

Rural Affairs and Island Committee fact-finding visit to the Cairngorms National Park

Note of discussion

Members in attendance: Finlay Carson MSP, Elena Whitham MSP, Rhoda Grant MSP, Emma Harper MSP, Mark Ruskell MSP and Tim Eagle MSP.

Parliament staff: Emma Johnston (clerking team), Ben Sutherland (clerking team), Alexa Morrison (SPICe), Emmanuelle Le Coz (Participation and Communities team), Andy Cowan (Parliamentary Communications Office).

Community engagement event, Sunday 12 May

Members of the Committee held a community engagement event at the Cairngorms National Park Authority HQ in Grantown-on-Spey. They met with a range of local stakeholders to explore how Parts 1, 2 and 3 of the Bill might influence park users and could be applied within a local context. A summary of the key themes from the discussion from the event is as follows.

Part 1: Statutory biodiversity targets

- the effectiveness of targets will be dependent on the Scottish Government undertaking detailed preparatory work to ensure they are suitable ambitious but also achievable. It was highlighted that this was a primary reason for why previous statutory climate change targets had been missed
- targets must not be too specific and focussed on individual species
- individual species targets would prioritise certain species over others and could undermine wider efforts. Issues around some single-species have been locally divisive e.g. the impacts of the presence of capercaillie on proposed housing developments in the area. Issues around single-species can be polarising – where there are seen to be conflicts e.g. with beavers or eagles
- the delay in the implementation of the CAP replacement schemes was seen as unhelpful and hindering progress in addressing biodiversity decline
- it was seen that putting biodiversity targets into law was about putting nature on more of a ‘level pegging’ with climate
- support for looking at the broad impact of biodiversity (and climate) change was supported as it was felt the impacts on species can be perceived locally as being more important than impacts on people e.g. Impact of river flooding on both river species and people’s homes being flooded- these things can be perceived as siloed, even if in practice we are all working towards the same thing. For example, flood management can be done to benefit biodiversity but also can benefit everyone

- a more habit focussed or ecosystem-wide approach to target-setting would be more successful in taking account of all species within a landscape area, which in turn will help to deliver more successful outcomes for biodiversity and nature regeneration as a whole
- statutory requirements will help to drive action and mainstream biodiversity restoration across local authorities and other public bodies
- enforceability of targets was discussed – what are the ‘carrots’ and what are the ‘sticks’? It was felt that probably need more of both is needed to meet targets
- ensuring targets are underpinned by trustworthy data will be crucial to their success in driving action over the longer term. The Scottish Government should look to procure information that is external and independently verified. Many academics in the field are already measuring biodiversity data in an accurate way
- peatland restoration and forestry are areas in which statutory targets could prove particularly helpful and effective in enhancing biodiversity
- the Scottish Government needs to think holistically about how setting targets in local areas would dovetail into delivering on nature restoration goals in a national and international context
- local communities and individuals should be empowered and listened to by the Scottish Government on how targets should be set in their localities, and how these can be best achieved
- there are local success stories across the Cairngorm National Park on issues such as regenerative farming practices. The Scottish Government must ascertain what lessons can be learned from these initiatives and whether they can be usefully applied to other parts of the country
- targets are only part of the solution. They need to be accompanied by a detailed plan if they will be successful and have the meaningful impact needed
- any proposals brought forward by the Scottish Government need to be developed in consultation with businesses, local communities and individuals
- the Scottish Government must be clear in setting targets what they will mean for people’s day-to-day lives, including communicating what the benefits will be. That is because targets will not be effective unless the Scottish Government takes communities and the wider population with it in its efforts to tackle the nature emergency
- park authorities could be a useful intermediary to help the Scottish Government engage with local communities and help to shape the targets through a bottom-up. In empowering locals to deliver these targets on the ground, the Scottish Government should be mindful not to micro-manage this process and should be monitoring structures and outcomes

- messaging by the Scottish Government on statutory targets should seek to educate the public on the linkages between biodiversity and the benefits it brings to the economy and health

Part 2: modifications to EIA legislation and habitats regulations

- designations can have an adverse effect on business, there is no point in trying to tackle the climate and nature emergency if it causes significant job losses and economic harm as a consequence. It's about a just transition.
- designations need to be able to adapt to reflect changes in circumstances. The provisions in the Bill could help with this
- there is a feeling that certain designations are more of an inhibitor than an enabler of delivering environmental benefits
- better and clearer communication is needed of why designations are necessary, particularly for businesses who want to know why they 'can't do things'. The public does not currently know what Sites of Special Scientific Interests (SSSIs) and other types of designations are and the reasons for them
- more dialogue is needed between business community and environmental NGOs to better understand each other and find common ground on the way forward
- the Policy Memorandum comes across as if there are two competing agendas, net zero infrastructure vs biodiversity. This seems like a dangerous place to get to
- some designations can be in direct conflict/competition with each other. For example, SSSIs and Special Areas of Conservation (SAC)
- some stakeholders were concerned that Part 2 as drafted would amount to a lack of environmental protection. Safeguards in circumstances under which Scottish Government can use Part 2 powers are needed to protect in case of changes in politics and discourse
- the current system is too restrictive, and designations can obstruct overriding policy priorities

Part 3: National parks

- changes to national park aims to emphasise restoring and regenerating nature are useful signal of intent
- past national park aims have been too vague – additional points in the Bill could prove beneficial
- others felt that the Scottish Government's assertion that current legislation was in need of 'modernisation' was questioned
- an issue that needs considered is whether the list inadvertently creates a 'hierarchy' in which certain aims are weighted more favourably than others. The addition of text like 'without limit to' could be useful in addressing this.

- insertion of the word 'management' in the second national park aim (to promote sustainable management and use of the area's natural resource) is unhelpful and worse than existing version
- existing four aims were considered sufficiently broad to encompass all aspects, the more detailed list being proposed in the Bill creates problems in that regard
- increasing the importance of culture in national parks' purposes was seen as being important. Loss of 'local communities' stories' was seen as being a risk to cultural heritage in the area and preservation of stories via local projects etc was seen as being something a national park should support
- there was discussion around it being useful to use the Bill to encourage public bodies to work together more closely. Examples were discussed of certain areas in the Cairngorms national park where different projects and organisations all converge or are operating close together in one patch – where there is a need for good relationships and working together
- lack of understanding amongst the general public and public bodies was considered to be key barrier to implementing the plans in an effective and timely way
- participants highlighted that national park plans played a key role in delivering a 'landscape-wide' approach to tackling the nature emergency
- National Park plans can often be accused of lacking ambition
- changes to increase public bodies' obligations around delivering national park plans will be beneficial in ensuring these organisations play their part rather than ignore their responsibilities
- the national park plans are meant to be set in conjunction with other public bodies, so statutory requirements will lead to these organisations taking this engagement more seriously in the future
- National Park plans are developed with the local community at its heart, so new requirements will create a greater level of accountability for local authorities
- businesses need better communication and engagement with a park authority when developing the national park plans
- new powers around national park byelaws were also broadly supported
- However, it was felt that the good intentions behind the provisions in the Bill could be undermined if insufficient consideration was given to their enforcement
- FPN should be viewed as a 'last resort' for the most serious offences. It was felt that rangers should focus on educating the public about their duties and that guidance for this is needed

Visit to three estates: Monday 12 May

The Committee visited three estates (Seafield, Dorback and Abernethy) to hear their views about how the Natural Environment (Scotland) Bill may influence their day-to-day work, particularly with regards to promoting natural restoration and managing local deer populations. This section summarises some of the key points from the Committee's discussions throughout the day.

- a landscape-wide approach to land management has been a key focus of many estates within the park. An example of this has been the success of the Cairngorms Connect initiative, which brings together multiple estates to work within the park in collaboration to reduce deer numbers and enhance nature
- deer fencing has been deployed at certain sites within Seafield Estate. This has effectively protected areas against the direct impacts of grazing activities and led to noticeable nature regeneration
- key to the success in land management in recent years has been adapting to changes in environment, political and economic climate
- Seafield Estates was tasked by NatureScot to reduce deer densities to 5 per square hectare – this was achieved in 3 years
- nature recovery at estates is partly governed by accessing public subsidies, but this funding not nearly enough to fully cover costs of initiatives or incentivise increased deer culls
- Seafield Estate entered into a voluntary section 7 control agreement with NatureScot which was helpful in enabling the estate to access additional public funding to support its efforts to control deer numbers
- introduction of a new ground for intervention on the basis of nature restoration could be an important tool for allowing NatureScot to put in place control schemes across multiple estates with competing objectives in relation to deer densities
- Abernethy Estate operates a larder and chiller facility and works with local producers to provide venison from the estate at a low price. It is a national organisational objective to encourage greater consumption of venison as a sustainable and healthy source of protein
- Abernethy Estate has made significant efforts to reduce deer numbers to around 4 per square hectare. But it has faced challenges as a result of other estates that have a different approach to deer management
- designations were discussed. It was argued that sufficient flexibility already exists in the current habitat regulations to amend or restate legislation