



Scottish Council for National Parks

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Andrew Bachell  
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Dear Andrew,

## **COASTAL AND MARINE NATIONAL PARKS.**

Thank you for the opportunity to contribute to the debate on the Coastal and Marine National Park proposal. SCNP, as you know, has been represented at both Stakeholder events in Inverness and Glasgow, which we found to be stimulating. We now wish to set down our position on how we think any CMNPs should be governed, how one or more might fit with the emerging family of national parks in Scotland and where they should be located. Our fundamental view is that the development of national parks in Scotland should be strategic in approach to ensure that our finest areas of cultural and natural heritage are given protection against existing and future inappropriate development and this includes our marine heritage.

Recognising that the Minister's steer seeks to bring all four aims into play in this new situation, it is also logical to conclude that conservation issues would be subject to the same Sandford Principle as applies terrestrially and that areas of outstanding natural and cultural significance would be covered. Although the steer majors on access as a pivotal issue which will determine where any CMNPs would be located, it would be a denial of the principles of the legislation if any Parks were to be insulated from strategic conservation measures such as SACs, SPAs, NNRs, SSIs, or NSAs. Furthermore, with new thinking being evident in the DEFRA paper, 'Towards a Strategy for Marine Conservation', in regard to Marine Landscapes and Spatial Planning (including Marine Protected Areas or possibly 'no take zones'), we have a concern that an opportunity for holistic and strategic thinking could be missed, because of political imperatives to secure the UK's first marine national park. We trust that, as the agency concerned with the conservation of Scotland's natural heritage, you will be bold in promoting a strategic approach to this issue and ensure that many of the good things which are happening elsewhere are brought to bear on this process. Before determining the location choices for one or more CMNPs, we offer some views on the governance and powers required to operate a credible CMNP.

### **Governance**

Whilst accepting that from a purely marine standpoint, the situation for a CMNP is somewhat different from terrestrial national parks, SCNP



still advocates a fundamental requirement for an independent park authority with its own vision and its own *modus operandi*. Not only is this essential for a balanced approach to the issues which will confront the authority, but it is the best way to focus on the need for long term sustainability and conservation of heritage. We would argue this case, irrespective of whether any park was located within a single authority or was a multi- authority park. Evidence of the need for vision and long term thinking is already being displayed to good effect in Scotland's first two national parks. The logic flowing from this is that, in the same way that local authorities are to receive planning powers from the Crown Estate to regulate aquaculture, so should the CMNPA have planning powers transferred from the local authorities. SCNP will always argue that these powers should include Development Control in addition to statutory Local Plan powers for efficient operation and good communication with the public. The planning powers held by the Cairngorms NPA make it difficult for them to be prime movers promoting their vision of the park when they have to be reactive to development pressures rather than using Planning and the Development Control element of it as a positive tool of policy implementation.

In respect of the responsibilities of the Crown Estate Commissioners, the CMNPA should be the moorings authority for the park area and consideration should be given to delegating CEC responsibilities to the CMNPA. This would avoid the need for the current situation where CEC has an agency arrangement with the private sector, based in Perth and Aberdeen to look after its property portfolio around Scotland's coasts. An agency arrangement with the new CMNPA within its boundaries would illustrate a sensitivity to local responsibility and action.

SCNP recognises that one of the main contentions in establishing the marine component of a CMNP will be the governance of fisheries. This should be seen as an opportunity to localise fishing effort and to inject long term thinking into the planning of this activity. Clearly it is also a 'hearts and minds' issue where support from the fishing community is vital to success. Our views on the need for reduced fishing effort and marine protected areas are described elsewhere in this response, but in terms of governance, it would seem best that conservation mechanisms should be wholly owned by the fishermen, backed by good quality scientific data. There would seem to be sufficient primary legislation to meet the needs of the new situation. It becomes a matter of determining what concurrent powers the CMNPA would need, to be able to influence the debate and to act to remedy problems. The mechanism for debate and decision would probably best be effected through a Fisheries Advisory Forum established by the national park. This could have representatives from the CMNPA, fishermen's groups, Fisheries Research Services, the Fisheries Protection Agency and SNH and perhaps SEPA. Depending on location, links would have to be made to the proposed Inshore Fisheries Groups and the Regional Advisory Groups, established under the CFP.

SEPA, under the Water Framework Directive, currently has responsibilities for surface water and drainage status (including the



health of coastal waters) out to the 12 mile limit. This will be such a crucial area for the effective credibility of the CMNPA that consideration should be given to the need for concurrent powers for the park authority. With an imperative to develop an image of clean seas, bathing waters etc, it would be unthinkable if the CMNPA had no ability to act in cases such as the recent spate of downgradings to Class B waters for the majority of shellfish farms along the West Coast. This is a localised problem which will be resolved by localised solutions. Linked to the above is the need to ensure compliance by landowners and crofters to good management of waste.

A further consideration is the question of shipping movements and the work of the Marine and Coastguard Agency (MCA). This is a reserved matter for Westminster which is currently considering a Marine Bill with the possibility of an overarching Marine Agency, at least for England and Wales. Clearly, a CMNP would have major concerns in this area, as instanced by the Jambo incident near the Summer Isles last year. Discussions should be held with the MCA with a view to improving the operational effectiveness of protective measures in the vicinity of a CMNP, whether through partnership arrangements with the MCA or granting concurrent powers (perhaps similar to those of local authorities for major incidents and new powers to control shipping movements). Other aspects of marine safety, affecting leisure craft or diving are clearly close to mainstream national park responsibilities and should be reflected in the powers to make byelaws and to enforce them. To effect recreational management over sea and land the CMNPA should become the access authority. For a Welsh view on these matters contact should be made with the Pembroke Coast National Park, which has Milford Haven within its boundaries.

Turning to the terrestrial component of a CMNP, there is obviously a debate to be had on the landward boundary aspects of designation. Logic argues that the boundary should at least include the watershed. However other arguments come into play as to whether whole islands or part islands are included or whether gateway towns or settlements on the Mainland should be included. SCNP would argue for the full range of powers for this aspect of a CMNP as exist already for Loch Lomond and the Trossachs. In respect of gateways there should be a presumption that they be included within the boundary to enable the communities to perceive their investment in the CMNP.

Land management issues also need to be considered, both in terms of their effects on the marine environment and the sustainable development of the landward areas. The arguments put forward for land management direction orders in other national parks equally apply here, since there is much evidence of poor muirburn practice, for instance, or, as already stated, deleterious effects on marine waters classification.

### **Marine Spatial Issues**

Whilst recognising that the political thrust of Scottish national park legislation is about holding conservation objectives in balance with human activity, there are strong arguments for more radical



conservation measures in the marine environment, than currently exist. Not only is this already recognised in the DEFRA report, but Scottish fisheries interests have already accepted the need for periodic closures to protect fish stocks or to avoid toxins entering the food chain. If Marine Protected Areas gain currency in UK waters, then it would be rather odd for a Scottish CMNP to be set apart from this legislation.

Taking the positive arguments for such protection, it is clear that the marine environment suffers from private commercial exploitation of a common resource. This issue will only be resolved by protective measures which recognise the need for ecosystems to be allowed to operate without undue human influence. The Scottish Executive has already agreed an ecosystem approach to marine conservation. Pragmatically, this means that some areas should be 'no take zones' for scientific control purposes and to act as refugia for replenishment of stocks (an approach which has already proven its worth in other fisheries). Virtually all fisheries, the world over, have been under stress and most are still stressed. The few which aren't are those with national or local control (including marine protected areas). Where better to bring that element of local control, than in an area designated, *inter alia*, for its outstanding marine heritage? Likewise where there are competing interests, such as 'creelers' versus 'dredgers' it is clear that one party, the creelers, loses. On the other hand the dredgers win at the expense of the marine environment, which is surely unsustainable. Increasing use of leisure craft can also have knock-on effects on fishing activity or on other leisure craft. SCNP believes that, at present, the level of leisure activity in the Scottish marine environment is not such as to require anything other than good practice or guidance although it may well develop to the point where powers will be necessary. This should be built in now rather than when a crisis develops. Other factors such as offshore windfarms or wave energy farms would also have to be zoned for landscape and conservation reasons.

To summarise: our main argument as regards spatial planning is the need to set up a network of Marine Protected Areas of which CMNPs should be part.

### **Location**

SCNP considers that to hold the four aims of Scottish national parks in balance, the CMNP area will need to be large enough to encompass significant human populations. It should, if possible, include at least two local authorities and should also include a range of heritage designations.

The combined needs of relatively easy access and opportunities for sustainable development suggest that a park with significant gateway provision attached to an area with a fragile economic status would meet the Ministerial steer. Added to that, the interpretation of the legislation on national parks as areas containing nationally significant examples of cultural and natural heritage, as expressed in designated sites in upland and coastal areas, all point to the West Coast of the Highlands and Islands as the starting point in any discussion on



location.

SCNP believes that the following options are relevant:-

- a) A large CMNP encompassing Knapdale up to Oban, the Sound of Jura and Corryvreckan, the Isles of Jura, Scarba, Garvallachs, Colonsay, the seas out to Tiree and Coll and encompassing Mull, Iona, Staffa and the Treshnish Islands, over to Ardnamurchan, Moidart and Morar and up to Knoydart and Kintail, across to the bottom half of Skye, including the Cuillin and Sleat, out to the Small Isles and all the seas landward of them.
- b) A smaller area taking in the north coast of Ardnamurchan, the whole of Moidart and Morar up to Kintail, across to Skye and the Small Isles as above.
- c) Wester Ross & Sutherland, illustrated by the old National Park Direction Area extended up to Coigach and Assynt NSA and its adjoining coastline, and out to encompass the coastal islands.

The preferred option would be option (a), with the preferred core of any CMNP being option (b).

In respect of this core area, our knowledge of the marine environment is perhaps better understood than many other areas. For instance, it has the most extensive beds of maerl in the whole of the UK. With maerl being a known nursery area for fish and shellfish, as well as holding specialist species, there are clear arguments for this having the extra protection and resources of a national park, on top of its current status as a SAC. Culturally, this core area is significant too, with evidence of coastal communities dating from the Stone Age (Rhum), through to the Picts (Glenelg Brochs) and the Clearance communities.

In terms of socio-economic aspects, the landownership pattern is favourable with SNH and NTS being notable landowners and other communities such as Eigg and Muck keen to develop eco-tourism. All of the areas above are 'least favoured' in EU terminology and would still merit Objective 1 if separated from the more prosperous parts of the Highlands and Islands.

SCNP looks forward to our meeting on 17 January and to the future debate on these issues. We stand ready to help in any way we can to bring about the realisation of our first Coastal and Marine National Park.

Yours sincerely

Chairman