

SCNP & APRS joint response to the Scottish Government consultation on Scotland's Strategic Framework for Biodiversity (Tackling the Nature Emergency)

Gives answers to questions specifically on National Parks in Sections 2, 7 & 8.

Section Two - Scottish Biodiversity Delivery Plan

2d. Have we captured the key actions needed to deliver the objective: protect nature on land and at sea across and beyond protected areas?

Unsure

Please explain the reasons for your response:

Our comments here are limited to the suggested Action - *Expand the role of National Parks and ensure they act as exemplars of biodiversity protection and recovery.*

We support this action and the related detailed actions (designate at least one new National Park by 2026; strengthen the powers and governance of our National Parks by 2026; ensure National Parks, National Nature Reserves and protected areas are exemplars in better delivery of biodiversity outcomes by 2030). We note section seven of the consultation covers National Parks legislative reform, where we have provided answers with more detailed comments on the legislative changes which will support the above action. In particular, the introduction of various stronger duties on public bodies whose operations affect National Parks to collaborate and actively further the delivery of National Park plans seem crucial to ensuring this action can be carried out effectively.

We might suggest adding further detailed actions that relate to building on the ambitions for and commitment to environmental improvements of the various groups that compile nominations for new National Park areas. These could include:-

- **Considering designating further new National Parks before 2030**
- **Considering alternative positive measures for areas if NP designation is not appropriate, but where opportunities for delivering better**

biodiversity outcomes have been highlighted by the nomination process.

Section Seven: National Parks

Purpose of National Parks

The current purpose of a National Park authority in Scotland, as set out in the 2000 Act (see section 9(1)), is “to ensure that the National Park aims are collectively achieved in relation to the National Park in a coordinated way”. Given the urgency of the biodiversity and climate crises, and the leadership role of National Parks, we are proposing that, in addition to the collective achievement of the National Park aims, the statutory purpose specifically refers to nature restoration and tackling climate change.

Question 7a: Do you agree that the purpose of National Park authorities should be amended in order to emphasise the important leadership role that National Park authorities need to play in restoring nature and in mitigating and adapting to climate change?

Partially agree

Please explain the reasons for your response:

We welcome that the wording “to ensure that the National Park aims are collectively achieved in relation to the National Park in a coordinated way” is being retained. We recognise the urgency of the biodiversity and climate crises and are supportive of leadership on nature recovery and a just transition to net zero being part of the remit of National Parks. We feel that the approach set out here of amending the purpose of National Park authorities is both preferable and more workable than the earlier suggestion (in NatureScot’s consultation report 2023) of introducing an overarching purpose above the statutory NP aims.

We are therefore supportive of the proposal. However, we have some concerns about the proposal in its current form:-

Firstly, we are also concerned that proposed wording has not been included in the consultation, which means it is not made clear how this addition to the purpose would be balanced with the existing or amended aims, the collective achievement of them and the functioning of the National Park principle. Is the repetition of biodiversity and climate helpful or does it muddle the current context of achieving the aims collectively and prioritising the first aim where conflict arises?

Secondly, given that the designation of National Parks is the highest level of protection for Scotland’s iconic landscapes and that the value of these landscapes to people’s wellbeing and to the economy is well recognised, we

would like to see **unequivocal clarification that the inclusion of climate in the NPA purpose does not mean that permitting new large-scale renewable energy developments within NPs would be acceptable.**

We recommend that references to National Parks tackling climate change must be unequivocal about acceptable approaches to tackling climate change within a landscape of outstanding national importance. These should not include accepting new large-scale renewable energy developments within the NPs.

We do not see a justification for why National Parks would need to absorb new large scale commercial renewable energy developments made here. However, it is of concern that the vagueness of the proposed new wording for the NPA purpose, coupled with the Scottish Government's recent commitment to producing bespoke planning guidance for new National Parks on windfarms, does not seem to rule this out. Section 4.10 of the Environmental Report for the SEA on the Future of Scotland's National Parks also raises the concern that there is potential for renewable energy generation to give rise to adverse impacts on landscape character and ecological assets.

The scale of this type of development transforms the land and landscape, displaces and destroys habitats, and, with associated sub-stations, overhead line grid connections/cables, access roads, noise and heavy traffic, could be expected to ruin the character and coherence of a landscape. There might be areas in Scotland nominated to be new National Parks that already have renewable forms of energy within them and this does not need to be an obstacle to a nominated area being chosen as a new National Park, as we would hope that over time the management of any such sites would take into account the NP aims and minimise or mitigate any landscape impact. However, whilst we view the management of existing development within a new NP as potentially acceptable we feel strongly that proposing new renewable energy developments to proceed either after designation or in the lead up to designation would be a mistake. The current Parks show us that future National Park landscapes do not need to become areas that will accept new renewable energy development of this highly intrusive type in order to show leadership on mitigating and adapting to climate change. A trail-blazing role more in keeping with their landscape value would be to demonstrate through in-depth engagement with their residents over the broad range of available options how rural communities can best contribute to the overall aim of a just transition to net zero whilst maintaining and ideally enhancing their quality of life.

National Parks contain some of our most outstanding landscapes, and important ecosystems. Given the numbers of people who visit National Parks each year to experience nature, and who are also exposed to different examples of land management during their visit, we agree that they can have

an important leadership role in demonstrating what land management for nature restoration looks like to the visiting public as well as to land managers elsewhere.

If we accept the National Park leadership role in mitigating and adapting to climate change, we have to ensure that this is compatible with nature restoration and landscape protection. The existing National Parks demonstrate mitigating and adapting to climate change is possible and compatible with protecting the landscape for example through natural carbon solutions. Other approaches to climate leadership could include reducing carbon emissions from the land, watershed management and alleviating flooding risks, reducing carbon emissions from all services and goods in the National Parks, improving sustainable transport options within, as well as to and from NPs, reducing waste and supporting local circular economies to reduce consumption. Given the variety of landscapes that new and existing NPs could encompass there is much potential for them to act as exemplars for sustainable land management for much of Scotland and thus give leadership on nature recovery and climate whilst collectively achieving NP aims.

We recommend that references to National Parks tackling climate change must be unequivocal about acceptable approaches to tackling climate change within a landscape of outstanding national importance. These should not include new large-scale renewable energy developments within the NPs.

First National Park aim

Currently, the first National Park aim is “to conserve and enhance the natural and cultural heritage of the area”. We propose updating the language and having two separate aims along the following lines so that these aims would seek to: (i) Protect, restore and enhance the natural assets, biodiversity and ecosystems within the National Park; (ii) protect and enhance the cultural heritage and historic environment assets within the National Park;

Question 7b: Do you agree with these suggested changes to the first National Park aim?

Partially agree

Please explain the reasons for your response:

We understand and support the reasons behind the proposal to give more weight to the natural heritage and specifically biodiversity recovery - ie the urgency of the biodiversity crisis - by splitting the existing first aim into two, with the “National Park principle” then applying just to the new first aim. We feel that this gives a clarity of purpose that in some instances might be more helpful to decision makers than the current wording ie in rare cases where conserving the natural and the cultural heritage might work against each other. This revised arrangement of two aims aligns with the revised NPA purpose

and reflects the intention that nature is expected to recover within National Parks.

We do, however, see a danger that without great care over the wording of the legislation splitting the current first aim would sacrifice the holistic, integrative nature of the concept of landscape that underlies the National Park designation in Scotland and in IUCN Category V Protected Landscapes more generally. Too crude a division between nature and culture would imply that they are starkly differentiated and that future management is likely to involve either/or choices between them. As we see it, the goal in National Parks should very much be to show how people and nature can live in harmony in areas of high environmental value. Past practices that do not satisfy that test should not, of course, be regarded as a sacrosanct element of the cultural heritage. But equally we do see great benefit in recognising and giving due weight to the human components and dimensions of long-lived-in landscapes such as those which we have in Scotland. Doing so would properly reflect the varied combinations of the many facets of natural and cultural heritage that, over time, have contributed to the character and distinctiveness of the country's rich tapestry of landscapes. We note that natural and cultural heritage are currently defined in legislation (the former as expressly encompassing the term and notion of "natural beauty and amenity" historically used to convey landscape value) whereas as far as we know the term "natural assets" is not. If a change on the lines proposed is made, it would need to be. We feel it essential that landscape is explicitly included within the definition of whichever term is used.

We are of course in no way suggesting that existing landscape character should everywhere be preserved, even if that were possible. We recognise that aspects of our landscape are set to be changed by the impacts of climate change and more extreme weather events however we respond to these, and that biodiversity recovery and encouraging climate resilience and will also bring changes to ecosystems and vegetation cover and thus to the landscape. But the aim should always be to maintain and wherever practicable enhance the quality and appeal of the evolving landscape.

We have some more detailed comments on the wording used in the two proposed aims:-

First new aim

We are unsure whether using 'protect' and 'restore' in place of 'conserve' adds anything to the aim. Does it allow for the same range of active management that 'conserve' encompasses? There is also the potential interpretation with 'restore' that something (a natural asset?) is being restored to a former or original state which may not be the intention or indeed possible. We support the need to restore ecosystems to health or vigour but the new aim as written is much wider than that and the use of the word 'assets' initially complicates this.

Whilst happy with the inclusion of 'biodiversity' and 'ecosystems' for further emphasis, we are not comfortable with the use of 'natural assets' in place of 'natural heritage' - especially without seeing a definition of the new term - is the implication that there is a measurable or monetary value attached to the asset? How is scenic beauty/landscape quality encompassed in this term?

What is the difference between 'natural assets' in this aim and 'natural resources' in the new third aim? Could using 'natural assets' here, cause confusion?

We have a strong preference for the retention of the term natural heritage.

Second new aim

What is the difference here between 'cultural heritage' and 'historic environment assets'? The terms need to be defined so the extent of any change in meaning can be assessed.

How is the harmonious interplay between natural and cultural heritage in beautiful landscapes captured in this wording? Again we are not sure that the proposed wording of the separated aims adequately captures landscape character and quality.

Second National Park aim

Currently the second National Park aim is "to promote the sustainable use of the natural resources of the area". In light of the leadership action that is required of Scotland's National Parks to restore nature and tackle climate change in a way that is fair and inclusive to individuals and communities living and working within the park area, we propose changing this aim along the following lines so that the aim would seek to: (iii) promote the sustainable management of the area's natural resources to maximise the benefits for the environment, climate, economy and people.

Question 7c: do you agree with the suggested change to the second National Park aim?

Partially agree

Please explain the reasons for your response:

We have said we agree only partially because we think this aim could be more clearly expressed to reflect the intention to further an equitable transition to a net-zero and more nature-positive society.

We welcome the phrase "Sustainable management". However, as environment, climate, economy and people are all covered by other aims or the revised NPA purpose it seems potentially unnecessary to specify them

here. We are also doubtful about the word 'maximise' being deliverable for all four of 'environment, climate, economy and people'. There is inherent tension between each of these based on present day lifestyles and economies which makes an aim to 'maximise' each of these unrealistic. Furthermore, which 'people' are the intended beneficiaries? We suggest replacing the proposal with wording along the lines of 'promote the sustainable management of the area's natural resources for the benefit of future generations' or 'to promote the sustainable management of the natural resources of the area and ensure that they are left to future generations in better condition'. At the very least, the word 'optimise' should be substituted for 'maximise', as this is widely understood to convey the idea of achieving the outcome that best delivers a combination of different objectives.

The wellbeing of future generations relies on public health, climate change, nature recovery, a robust economy so the aspiration to invest in each of these **for the long-term** would be incorporated in the meaning.

Third National Park aim

Currently the third National Park aim is "to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public". Scotland's existing National Parks attract millions of visitors each year and they work hard to improve accessibility, inclusion, visitor safety and responsible tourism. Given the importance of biodiversity and the natural environment to our physical and mental health and wellbeing, we propose changing this aim along the following lines so that the aim would seek to: (iv) promote public understanding and enjoyment of the area's natural and cultural assets, supporting sustainable tourism and visitor management, inclusion and improved accessibility for all.

Question 7d: Do you agree with the suggested change to the third National Park aim?

Partially agree

Please explain the reasons for your response:

We support the aspects of the new proposed wording that emphasise inclusion and improved accessibility. However we have some reservations about some of the other proposed changes:-

- We are not sure the term 'natural and cultural assets' in this context adequately covers all of an area's special qualities? We would prefer the retention of 'special qualities' or using the terms 'natural and cultural heritage' instead;

- Is there an implication in the suggested wording that might increase the perception that NPs favour tourism above other sectors and that enjoyment relates to tourists and visitors rather than everyone?
- We support the need to make tourism more sustainable (see below on transport) - but is sustainable tourism not included under the fourth aim (new fifth aim)? Might 'sustainable recreation' work here given the aim is focused on education and quiet enjoyment of the NP? We note that the bracketed section on recreation was deliberately added to the third aim in the 2000 Act in order to make absolutely clear that NPAs should have a role in promoting recreation. At the time there was debate about whether it should say "quiet recreation" to clarify that this related to walking, cycling or canoeing rather than eg jetskiing or quad biking - whilst this didn't get included then, its intention perhaps would be at least partially carried through if "sustainable recreation" was used in an amended aim.
- We very much support the need to encourage sustainable transport within and to and from the National Parks and are heartened that both existing NPs have developed or are considering significant proposals related to this. We would like it to be ensured that new NPs consider it from the outset. We are not certain that sustainable transport (or sustainable tourism) require to be specifically mentioned in the aims, however, we do recognise that better active travel and public transport links into National Parks would support inclusion and improved accessibility as well as improving sustainability.

Given all the above points we suggest revised wording along the lines of "to promote sustainable recreation, understanding and enjoyment of the special qualities of the area, supporting visitor management, inclusion and improved accessibility for all".

Fourth National Park aim

Currently the fourth National Park aim is "to promote sustainable economic and social development of the area's communities". Our National Parks are ideally placed to help support the necessary transition to a greener economy in a way that is fair and inclusive to local communities. This includes supporting the growth of nature-based jobs and skills, investing in the area's natural capital and working with communities and businesses to help them transition to net zero whilst supporting and developing the local wellbeing economy. Therefore, we propose changing the fourth National Park aim along the following lines so that the aim would seek to: (v) promote the sustainable economic, social and cultural development and wellbeing of the area's communities.

Question 7e: Do you agree with the suggested change to the fourth National Park aim?

Partially disagree

Please explain the reasons for your response:

Whilst we don't object to the inclusion of either "cultural" or "wellbeing" in the proposed revised aim, we have said that we 'partially disagree' with what's suggested because we can't see how the changes further the stated intention behind them (ie *"Our National Parks are ideally placed to help support the necessary transition to a greener economy in a way that is fair and inclusive to local communities. This includes supporting the growth of nature-based jobs and skills, investing in the area's natural capital and working with communities and businesses to help them transition to net zero whilst supporting and developing the local wellbeing economy. Therefore we propose..."*)

To achieve the stated intention we would expect this aim to for example: support affordable and sustainable housing for people who live and work in the National Park; encourage investment in nature-based employment, training and educational opportunities; ensure economic benefits from financial investment in natural capital bring direct benefits to local communities: involve local people and community groups in land use change decision-making, and support affordable, low-carbon transport options to and around the National Parks. **We are not convinced the suggested changes promote these anymore than the existing wording.**

What are the implications of including the term 'cultural development' here? Is it a reference to culture in the commonly understood sense of artistic endeavour? Or is it to do with attitudes and behaviour? Is it specifically linked to the stated ambition to help communities and businesses "transition to net zero whilst supporting and developing the local wellbeing economy"? Given this multitude of rather different possibilities, might it be better just to stick to the omnibus word 'social'?

Is it odd to have included wellbeing here but not in the previous aim? Is the idea of improving access to nature and natural places to promote health equality and wellbeing to people of all backgrounds adequately captured in the proposed changes of either new aim?

To ensure this aim (with proposed or existing wording) can be furthered in a way that does not undermine the other aims, and thus protects natural and cultural heritage, National Park Authorities need to have sufficient powers to refuse applications for environmentally destructive development and to halt and influence activity that, once underway, is obviously harmful or not adhering to planning conditions. Strengthened duties on other public bodies (who work within the park area or whose decisions affect it) to further the NP

aims, deliver the NP plan and to apply the NP principle **are also needed to ensure this.**

Question 7f: Do you agree that the National Park ‘principle’ set out in section 9(6) of the 2000 Act should be retained? This would mean that, if there is a conflict between the National Park aims, greater weight should be given to the first aim which would seek to protect, restore and enhance the natural assets, biodiversity and ecosystems within the National Park.

Agree

Please explain the reasons for your response:

We support the retention of the principle - whether or not the existing first (heritage) aim is amended and split or retained as is. Whilst the aims could align in some circumstances, they may not in others in which case the principle helps to guide decisions.

Question 7g: Do you agree that public bodies operating within the National Park should have regard to the proposed National Park aims?

Partially agree

Please explain the reasons for your response:

We are very supportive of the direction of this change but would like to see **stronger wording** to be used for the duty on other public bodies operating within the NP to ensure that they further the National Park aims. For public bodies, supported by public money working within a NP to **not** be actively furthering the aims of the NP seems to be potentially working against the public interest - particularly in the face of the climate emergency and the nature loss crisis and the Scottish Government’s National targets related to these. So we would propose stronger wording here, along the lines of ‘for public bodies exercising or performing any function which affects land in any National Park in Scotland, the public body must **actively further (or ‘support and contribute to’) the NP aims**’.

In support of our suggestion above, we note that this same consultation at 7i) proposes that the existing duty for public bodies to have regard to the park plans is strengthened to an obligation to **support and contribute to implementation**, with the clear implication that this is proposed because ‘have regard to’ has not been a strong enough requirement to be effective.

The NP aims are wide-reaching in the sense that to achieve each one can require a multi-sector, multi-agency response. Ideally all businesses as well as

all community groups and landowners operating in the Park should ‘have regard to the proposed National Park aims’ as this is likely to be in their own as well as the collective public interest. We appreciate, however, that it is impracticable to impose obligations of such a broad nature through legislation of this kind. That does, however, make it all the more important that the duty on public bodies and relevant authorities whose work is in, or affects, the NP area is as strong as possible, as they will often be in a position to influence in their own operations the behaviour of these other actors.

We also wonder why the clause ‘for a purpose that is devolved for Scotland’ is being added in here? In Section 14 of the 2000 Act (Duty to have regard to NP Plans) devolved purposes are not mentioned. Similarly, why the inclusion of ‘the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies’ required? We note that similar amendments on the duties on public bodies (termed “relevant authorities”) acting in National Parks in England recently adopted via the Levelling Up and Regeneration Act don’t include similar caveats regarding the relevant authorities’ ‘primary remit’.

We note that the proposals relating to other public bodies covered by questions 7g-7i are considered together in the SEA for the Future of Scotland’s National Parks as ‘NNP4’ which found that in terms of the collective achievement of the aims, functions, and management of Scotland’s National Parks in this context, Proposal NNP4 would encourage greater collaboration between key public bodies operating within their boundaries and is **‘likely to deliver significant positive effects for both nature and society’**.

Question 7h: Do you agree that public bodies operating within the National Park should have regard to the National Park principle?

Partially agree

Please explain the reasons for your response:

We are very supportive of the direction of this change but would like to see **stronger wording** than “have regard to” be used for the duty on other public bodies operating within the NP or whose decisions affect the NP area to ensure that they apply the National Park principle.

The National Park principle is set out in Section 9(6) of the 2000 Act and states that “if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in Section 1 (a).” Under the new proposed aims that would be the aim to protect, restore and enhance natural heritage etc.

Rather than the proposal that public bodies operating within the NP should 'have regard to' the principle we think it should be clearly stated that public bodies **must apply** (or comply with?) the principle and therefore **must give** greater weight to the first aim when there is a conflict between it and the other aims.

In support of our suggestion above, we note that this same consultation at 7i) proposes that the existing duty for public bodies to have regard to the park plans is strengthened to an obligation to **support and contribute to implementation**, with the clear implication that this is proposed because 'have regard to' has not been a strong enough requirement to be effective.

Again we wonder why the clause 'for a purpose that is devolved for Scotland' is being added in here? In Section 14 of the 2000 Act (Duty to have regard to NP Plans) devolved purposes are not mentioned. Similarly, why the inclusion of 'the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies' required? We note that similar amendments on the duties on public bodies (termed "relevant authorities") acting in National Parks in England recently adopted via the Levelling Up and Regeneration Act don't include similar caveats regarding the relevant authorities' 'primary remit'.

We note that the proposals relating to other public bodies covered by questions 7g-7i are considered together in the SEA for the Future of Scotland's National Parks as 'NNP4' which found that in terms of the collective achievement of the aims, functions, and management of Scotland's National Parks in this context, Proposal NNP4 would encourage greater collaboration between key public bodies operating within their boundaries and is likely to deliver significant positive effects for both nature and society.

Looking at Section 9(6) of the 2000 Act, there seems to be a potential question about its operation if its scope is widened to include other public bodies. This concerns whether it is the relevant public body or the National Park Authority which determines if there appears to be a conflict between the aims in any particular circumstances. To deal with this point we suggest that if there is any doubt about a possible conflict the public body should consult the NPA about it.

Question 7i: Do you agree that the duty on public bodies operating within National Parks should be strengthened so they have an obligation to support and contribute to the implementation of National Park Plans rather than having regard to these plans?

Agree

Please explain the reasons for your response:

We strongly agree that public bodies working within or affecting a NP should be obliged to actively support and contribute to the implementation of National Park Plans. The potential situation where a publicly funded body could note the contents of a NP plan and then carry out activities that works against or weakens the implementation of the plans is not in the public interest. It should be ensured that this applies to wide range of public service bodies - eg covering transport, litter, infrastructure, DPEA as well as land management. These bodies would ensure that decisions affecting, and services provided within, the NPs take into account the NP aims and contribute to Park Plans so that the mode of delivery is more sympathetic to the landscape and to nature. It should apply to future plans and retrospectively eg under grounding of cables by Off-gem in sensitive landscapes.

Again we wonder why the clause ‘for a purpose that is devolved for Scotland’ is being added in here? In Section 14 of the 2000 Act (Duty to have regard to NP Plans) devolved purposes are not mentioned. Similarly, why the inclusion of ‘the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies’ required? We note that similar amendments on the duties on public bodies (termed “relevant authorities’) acting in National Parks in England recently adopted via the Levelling Up and Regeneration Act don’t include similar caveats regarding the relevant authorities’ ‘primary remit’.

Successful implementation of a National Park Partnership Plan relies on good will from landowners and those operating within a National Park to understand the wider benefits of the Plans and then contribute towards implementation. The implementation of plans is only as good as the partnership, cooperation and buy-in from private, public and community operations within the Park. We therefore support strengthening the duty on public bodies operating in the National Park. We further recommend that consideration is given to extending this duty to landowners in the National Park in receipt of public funding for land management activities (perhaps above a de minimis threshold) The planned Land Reform Bill might provide a suitable vehicle for such a provision, for example in relation to the land management plans envisaged for larger land holdings.

We note that the proposals relating to other public bodies covered by questions 7g-7i are considered together in the SEA for the Future of Scotland’s National Parks as ‘NNP4’ which found that in terms of the collective achievement of the aims, functions, and management of Scotland’s National Parks in this context, Proposal NNP4 would encourage greater collaboration

between key public bodies operating within their boundaries and is likely to **deliver significant positive effects for both nature and society.**

Question 7j: Do you agree with the proposal that National Park Authorities should be able to enforce byelaw breaches within National Parks by issuing fixed penalty notices rather than referring them to local Procurators Fiscal?

Partially Agree

Please explain the reasons for your response:

We think that byelaws should be used only as a last resort and that the main tools to encourage responsible behaviour, and discourage the opposite, should continue to be engagement, addressing lack of adequate facilities to allow an activity to be undertaken sustainably, public awareness campaigns and promoting the Scottish Outdoor Access Code. The Code itself may even need some strengthening in certain respects.

We do, however recognise that in exceptional circumstances there may be a need for byelaws as a deterrent. Enforcement via the issuing of fixed penalty notices seems less onerous on the NPA and more proportionate. Given the strong evidence post-Covid that having more rangers on site has made significant differences to the levels of problematic behaviour experienced, we would hope that the approach whereby rangers engage, educate and encourage continues to be supported. We would hope enforcement is seen as a last resort and expect the fixed penalty notice powers to be used sparingly, where a problem is recurring, and public engagement is not offering a solution.

Whatever the approach eventually adopted, we see it as vital that the role of countryside rangers remains essentially supportive, rather than punitive. If penalties are to be imposed, it may be better if Park staff other than rangers are the ones who deal directly with offenders for this purpose.

Question 7k: Do you think that any other changes should be made to the general powers of National Park authorities?

Don't know (Some possibilities should be considered, as explained below).

Please explain the reasons for your response:

We note that there is seemingly an anomaly in that CNPA despite being the access authority does not have responsibility for Rights of Way and it would be helpful for this to be resolved and to avoid replicating it in new NPs.

We have previously suggested that NPAs might require greater control or influence over the delivery of government agricultural and forestry funding support in order to deliver the NP aims more urgently. This still might be

necessary unless the various duties on other public bodies proposed at 7g-7i are strengthened enough.

Similarly, various visitor management issues could be eased by stronger duties to deliver NP plans. However, if these duties don't go far enough greater clarity is required over where responsibilities lie when problems arise – for example where the priorities of local authorities and an NPA don't align but the lead role does not appear to lie with the NPA (eg timely and adequate provision of bins and toilet facilities).

Also, there are arguments for proposing that NPAs should take ownership of land with the NP boundary in order to more rapidly implement the integrated management that delivering NP aims at greater pace requires - especially where the land is currently held by public bodies. However, these arguments would be considerably weaker if the duties on other public bodies under 7g-7i were introduced and strengthened to be more effective as we have suggested.

Question 7I: Do you agree with the proposed changes to the governance of National Parks?

Partially agree.

Please explain the reasons for your response:

We support the broad aims of these proposed changes but achieving the objective requires great care and fine-tuning on a Park by Park basis to achieve a politically acceptable outcome in every case.

This is a tricky area, where ensuring the local acceptability of the arrangements is likely to be particularly important. It also ties in with the question of the powers to be exercised by the NPA, as democratic accountability is especially important when these impinge directly on a significant number of local residents (for example in the field of town and country planning). We can see that the proposals attempt to balance local and national interests, and the need for a range of skills and expertise, with the desire to keep costs proportionate and we would support these intentions. We also support suggestions iv and vi. Suggestion vi (*The exact size and detailed composition of each NPA's board should be set out in the relevant Designation order for that NP*) seems particularly important given the likelihood that circumstances of each NP will vary (eg the number of local authority areas involved) so some flexibility is needed.

We agree that board members appointed by Scottish Ministers should have sufficient skills and experience on relevant issues including biodiversity and climate action, but feel that locally elected and local authority nominated members who have relevant skills and local knowledge may also be able to

provide such expertise. Achieving a balance of necessary skills and expertise over the whole board is key. One possibility that could be further explored is (given that there are locally elected members as well as local authority nominated members) a mechanism for local authorities to consider nominating board members with specific expertise (rather than as is usually the case nominating simply councillors representing the relevant wards).

On suggestion v. is the implication of 'seeking balance between local interests and the relevant skills...' that one of the positions would be filled by a national appointee and one by a locally elected or nominated member? This could be a requirement whether the convenor and vice convenor positions are ministerial appointments or elected by the board?

Question 7m: Do you have any other comments that you would like to make about the aims, powers and governance of National Parks?

Section 8: Impact Assessments

8m. Environment

A [Strategic Environmental Assessment \(SEA\) Report](#) has been prepared in relation to the proposed changes to National Parks legislation, and is being consulted on here.

Question: What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

8n. What are your views on the predicted environmental effects as set out in the environmental report?

The report concludes that there will be positive environmental effects as a result of designating further National Parks. However, it does note that there might be some negative impacts on cultural heritage for example through pressure to retrofit historic buildings and that such interventions should be carefully considered. The report also notes that nature based interventions to address climate might create landscape changes that 'do not reflect or engage with the historic landscape character' and should be designed with care. More concerningly the report notes that "Due to the additional focus on climate change mitigation, there is potential for renewable energy generation and associated provisions to give rise to adverse impacts on landscape character and ecological assets". **We would suggest that within National Parks it should be made clear that climate change mitigation measures will not**

include new large scale renewable generation projects in order to avoid the adverse impacts associated with them.

8o. What are your views on the reasonable alternatives as set out in the environmental report?

Of the three reasonable alternatives set out, we note that the first one (no change to legislation and no new NPs) is effectively deemed unreasonable in the report itself as it wouldn't deliver a Scottish Government commitment - but that it demonstrates that both the two alternatives (legislative change and designation of new NPs or designation of new NPs without legislative change) would both deliver significant positive changes. We note that the legislative changes are treated as a single package in this part of the SEA, however the report as a whole puts a great deal of emphasis on the benefits the legislative changes designed to increase the collaboration and effort of other public bodies in delivering the NP aims so the important impact of these measures could perhaps have been examined further in the alternatives.

Question 8p. What are your views on the proposals for mitigation and monitoring of the environmental effects set out in the environmental report?

On monitoring - we agree with the SEA proposals that the SEA monitoring strategy builds on monitoring systems which are already in place. We note that the suggestions included are preliminary ones for the types of indicators which can be monitored and that it is anticipated that a refined set of indicators will be developed following further engagement with stakeholders and during the selection and designation stage for the new National Park(s).

THE SCOTTISH NATIONAL PARKS STRATEGY PROJECT

APRS and SCNP have campaigned together for additional National Parks for Scotland for more than a decade and you can find more information on the campaign here: <https://aprs.scot/campaigns/national-parks/>

SCNP - [The Scottish Campaign for National Parks](#) - promotes the protection, enhancement and enjoyment of National Parks, potential National Parks and other nationally outstanding areas worthy of special protection. SCNP is a registered Scottish charity, No SC031008.

APRS - [Action to Protect Rural Scotland](#) is Scotland's Countryside Charity (registered Scottish charity, No SC016139). We campaign to protect, enhance and promote Scotland's countryside and rural landscapes for everyone's benefit, and we support others to do the same.