SUMMARY OF CONSULTATION RESPONSES
PROTECTING SCOTLAND’S REGIONAL PARKS (SCOTLAND) BILL

Introduction

The purpose of the draft proposal is to prohibit the sighting of any industrial development within regional parks that is contrary to assisting the Park Authority in achieving its adopted aims.

The consultation document accompanying the draft proposal for the Protecting Scotland’s Regional Parks Bill was issued on 28 May 2009 and the consultation ran until 31 August 2009.

The consultation document was made available from a link on the Proposals for Members’ Bills web pages on the Scottish Parliament website. There was also a link to the consultation on the Member’s website.

xxx copies of the consultation document were issued to organisations, MSPs and MPs. Further copies were posted or e-mailed in response to individual enquiries.

There were 91 responses to the consultation document. These can be categorised within the following groups:

- 53 from individuals
- 8 from community councils
- 7 from private companies
- 5 from councils
- 4 from individual councillors
- 4 from MSPs
- 4 from associations
- 4 from campaigning groups
- 1 from a regional park
- 1 from a public body

Respondents to the consultation document were invited to submit their own general comments and/or to answer the six questions contained in it.

Analysis of Responses

General

As noted above, there were 91 responses to the consultation. Of these 77 supported the proposal, 8 expressed opposition to the proposal and 6 neither opposed nor supported the proposal.
Support for the proposal was drawn from across all groups, with almost universal support from individuals. The opposition to the proposal was primarily drawn from private companies and associations representing parties with an interest in sighting industrial developments in regional parks.

General comments

Responses to the consultation were primarily focussed on the questions, however, some respondents chose to provide some general comments in addition to or instead of responding to the questions.

The overwhelming majority of the general comments provided affirmation of the Member’s proposal, deprecating the industrial development already taking place in regional parks. A number of responses made particular reference to concerns about the sighting of industrial developments in regional parks.

Those advocating greater protection of regional parks, as advanced in the proposal, did so for many reasons including concern for; the wildlife and fauna inhabiting the parks, the natural beauty of the parks and the recreational value of the parks.

Those respondents expressing opposition to the proposal did so for a number of reasons. Primarily these respondents argued that the planning process was already sufficiently strong to protect the parks and that this was an unnecessary addition that would contradict current planning laws. A number of other responses expressed concern about the repercussions of the proposal in terms of the impact on the economic sustainability of the parks.

As noted above, however, the most common feature of the general comments was the strong support for the proposal and the concerns about the impact of industrial developments in regional parks.
Questions

The consultation document posed six questions. The majority of the 91 responses were focussed around these questions. The questions and the responses to them are considered in turn below.

Q1 For what reasons should regional parks be afforded special protection?

The purpose of the proposal is to afford greater protection to regional parks by prohibiting industrial developments on regional parks. In the course of the consultation document the Member explained his reasoning for protecting regional parks. The first consultation question invited respondents to explain why they believed regional parks should be afforded special protection. Of the 91 respondents to the consultation, 53 responded to this question. All bar one response argued that regional parks were deserving of special protection. 16 respondents believed that the parks should be protected to ensure that they continued to be places for leisure and recreation. 13 respondents stressed the importance of protecting the local wildlife and habitat within these parks.

Other factors were highlighted in the responses as to why regional parks are deserving of special protection. Providing green space close to populated areas, protection of flora and fauna and the preservation of the scenic beauty of the landscape were all sited as reasons for special protection. Three respondents referred to their place as Sites of Special Scientific Interest, three believed that permitting industrial developments was contrary to the original aims in creating the parks and another three to the importance of regional parks to the tourist industry. Two respondents argued for greater education about the role of the parks and another two highlighted the importance of regional parks in the preservation of the ecosystem.

One respondent welcomed a strengthening of legislative protection to regional parks though thought a blanket ban on industrial development would not work. Another respondent argued that the role of regional parks could be improved if local authorities had a statutory duty to manage parks appropriately.

Finally, one respondent contended that there is already sufficient protection from developments and that great care is taken to ensure wildlife is not disturbed by wind turbines.

The overwhelming majority of respondents to this question believed that regional parks were deserving of additional protection. A variety of differing views were proffered as to why they deserved special protection, but the most common reasons related to intrinsic beauty of the parks, the wildlife that inhabit the parks and the leisure and recreational opportunities afforded by the parks.

2. Do you have a view on what industrial development should encompass?
The document explained the intention to prohibit any industrial development within regional parks that is contrary to assisting the Park Authority in achieving its adopted aims. The consultation document does not specifically define what is meant by an industrial development. The document does, however, suggest that wind turbines, manufacturing complexes, mills, plants, quarries and mines are all examples of industrial developments.

In order to inform the Member’s policy, the consultation document invited respondents to indicate what industrial development should encompass. There were 45 responses to this question. Eleven respondents did not seek to define industrial development, instead arguing that industrial development, whatever that may be, should not take place in regional parks, with some respondents suggesting it would be more appropriate to take place in urban areas. Seven respondents contended that the only developments that should be allowed to take place are those which are essential to the running of the park. Seven respondents argued that anything which would be detrimental to the environmental, aesthetic and recreational features of the park should be prohibited.

Seven respondents did, however offer a direct response to the question. Responses invariably suggested that wind farms and the infrastructure associated with them should be included in the definition. In addition to wind farms, it was argued that the term industrial development should encompass the following:

- Quarries
- Large scale housing developments
- Large scale agricultural developments
- Factories
- Meteorological Masts
- Mining

Others focussed on what should be allowed and therefore not within the definition of industrial development. Two respondents argued that developments promoting hydro-electric energy should be welcomed. Two other respondents proposed that only developments relating to forestry, farming and tourism should be considered.

Three respondents questioned the arbitrary prohibition of certain developments, expressing concerns about the potential for deterring economic investment into the park. Two respondents questioned the phrase ‘industrial development’, arguing that it was pejorative and misleading. One of these respondents suggested that wind farms would not be part of their interpretation of industrial development.

While only a minority of respondents expressed a view on what should constitute an industrial development, it was clear from the responses that the general consensus was that anything that would harm the park should not be allowed to be developed in any regional park. Amongst those who did directly respond to the question, there was common
agreement that wind farms and the associated infrastructure should be classified as industrial development.

Q3 In what ways have industrial developments adversely affected your visit to any of Scotland’s regional parks?

In order to understand the impact of industrial developments upon the public’s experience of regional parks, the consultation invited respondents to indicate how or if industrial developments had affected their experience of visiting a regional park. There were 41 responses to this question. 13 respondents felt strongly that the visible effect of industrial developments on the landscape would or already has adversely affected their visit to a park.

Four responses were concerned at the possibility of industrial developments restricting public access to regional parks. A further four respondents expressed feelings of disappointment on seeing developments blight the views in regional parks. Another three respondents said they would avoid the parks if they were to be populated by industrial developments. More generally, other respondents referred to the negative effects of industrial developments in terms of noise pollution, destruction of the natural habitat, reduced scope for recreation and tourism and the damage caused by the access roads required to facilitate the working of the developments.

One respondent demurred from the general consensus and questioned the negative effects of industrial developments and highlighted the benefits that industrial developments can bring such as funding for an educational ranger. Another respondent contended that not all development should be banned instead a ban ought to be placed on other areas designated for natural heritage.

For the most part, respondents felt that industrial developments have already or would adversely affect their visit to a regional park. Responses highlighted the negative effects of industrial developments on the visible landscape, the increased noise pollution, the destruction of natural habitats and the curtailed access to the parks.

4. Do you think the Scottish Government is doing enough to maintain and protect Scotland’s regional parks? If not, what are your recommendations?

In the consultation document the Member describes the perceived lack of legislative protection afforded to regional parks. Given this perceived lack of protection, the Member invited views on whether the Scottish Government should be doing more to protect regional parks.

There were 42 responses to the question. Of these, 38 respondents argued that the Scottish Government was not doing enough to maintain regional parks. Of the remaining four, one argued that the Scottish Government was doing enough, but that response suggested that it could do more. Two
responses suggested that the Scottish Government was actively ignoring planning legislation in order to pursue its energy agenda.

A number of those 38 respondents arguing for more action from the Scottish Government argued wanted more protection for regional parks and contended that they should be on the same footing as national parks. It was suggested by one respondent that the terms of the Wildlife and Countryside Act 1981 could offer the necessary protection. Many responses, however, argued that the Government should adopt the Member’s proposed bill in order to protect regional parks. In general terms, however, there was agreement that a stronger regulatory framework was necessary to protect regional parks.

There was almost universal agreement that currently the Scottish Government is not doing enough to protect Scotland’s regional parks. Amongst those who argued for more action from the Scottish Government there was a high degree of support for a stronger regulatory framework.

Q5 Do you foresee any unintended consequences related to the restriction of industrial development in regional parks?

There were 37 responses to this question. Of these, 22 respondents did not see any unintended consequences of restricting industrial development in regional parks.

Five responses argued that there would be positive unintended consequences resulting from the proposal including the time saved by park authorities in not having to deal with developers and deterring housing development within the parks.

Two respondents contended that restricting development in regional parks would result in developments being placed elsewhere and could foster a 'Not In My Back Yard’ effect in residential areas. One response suggested that as a result of restricting industrial developments in regional parks and in particular wind turbines, renewable energy targets would not be met, however, another respondent felt that renewable energy targets could still be met while being consistent with the regional parks’ values.

A few responses sought reassurance that ‘appropriate’ development would not be stifled. They argued that developments relating to schemes that increase enjoyment or recreation should not be curtailed. Responses further argued that developments relating to leisure, farming, fishing and forestry should be permitted. Developments that enable the park to produce its own green energy or that parks can derive funding from renewable energy projects such as wind farms and hydro power should also not be precluded.

A number concerns were raised about the consequences of restrictions, and the desire to ensure that necessary and desirable developments are not precluded. At the same time, there was a strong sense that this
should not detract from the intention to prohibit industrial developments on regional parks.

6. Any further comments you would like to make on my proposal?

Finally, the consultation invited respondents to express any other views they might have on the proposal.

There was a wide variety of different comments within the 46 responses to this question. 10 responses simply reiterated their support for the proposal. A further ten concentrated on wind farms, suggesting that they were inefficient and expensive and that wave power was more reliable and efficient.

Two respondents argued that the best way to protect regional parks would be to extend the protections afforded to national parks to regional parks.

Most of the remaining responses expressed concern about the placing of industrial developments in regional parks and made other suggestions as to how they could be better protected. These included the establishment of buffer zones around the park, only permitting developments that have zero environmental impact, the involvement of Scottish Natural Heritage, the introduction of a Bill significantly stronger than the one proposed by the Member.

There were some responses, however, which expressed concern about the proposal. Three responses argued that precluding quarrying in regional parks was counterproductive and would be detrimental to the local economy. Two responses highlighted concern about the potential negative impact of the proposal on the local infrastructure. One respondent argued that it was inconsistent with the current planning framework and another argued that the proposal did not consider the potential negative impact that existing landowners could have on the regional park.

Finally two responses welcomed the opportunity to discuss the issue, but recognised that any future Bill would have to be carefully drafted.

While there was considerable variety in the views expressed in response to this question, it was clear that the majority of responses either supported the proposal and/or were opposed to industrial development in regional parks.

Conclusion

The Member very much welcomes and appreciates the interest that has been demonstrated in his proposal.

The responses to consultation have affirmed many of the concerns about the growth of industrial developments in regional parks as well as reaffirming the intrinsic value of the parks. The responses have also highlighted new information, which will be drawn upon in finalising the proposal.