

Consultation response
“The Future for National Parks in Scotland – Have Your Say”
November 2022

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 purpose of any National Park should be to bring together environmental, social, and economic objectives. It is imperative that the establishment of any new National Park(s) strikes a balance between objectives for the climate and biodiversity crises while giving due consideration to social and economic objectives ensuring that these living and working environments continue to support the fragile rural communities within them.

Scotland’s two existing National Parks serve as models of sustainable development and are central to rural economic development and recreation, sustainability, and conservation efforts. They provide an integrated approach to management and sustainable development ensuring that the special qualities of these areas are safe guarded for the long term. We believe this commitment should be maintained and sit at the core of any new National Park.

While the current statutory aims included in the National Parks (Scotland) Act 2000 do not explicitly refer to climate and nature, the aims do enable National Parks to contribute to nature recovery and a just transition to net zero as evidenced by park plans for Loch Lomond and the Trossachs and the Cairngorms National Parks. As such we do not feel it necessary to diverge from this balanced model.

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?

Overall, we are supportive of the leadership actions set out in the list, however we do not feel their delivery is solely isolated to National Parks. The scale of the challenge to address climate change and biodiversity loss is immense and addressing these challenges requires us to act at all levels and we need to focus efforts across the whole breadth of Scotland, not just on National Parks.

In terms of actions one and two, we are supportive of the need to do things differently, to be inspired and informed by the past and to work at pace. Alongside this approach it is important we recognise the considerable action that is already being undertaken by land managers to actively carry out management actions that enhance and restore species and habitats. Sustainable and environmental land management are essential to achieve this action. Land managers continue to be at the forefront in implementing nature-based solutions. It is important that the wealth and historic knowledge they have of their land and how the landscape is utilised is recognised and used as an opportunity to link local know-how with delivering national priorities.

If we are to make progress, we must move away from a culture of blame towards land managers and we must learn from inappropriate support schemes which have supported land managers to do the wrong thing i.e. planting of commercial forestry on sites of native woodland, draining moorland and over intensive farming policy are just a few of the government supported land management

practices that have been encouraged and supported in the past but for which land managers are now being criticised.

We support action three to accelerate the transition in land and marine use to deliver climate mitigation and adaptation and nature recovery. Delivery of this is going to require significant leadership and will need to be more than strategies and frameworks, it is going to require practical support to ensure successful delivery and it is going to need to be appropriately resourced.

Action four and five on testing and embedding natural capital approaches to growing a well-being and sustainable economy and generating opportunities for greater private investment in natural capital, we also support but there are several challenges to overcome to achieve this, we have set these out below.

- Effective and innovative funding mechanisms that incorporate public and private investment in a blended finance approach are going to be fundamental to growing a sustainable economy and achieving biodiversity and climate targets and there is no question that these approaches are going to be best delivered at scale if these approaches are to deliver tangible benefits and be financially viable. However, this approach conflicts with the Scottish Government's Land Reform proposals, which seek to make it more difficult for 'large scale' holdings to undertake these tasks due to being subject to market intervention and potentially requirements to sell off parcels of land in lots at point of sale, if the size of the holding is deemed 'too large' for whatever reason.
- While the desire and capital are there for private investment, there is significant work to be done in inspiring confidence and in making nature-based solutions can attractive green investment. Alongside joined up policy and well-designed delivery mechanisms we need to be able to evidence the value and benefits nature-based solutions bring and be able to demonstrate the contribution they are making towards achieving national targets if we are to give confidence and attract private investment.
- Similarly, there needs to be confidence from those selling carbon or biodiversity credits that they fully understand the liabilities and risks which come with them. As an immature market some of these are still to be realised fully.
- There also needs to be consideration of what private finance means in terms of property rights, which cannot be dismissed because of National Park designations.

Action six on ensuring a just transition and the importance of reskilling and creating new employment opportunities we strongly support. We are going to need to see rapid upskilling across sectors to ensure they are supported to undertake the level of work required and deliver the ambitions outlined for new National Parks. Significant resource and funding will be needed to support skills development and facilitate knowledge transfer. It is vital that what these jobs are, where they are and who pays for them are clearly defined so that they are not just a vague aspiration.

We support action seven on placemaking. It is important that the approach taken is consistent with the policies in the National Planning Framework 4 (NPF4). We also feel it would be useful is a mechanism was in place which could allow for any learnings on how to improve these and to share

these with local authorities in the rest of rural Scotland so that they are not left behind in this respect.

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

There are growing opportunities to develop private investment in large scale restoration projects – we do not see these opportunities as being limited to National Parks and nor should they be.

As highlighted in our response above landscape scale initiatives are most likely to deliver tangible benefits and be financially viable with early work in this area suggesting that institutional scale investors are more interested in large scale opportunities where they can invest millions as opposed to relatively small sums of money (thousands).

From the point of view of those who own or manage land, the key to success in attracting private finance is in joining up delivery mechanisms and avoiding policy silos. A natural capital approach can provide a framework to quantify the different benefits from positive land management. A single piece of land may provide carbon sequestration, flood risk prevention to local communities and businesses, biodiversity restoration and health and well-being benefits. A first step is the ability to measure and value these benefits, using credible standards and metrics as a foundation for developing markets and tradeable credits.

Overall, we agree there are opportunities within National Parks to generate private investment in natural capital and National Parks will have an important role to play in aligning and encouraging investment in our natural resources. Much can be said of areas out with National Parks however, so the National Parks must look at ways where they can add value to this and give the confidence to investors and those managing land to get involved and enable the finance that is required to make progress at scale to happen.

At the very least National Parks have an important role of providing information and leadership for those looking to get involved in natural capital investment. Having the knowledge and skills within the National Park staff team would be greatly beneficial. Perhaps even shared resource with other 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?

Firstly, the role of communities in the new National Park should bare some consistency with the existing National Parks' approaches. In forming a new National Park policy decision makers should work closely with the relevant people in the CNPA and LLTNP to gain an understanding of what their general approach is to working with and for communities. Any community strategies or policy documents used by the existing national parks should be echoed in the new National Park. This is to ensure there is a consistent nationwide policy with how National Parks approach their work with communities.

It is also important that the regional priorities and nuances of any new National Park's area is taken into consideration. There should be scoping exercises with different communities in the proposed national park of all types. For example, decision makers must bring together residents, farmers,

landowners and community groups and bodies to identify local concerns and priorities, which should then be worked into a framework.

If a Regional Land Use Partnership is being piloted in the area, then this should be factored into the workings of the National Park and likewise for if a new National Park borders with an existing National Park (in either Scotland or across the border with England).

Private landowners are often well placed to deliver on National Park priorities so they should be consulted on what opportunities they can offer to the objectives of the park and vice versa. Scottish Land and Estates can bring its members in the area together with the new National Park authority and disseminate messaging, but any messaging should be framed as an opportunity for landowners as well as other stakeholders in the National Park. This is currently done through various forums to share information between the Parks and land managers.

We note the question asks how working with communities can secure a just transition, it is also imperative that the just transition recognises the need to be economically productive. An economic strategy should be of equal priority to other objectives of a national park.

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?

An agreed vision and mission set out in a national statement would provide useful clarity and ensure a more strategic direction is taken nationally on National Parks. It will of course be important to recognise that each National Park will have its own identity and so many of their functions will require local accountability with a requirement to retain local functions i.e., retention of planning powers.

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

Alongside a collective vision and mission there needs to be a high-level overarching purpose which sets out what National Parks are delivering in Scotland and how this links with international commitments such as the UN Sustainable Development Goals and targets of the Convention on Biological Diversity and at a national level how it links with policies such as Scotland’s National Performance Framework, Scotland’s Biodiversity Strategy etc. The statement will also need to recognise the different interests within a National Park and the national and local interplay within each.

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

There is no doubt that sites designated as protected landscapes such as National Parks present unique opportunities for nature restoration. Given that they encompass a wide range of habitats and environmental conditions, their contribution to nature’s recovery and society more generally could be immense.

While the future potential of an area is a key consideration it is also important to recognise the current efforts of those who are already contributing to nature restoration. Farmers and land managers are already engaged in a wide range of activities and management that is positive for

nature and National Parks should seek to encourage and reward land use that is both good for nature and part of a financially viable business. The concept of land sharing could be central to delivering these aims.

Alongside existing nature restoration practices, we need to see ambitions to develop innovative approaches which drive nature recovery, we need to improve people's connections with nature, and we need to fundamentally ensure that these landscapes go beyond visual appeal and provide places for living and working communities.

Fundamentally National Park designation should be seen as a catalyst for innovation, they should not act as a barrier to change but they do need to deliver in the context of existing strategies and policies.

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

We are generally supportive of the existing four aims. The broad nature of the aims adds strength enabling the aims to operate together in a co-ordinated and integrated way. We welcome the balanced nature of the aims which ensures a holistic evaluation of the social, economic and environmental objectives is taken and does not result in one-dimensional decision-making with no regard for other government policy objectives.

We would add that given the significant increase in visitor numbers to the Scottish countryside over the last few years there should be a clear objective aimed at managing this, ensuring that National Park Authorities have the ability and resource to appropriately deal with such issues.

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?

We would like to see option 1 the status quo maintained. As already stated in our response to question 1 while the current statutory aims included in the National Parks (Scotland) Act 2000 do not explicitly refer to climate and nature, the aims do enable National Parks to contribute to nature recovery and a just transition to net zero. This is evidenced by the two existing National Parks in Scotland who have ambitious plans setting out how the National Park and those with a responsibility for the park will work together to address the climate and nature emergencies. We therefore do not feel there is a strong case for changing these aims when National Parks are already making strong commitments and delivering against nature and climate actions.

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

The options have been satisfactorily explored and we have nothing further to add. As mentioned in our response to question nine we believe the four existing aims remain relevant. It is important that the aims of National Parks remain all-encompassing and find a balance between maximizing the positive outcomes for nature and climate while taking account of the range of social and economic factors at play and how these each interact with one another; a focus on a single issue can often lead to perverse outcomes.

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?

We do not have strong views on this. It is vital that a joined-up approach is taken between Local Authorities and National Parks so that Park objectives are successfully delivered. It is essential that public bodies support these objectives and that policies across the board align.

As set out in the consultation document, the track record of partnership working by public bodies and National Parks is strong and we do not have direct experience or knowledge of where conflicts have occurred which would merit change to the working of the Act.

We recognise that for some areas of policy public bodies have statutory duties placed on them to act, for example public bodies have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment; and public bodies are expected to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

Rather than additional wording in the Act we would suggest there needs to be greater scrutiny and enforcement of existing powers.

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

There are two existing National Parks in Scotland, which as the consultation document highlights have strong track records of working in partnership. Rather than re-invent the wheel it seems sensible that the approach the two existing National Parks have taken/are taking to partnership working is replicated and built upon.

Given that National Parks tend not to own land it is important that a bottom up, inclusive approach is taken which forms relationships with and engages with those who live, work and manage land in the park. It will be important that land managers, local communities and wider stakeholders collaborate to identify the priorities for management and that there is openness and transparency in decision making processes.

The Partnership Plan should set out how the National Park will operate together with the public, business, utilities other authorities, and agencies to ensure that the National Park aims are collectively achieved in a coordinated way. A good model for this is the CNPA Managing for Visitors subgroup which brings together key stakeholders to meet a shared objective.

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

There needs to be greater flexibility in powers and functions relating to planning. The current rules surrounding track maintenance, bridge repairs, etc are so tight that it is extremely challenging for small businesses to deal with. This has become a notable frustration with members in existing National Parks who have been impacted by damaging natural events (storms, floods) and who have had to jump through hoops of bureaucracy before they can start to clear up and build back in a way that allows for adaptation and resilience for future events.

There also needs to be a recognition that if moving from two established national parks to three or more, then there will be local differences. It may not be appropriate for planning powers to be available to all National Parks, therefore a flexible approach would be favoured.

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

In terms of planning function, we believe a consistent approach is taken within all National Parks. We feel this function should remain with the Local Authority who have the expertise and resource to deal with it. It will of course be important that there is cross over between National Park objectives and local planning policy.

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

It is important that a consistent approach is taken to the powers and functions of National Parks. In addition, consideration needs to be given to existing strategies and initiatives already in place in an area. For example, in the south of Scotland there is a Regional Economic Strategy, so if a new National Park were to be established there then it would be important to ensure that there is alignment of common aims and objectives.

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?

There is an opportunity to align funding more closely to delivery of National Parks plans, allowing for a more regional focus to be taken. It will therefore be important that National Parks have greater influence and resource to provide economic development support functions – advice, grants, incentives ensuring that objectives are delivered in focused and targeted way and in accordance with the National Park plan.

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 don't see any need to steer away from the current model. There is enough flexibility within the various schedules attached to the National Parks (Scotland) Act 2000 to allow for a variety of approaches and flexibility to be applied depending on the character and needs of the area in question.

It is important that local governance remains in place in each National Park, including retention of planning powers at a local level; this would need to be accompanied by a case for bolstering Local Authority resources.

It will be important that National Park objectives are supported by local planning policy, and it will be important that National Park status is aligned with relevant local development plans and vice versa; it is important that there is integration between the two.

There should be a clear statutory framework for National Parks that has national stature, and which ensures limited variation and over complication of powers and functions, ensuring consistency

across Scotland, which we believe will aid with delivery of objectives and be more attractive to private investors.

As stated above the National Parks (Scotland) Act 2000 allows for flexibility of approach enabling local situations to be accommodated for. It is our view that the National Park Plan is where individual circumstances should be accommodated for.

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

Depending on the size and character of any new National Park flexibility will be required ensuring appropriate arrangements are put in place which are appropriate to each parks circumstance; it might not be that any future National Park is of the scale and complexity of existing ones.

In terms of governance, it is understood National Park Board Authorities are made up of appointments by Scottish Ministers, Local Authority members, and people who live in the area elected by the community, with legislation placing an upper limit on the size of the Board. While it is acknowledged that private landowners would be entitled to stand for appointment, concern has been expressed at the possibility that 40% of the National Park Authority could be comprised of people who live out with the area and who are not knowledgeable about the areas local culture and driving factors. The balance of representation on the National Park Board will be crucial to the success or failure of a National Park and we consider that greater allowance needs to be made for representation of those individuals who live within the National Park area. As with existing National Parks it will be important that Boards contain a breadth of expertise which must include farming and rural business expertise.

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

To aid transparency we would like to see the addition of a “decision document”. This document should explain how the application will be assessed, it should provide a record of the decision-making process and detail how all materials outlined as being a requirement in the process have been considered.

In terms of local engagement and canvassing of opinion, this can only really be done once the purpose of a National Park and outcome of this work is known. Then those living in a potential National Park can make informed decisions.

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

Alongside the provision of advice, it would be useful to provide a template for the nomination process, to ensure consistency in approach which will make the evaluation process easier to manage at both application and evaluation stage.

As in our response to question 19, we would like to see transparency in the evaluation process and feel this would be aided by the production of a decision document which is made public and published on an easily accessible platform which explains how the application will be assessed, it should also provide a record of the decision-making process and detail how all materials outlined as being a requirement in the process have been considered.

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

Please refer to our answer in question 19 and 20.

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

National Parks should champion integrated land management of the natural environment and it is right that they showcase areas of outstanding national importance. It must be recognised that alongside the special landscapes and wildlife habitats for which National Parks are renowned for, these landscapes are also important places where people live and work and that they play an important role in the rural economy, underpinning a wide range of economic activities. It is therefore important that the criterion also reflects this, ensuring businesses and communities within a National Park boundary are not placed at an unfair disadvantage to those who are outside the boundary.

Given a key element of a National Park has been the enhancement of tourism and visitors, a criteria assessing the ability of the area to handle an increase in visitors would be essential.

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

We agree with the components but feel it important to include text which highlights that National Parks are also working landscapes, supporting farming and other crucial parts of the rural economy. It is important that within the components there is recognition of the importance of integrated land use and management ensuring the right balance is struck between economy, environment and society and managing competing objectives; Scotland's existing National Parks are exemplars of this, encouraging the adoption of integrated, landscape scale approaches.

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

We broadly agree with the criterion.

National landscapes will form the backbone of nature recovery and joining things up within and beyond their boundaries is going to be essential. The size of National Parks gives valuable opportunities to connect habitats and help wildlife to move through the landscape. As such National Parks should be at the heart of resilient ecological networks and attention needs to be given to how any new National Park(s) will fit into and interact with the existing and expanding land use policy landscape e.g., protected areas network, nature networks and land use partnerships for which there is little to no mention in this consultation and for which connectivity is going to be important in terms of realising ambitions around Nature Networks and 30x30.

In respect to decisions on new designations/boundary extensions we believe these should be taken by a statutory body that has a wider remit covering environmental, economic, and social objective and they must be supported by Impact Assessments with due consideration given to how adverse impacts on economies and communities in the area will be addressed.

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

As described above there needs to be consideration of the wider land use policy landscape including policies such as land use partnerships, Nature Networks and 30x30 with consideration given to the interplay between these and National Parks.

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 are supportive of the consideration and as outlined above, recognise the potential for National Parks to deliver in these areas. As reflected in our answer(s) above the National Parks (Scotland) Act 2000 already enables National Parks to contribute to nature recovery and a just transition to net zero so we don't see a need for this to be changed. It is paramount that environmental policy delivery is coordinated with wider land use policy to avoid land managers facing conflicting or duplicate demands on them.

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

We agree with the proposed components, though we do not believe these are solely restricted to a National Park and nor should they be, they are components which the Scottish Government should be aspiring to support delivery of across all of Scotland.

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?

We support the assessment of the merits but believe greater clarity could be achieved by providing more detail on these.

We strongly agree that any National Park designation must demonstrate that it is providing additional benefit, rather than just clarifying current benefits.

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

We agree with the components included but believe there are key components missing to the criterion which should be considered as part of the assessment. We have set these out below.

- Take into consideration other designations in the area and interactions with a new National Park i.e. UNESCO sites to ensure consistency with objectives and that a new National Park does not impact on the status of what exists already.
- Take into consideration neighbouring boundaries with existing National Parks, or other designated sites such as UNESCO and also other initiatives such as RLUPs, Nature Networks, Destination Tweed type projects etc.

- Are there other designations that are more suitable e.g., regional parks, biospheres where alternative forms of action will be more appropriate and are wanted by local communities.
- As well as these landscapes being important for the role they play in nature recovery and combatting the climate emergency it must be recognised that these landscapes also provide places for living and working communities. Consideration needs to be given to the joint delivery of multiple and integrated benefits for people, nature and climate.
- Any new designation must be inclusive and be a place that all of society can enjoy, access and value, to enhance their health and wellbeing.

It is important that any new designation is selected through an evidence-based assessment.

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

It is important that any proposal has support from those who live and work within the Park's boundary. We do not feel strongly that there needs to be existing support for a National Park, what is important is that a strong social, economic and environmental case can be made and that an independent assessment is undertaken which assesses the desirability and feasibility of designating a National Park in the area allowing people to then make an informed decision when it comes to consultation stage. If a National Park changes through this process, then levels of "existing support" would need to be re-established as currently they are largely based on the model in CNPA & LLTNP.

The criterion references "... Sufficient evidence of local support..." it would be useful to understand what is meant by the word local, does this for example refer to those who solely live and/or work within the park? Or does it go wider than that?

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

We agree with the proposed components listed, but clarity is needed with regards to where landowners fit, as there is no mention of them, and it is unclear if they are included in "local community". There is also no mention of key stakeholders and feel these should be included in the list.

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

Yes, we believe it is right that there is an assessment made of the strategic contribution that an area can make and it is sensible that these include the most pressing needs for social, economic and environmental objectives and that they are reflective of national priorities.

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

We largely agree with the proposed components but feel that they could be strengthened to better reflect the significance and uniqueness that is attributed to National Parks to ensure they remain reflective of the fact that only our finest landscapes should be designated. Designation should be

seen as a catalyst for ambition and innovation as presented the components do not stand out as being anything different to what we are aspiring to deliver across the wider countryside.

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

It remains unclear from the consultation if equal weighting will be given to social, economic and environmental benefits of any new National Park. While our members are behind Scottish Governments aims and ambitions to protect and enhance the natural environment there are concerns about how these ambitions will be achieved in relation to a new National Park model. Any new designation needs to be an all-encompassing package where priorities for nature sit alongside the well-being of the people that live and work within the park ensuring a sustainable future for all. The lack of detail on this has led to concerns that any new designation will be solely focused on nature recovery and net zero leading to fears that designation will stifle economic growth and hamper rural businesses from reinvesting in communities to offer affordable housing and new job opportunities.

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

We feel each of the criteria are important and so we have not undertaken an exercise of comparative weighting between them, as we believe each is a valuable consideration and must be considered as part of the valuation process.

Each community and landscape will be unique and so the importance of the criteria is likely to vary between the different nominations made. We believe it is key that all criteria are mindful of achieving economic and social resilience as well as environmental good.

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, the right balance has been struck.

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

Yes, the components where possible should be quantifiable and measurable, this will be important in ensuring transparency in the decision-making process and aiding people to understand the outcome of decisions. Without quantifiable and measurable components, it will be difficult for people to have confidence in the process. Making components quantifiable will also be important in ensuring that an evidence-based assessment is made during the evaluation stage.

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?

We would like to see criteria included which determines how success in a National Park will be measured, this is currently missing from the consultation. In addition, we would also like to see something included on a value for money test.