this should be undertaken so as the current vision and missions of existing National Parks are not unduly diluted. The vision and aim should be clear and concise so that the wider population and local communities can easily relate to them and be inspired. Wording should refer to overarching aims covering landscape and natural beauty as well as community well-being. It would be a mistake to simply focus solely on the climate and nature emergencies.



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

Partially covered above. We would also like to see a vision set out for the continuing development of the National Park network in Scotland - with the goal of including a more representative high-quality selection of the Scotland's diverse landscape types in the accolade.

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 - hopefully a suite of National Parks, as we recognise that much more of Scotland is worthy of the status and would benefit from it

There is a strong case to spread benefits more widely across Scotland including additional resources, to strengthen Scotland's international standing 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. Potentially, the national statement could refer to the creation of a National Parks or National Landscape Service that could support all landscape designations to be exemplars - NPs, NSA, Regional Parks. A central Service could offer strategic thinking and leadership to maximise the opportunities presented by NPs and to resolve problems in a consistent and constructive way.

The Vision should put Scotland's expectations of NPs into the international context too - explain how they fit in the IUCN framework ie Category 5.

Should recognise the changing human (cultural) influence on Scotland's landscape over millennia, and that in the present day our recognition of the perilous state of climate change and nature degradation is in turn going to influence the management choices made more and more.

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?

We recognise how nature deprived Scotland is and that our perspective of 'a shifting baseline' means it is very hard for individuals to appreciate the extent of loss. 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 importance. 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 this to be a priority role wherever a NP is located and for NPs to demonstrate how this can be achieved alongside other NP aims.

Also NPs should also be about future potential for other aims such as fostering cultural heritage conservation, sustainable resource use, enjoyment and recreation, not just nature restoration.

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 required shift in priorities for addressing 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 and increasing equality of access to NPs.

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

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?

Although this is an appropriate time to consider the merits of possible legislative changes, the impact of existing and future NPs will depend as much if not more upon resources, policy and leadership from the Scottish Government and support from other public bodies.

Of the 5 options put forward in the consultation, option 1 has been discussed in our answer to Q8 - that the required focus and delivery could come from changes to powers and duties, rather than altering the aims. Of the others we feel option 4 is most preferable - it emphasises the integrated approach of NPs whilst removing any doubts about the commitment to addressing climate and nature crises and moving to a more equal society. Option 2 also could be workable but this is clearly dependant on what the yet-to-be-written vision statement says.



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.

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

We would welcome specific reference in the Act to landscape, specifically areas regarded as having unique character and/or great natural beauty and what that encapsulates, both in terms of landscape-scale management and the combination of landform, wildlife, vegetation and natural processes.

Is it likely that the definition of natural heritage referred to in the Act will be changed? - “**natural heritage**” includes the flora and fauna of a National Park or a proposed National Park, its geological and physiographical features and its natural beauty and amenity.

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 ‘have regard to the park plan’ so that 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 deliver NP Plans** and the annual review of what has been delivered and by who should be reintroduced with the Minister/Cabinet Secretary responsible for National Parks chairing a review event in each National Park. An invitation to these annual review events should be more inclusive and widened to include local community groups and charities active in the relevant National Park. It is important there is a clearer and targeted focus on delivery and this would be an effective mechanism for monitoring this.

Is there something additional about having an expectation on public bodies that they don’t regard NPs the same as elsewhere - even if dealing with essential infrastructure? This is not just aimed at land management bodies like FLS but infrastructure bodies such as Scottish Water, Transport Scotland and power companies. Higher standard of EIA and better standard of construction, done more sympathetically to landscape and others roles.

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

Touched on above in terms of more effective reviews and ensuring actions in Partnership Plans are followed through and delivered. As budgets tighten, as they inevitably will, in the current climate there is a real danger partners pay 'lip service' to NP Partnership Plans and it is important steps are taken to ensure this does not happen. There is also a real danger that various bodies become bogged down in drafting and reviewing policy documents which are numerous at the expense of delivery on the ground, and it is essential that significant funds are ringfenced for capital works as opposed to simply revenue funding for staffing costs.

There is scope to highlight links to SG funding/land management payments.

Land Reform - suggestion of requiring management plans for new purchasers of significant land holdings within NPs in line with park plans as well as Scottish Land Rights and Responsibilities statement?

Linking up more areas under different ownership in terms of NP aims?

NPA role in leading Regional Land Use strategies?

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

Town and country planning. All NP Authorities should have both development planning and development management powers to give them maximum influence over built development in their areas.

Access - give the local authority role on rights of way to the NPA as well as the role of access authority for a more joined up approach.

Protection and policing to deal with anti-social and other damaging behaviours needs to be considerably strengthened. The recent review of Loch Lomond byelaws demonstrated how weak the current powers and enforcement arrangements are on a large body of water which is popular for recreation purposes. There should be more scope for NPAs and the Police to use fixed fine and other less bureaucratic arrangement to deal more effectively with irresponsible behaviours



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 are unaware of a need to remove any from the legislation.

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

We would be willing to consider the case for changes in any or all of these areas but as mentioned earlier more powers are required to enable NPAs and partners to deal more effectively with irresponsible behaviour on water bodies such as Loch Lomond where there are growing concerns about water safety in busy areas. The current 'toolkit' to deal effectively and swiftly with irresponsible behaviours on the water are very limited and requires to be addressed urgently.

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 of SG agricultural and forestry funding support.

Fishery management and protection.

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 can be decided on a park by park basis and be adjusted as appropriate to the area via the individual Designation Orders eg coastal areas and NPs with concentrations of lochs will likely require some different or adjusted powers.

We think that Town and Country Planning powers should apply to all NPAs. 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.



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.

Now is the obvious time to consider the merits or otherwise of establishing a single National Parks Service while retaining NDPB to ensure there is some accountability at both national and local levels. There is merit in NPs being able to draw on expertise and knowledge as required from a National Park Service and there is clear evidence of the benefits of this from some other countries. This would also ensure individual NPAs do not become top heavy with senior management when some resources could be pooled to benefit all the NPAs and ensure efficiency savings. The current CNP and LL&TNP have successfully shared some corporate service support staffing and this could be expanded further to cover other areas of activity under the umbrella of a National Park Service. Existing Parks have limited staffing resources devoted to cultural heritage activity yet fostering the cultural heritage is embedded as part of one of the four aims of NPAs. In North America, fostering cultural heritage is much more to the fore in NPAs through National Park Services.

NPA Board members should also be more accessible and there is currently an inconsistent approach to being able to contact Board members by individual NPAs. A number of National Parks in the UK publish contact details for Board members but some like LL&TNP don't. There should be more consistency and since NPAs are funded by the public purse it is important their Board members are more easily accessible to members of the public.

The ability to make representations direct to NPA Boards should also be more widely publicised as this is not well known and consequently has been little used to raise awareness of specific issues of concern. This mechanism was effectively used recently by a local Access Trust to raise concerns about the impact of the major plans to realign the A82 on Loch Lomondside and led to a useful debate amongst Park Board members.

Section 2 – Criteria for selecting National Parks

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,

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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.

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

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

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

Relevant local Councils must be required to state whether they support a nomination for part or all of their area or not. However, such 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.

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

Yes. At least some part of the area must be 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.



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. As long as they do not cover a significant proportion of the proposed NP area, it would make more sense to include areas where the land use may be intrusive now, but may change in the long term, such as commercial conifer plantations or wind farms, 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.
Marine limits

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 designating areas of less than national importance, or the most degraded areas solely to encourage these opportunities .

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.



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 both National Scenic Areas and Regional Parks are underfunded, have inadequate governance and management mechanisms and low levels of public understanding. As for the added value 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.

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

Yes.

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.

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

Yes.

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” as long as the areas selected are clearly of national importance.

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

Yes

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 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 worth 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.



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 climate and biodiversity emergency must have supportive public policy and aligned funding eg alignment of agricultural support in National Parks - thereby helping to deliver Park Plans?

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. Therefore do NPAs need some influence or control over how this funding is directed?