

PE2089/I: Stop More National Parks in Scotland

No Galloway National Park Campaign written submission, 18 April 2025

At its meeting on 30 October 2024 the Committee heard evidence from Denise Brownlee of the No Galloway National Park campaign group. Subsequent to this the statutory consultation carried out by NatureScot regarding a proposed new National Park in Galloway has closed (14th February 2025) and the Natural Environment Bill¹ has been published (19th February 2025.) The Committee has also received a written submission from the Cabinet Secretary for Rural Affairs, Land Reform and Islands (PE2089/H - 4th March 2025)

The No Galloway National Park Campaign Group believes that subsequent to giving oral evidence, the situation regarding the proposed establishment of a new National Park has developed significantly. In particular, we wish to raise two issues:

- The implications of the Natural Environment Bill for the consultation process
- The response to concerns about the consultation and the Natural Environment Bill made in the Cabinet Secretary's submission (PE2089/H.) We believe this sidesteps genuine substantive concerns regarding the consultation and offers a specious response to the impact of the Natural Environment Bill.

We therefore wish to reiterate the numerous, significant concerns which have been raised about the current process to establish a new National Park, including the work carried out by NatureScot, in their role as Reporter. We believe this demonstrably falls short when reviewed against Scottish Government's own consultation guidance² including the UK Government's 11 principles of good consultation³ and the second of the 'Gunning Principles'⁴ which are minimum legal standards for a consultation to be deemed a fair and worthwhile exercise. This principle states that there is sufficient information to give "intelligent" consideration. The information provided must relate to the consultation and must be available, accessible and easily interpretable for consultees to provide an informed response. Many, including Dumfries and Galloway Council, believe that insufficient information has been made available. At the Council meeting on 5 February 2025, the Council worked to agree its formal submission to the consultation. The Council's response to question one, the extent of support for the proposed park, was "undecided." This was primarily due to the lack of

¹ <https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>

² <https://www.gov.scot/publications/consultations-in-the-scottish-government-guidance/>

³ <https://www.gov.uk/government/publications/consultation-principles-guidance>

⁴ <https://www.gov.scot/publications/consultations-in-the-scottish-government-guidance/>

information on several key issues. We also believe the consultation falls short of the National Standards for Community Engagement⁵. Taken together these failures seriously undermine the basis for the Reporter's advice to the Government arising from the process to date.

We also believe these failures have been compounded by the publication of the Natural Environment Bill⁶ less than a week after the closing date for the statutory consultation. The consultation was based on the National Parks (Scotland) Act 2000 and the new Bill proposes numerous changes to the Act, including the aims of National Parks and the way they are run. The consultation proposal clearly stated that the 2000 Act provides, "the ground rules for all Scotland's National Parks." So, in effect, the Government appear to have been consulting on the basis of an Act, at the same time as they were planning changes to it, and they did not publish those proposed changes until after their consultation closed. As part of her written submission (PE2089/H - 4th March 2025), Ms Gougeon acknowledged that the Bill proposes changes to the aims of National Parks and the way they are run. As detailed by the Cabinet Secretary the Bill amends the Act in order to:

- Amend and elaborate National Park Aims
- Strengthen the existing duties on public sector bodies operating within National Parks
- Introduce new powers to set up a fixed penalty notice regime for the contravention of National Park byelaws and
- Amend the Land Reform (Scotland) Act 2003 to enable any future National Park to become the access authority for its area.

She then goes on to state that the existing powers to designate a new National Park under the 2000 Act and the designation process are not affected by the new Bill. On that basis she states, 'we do not envisage any issues with the Bill being considered by Parliament at this time.' In other words, she is expecting your Committee and our community to find it acceptable that Government can, behind the scenes of a statutory consultation, change the legislative basis which sets out the 'ground rules' for the proposal under consideration.

Whilst the powers and process for designation may not be subject to change, much of the substance of what the community were asked to give their view on looks likely to. Indeed, some of these changes may well have influenced opinions had consultees been aware of them and their implications. However, there was no mention of the forthcoming Bill or the proposed changes in the original consultation document. Many feel the timing of the publication of the Natural Environment Bill, less than a week after the consultation closed, demonstrates how little regard the Scottish Government have for the views offered by the community.

⁵ <https://www.scdc.org.uk/what/national-standards>

⁶ <https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>