This memorandum relates to the National Parks (Scotland) Bill (SP Bill 12) as introduced in the Scottish Parliament on 27 March 2000.

NATIONAL PARKS (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the National Parks (Scotland) Bill introduced in the Scottish Parliament on 27 March 2000. It has been prepared by the Scottish Administration to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Administration and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 12–EN.

POLICY OBJECTIVES OF THE BILL

2. Debate about whether Scotland should have National Parks is long-standing. There have been three previous reviews in the post-war period, which itself is a measure of concern that the most special areas of Scotland’s outstanding natural scenery have not been given adequate protection and management. The need to act now is in part a measure of growing concern about care for the natural heritage, and a greater realisation that the economy of many rural areas is now founded on the qualities which attract people to them, either for pleasure or for work. In short, Scotland has been making a living out of the best of its natural heritage, especially through tourism, for too long without investing sufficiently in the care and sustainable development of this precious resource.

3. While in themselves inconclusive, the past debates about National Parks have led to some partial approaches to integration, albeit none which has yet proved effective in providing a long term basis for managing an area. For example, in the Loch Lomond area, a Park Authority was established after years of debate, based on existing Regional Park legislation. This, however, is limited in terms of powers, representation and funding and does not reflect the national status of the area. In the Cairngorms, a voluntary partnership approach was developed. This has done good work in bringing together the parties with an interest and active involvement in the management of the area. It does not however have full authority to give the strong leadership and the direction needed to make difficult decisions.
4. In September 1997, following a review of the natural heritage designations in Scotland, the then Government concluded that there was a major gap in the suite of designations. This related to the need for a better integrated approach to management in a small number of relatively large areas of natural heritage importance, to deal with the particular pressures affecting those areas. To reflect the national importance of their natural heritage, the Government decided that these areas should be called National Parks, a name which has international recognition and standing. The details of National Parks can differ from country to country, but in practically all the term signifies the protection and enjoyment of special places of the highest national importance for their natural and cultural value, on behalf of the nation as a whole. However, it is now widely appreciated that the achievement of these aims depends in large part upon reconciling them with the needs and aspirations of people living and/or working in or near the National Parks. Therefore, in keeping with modern conservation thinking, the Government recognised that Scotland’s National Parks would need to integrate economic development with the proper protection of the natural and cultural heritage – a sustainable approach where the needs of those who live and work in these areas were addressed alongside the national interest in safeguarding and enhancing the natural and cultural heritage.

5. An important objective was to enable bodies to be set up which could provide the necessary leadership and co-ordination of activities within those areas, and which would have sufficient powers to bring about the integrated approach envisaged. It was also important that these arrangements could be tailored to the needs of each area.

6. The Advice to Government from their statutory advisers, Scottish Natural Heritage (SNH) was that a common vision of National Parks in Scotland was emerging, which included the following elements:

- National Parks should provide greater clarity of national purpose for some of Scotland’s most special areas;

- National Parks should secure high standards of environmental stewardship;

- National Parks should engender trust between national and local interests in the delivery and of conservation and community objectives;

- National Parks should be pioneers of techniques for achieving sustainable development.

7. The National Parks (Scotland) Bill provides a framework within which areas can be designated as National Parks on the basis of criteria consistent with the policy objectives set out above. The areas will be called National Parks, a term for which there is no standard model, and which is implemented in different ways across the world. The Bill sets out the criteria, the process by which National Parks can be designated,
their purposes, how National Park authorities should in broad terms be appointed and the basic suite of powers which all National Parks will share. The Bill provides for individual Parks to be set up by means of subordinate legislation (a designation order for each separate Park) which will allow for the details of Parks to be tailored, within this framework, to the specific needs of the particular area.

**ALTERNATIVE APPROACHES**

8. The fundamental issue which the Bill addresses is the existence of large areas of the highest natural and cultural heritage importance which are under pressure, most notably as a result of changing land management practices, new development pressures, or the increasing numbers of visitors they attract. Those pressures need to be managed in an integrated and sustainable way so as to maintain and enhance the qualities of the area so that these endure in the long term, while also bringing social and economic benefits to the area.

9. Some form of designated area is therefore implied, and a publicly funded body/organisation with a specific remit to take forward the integrated management of that area. The published Advice to Government from Scottish Natural Heritage on how National Parks could operate in Scotland considered a number of alternative approaches for such a body:

   - local authority committee or joint committee (where the National Park area covers more than one local authority area);
   - local authority joint or special board;
   - independent authority;
   - local authority/public agency partnership with advisory powers;
   - local authority/public agency partnership with executive powers;
   - national agency-led.

10. Their advice, reflected in the Bill, was in most cases for an independent authority on the grounds that:

   - it could be specifically tailored to meet the needs of very different Park areas across Scotland;
   - it could be an effective champion of the area in the national interest, while at the same time ensuring local involvement and accountability.
11. Of the other options, it was considered that the form, representation and powers possible under existing local authority legislation of a local authority committee, joint committee or board were potentially too limited, and did not provide sufficient scope for the national interest to be represented in decision making in the area. The non-statutory or statutory partnership options and the national-agency led approaches were rejected on the grounds of accountability, the potential confusion over roles and responsibilities in the area and the desire to minimise additional bureaucracy.

12. A review undertaken by SNH of National Parks in other countries highlighted the diversity of land ownership within these areas, ranging from ownership by the state, public and community trusts and environmental Non-Governmental Organisations to ownership by private individuals. It was concluded that Scottish National Parks could function with a diversity of land ownership, although the successful achievement of National Park Purposes would depend on the positive contribution of all owners and managers of land within the National Park. The proposed power of compulsory purchase by a future National Park authority will provide a further important safeguard as a long stop.

CONSULTATION

13. In September 1997 the Government gave SNH the task of advising on how National Parks for Scotland could best operate. SNH undertook the following consultations:

*1st Stage*

In February 1998, SNH launched an initial Invitation to Contribute, to open up debate by reiterating Government’s proposals, and seeking views on a number of key issues. The Invitation was widely distributed to local authorities, community councils, public agencies and other interested organisations. Almost 250 responses were received.

SNH also commissioned reviews to examine National Park structures elsewhere; the socio-economic impacts of National Parks in UK and elsewhere; best practice in community participation; and the current statutory powers of relevance to the purposes of National Parks.

SNH organised a series of national seminars, and held a national conference attended by over 100 organisations. Many local meetings and other events were also held in many parts of the country.

In the two proposed National Park areas (Loch Lomond and the Trossachs, and the Cairngorms), SNH held local meetings with community councils and bilateral talks with local agencies and other interested parties.
SNH also met national organisations to discuss in greater depth the issues raised by the invitation.

2nd Stage:

On 29 September, SNH launched its consultation paper, based on findings from the first stage. Over 10,000 copies of the main and summary versions were printed and distributed. There were 451 responses.

At this stage, SNH also commissioned further reviews looking at the upland economy of Loch Lomond and the Trossachs, and the Cairngorms; on sustainable development and National Parks; and the potential costings of National Park proposals.

SNH also had a series of meeting with interested national and local organisations.

Funding was provided to send farmers from the Cairngorms on a study trip to view French National and Regional Parks.

Some 28 local meetings were organised within the two proposed areas with over 900 people attending these meetings.

14. The consultation exercise was completed by SNH publishing their Advice to Government, and by sending a copy to every organisation and individual who responded to the consultation exercise.

15. The draft National Parks (Scotland) Bill was published for consultation on 21 January 2000. 2,500 copies of the consultation paper were issued. In addition the draft Bill and accompanying paper were published on the Scottish Executive website. The consultation period ended on 3 March. There were over 330 responses, largely welcoming the Bill, but with comments on the drafting. The two issues which attracted most comment were the aims of National Parks, and the appointments to National Park authorities. A copy of the responses to the consultation (other than those given in confidence) has been placed in the library of the Scottish Executive, and a further copy in the Parliament’s reference centre. The Scottish Executive has also prepared a paper summarising the responses and the action taken in amending the draft Bill, which will be widely available, and will also be placed in the library of the Scottish Executive and the Parliament’s reference centre.
EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT, ETC.

16. Equal Opportunities: The legislation providing for the creation of National Parks has no equal opportunities implications. Its provisions do not inherently provide for discriminatory effects on the basis of gender, race, disability, marital status, religion, or sexual orientation. The effects of National Parks will be essentially on those living or working within the National Park; the boundary of each National Park will be set out in a designation order, and prior to this, the proposed boundary will be subject to full public consultation (as provided for in the Bill). National Park authorities, provided for in the Bill and in designation orders, will be bound in the same way as other public bodies by equal opportunity legislation and public sector policy.


18. Island Communities: The islands contain areas of outstanding natural heritage which might in future qualify for National Park status. In placing a purpose of social and economic development alongside one for the proper protection of the natural and cultural heritage, it is expected that National Park status would contribute to sustaining rural community interests in these areas, in the same way as it would for rural communities on the mainland. A future National Park authority may itself create jobs in the area, and would attract others. Funding for the National Park would also bring additional resources to the area. While there are at present no proposals for National Parks apart from in Loch Lomond & the Trossachs and the Cairngorms, island communities would be involved in the identification, management and governance of any National Parks which may in future be established in their area.

19. Local Government: National Parks have implications for several functions of local authorities including planning, transport, recreation and tourism. Local authorities will continue to exercise most of their statutory functions over their whole (respective) areas. The question as to whether or not the functions of the planning authority remain with the relevant local authority/ies, or are exercised by the National Park authority, will be decided on a Park by Park basis, and given effect in the designation order for the Park. Local authorities will be important partners of National Park authorities, along with all the other public bodies exercising functions within the National Park. The Bill provides for them to co-operate with the work of National Park authorities in bringing together their plans and activities in accordance with the statutory National Park Plan. This work will not be a significant additional burden; local authorities are already adopting a co-operative partnership approach in the areas planned for National Park designation. There are no new financial burdens on local authorities contained within the Bill (as National Parks will be centrally funded).
20. **Sustainable Development:** The national importance of these areas for their natural heritage means that development opportunities may be restricted in some parts of National Parks to ensure that these interests are effectively safeguarded. Throughout the Park, there will also be greater emphasis on the quality of new development, and in ensuring that it is well located, sited and designed. However, Scottish National Parks will seek to integrate economic development with the proper protection of the natural and cultural heritage, and opportunities for development will arise, particularly in terms of heritage management, green tourism and the production of food and forestry products, which depend on maintaining and enhancing the qualities of the area. The purposes therefore provide for a sustainable approach where the needs of those who live and work in these areas are addressed alongside the national interest in safeguarding and enhancing the natural and cultural heritage.

21. **Business Cost Compliance:** The Bill does not provide for regulatory bodies. If a National Park takes over the town and country planning responsibility from local authorities, or part of this function, there will not be an additional regulatory function, merely the transfer of an existing function. The enhanced design standards which may need to be adopted by the planning authority within the National Park area, could lead to additional costs. With this possible exception, the creation of National Parks should not create any compliance costs for business. The intention is that National Parks will help to provide for sustainable business opportunities within the Parks.
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