

# **RURAL AFFAIRS COMMITTEE**

Wednesday 7 June 2000  
*(Evening)*

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## RURAL AFFAIRS COMMITTEE 16<sup>th</sup> Meeting 2000, Session 1

### CONVENER

\*Alex Johnstone (North-East Scotland) (Con)

### DEPUTY CONVENER

\*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

### COMMITTEE MEMBERS

\*Alex Fergusson (South of Scotland) (Con)  
\*Rhoda Grant (Highlands and Islands) (Lab)  
\*Richard Lochhead (North-East Scotland) (SNP)  
\*Irene McGugan (North-East Scotland) (SNP)  
\*Des McNulty (Clydebank and Milngavie) (Lab)  
\*Mr John Munro (Ross, Skye and Inverness West) (LD)  
\*Dr Elaine Murray (Dumfries) (Lab)  
\*Cathy Peattie (Falkirk East) (Lab)  
\*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)  
  
\*attended

### THE FOLLOWING MEMBERS ALSO ATTENDED:

Sarah Boyack (Minister for Transport and the Environment)  
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)  
Robin Harper (Lothians) (Green)  
Michael Russell (South of Scotland) (SNP)  
Mary Scanlon (Highlands and Islands) (Con)

### CLERK TEAM LEADER

Richard Davies

### SENIOR ASSISTANT CLERK

Richard Walsh

### ASSISTANT CLERK

Tracey Haw e

### LOCATION

Committee Room 1



## Scottish Parliament

### Rural Affairs Committee

*Wednesday 7 June 2000*

*(Evening)*

[THE CONVENER *opened the meeting at 18:39*]

**The Convener (Alex Johnstone):** Good evening, ladies and gentlemen. It is my pleasure to welcome you all to this meeting. It would have been my pleasure to welcome you rather earlier, but circumstances have conspired against us. Never mind; we shall press on and get the job done.

My first duty tonight is to welcome Des McNulty to the committee. Des will be replacing Lewis Macdonald, who has moved on to pastures new. We wish Lewis the best of luck with whatever he is doing next in the Parliament. I invite Des McNulty to declare any interests.

**Des McNulty (Clydebank and Milngavie) (Lab):** I have no registrable interests to declare.

### National Parks (Scotland) Bill: Stage 2

**The Convener:** The main business of the evening is consideration of amendments at stage 2 of the National Parks (Scotland) Bill. I have a page and a half of introductory notes to explain exactly what we are doing, but I propose to abbreviate them rather sharply. Are there any members who have not taken part in stage 2 consideration of a bill before?

**Dr Elaine Murray (Dumfries) (Lab):** It is the first time for me.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** And for me.

**The Convener:** It is the first time that I have done it as well, but here we go.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** We are all on a learning curve.

**The Convener:** Yes, we are all on a very steep learning curve, but I am sure that we will take all the advice that is available.

I propose to call the amendments in groups, and you should all have copies of the published list of groupings. You should also have copies of the marshalled list of amendments, the bill itself and the explanatory notes. Those papers are all available on the table at the end of the room for

anyone who does not already have them.

The amendments have been grouped to facilitate debate. That has been done on my authority and, as it is the first time that I have done it, I expect any criticism to be moderate, or at least reasonably quiet.

#### Before section 1

**The Convener:** As a result of the way in which amendments were introduced, I must say a few words to explain the first group. The first amendment on today's list is amendment 1, in the name of Sarah Boyack. There are seven amendments to that amendment, which I have accepted as late additions or manuscript amendments. They are essentially duplicates of amendments to subsection 1(3) that were submitted on time, but the opportunity to consider them would have been lost if the committee had chosen to agree to amendment 1. They have therefore been brought forward and grouped together. This is an exceptional circumstance, and it does not indicate that I will automatically accept such amendments in future.

The procedure for dealing with the first group is that, once the minister has moved amendment 1, we must consider and decide on all the amendments to that amendment, before finally putting the question on amendment 1. Are there any questions before we start? If anything comes to mind, feel free to ask me—and I shall ask the clerk to put me right.

I call Sarah Boyack to speak to and move amendment 1, which is grouped with amendments by Mary Scanlon, John Munro, Fergus Ewing, Mike Russell, Linda Fabiani and Robin Harper.

**The Minister for Transport and the Environment (Sarah Boyack):** The amendments in this group all deal with the aims of national parks and they fall into several categories. Executive amendment 1 moves the aims into a section of their own, and there are various consequential amendments. Amendments 1 and 30 address sustainability, amendments 1A, 1D and 1E concern recreation, amendments 1B, 1F and 1G concern language issues, and amendment 1C deals with the relationship between the aims and the primacy of natural and cultural heritage.

I appreciate the fact that we must structure the debate on this group in a specific way, and I shall therefore confine my initial remarks to amendment 1 and how it relates to the different areas of the debate. I hope that I will, therefore, be able to address my remarks first to recreation, then to language and, finally, to the primacy of natural and cultural heritage, when you indicate that I should do so.

Amendment 1 and its consequential

amendments seek to underline the fundamental importance of the four aims, by placing them right at that beginning of the bill in a free-standing section. Previously they were in subsection (3) of section 1, which also sets out the provisions for a national park proposal and the conditions for a national park. Amendment 1 does not alter the substance of the bill, but it emphasises that the aims of a national park are fundamental to the reason for having one—not just factors that come into play once a park is up and running. Many of the other amendments in the group—amendments 5, 6, 7, 8, 10, 14, 16, 17, 18 and 19—are minor and are consequential to amendment 1. They serve simply to ensure that the references elsewhere in the bill to the national park aims reflect that change.

18:45

I draw the committee's attention to one of the changes incorporated in amendment 1. By inserting the word "and" at the end of the third aim, we have put beyond doubt what was always our intention: that references to "the aims" should include all the aims.

In amendment 1, as in amendment 30, there is an important change to the wording of the fourth aim, to address the issue of sustainability. Throughout the development of our policy on national parks in Scotland, we have made clear that national park areas must not overlook the needs of those who live and work within them. Conservation, recreation and enjoyment and rural development must be integrated.

During the consultation, some people expressed the view that the fourth aim—that of promoting social and economic development—should be removed or relegated to a second tier of lesser importance. We have considered that, but remain of the view that the fourth aim is important and must be retained. However, we have looked hard at the precise wording and have introduced this amendment to make clear that the principles of sustainability must underpin the aim. The amendment makes clear that the focus of such an aim should be the communities of people in the national park area. I welcome amendment 30, in the name of Mary Scanlon.

Given that amendment 1 adds a further and, I suggest, extremely important change—a reference to communities—I hope that I can persuade the committee that amendment 1 should be accepted.

I move amendment 1.

Am I required to move the consequential amendments at this point?

**The Convener:** You are not.

**Sarah Boyack:** I will refrain from doing that.

**The Convener:** Thank you. I ask John Munro to speak to amendment 1A.

**Mr Munro:** I am pleased to do that. We hope that this amendment will enhance the recreational arrangements in national parks. We are asking in amendment 25 that the words

"through the National Park Plan"

should be added at the end of section 1(2)(c). The amendment would ensure that it was the function of the national park plan to reconcile the various aims of the national park and avoid the indiscriminate future application of the Sandford test outlined in section 6.

**Mr Rumbles:** On a point of order. Can you clarify what amendment 1A would do? It refers to line 6, but there is no line 6 printed on the marshalled list of amendments. I am not quite clear where the amendment fits in.

**The Convener:** Line 6 is paragraph (a) of the proposed—

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Are we talking about paragraph (c) for Charlie or paragraph (a) for alpha?

**The Convener:** Line 6 should be paragraph (a) of the new section created by amendment 1.

**Sarah Boyack:** From my reading of it, it is quite straightforward: John Farquhar Munro's intention is to amend line 6 of the new section created by amendment 1.

**Mr Munro:** I think that we were talking at cross-purposes. The additional wording is "including its recreational importance". Is the minister happy with that?

**Sarah Boyack:** No, I would like to debate it.

**Alex Fergusson (South of Scotland) (Con):** At the end of which paragraph is the additional wording to be inserted?

**Mr Munro:** At the end of line 6 of the new section created by amendment 1.

**Dr Murray:** Which is line 6?

**Mr Rumbles:** That was my question.

**Alex Fergusson:** It depends on where one starts. Is it (a), (b), (c) or (d)?

**The Convener:** We are content that line 6 should mean (a).

**Mr Munro:** It has been clarified that amendment 1A seeks to include the wording "including its recreational importance" at the end of paragraph (a) of the new section created by amendment 1. That is as clear as mud.

**The Convener:** I invite the supporter of the amendment, Fergus Ewing, to speak.

**Fergus Ewing:** Is it in order for me to address my amendment 1D at this point?

**The Convener:** Yes.

**Fergus Ewing:** Amendment 1D seeks to insert after the words “to promote” in line 8 of the new section created by amendment 1—which, according, to my reading, is in paragraph (c)—the words “recreation in and”, so that paragraph (c) is amended to read

“to promote recreation in and understanding and enjoyment of the special qualities of the area by the public”.

At the Camanachd cup final on Saturday I happened to bump into Alastair Dempster of sportscotland. I pointed out that this amendment had to be submitted by 5 o'clock yesterday and said that I was happy to receive it from him, although it is an amendment that I intended to introduce in any event.

I am doing so for the following reasons. All members here subscribe to the view that, if we have national parks in Scotland, they should be as successful as possible and their operation should reflect the particular circumstances of Scotland. All members would accept that we should acknowledge the need to encourage recreation. This amendment seeks to incorporate in the aims of the bill the importance of recreation.

The choice of the word “recreation” rather than “sport” is deliberate, because although recreation includes sport, sport is not as broad a category as recreation. It is particularly important that we should provide the people of Scotland with a concrete example of why national parks are a good thing. I am not convinced that that is widely accepted in every area. If we indicate in the bill that we intend to encourage sport and recreation and that each national park board will be obliged to regard those as aims of the national park, that would be broadly welcomed by members of every party.

I know that in the two areas where national parks are currently proposed—Loch Lomond and the Trossachs and Cairngorm—there is already a huge variety of sporting interests. In both areas, walking and climbing are perhaps the most important activities, although fishermen may disagree with me. There are controversial issues, such as the use of Loch Lomond for jet skiing and water sports, which can cause inconvenience to others.

I do not believe that the bill should say that those activities should be outlawed; it should say that the management of those activities, and the regulation of any recreational activities that have, shall we say, a downside, should be conducted by the board after it has been duly constituted.

It is self-evident that we want young people to

take part in sport. I hope that that desire—in a week during which we have learned that there will be a growing problem with obesity in children—will be acknowledged as part of the peculiarly Scottish model of national parks. It should be recognised that we are making our own plan, and not simply following other models elsewhere.

Recreation should be available to all—by which I mean all people of all abilities or disabilities. The minister may be aware of the excellent Badaguish centre near Glen More in Cairngorm. It is designed to provide respite for children with disabilities and it does an excellent job. I would like to put on record that, if the aim of this amendment is incorporated, we will have to consider the needs of all. We should not exclude the disabled but should, from the outset, recognise that they have particular needs that have to be considered.

I hope that amendment 1D will be acceptable to the Executive.

**Cathy Peattie (Falkirk East) (Lab):** I would like to support Fergus Ewing's amendment. It is proper that we do not start thinking about particular sports and try to itemise what we mean by recreation, but it is important that recreation is promoted in the bill.

**Irene McGugan (North-East Scotland) (SNP):** Linda Fabiani is not here, but I would like to speak to amendment 1E. It also relates to subsection (c), but the wording is slightly different. It adds a phrase to the end so that the subsection reads:

“to promote understanding and enjoyment of the special qualities of the area by the public, including appropriate and responsible sporting and recreational use.”

The reasoning behind the amendment is much the same as that outlined by Fergus Ewing for his amendment, but this one may be slightly wider in its interpretation. We hope that the use of the word “responsible” might reassure people about the activities that would take place in national parks. I suggest that it should be up to the national park authorities to determine what sports and recreations would be “appropriate and responsible”.

**Mr Rumbles:** I noted that Fergus Ewing seemed, at the end of his contribution, to be addressing his comments to the Executive. He said that he hoped that the amendment would be “acceptable to the Executive”. I hope that he also meant that he hoped that it would be acceptable to this committee.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Recreation is clearly a main activity in the national parks that we know about, so it would be bizarre if it were not included in the aims. I suspect that passing all three amendments that refer to recreation might be over-egging the custard somewhat. It may therefore be the luck of

the draw that determines which one will be passed. That will be for members to decide, but recreation should be included somewhere in the bill.

**The Convener:** As no one else wishes to speak on this section, I will ask the minister to reply.

**Sarah Boyack:** As members have acknowledged, amendments 1A, 1D and 1E all seek, in their different ways, to make explicit in the bill the importance of recreation in national parks. The amendments seek to introduce that idea into the wording of the aims. Some other amendments, which we will come to in a later grouping, seek to do something similar in respect of the conditions for national parks. I well understand the intention behind these amendments, and I am aware of how keen sportscotland is to have it made clear that recreation is an essential element of national parks. I am happy to endorse that view. I do not think that there has been any disagreement among us on this issue.

When the bill was drafted, its aims were formulated in broad terms that encompassed a wide range of matters. When we drafted the third aim of promoting understanding and enjoyment of the special qualities of the area, we wanted the wording to encompass recreation in all its various forms. We wanted, as members have said, to include activities that would be classed as sporting, and others that would not. We also wanted to include the more passive ways in which people might enjoy the qualities of the park and appreciate the aesthetics of the surroundings.

We had no doubt that recreation was meant to be covered by the wording of the third aim, and that powers over recreation would be given to national parks. Of the amendments, I suggest that 1D—Fergus Ewing’s amendment—achieves the effect of clarifying the importance of recreation in the neatest and most logical way, and best expresses all our intentions. Amendment 1E includes the words “appropriate and responsible”. I understand the sentiment, but those words have the disadvantage of introducing further scope for disagreement on interpretation. I agree with Fergus that the introduction of the word “sporting” takes us further down the route of specifying things in greater detail in the bill. Amendment 1A would introduce the term “including its recreational importance” into the first aim, linking it to the conservation of the natural and cultural heritage. It is therefore rather narrower than the change proposed in amendment 1D.

I agree with the principle of adding recreation to the aims of the bill and, for the reasons I have given, I suggest that the best way of doing so is amendment 1D.

**The Convener:** I now invite Mike Russell to

speak to his amendment on linguistics.

19:00

**Michael Russell (South of Scotland) (SNP):** I shall be as brief as I can. I do not think that any of you need to hear me speak twice on the issue of Gaelic in one day. That would be too much joy for you.

With the agreement of the convener and the committee, I will propose a number of stage 2 amendments that will introduce into the management, operation and interpretation of national parks the concept of the use of Gaelic and, where appropriate, the use of Scots. I will do so for a number of reasons. Any national park in most parts of Scotland—not all, but most—will have within it a whole range of features that will be identified by Gaelic names. By simply looking at the hills, the lochs and the islands, it will be clear that there are names that reflect the culture and the background of those places. The use of the appropriate language—language that expresses how those things were named in the past and how they are seen by living communities today—is extremely important.

That point might be thought of as a truism, and I am sure that the minister will argue that the term “cultural heritage”, and all the other terms in the bill, cover it. However, we are well past the time of allowing a general acceptance of such things to go into legislation. During the debate this afternoon, I said that next year’s census is likely to show that there are fewer than 50,000 Gaelic speakers. I also said that Gaelic is in extremis. All new structures that are established in Scotland must recognise the linguistic diversity of the country and the great difficulties that Gaelic and Scots find themselves in, especially Gaelic.

The inclusion of the three amendments—1B, 1F and 1G—will give great hope and encouragement to the Gaelic community. It will show that the national parks intend to be inclusive and to bring Gaelic speakers into the mainstream. As we move through the legislative process, I hope to introduce further amendments that will involve Gaelic organisations, that will provide employment opportunities for Gaelic speakers and that will strengthen the way in which national parks operate, especially in Gaelic areas, so that they are of positive benefit and not—as an e-mail correspondent wrote to me yesterday—simply another English language structure to be added to all the other English language structures with which the Gaelic community has to cope.

I believe that there is a special case for Gaelic. These amendments start the process of recognising that in a mainstream bill. I think that that will increasingly be the pattern of legislation in



this Parliament.

**Alasdair Morgan:** Will Mike Russell explain why he feels that three amendments are necessary? The third amendment—1G—might do the job just as well as all three.

**Michael Russell:** As Alasdair Morgan knows, I am always thorough in my approach. Were the minister to indicate, and were the committee to indicate—I do not want to play down the role of the committee, I say to Mike Rumbles—that any of these amendments were acceptable, I would of course be delighted. It would be better if all of them were acceptable, but one would still be effective. Achieving that would be something to get out of a day that may not have been very good for Gaelic in the chamber.

**The Convener:** Would anyone else like to speak to the group of amendments on linguistics?

**Rhoda Grant (Highlands and Islands) (Lab):** The Gaelic language is important in the Highlands and other areas of Scotland. We need to take account of people's linguistic heritage as well as their cultural heritage. Language is often forgotten. It is important that the bill should ensure that national park authorities look at the linguistic heritage of the area as well as the cultural heritage.

**Irene McGugan:** I support what has been said. Scotland's indigenous languages need and deserve support in whatever manner seems appropriate. We have heard Mike Russell's arguments. National parks will attract many visitors. Signage in Scots and Gaelic is an attraction and would raise people's awareness of our linguistic heritage.

**The Convener:** As no one else wants to speak to the amendments on linguistics, I ask Sarah Boyack to reply.

**Sarah Boyack:** I understand the reason behind the three amendments that have been lodged by Mike Russell and fully recognise the importance of the Gaelic tradition and language in Scotland's cultural heritage. When we debated this issue at the Rural Affairs Committee meeting in March, I stated that I expected that each national park authority would be required to formulate a response on the way in which it would involve the Gaelic language in its park. I reaffirm that we will discuss these issues in the context of best practice and the statutory guidance that we will issue to each national park authority. At the meeting in March, I think that there was general agreement that it was best left to national park authorities and local management groups to decide how they would address the points made by Irene McGugan about signage, interpretation and encouraging young people to understand and explore their historical and linguistic culture, as well as a range

of other issues.

There is a difficulty with the amendments, which bring out a specific issue from a necessarily broad one. Some of Mike Russell's earlier amendments mentioned only Gaelic, while others also mentioned Scots. I do not disagree with the sentiments but, once we start making the bill prescriptive, we have to be careful about what we do not mention.

We will be bringing forward an Executive amendment to include in section 33 a definition of cultural heritage. We were asked to do that in the consultation process. I know that we are not discussing cultural heritage today, but it is important to define it. Language must be a key part of that. I suspect that, if Tavish Scott was here, he would be asking why we did not have an amendment that included Norse.

I warmly support Mike Russell's intention and I assure the committee that we will come back to this issue when we address cultural heritage. We will make sure that language is specifically mentioned in relation to the bill. We would expect that to be backed up by our guidance to each national park authority. I hope that those assurances are sufficient to acknowledge Mr Russell's points and that they will enable him to withdraw his amendments.

**The Convener:** I call Robin Harper to speak to amendment 1C on the primacy of natural cultural heritage.

**Robin Harper (Lothians) (Green):** I am proposing an amendment to amendment 1, which was lodged by Sarah Boyack. My amendment would combine paragraphs (b), (c) and (d) under one replacement paragraph (b), which would be prefaced by the words

"in a manner consistent with paragraph (a)".

The important point is to introduce the Sandford principle before section 1. Paragraph (a) contains the words

"to conserve and enhance the natural and cultural heritage of the area".

Of course, if any of the other amendments in the grouping were agreed to, that would not affect my amendment; the other amendments could be tagged on to the appropriate part of my amendment, which leaves the relevant part of the section materially unchanged, except for the words that I want to put in.

Amendment 1C would ensure that everything that is done in a national park, at least by public bodies, is done in a manner that is consistent with the first aim of conserving and enhancing the natural heritage. The amendment does not seek to downgrade or relegate the aims in paragraphs (b),

(c) and (d) of the Executive's wording. I want to ensure that the other important aims are met alongside, or as well as, the conservation aim. That would represent genuine integration, or joined-up government, to coin a phrase, and introduce real sustainability. That is why the amendment includes the word "and" between paragraph (a) and the new paragraph (b).

I would like to ensure that national park authorities and other bodies that implement park plans find development opportunities, but that those development opportunities are vetted to ensure consistency with the conservation of the park. Examples of such positive developments might be: providing training and work experience for young people in sustainable land management, including deer culling, moving damaging forest fences and so on; supporting native woodland management and the use of wood products; wildlife or outdoor recreation-related tourism; and greening existing tourism businesses. It is wrong to believe that the aims are opposed or in conflict, but it is right to have the Sandford principle as a precaution in case such circumstances arise.

The aims should be complementary, but national parks will not be national parks as they are understood internationally unless we ensure that conservation goals are met. My amendment aims to ensure that conservation goals are met; at the same time, it seeks to promote recreation, socio-economic development and so on. An amendment along those lines was supported in spirit by the Transport and the Environment Committee and, although it has not yet been supported by the Rural Affairs Committee, this committee has not explicitly rejected it—members have said that they have not had time to consider the Transport and the Environment Committee's suggestions.

**Mr Rumbles:** I am not happy with the amendment. It runs counter to the good sense of balance in the Executive's amendment. The promotion of the Sandford principle is not appropriate in our national parks. The good sense of balance that is evident in all four paragraphs of amendment 1 represents the most appropriate way in which to proceed.

**Alasdair Morgan:** I echo Mike Rumbles's sentiments. We have four important aims, but we are on dangerous ground if we give one of them primacy over the others. We are on particularly dangerous ground in relation to the people who will make their livelihood within the boundaries of national parks, who will think that their livelihood is being subordinated to another aim. That might detract from the acceptability of the legislation, which we do not want to happen. We are certainly not trying to downplay the conservation aspect, but the other aims are equally valid.

**Des McNulty:** I am a member of the Transport

and the Environment Committee; one of our key concerns was the incorporation of the sustainability dimension, as expressed in paragraph (d) of amendment 1. The amendment addresses some of the major issues that were raised by the Transport and the Environment Committee.

**Fergus Ewing:** As the member for the area that would include a large part of the Cairngorm national park, I think that it would be safe to say that, no matter how the boundaries are drawn, an amendment such as Robin's would be severely opposed. The aims in the Executive amendment, which include the economic and social needs of the area, are reasonably well stated, especially as we now know that they will cover recreation.

To secure the support of those who must live and work in national parks, we must ensure that those people can continue to earn a livelihood. Robin's amendment should really be addressed to section 8(6), where the Sandford principle is stated. No doubt we will hear arguments about that later.

The Sandford principle seems entirely arbitrary, as it puts conservation above the needs of the economic and social interests of those who live in the national park. As a representative of the area, who has spent a great deal of time consulting my constituents, I fear that, if the Sandford principle goes through as is, support for the proposals will ebb away substantially. I hope that that can be addressed at a later stage, when section 8 is considered.

**Mary Scanlon (Highlands and Islands) (Con):** I reinforce that point. I attended many of the consultation meetings before the Scottish Parliament was established and the legislation was introduced. The greatest opposition in Badenoch and Strathspey was to the idea that conservation would take precedence over the livelihoods and the economic sustainability of a remote, fragile, rural area. It is crucial for a national park to have the full support of the people who live and work in the area. The idea is not to turn the area into a museum—these are living, working communities. If we want the support of people who live in national parks, we must not allow conservation to take precedence over economic sustainability.

19:15

**Rhoda Grant:** I agree with what has been said. The Executive amendment puts the interests of communities among the aims of the national park; it is important that we do not make communities secondary. For national parks to work, they need the support and involvement of communities. Robin Harper's amendment would not be

supported by the communities that live in a national park.

**Alex Fergusson:** There is cross-party agreement on this—I endorse the remarks that have been made. The Conservatives have always said that, unless the people who live and work in national parks feel that the parks to some extent belong to them, the whole project is off on a bad footing. Robin Harper's amendment would alienate the people who live and work in the areas.

**The Convener:** If there are no further comments, I ask the minister to reply.

**Robin Harper:** May I reply to those criticisms?

**The Convener:** I shall ask you to sum up after the minister.

**Sarah Boyack:** I have seen the briefing from Scottish Environment LINK, which advocates amendment 1C. The briefing makes it clear that the intention behind the amendment is to ensure more effectively that development in national parks is environmentally sustainable.

I well understand the concern that was raised during the consultation on the draft bill. I believe that the Executive's amendment addresses that by modifying the wording of the fourth aim to make it clear that social and economic development must be sustainable and must relate to the park's communities. I hope that that satisfies those concerns and I suggest that if amendment 1 is accepted, amendment 1C is not necessary.

The bill has deliberately been structured to satisfy some of the related concerns behind the amendment, albeit by different means. The amendment seeks to order those four aims, as committee members have suggested, in a way that places the first on a tier over and above the other three. The bill as drafted provides that the park itself has four aims. Those aims are given effect by the national park authority, which is required—as we will discuss when we consider section 8—to pursue them in a collective and co-ordinated way. However, if, in relation to any matter, there appears to be a conflict between the first aim and the others, greater weight must be given to the first aim. That achieves a similar effect to the one in the current amendment and ensures that, although the aims are pursued in a collective and co-ordinated way, where there is a conflict, the first aim is given greater weight.

I wish to make it clear that, following the consultation on the draft bill, the concept of achieving the aims in a collective and co-ordinated way was an important amendment. We wanted to make it clear that the aims applied across the national park as a whole and that, through the principle of zoning in the national park plan, the aims could be pursued in slightly different ways in

different zones. We will return to this issue in future debates in committee, but amendment 1 should meet some of the concerns that members have raised. Robin Harper's amendment would complicate that approach.

**The Convener:** I invite each of the members who have proposed amendments to wind up.

**Mr Munro:** Amendment 1A is straightforward and simple. It would insert the words "including its recreational importance". The view has been expressed round the table that we are not trying to impose on a community anything that is not for its well-being. We have to accept that, within national parks, organisations and groups will live and work, and activities will be carried out. We must ensure that those activities continue and that development is not curtailed to the advantage of conservation in all its aspects. My simple suggestion was to ensure a proper balance between conservation, the enhancement of the natural and cultural heritage and the development needs of communities.

The concept of national parks is one thing, but we must accept that within national parks there are real, living, working people as well as the other things that we are trying to protect. For that reason, I wished to keep the amendment simple. I would be happy to see its inclusion in the section.

**Fergus Ewing:** As I understood the minister's remarks, she appeared minded to accept one of the amendments. She was kind enough to indicate that she regarded mine as the preferred candidate.

**Michael Russell:** Sook! [*Laughter.*]

**Fergus Ewing:** As always, Mike Russell is supportive. I hasten to say that I did not draft the amendment. In any event, I was pleased that one amendment is to be accepted—it would be a welcome addition to the aims. I was disappointed that my colleague Mike Russell's amendment did not find such favour and I hope that it will be reconsidered.

**Michael Russell:** Still a sook!

**Fergus Ewing:** The real problem is with section 8(6) and the definition of conflict. The bill is hopelessly vague—it would create a complete morass, which would lead to a judicial review. I am very concerned that my constituents will not support that section unless it is substantially amended. I hope that the minister will consider that carefully.

**The Convener:** Next on my list is Linda Fabiani. Does anyone wish to close on her behalf?

**Irene McGugan:** In view of the minister's comments—and indeed those of Fergus Ewing—and in the interests of simplicity, I will not press

that amendment.

**Michael Russell:** I am tempted, for the sake of ensuring that Gaelic is included in the bill, to push my amendments, but—given the hour—I will accept the minister's assurance that section 33 will attempt to define cultural heritage. As I said, I am minded to lodge a range of amendments relating in particular to Gaelic heritage, but also to say that management, operation and interpretation in parks should include Gaelic. Section 33 is a key provision. I look forward to any definition of cultural heritage from the minister, although I reserve the right to add our own interpretation.

A little reluctantly, therefore, but in the interests of the committee, I will not press the three amendments and the three consequent amendments that were originally lodged.

**Robin Harper:** Given some of the views that have been expressed, this might be something of a Parthian shot, but I am rather upset by the suggestion that I am saying that the effect of my amendment would be to override the wishes of local communities and people living in the national park areas. As the sense of my subsequent amendments will show, my concern is that local communities do not have enough powers of representation under the bill. I would like them to have more powers to defend their areas and their cultural heritage.

As I said at the beginning, my amendment is not to make the Sandford principle of overall importance, but to ensure that it is to an extent incorporated into the aims. My suggestion is that everything that is done in a park should be consistent with the first aim of conserving and enhancing the natural heritage. Are committee members suggesting that the other three aims should be inconsistent with that first aim? That seems to be effect of rejecting my amendment.

**The Convener:** That brings debate on this group of amendments to a close. We will now decide on the amendments to the minister's amendment.

I should point out that, in the event of a division, only members of the committee can vote. Members should ensure that they keep their hands raised long enough to allow the clerks to record their names, as well as the number.

As well as asking those for and against to vote, I ask those who want to abstain to indicate that they are abstaining. Members may choose not to vote at all, which is not the same as voting to abstain, if members understand what I mean.

*Amendment 1A moved—[Mr Munro].*

**The Convener:** The question is, that amendment 1A be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Mr John Munro (Ross, Skye and Inverness West) (LD)

**AGAINST**

Alex Fergusson (South of Scotland) (Con)  
Rhoda Grant (Highlands and Islands) (Lab)  
Alex Johnstone (North-East Scotland) (Con)  
Richard Lochhead (North-East Scotland) (SNP)  
Mr Des McNulty (Clydebank and Milngavie) (Lab)  
Irene McGugan (North-East Scotland) (SNP)  
Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)  
Dr Elaine Murray (Dumfries) (Lab)  
Cathy Peattie (Falkirk East) (Lab)

**ABSTENTIONS**

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

**The Convener:** The result of the division is: For 1, Against 9, Abstentions 1.

*Amendment 1A disagreed to.*

**The Convener:** Does Mike Russell want to move amendment 1B?

**Michael Russell:** No.

*Amendment 1B not moved.*

**The Convener:** We must remember that, if any other member of the committee wanted to move the amendment on Mike Russell's behalf, they would be entitled to do so.

Amendment 1C has already been debated. I remind members that, if amendment 1C is agreed to, it will pre-empt amendments 1D, 1E and 1F. Does Robin Harper want to move amendment 1C?

*Amendment 1C moved—[Robin Harper].*

**The Convener:** The question is, that amendment 1C be agreed to? Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**AGAINST**

Alex Fergusson (South of Scotland) (Con)  
Rhoda Grant (Highlands and Islands) (Lab)  
Alex Johnstone (North-East Scotland) (Con)  
Richard Lochhead (North-East Scotland) (SNP)  
Mr Des McNulty (Clydebank and Milngavie) (Lab)  
Irene McGugan (North-East Scotland) (SNP)  
Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)  
Mr John Munro (Ross, Skye and Inverness West) (LD)  
Dr Elaine Murray (Dumfries) (Lab)  
Cathy Peattie (Falkirk East) (Lab)  
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

**The Convener:** The result of the division is: For 0, Against 11, Abstentions 0.

*Amendment 1C disagreed to.*

**The Convener:** The next amendment is

amendment 1D, which has already been debated.

*Amendment 1D moved—[Fergus Ewing]—and agreed to.*

*Amendment 1E not moved.*

*Amendment 1F not moved.*

*Amendment 1G not moved.*

**The Convener:** We now return to Sarah Boyack's original amendment, which has now been amended.

*Amendment 1, as amended, agreed to.*

### Section 1—National Park proposals

**The Convener:** The next group of amendments relates to the conditions to be satisfied before ministers propose a national park. I call amendment 23, in the name of John Munro, which is grouped with amendment 24.

**Mr Munro:** I move amendment 23.

**The Convener:** I should have invited you to speak to your amendment at this point, although you do not have to.

**Mr Munro:** I will just move it.

19:30

**The Convener:** I invite Fergus Ewing to speak to amendment 24.

**Fergus Ewing:** Amendment 24 seeks to amend section 1(2), which sets out the conditions that an area must have if it is to be considered a national park. Those conditions include

"that the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage".

The amendment would add at the end "and recreational qualities". It seems self-evident that if it is accepted that the aims of the national park should include recreation, we should also accept that an area that is to be considered as a potential candidate to become a national park should possess recreational qualities. Virtually every area in Scotland that is a conceivable candidate would inherently possess those recreational qualities, but amendment 24 would mean that that would be stated explicitly in the bill. That would underscore the importance of recreation, for the reasons that I mentioned earlier when I moved amendment 1D.

**The Convener:** Amendment 24 was supported by Cathy Peattie. Do you want to speak on it?

**Cathy Peattie:** No.

**The Convener:** Do any other members want to speak on this group?

**Dr Murray:** I hear what Fergus Ewing is saying

about recreational activity. It was important to include recreation in the aims, but I am not convinced that every conceivable national park must have recreational qualities. We have considered the possibility of marine parks and so on, and it could be that not every national park has recreational potential. I am not convinced that the possession of recreational qualities should be a precondition for designation.

**Alasdair Morgan:** I am usually overwhelmed by Fergus Ewing's logic, but in this case I do not quite follow it. In the aims, we are talking about what we are going to do in a national park but in the designation, we are talking about the situation as it is. People might want to promote recreational activity in a place where none currently takes place. The amendment would stop that place being designated. I do not see what the amendment adds to the bill. All it can do is to narrow the list of potential candidates for designation. That might be Fergus Ewing's aim, but I do not follow the logic.

**Mr Rumbles:** I cannot conceive of a national park that would not have recreational importance. I think that the amendment is useful, but I am not sure of the difference between recreational qualities and recreational importance.

**Sarah Boyack:** By amending the aims to include the word "recreation", we have addressed the concerns of organisations such as sportscotland. I do not think that it is necessary to repeat that in the conditions, partly because of the reasons suggested by Elaine Murray and Alasdair Morgan. It is important that we acknowledge that recreation might be subsumed in the criteria, but I am not convinced that we need to include the word in section 1(2).

We have acknowledged that recreation will be a key part of national parks in Scotland by including it in the aims and by giving the national park authorities explicit powers to promote recreation.

**The Convener:** I invite John Munro to wind up.

**Mr Munro:** I am rather confused. I thought that the amendment that I lodged related to section 1(2)(c), but I am obviously mistaken.

Having listened to the minister, I am prepared to withdraw my amendment.

*Amendment 23, by agreement, withdrawn.*

**The Convener:** Fergus, do you want to move amendment 24?

**Fergus Ewing:** Having heard the arguments of the members of the committee and the minister, I bow to the superior logic deployed. This is consensus politics in action and working, within the limited powers that we have. In that spirit, I have decided not to move the amendment.

*Amendment 24 not moved.*

**The Convener:** We have been here for the hour for which we had agreed to meet. Do members want to end the meeting or proceed?

**Mr Rumbles:** I think we should close the meeting. We have started along the path.

**Rhoda Grant:** I think we should try to get through another grouping, since we are all here.

**Cathy Peattie:** Some of want to go home.

**The Convener:** Shall we go for another grouping?

*Members indicated agreement.*

**The Convener:** The next group of amendments deals with integration and co-ordination of purposes. I call Robin Harper to speak to amendment 63, which is grouped with amendments 2 and 3 in the name of the minister and 25 in the name of Rhoda Grant.

**Robin Harper:** The amendment is relatively minor. In the interests of speed, I will not move it.

*Amendment 63 not moved.*

**The Convener:** I call the minister to move amendment 2 and to speak to the other amendments.

**Sarah Boyack:** The amendments in this group all relate to the three conditions that are, or may be, satisfied when Scottish ministers introduce a proposal for a national park.

Amendment 3 is largely technical. The question has been asked whether all the conditions in section 1(2) have to be met prior to an area being considered for national park designation. It was always our intention that all the conditions were to be met before any area was considered for designation as a national park. Adding the word "and" takes away any ambiguity in that respect.

Amendment 2 amends the wording of the second condition, which, as drafted, relates to the natural resources of the area having a distinctive character and a coherent identity. While the natural resources are clearly an extremely important factor, they are not the only factor. The amendment enables an all-embracing view to be taken of the character and identity of a proposed area.

The national park plan is clearly central to ensuring that the aims of the national park are achieved. It is essential that the plan be put together in a consultative way that involves the maximum number of people. The process should ensure that all the interested people and organisations are consulted and that the consultation actively engages those people. However, the national park plan will not be the

only way in which the aims will be achieved. Section 11, for example, sets out in detail the process of consultation and requires that there should be consultation with a wide range of people and organisations, including community councils and representatives of those who live and work in the national park.

Amendment 25 requires that the third condition, which says that

"the aims set out in subsection (3) are collectively achieved ... in a co-ordinated way."

should be met by means of the national park plan.

The purpose of a national park authority, as set out in section 8(1), is to ensure that the aims of the national parks are collectively achieved in a co-ordinated way. Section 10 places a duty on a national park authority to prepare a national park plan that sets out its policy for managing the park and co-ordinating the exercise of the functions of public bodies, with a view to accomplishing the purpose as set out in section 8(1).

The combination—of aims as set out in section 1, purpose as set out in section 8, and duty as set out in section 10—makes a national park plan central to a national park and, therefore, achieves the intended effect of the amendment. We do not need the amendment to achieve what I believe it is intended to deliver.

I move amendment 2.

19:45

**Rhoda Grant:** I am satisfied with what the minister is trying to say, but I lodged the amendment because the national park plan is where a balance should be reached between conservation and the needs of the local community. The amendment's purpose is to improve the status of the national park plan. If, however, the amendment would restrict the way in which the aims of the national parks might be achieved, I am happy to not to move it.

**The Convener:** Would any other member like to speak to this group of amendments?

*Members indicated disagreement.*

**The Convener:** Amendment 63 is not moved.

*Amendment 2 agreed to.*

*Amendments 3 and 4 moved—[Sarah Boyack]—and agreed to.*

*Amendment 25 not moved.*

**The Convener:** Amendment 5, which has already been debated will, if agreed to, pre-empt amendments 26, 27, 28, 29, and 30.

*Amendment 5 moved—[Sarah Boyack]—and*

*agreed to.*

**The Convener:** At this point, it would be sensible and practical to finish the meeting. Does that meet with the approval of the committee?

**Members** *indicated agreement.*

**The Convener:** I have been asked by the clerk to ask members how far the committee should aim to go on the bill at its next meeting on Tuesday 13 June at 1.30 pm. I suggest that we try to get as far as section 7 and schedule 1.

**Cathy Peattie:** That is difficult to decide. I have been just been working through the Standards in Scotland's Schools etc Bill at the Education, Culture and Sport Committee. We could start off with the aim of getting through certain sections, but it will depend on how long the debate takes. I do not think that we can decide that now.

**Alasdair Morgan:** We have to decide.

**The Convener:** We should decide on a point beyond which we will not go.

**Mr Rumbles:** We should not go beyond consideration of schedule 1 on Tuesday.

**The Convener:** Yes. We will not go beyond consideration of schedule 1.

**Rhoda Grant:** Our timetable indicates that we should also consider section 8 at our next meeting. Would not it be appropriate to try to follow our timetable? A deadline has been issued for lodging amendments to that section. We should give ourselves scope to carry on to section 8 if there is time at the meeting. That is in our timetable and we should stick with that rather than confusing people.

**The Convener:** Should we stick with our published schedule?

**Richard Davies (Clerk Team Leader):** That was a draft schedule, which contains an error in that consideration of section 8 and the Sandford principle was billed for the next meeting. Judging by the speed at which the committee is going and the number of amendments that are being lodged, it would be reasonable for the committee to get as far as schedule 1, which follows section 7, at the next meeting. We should not, however, go beyond that point.

**The Convener:** Okay. We will accept that.

*Meeting closed at 19:50.*





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