



Scotland's First Coastal and Marine National Park: a consultation.

RESPONSE BY THE SCOTTISH COUNCIL FOR NATIONAL PARKS.

Chapter 1: The added value and benefits of a Coastal and Marine National Park

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| <p>1.1 How could a CMNP help communities develop in a more sustainable way and meet community aspirations?</p> | <p>All sustainable economic activity depends ultimately on maintaining a healthy environment. This is paramount especially where the economy and the use of the environment are closely linked. The principles operating are:</p> <ol style="list-style-type: none"> 1) Investment for the long term to continue to maintain a surplus for the short term 2) Only spend from revenue; safeguard capital at all times. <p>Healthy and thriving communities are defined by their balanced populations, a broad spectrum of employment opportunities indigenous to those communities and a sense of identity and pride in their cultural and natural heritage. On all counts a CMNP would bring positive benefits for the chosen area. Firstly, it would offer greater opportunities for communities to share in the stewardship of their environment through decision-making which takes better account of long term consequences. Secondly, those decisions will be made with local knowledge as an essential component. Thirdly, the pride associated with local communities deciding their future within the context of a national park charged with maintaining sustainable principles, will foster ownership of those decisions by the communities. The national park model, in effect, offers easier resolution of conflict between competing interests.</p> <p>A CMNP authority would bring focus and action planning to issues which have large environmental components, such as coastal bulk carrier traffic, fisheries management, public transport difficulties and eco-tourism opportunities. National park branding, engendering a sense of high quality and excellence has been shown to be of benefit to primary producers and it also offers attractive locations for some forms of high quality employment, not dependent on being near to large centres of population. Furthermore, as already shown in the Cairngorms, national park authorities have the ability to be flexible in finding new solutions to old problems such as housing for locals.</p> <p>A Coastal and Marine National Park designation would immediately give access to a world family of national parks, thereby offering international comparitors, an ability to copy best practice and opportunities to attract more resources from government and the private sector.</p> |

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| <p>1.2 What problems could a CMNP address?</p> | <p>The major consideration is the historic disregard of society as a whole for the effect our technological progress has had on the health and wellbeing of our marine ecosystems. With few exceptions, all have seen our seas as a limitless resource of never ending supplies of fish or a means for disposing of society's effluent. With the productivity of our territorial waters now well below the levels of 50 years ago, despite the huge increase in efficiency of the catching sector, and signs of man-made chemicals being all pervasive through the marine food chain, we are recognising that better stewardship of our marine resources is no longer optional. In world terms, the people of Scotland have a particular responsibility to ensure the sustainability of this resource and in so doing reap the rewards that come from maintaining what should be one of the richest areas of marine natural heritage on the planet. A CMNP will help raise awareness of this important issue and through appropriate planning and management provide mechanisms for better conservation of our marine resources through sustainable harvesting.</p> <p>The problems associated with peripherality – transport links, employment opportunities, critical mass of population, cultural identity – would be better addressed through a CMNP, as issues of local significance become national in importance by dint of the designation. It would be advantageous to have a Government Minister tasked with promoting the issues associated with island life and peripherality, but even at that, relevant policies need to be developed. This is best done through action learning and management, using feedback to continuously improve the policies. A CMNP would offer an appropriate, localised mechanism to monitor, regulate and enable.</p> |
| <p>1.3 Are there any other examples of benefits that a Park could bring?</p> | <p>The national park concept has been shown to be a very powerful tool in galvanising pride and national effort to protect and enhance the best of a country's heritage.</p> <p>A CMNP will offer a forum to raise awareness of the issue of stewardship of our seas and through the promotion of the 4 aims of the legislation, seek to address problems associated with maintaining fragile rural communities as they adapt to the new realities. The concept of excellence which is associated with the national park brand world-wide, will begin to deal with the disjointed, sectoral management of our seas and encourage integrated and non-sectoral solutions to problems, whilst fostering a sense of community and common ownership. At a practical level, a CMNP would encourage the removal and prevention of eyesores and would offer a solution to the increasing problems associated with plastic flotsam and jetsam.</p> <p>The role of the National Park Plan in bringing differing views together around common objectives, and gaining agreement for action over the plan period, will bring a sense of settled will and stability to the affairs of the area. The processes adopted by the Park authority to gauge opinion will build capacity within communities and make them better able to articulate their needs and aspirations.</p> |

Chapter 2: Selecting the location of Scotland's first CMNP

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| <p>2.1 Comments on whether the final selection should be based on these factors are invited, including how accessibility can best be considered.</p> <ul style="list-style-type: none">a. The Park area should be of outstanding national importance for natural heritage, or the combination of natural and cultural heritage.b. The area should have a distinctive character and coherent identityc. Designating the area as an NP would meet the special needs of the area and be the best means of ensuring that the NP aims are collectively achieved in relation to the area in a co-ordinated way.d. Designation of the area would make a significant contribution to the social and economic development of its communities.e. The area should be, or have the potential to be, generally accessible to the population of Scotland. | <p>a. The final choice of location is obviously a combination of objective criteria and political considerations, but if the CMNP is to represent the best of the country's natural and cultural heritage, the significance of the heritage should be the overriding factor. This heritage will in the first instance be a marine heritage supported by those elements of terrestrial heritage which are inextricably linked to it. Europa 2000 sites will provide the starting point for consideration.</p> <p>In regard to the terrestrial component, the above applies together with a measure of the landscape significance of the area. The suite of National Scenic Areas provides another starting point for consideration.</p> <p>b. Distinctive character and identity are vague concepts which are hard to define. The real question is one of manageable units. In setting out an area for designation as a national park, what are the combinations of factors which combine to give the area a sense of cohesion in regard to the management of its heritage and the ownership of that heritage by the Park's communities?</p> <p>c. This aspect is a crucial element of Category V Parks and brings into play the need to raise awareness of the special qualities of the area amongst the Park communities and the need for integrated policies by all the agencies and bodies who have a part to play in its management. The test of the relevance of the designation is whether the sum of combined effort is greater than the total arising from the contributions of individual agencies.</p> <p>d. The establishment of a national park must provide benefits to the communities who live and work there. These benefits will in part be economic opportunity, but they will also be intangible in terms of developing a sense of place, through greater appreciation of the natural and cultural heritage. The designation of a national park will engender a sense of pride in being recognised on the national and international stage.</p> <p>Accessibility depends on good external transport links, adequate accommodation for those travelling distances and a Park transport plan which allows the heritage to be viewed in a sustainable way. Each of these elements will inevitably have to be improved as the Park comes on stream, but this in itself is an economic opportunity. The establishment of Gateway Centres within existing towns engenders a sense of the specialness of the National Park area as visitors move from urban environment to deep countryside. SCNP would hold to the view that in most circumstances Gateway Centres should be established <u>within</u> the National Park so as to give residents a stake the management of the Park.</p> |
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| | <p>Accessibility is taken to mean giving opportunity to as wide a range of the population and visitors as possible to experience the special values associated with a CMNP. Because the proposal is based on adherence to sustainability principles, imaginative transportation solutions are required with a presumption in favour of public transport. It is for the Park Authority to devise the means for doing this, and whatever policies are produced, they will have to take account of accessibility operating at different levels. Thus distinctions can be drawn between, residents and visitors, active and passive visitors, between educational and leisure visits and the different requirements of seasonal visits e.g. Winter versus Summer. Additionally, accessibility should be more than a measure of access from land. Historically sea routes used to be the dominant means of transport.</p> |
| <p>2.3 Are there other factors that should also be considered when selecting the location? Consultees are invited to rank the proposed criteria in order of preference.</p> | <p>The CMNP should be relatively large in size and include areas where fishing, aquaculture and leisure are significant pursuits so that the concept of spatial planning in the marine environment can be tested. The land holdings should be relatively large to simplify consultation and co-ordination and a significant proportion of them should preferentially be managed <i>inter alia</i> for conservation.</p> <p>Potential threats from intrusive developments should be considered. Certain seascapes should be inviolable, without human intrusion in planning for CMNPs.</p> <p>The criteria for selection should be ranked in the following order: -</p> <p>a,c,d,e,b.</p> |

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| <p>2.4 Which area do you consider to be the strongest candidate as a CMNP?</p> <ul style="list-style-type: none"> a. Solway b. Argyll Islands and Coast c. Ardnamurchan, Small Isles and the South South Skye coast d. North Skye coast and Wester Ross e. North Uist, Sound of Harris, Harris and South Lewis. | <p>Without doubt the strongest candidate deriving from the criteria employed is a combination of b and c.</p> <p>Specifically, the core area should centre on the National Scenic Areas of: -</p> <ul style="list-style-type: none"> a. Morar, Moidart and Ardnamurchan b. Small Isles, c. Cuillin Hills and possibly Knoydart d. West Coast of Mull, together with Tiree and Coll <p>Many of the land holdings in this area are held by conservation NGOs or conservation-minded landowners who would offer the Park Authority a ready series of partners in fulfilling the aims of the Park.</p> |
| <p>2.5 Do you have any other views on the areas outlined or on other areas not identified?</p> | <p>The two obvious gateway towns are Oban and Mallaig. In the case of the latter , the opportunity exists to expand ecotourism based on boat trips into the Park. In the case of the former, consideration might need to be given to including the whole of Mull within the CMNP boundary. This could also bring into play the Lynn of Lorne NSA.</p> <p>The requirement for conservation of our marine natural heritage should be reflected in a strategic and comprehensive appraisal of a range of marine reserve areas, which may or may not be designated as national parks.</p> |
| <p>2.6 What criteria should be used to set the landward and seaward boundaries of the park?</p> | <p>There are three aspects to this: -</p> <ul style="list-style-type: none"> a. The marine heritage interest is dependant to some degree on the management of the landward areas. Thus the existence of the CMNP should influence the nature of the land management and the control of effluents and run-off. This in turn suggests that all areas within the watershed down to the coast are relevant. b. In landscape terms, it will be important for the credibility of the CMNP that all vistas from the seaward areas are in harmony with the designation and vice versa. c. The terrestrial areas in many cases will have accolade designations, whether natural or cultural. Where these are of national significance they should be included within the boundaries of the CMNP as long as it can be reasonably argued that they have links to maritime interest or should for other conservation reasons be included within the boundary. |

Chapter 3: Functions, Powers and Governance

3.1 What functions and powers would you wish a Park to have?

The CMNP Authority must have credibility in the eyes of Park communities and visitors if its policies and plans are to have their support. For those who have a positive attitude towards the CMNP, this will mean that the Authority can step in and achieve results in stopping deleterious actions or in promoting the environmental benefits of the Park. For those who are sceptical of the benefits of the CMNP, it will mean that the Authority can resolve issues of contention without recourse to sanctions where possible, and secure benefits for the community as a whole. This suggests that all aspects of life within the CMNP which have an influence on the natural and cultural heritage should be within the competence of the Authority. It also suggests that even though the Park Authority may not have the first line duty to take action, it should have the reserve powers to act where other agencies fail. SCNP therefore calls for the sort of general powers available to local authorities to act in the interests of its communities. Specifically, the duties of a CMNP Authority will be as laid out in the text of the consultation document.

In regard to the park model, and for the reasons stated above, SCNP would favour the 'planner, enabler and manager' model, with some necessary regulation powers. There are elements of regulation which would be better handled by SEPA e.g. prevention of pollution, or FRS e.g. shellfish movements, but we would still call for reserve powers to enable the Park Authority to be close to the issues and to act in critical situations. As far as being the moorings authority is concerned, this is a regulatory role which is currently handled by the Crown Estate Commissioners based in Edinburgh, albeit with local area committees which may or not function. Because of its close relationship to leisure and access issues, it seems reasonable that this should be locally based and preferably in the control of the CMNP Authority, perhaps through a service agreement with CEC.

Consideration will need to be given to powers of navigation control, marine traffic orders etc

3.2 Do you consider that planning control for the land component should remain with the local authority or should it be transferred to the Park Authority?

SCNP has a principled position on this which has been born out of 55 years of experience in other Category V Parks. UK planning legislation, which fundamentally works to improve the way society deals with the location of human development needs to be based on sound policies, which are relevant to the communities they serve, and which safeguard valuable natural and cultural resources - society's capital.. Land use is so fundamental to a National Park that the Executive already recognises the need for Loch Lomond and the Trossachs National Park to have full planning powers, and while compromising on that outcome for the Cairngorms, nevertheless gave the Park Authority call-in powers. In many people's eyes, the compromise has simply led to more bureaucracy and glaring omissions from the powers of the Park Authority over such issues as Article 4 Direction Orders, Conservation Area Designations and Tree Preservation Orders.

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| <p>3.3 Comments are invited on the potential functions of a Coastal and Marine National Park relating to conservation and recreation management.</p> <p>3.4 Do you think that the potential for zoning to form an element of the development and implementation of the Plan is sufficient or should other site based protection measures be considered?</p> <p>3.5 Ministers seek consultees' views on whether the Park Authority should be given last resort stop powers.</p> | <p>A more reasoned approach, in line with 3.1 above, would be to give the <u>local</u> Park Authority the overall responsibility for planning and let that Authority determine how it is most efficiently delivered. Given that there are current moves to divest control of aquaculture from CEC to local authorities, presumably based on the democratic principle, the argument for planning control to be in the hands of an Authority established specifically to conserve and enhance a CMNP is incontestable. In the case of Highland Council which frequently airs its concerns over the volume of planning cases it has to deal with, there are even more reasons for going local. In addition, the interface of land and sea in a CMNP gives an entirely new context for controlling development which will require the imagination and flexibility that a Park Authority can bring (cf Local Housing in the Cairgorms National Park).</p> <p>The exact requirements are difficult to define because this is new territory. This suggests that any powers granted the Park Authority must have an element of flexibility to deal with unforeseen situations. The fundamentals are that the Authority should have the ability to research provision of conservation and recreation sites, the powers to ensure good stewardship and management and to provide facilities and regulate use.</p> <p>In particular, the Authority should be able to define and designate Local Nature Reserves in the marine environment and on land. It should be the access authority covering recreational boating, moorings etc. and provision of rights of way. It should have powers to regulate the use of powerful speedboats and jet skis and it should have powers to provide information and interpretation. As a recreation authority, the CMNP should make provision for controlled recreational access to undersea habitat and historical sites either through recreational diving or specialist boats.</p> <p>SCNP considers that a full range of spatial planning measures should be available to the Park Authority. This is particularly important given our poor knowledge of the marine environment. Thus, the National Park Plan should by negotiation with other interests be able to define voluntary arrangements and have in reserve the ability to designate site based protection measures which cover sensitive habitats or historic sites.</p> <p>Stop powers are essential for the credibility of the Park Authority and in the interests of the wider community, especially so since society needs to move from the free-for-all paradigms of the past, concerning the marine environment.</p> |
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Relationships with Inshore Fisheries Management

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| <p>3.5 How can Inshore Fisheries Groups work with the Park Authority?</p> | <p>National Park Authorities, <i>ipso facto</i>, require to enter into partnerships if they want to ensure their aims are delivered across a wide range of interests. In the case of a CMNP, where fisheries management is central to the success of the Park, partnerships between the Authority, the relevant agencies and the commercial and voluntary sectors will be paramount.</p> <p>The essential requirement in this situation is to build trust on the foundations of good scientific data and an ability of the Park Authority to convince others of the need for imaginative solutions to agreed problems. Given that the IFG coverage is likely to be greater than the area of the CMNP, it would seem reasonable that a sub-group of the IFG should enter into partnership with the Park Authority. This will allow for a greater flexibility of approach which can then inform the wider debate on fisheries management. To work well however, such an arrangement would need to be well resourced and have commitment from agencies such as SNH, FRS and SEPA. It should also involve the aquaculture sector as a full partner and take into account the tourism and leisure interests.</p> |
| <p>3.6 Do you agree with the proposed approach (option e) to managing aquaculture?</p> | <p>SCNP views the control of aquaculture to be a central function of a marine-based national park. We do not accept that the current arrangements to give full planning powers to local authorities would be further complicated by the same arrangement for a CMNP. In any legislation, all that would be required is for an exception to be made within the area of a CMNP. The advantage of this would be that this specialist area of planning would be in the hands of a specialist authority whose expertise would be beyond that of a normal local authority. In any case, the Minister's approach depends on the Park Authority having expertise in aquaculture planning to enable it to produce aquaculture frameworks within the NPP and to be consulted by the local authority. Why dilute this core function of a marine national park authority?</p> |

Governance

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| <p>3.7 Are the principles for establishing the Park Board the right ones for ensuring local and national views are taken into account, including the views of those using the area but who do not live there?</p> | <p>The special aspect of a CMNP is the need to take account of the island communities and the economic disadvantage they suffer. In this respect, thought should be given to the proportion of locally elected candidates. In respect of other categories, it would be essential to ensure that marine science expertise is available to the Board, not just in terms of agency advice, but understanding on the part of Board members. It would also be useful to have representation from the aquaculture and fishery sectors.</p> |
| <p>3.8 Comments are invited on the running costs and financial implications of a Coastal and Marine National Park</p> | <p>Consideration will need to be given to the much higher costs associated with any work in the marine environment. Certain capital and running costs are unavoidable, such as giving the Park Authority a competence to survey the marine area, to transport equipment and people, to monitor facets of Park users' activities etc. Such costs will be considerable, but without a suite of suitable boats, for instance, the Park authority would lack credibility.</p> <p>A headquarters will be required which has an operational link to the sea. This, in all likelihood, will require harbour facilities, perhaps even dedicated, specialist harbour facilities.</p> <p>In other respects, and in the light of the experience of running existing national parks a fundamental review of national park budgets is required.</p> |