This is the Joint APRS and SCNP response to the Scottish Government Consultation paper – New National Parks in Scotland Appraisal Framework Final, August 2023

2.1. Questions and draft Answers

New National Parks appraisal framework and selection criteria

Section 4 of the draft appraisal framework sets out the nominations process for new National Parks and the proposed criteria against which nominations will be appraised.

The following questions seek your views on these criteria and the proposed components of each criterion.

Criterion 1 – outstanding national importance

Is the area of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage?

Component 1

Is the proposed area of outstanding national importance due its natural heritage, including biodiversity, geodiversity and landscapes?

Component 2

Is the proposed area of outstanding national importance due to the area's cultural heritage, including the historic environment?

Question 1

Do you agree that 'outstanding national importance' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

Question 2

Do you agree with the components of criterion 1 (outstanding national importance)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

To qualify for designation an area should obviously be of importance to the nation at large but the attributes that make it so, although based firmly on natural and cultural

Criterion 2 – size, character and coherence

Does the area have a distinctive character and a coherent identity? Is the proposed area of a sufficient size to justify integrated management as a National Park?

Component 1

Does the proposed area have a distinctive character and coherent identity?

Component 2

Is the proposed area of a sufficient size to warrant integrated management as a National Park?

Question 3

Do you agree that 'size, character and coherence' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

Question 4

Do you agree with the components of criterion 2 (size, character and coherence)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

Criterion 3 – meeting the special needs of the area

How would designating the area as a National Park meet the special needs of the area? What difference would National Park designation make to the area for nature restoration, cultural heritage, sustainable use of natural resources, public enjoyment and sustainable communities?

Component 1

How would National Park designation support the conservation and enhancement of cultural heritage and the historic environment?

Component 2

How would National Park designation support nature recovery and restoration in the area, including ecosystem restoration, protection and recovery of vulnerable and important species and wildlife management?

Component 3

How would National Park designation help to promote the understanding and enjoyment of the area by Scotland's people?

Component 4

How would National Park designation support the sustainable development and well-being of local communities?

Component 5

How would National Park designation support the sustainable use of the area's natural resources and how it would make a significant contribution to climate change mitigation and adaptation?

Question 5

Do you agree that 'meeting the special needs of the area' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

SCNP strongly supports this criterion, which reflects the overall principle of place-based policy-making as well as the aims set out in current National Park legislation. We have, however, detected a concern amongst some who have hitherto supported the designation of more National Parks that this existing framework as now presented plays down the socio-economic aim (and hence the potential benefits to

Question 6

Do you agree with the components of criterion 3 (meeting the special needs of the area)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

Component 3: **Agree** / Disagree / Don't know

Component 4: **Agree** / Disagree / Don't know

Component 5: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

Criterion 4 – visitor management and experience

How would designating the area as a National Park support visitor management and the area's offer for education, recreation and enjoyment by all of Scotland's people?

Component 1

How would National Park designation enhance opportunities for enjoyment, recreation and understanding of the area's natural and cultural heritage?

Component 2

How would National Park designation support visitor management in the area?

Component 3

How could National Park designation support current and potential future transport infrastructure in and around the proposed area?

Component 4

How could National Park designation support access to nature for Scotland's people?

Question 7

Do you agree that 'visitor management and experience' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

Question 8

Do you agree with the components of criterion 4 (visitor management and experience)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

Component 3: **Agree** / Disagree / Don't know

Component 4: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

From the current text we are not clear about the significance of the usage of 'would' v 'could' in components and if and how this difference might be reflected perhaps in the final scoring scheme?

How much a NP can achieve in areas such as transport depends on the powers that it is given and the degree to which it can influence the priorities and decisions of other public bodies. Whilst we feel there is a real opportunity for NPs to be exemplars in terms of transport (including making transport more inclusive and accessible; reducing environmental impact and reducing negative impacts of visitor traffic on residents) we are less certain how this will be applied as a criteria to distinguish between bids. The resources and powers that an NPA is given will inevitably affect how effective it can be in delivering even its core functions.

Criterion 5 – added value

Why is the investment required to create and operate a new National Park for this area justified?

Component 1

How would the benefits of a National Park in the area justify the investment required?

Component 2

What is the added value that National Park designation would bring to the area?

Question 9

Do you agree that 'added value' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / **Don't know**

If you disagree, please give reasons for your answer.

The concept of "added value" is a slippery one and it is quite hard to see how it can in itself meaningfully be used to discriminate between candidates, rather than being seen as something that is in effect taken as read from the political decision to create another/more NP(s).

"Added value" also hints at a related but rather different question, namely "what are the particular factors which make you think that the area would benefit from designation?" In the past, the answer was often that visitor pressure means that it needs better management. But other possible answers would range from "it deserves to be better known" to "its qualities are currently under severe threat" or "it badly needs a social and economic boost". To these can potentially be added its potential as an example of more environmentally benign land management in landscapes supporting certain types of land use. However, this means there appears likely to be a degree of duplication with Criterion 3. There could also be some duplication with "strategic contribution" ie Criterion 7

We note that in the draft Nominations Form (at Annex A in the "Nomination process and draft appraisal framework" document) there are only 5 questions which perhaps reflects the overlap between the 7 criteria? How will the scoring system address the potential duplication between criteria?

Question 10

Do you agree with the components of criterion 5 (added value)?

Component 1: Agree / Disagree / **Don't know**

Component 2: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

In terms of component 1, justification for investment in creating a NP are those nominating expected to be aware of the extent of likely investment in order to justify it?

Criterion 6 – local support

Is there sufficient evidence of local support for this proposal?

Component 1

What level of local support (with evidence) is there from local interests (community bodies, landowners and managers, businesses, third sector organisations, public bodies etc).

Component 2

What level of support (with evidence) is there from the local authority/authorities in the area?

Question 11

Do you agree that 'local support' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

Question 12

Do you agree with the components of criterion 6 (local support)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

With regard to criterion 6 component 2 relevant local Councils should be required to state whether or not they support a nomination for part or all of their area, and the degree of that support. Lack of, or limited support may be because the nomination is quite a novel idea or because there are several potentially competing bids within a Council area (ie a capacity or timing issue) rather than a considered objection and it will be useful for the process to clarify this. Ideally a Local Authority, which may have to transfer some its powers to an NPA, would be involved in the early stages of the process and partnership support will be essential later in the development of a new NP.

However, we feel that unequivocal Local Authority support at the nominations stage should not be required for a nomination to succeed, as reluctance to provide such whole-hearted backing may be motivated by a whole range of factors, some of which may have little to do with the long-term best interests of the area. Had Local Authorities been given such a veto in the past far fewer NPs would have been designated in Britain and the benefits which they bring would not have been secured. This perhaps needs to be reflected in the scoring of criteria.

Criterion 7 – strategic contribution

Would the designation of the area bring benefits to Scotland as a whole and contribute to strategic priorities including nature restoration, climate mitigation and adaptation action, green investment, skills and jobs and nature friendly farming?

Component 1

How could National Park designation support the area's leadership on climate change mitigation and adaptation in a way that is fair and inclusive for local communities?

Component 2

How could National Park designation support the area's contribution to commitments within the Scottish Biodiversity Strategy, including ecosystem restoration, protection and recovery of vulnerable species, wildlife management, nature friendly farming, the expansion of areas that are protected for nature and the development of nature networks?

Component 3

How could designation as a National Park support sustainable investment in the area's natural capital?

Component 4

How could designation as a National Park support the development of green skills and jobs in the area?

Component 5

How could designation as a National Park complement the contribution that Scotland's existing National Parks make to tackling the nature and biodiversity crises?

Question 13

Do you agree that 'strategic contribution' should be a criterion for assessing nominations for new National Parks?

Agree / Disagree / Don't know

If you disagree, please give reasons for your answer.

We are not sure that this criterion adequately captures the role of National Parks as exemplars and the degree to which an expanded family of NPs could demonstrate to

the whole of rural Scotland how to move towards being a nature positive and net zero nation.

Question 14

Do you agree with the components of criterion 7 (strategic importance)?

Component 1: **Agree** / Disagree / Don't know

Component 2: **Agree** / Disagree / Don't know

Component 3: **Agree** / Disagree / Don't know

Component 4: **Agree** / Disagree / Don't know

Component 5: **Agree** / Disagree / Don't know

If you disagree, please give reasons for your answer.

Is the uncertainty/potential element of these components (presumably reflected by their being worded "could" rather than "would") to be reflected in the scoring in some way?

Question 15

Once finalised, the appraisal framework will include details of how each criterion will be scored. This will be published ahead of the nominations process being launched. Do you have any comments that you would like to make about how the selection criteria should be scored?

Weighting of scores

Clarity is needed both on scoring for each criterion and perhaps of how the scores for each one will be weighted against the others – a difficult judgement.

At the appraisal and selection stages we are likely to be comparing apples with bananas and pears. The legislation is framed to allow for this and choosing new NPs ultimately will be a political decision. Some of the criteria relate to potential. So although clarity is needed on how scoring will be weighted it should be clear that scoring is an aid to decision making but not determinative.

The team that carry out the scoring of the appraisal framework will require a broad spread of experience and expertise due to the range of factors that will be relevant to selection.

How will the scoring system reflect components where there is some uncertainty (both of the wider policy context or the relevant powers and resources that new National Parks will have)?

We imagine that the scoring of criteria will be weighted to some degree? As well as addressing the uncertainty attached to some of the criteria and the potential duplication between some, the scoring should reflect that NPs are about celebrating, protecting and enhancing Scotland's finest landscapes but in doing so can serve other important purposes.

Question 16

Do you have any other comments that you would like to make about the draft appraisal framework and nominations process for new National Parks?

Key elements identified We think the key elements of the selection process have been identified in the appraisal framework and agree that the nominations process should be kept relatively simple as proposed. We recognise that duplicating much of the work of the Reporting Stage of the statutory designation process would not be a worthwhile use of resources.

Impact of changes to legislation There is still a degree of concern about the potential negative effect of as yet uncertain future changes to NP legislation on the confidence of those considering nominating an area. However, we note there are indicators within the appraisal framework of what the future policy priorities are likely to be. However, there is a question as to how that will be reflected in the scoring as compared with the current statutory-based components?

Level of detail in the guidance notes We note that there are slight discrepancies in the draft appraisal framework document between the guidance notes for areas at 4.1 and in the Annex A Nomination form – in the middle column of the respective tables. The discrepancies are limited to a few paragraphs having been omitted in the nomination form version (Q2 & Q5), presumably for brevity. Is there a need for more detailed background guidance notes from SG? Is there a plan for SG to produce this? Or is alternative provision likely from either the external consultant assisting potential nominees or via them requesting help from public bodies including NatureScot and HES?

Nominations Form The draft nominations form has 5 questions and the answers to these will be assessed for the 7 criteria and scored accordingly. Presumably this design allows some flexibility for dealing with how different groups will complete the form

Nominations Form Q2 The second half of the last bullet point wording (taken from the Act) has been omitted – perhaps for brevity or because it's judged that that assessment of "best means of achieving NP aims" is for the Reporting stage rather than the nominations process?

Nominations Form Q4 – does this give enough opening for nominees to express how important the visitor experience is? (at the NatureScot consultation stage (late 2022) visitor experience/public enjoyment was mentioned under national importance – not so here)

Progressive land use What is the definition of "progressive land use? This term is used in the Guidance for nominations at Question 3 in the Nominations Form but not explained. It is likely to be interpreted in very different ways by different interests and actors, which makes it all the more important that Scottish Government makes clear at the outset what its expectations are, particularly in the form of environmental sustainability and the protection and enhancement of natural capital.

Criteria 5 Added Value – How are nominations to approach the justification for investment in creating a NP? Should more explanation and guidance be given in the guidance for nominations?

Appraisal Process As in any competitive situation there is a risk of dispute and acrimony over the outcome. This makes it all the more important for the process to be as fair and transparent as possible and (as the Scottish Government has suggested it will) to look at the scope for identifying positive alternatives – whether in the form of further NPs in later years or of other mechanisms/initiatives – for unsuccessful nominations.

Intensive land use The issue of whether intensive land or sea uses or large-scale infrastructure could be included or excluded from potential new NP areas is likely to prove contentious. Views differ as to what degree of intensity of land use is inappropriate in a Category V National Park. Any sizeable National Park in Scotland is likely to contain at least some tracts of quite intensively managed ground. Even where that use might be almost universally regarded as excessively intensive, as long as it does not cover too high a proportion of the proposed NP area, it would make more sense to include the land concerned (ideally with a view to its subsequent enhancement) rather than to leave 'holes within the NP boundary which would subsequently prove difficult to amend. Experience in National Parks elsewhere in the UK bears out this preference: in retrospect the view has almost universally been that it would have been better to include than exclude pockets of land "degraded" by activities such as quarrying, industrial development or environmentally damaging agricultural or forestry practices.

Potential v existing national importance In terms of selection of new National Parks we feel the potential of an area for nature restoration should not be the primary consideration – some aspects of the area should already be of demonstrable national interest and value and this should be reflected in the weighting of the scoring system.

However, in terms of future role and management, National Parks should be at the forefront of nature recovery effort and make significant contributions to national targets such as 30×30. We would expect promoting such recovery to be a priority wherever a NP is located and that NPs would demonstrate how this can be achieved alongside other NP aims.