

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 16 February 2000
(Morning)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE

3rd Meeting 2000, Session 1

CONVENER

*Mr Andy Kerr (East Kilbride) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) (LD)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)

*Linda Fabiani (Central Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Janis Hughes (Glasgow Rutherglen) (Lab)

*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

*Mr Kenny MacAskill (Lothians) (SNP)

*Des McNulty (Clydebank and Milngavie) (Lab)

Tavish Scott (Shetland) (LD)

*Mr Murray Tosh (South of Scotland) (Con)

*attended

WITNESS

Sarah Boyack (Minister for Transport and the Environment)

CLERK TEAM LEADER

Lynn Tullis

SENIOR ASSISTANT CLERK

Richard Walsh

LOCATION

The Hub

Scottish Parliament

Transport and the Environment Committee

Wednesday 16 February 2000

(Morning)

[THE CONVENER *opened the meeting at 09:38*]

The Convener (Mr Andy Kerr): I welcome everybody to the third meeting of the committee in 2000.

Apologies have been received from Tavish Scott. He is celebrating the birth of his third child; a boy called Cameron. We will all want to convey our good wishes to Tavish, who has legitimate grounds for not being here today.

Mr Murray Tosh (South of Scotland) (Con): And to his wife.

The Convener: Yes. I have not met her, but we should pass on our good wishes to them both.

Draft National Parks (Scotland) Bill

The Convener: Following our usual practice, we should take agenda item 1 in private to discuss the committee's approach to questioning the minister on the draft national parks bill.

Do members agree?

Members *indicated agreement.*

09:39

Meeting continued in private.

10:07

Meeting resumed in public.

The Convener: We are now meeting in public again. I welcome the press and public who have joined us. I also extend a warm welcome to the Minister for Transport and the Environment, Sarah Boyack, and to her colleagues. We are grateful that they have come along to discuss the draft national parks bill.

First, I invite the minister to make some opening comments. I will then invite committee members to ask questions.

The Minister for Transport and the Environment (Sarah Boyack): Thank you, convener. I am happy to take questions about the

detail of the Executive's bill. It will be useful to spend a few minutes outlining the structure of the bill—we can then get on to the detail.

I wanted to go over why we need a national parks bill for Scotland. I will not state the obvious but will run through the key purposes and features of the bill. I will then describe the consultation process that we are in the middle of and say a little about what will follow that, including the split between the primary legislation and stage 2.

Our consultation document contains a chapter that will form the basis of the policy memorandum that will accompany the bill when it is introduced to Parliament. That chapter briefly sets out the history and rationale behind the national parks bill and it explains why we need such parks.

I am sure that committee members are aware that this has been a long-running debate in the United Kingdom. It has certainly been running since national parks were enshrined in legislation in England and Wales in 1949. Various approaches have been tried in Scotland, and various reports making the case for national parks have been produced.

Now that we have our new Scottish Parliament, the time has come for us to initiate national parks legislation. We have a very fine natural and cultural heritage, but that heritage is coming under increasing pressure and there is an increasing realisation that the livelihoods of people in many areas depend on it. The pressures and the opportunities in key potential areas for national parks need to be managed properly and in a way that is coherent and that brings a focus to the activities of the many people and organisations that are active in those areas. Those people and organisations will often have aims that overlap partially with the interests of a national park, but some of their aims might conflict with those of a national park. That conflict must be managed effectively.

Voluntary arrangements can achieve only so much. To be effective in managing the pressures in national parks, we need a permanent body that has funding, status, and the necessary powers to deal with the pressures. To attract funding—and attention—from the wider world, our potential national park areas need their status as such to be recognised. Accordingly, they need resources to be able to raise their profile. Scotland is one of the few areas in western Europe that does not have national parks or an equivalent, so we really do stick out when we compare ourselves with our European partners.

Our draft bill provides a two-tier approach. The enabling legislation provides a framework for all national parks in Scotland. It sets out a constitution, their aims, the process for setting

them up, most of their powers and the funding arrangements. Each park would be set up by a designation order, which would set out the details on matters such as boundaries, membership, and town and country planning arrangements. That means that every time a national park is set up, debate can focus on the specifics of the particular area that is suggested for such status. We do not need to rehearse the purpose of national parks every time that we set one up.

I would like to move on to the main purpose of the bill and to run through its key features. There are five main parts to the bill. The aims of national parks and the duty to have regard to those aims are set out in sections 1 and 8(5). The process for creating national parks is covered in sections 2 to 6. The constitution of the national park authorities is covered by section 7 and schedule 1. The functions and duties of those authorities are in sections 8 to 13 and in schedules 2 and 3. Financial arrangements and reporting and accountability arrangements are covered by sections 19 to 24.

I hope to focus on the first three of those core issues today—although I am sure that, when the bill reaches its later stages, we will get further into the detail.

I will start with the aims of the national parks. We have set out four aims that reflect the advice of Scottish Natural Heritage. The Scottish Executive recognises not only that the potential national park areas are places of great natural and cultural heritage, but that people still live and work in them. That is why one of our aims is to promote the economic and social development of those areas. However, we acknowledge that the aims in section 1 need to be considered in conjunction with section 8(5), which requires the national park authority to have regard to all four of its aims in carrying out its functions.

I said earlier that we must recognise that there might sometimes be conflict. If there is conflict, we want it to be absolutely clear that the fallback position is that the first aim—that of conserving the natural and cultural heritage—must be given greater weight than the other aims. That is the purpose of designating areas as national parks. That does not make the other aims less important; it simply recognises that the main reason for designating an area as a national park is its great natural and cultural heritage. We have, for example, strict responsibilities under European law for nature conservation that we must respect. Those responsibilities will be addressed in national parks.

I said what the fallback position is, but the general approach should be to integrate the rural economy with proper protection of the natural and cultural heritage. We want to avoid conflict, and to

have an integrated approach.

The process of creating national parks is set out in sections 2 to 6. We aim to ensure that there is an open consultative process so that national parks cannot be set up unless all those who have an interest are aware of it and are able to express their views. That is an important safeguard for those who might be concerned that a national park is being imposed on them.

Scottish ministers might require SNH—or any other public body with relevant expertise—to undertake part of the consultation process on their behalf, but responsibility for making the designation order to set up a national park will remain with Scottish ministers.

10:15

There will be a lot of interest in the part of the bill that deals with national park authorities. It will be extremely difficult to satisfy every group's wish to have a representative on the park authority. We have tried to adopt a light touch in the enabling legislation, which sets out the broad framework of each national park authority. Each park authority will have a maximum of 20 members and the exact number will be specified in the designation order. Half of the number—as specified in each designation order—will be appointed on the nomination of the relevant local authorities. Scottish ministers will appoint the other half after wide consultation. All members will be required to have knowledge or experience that is relevant to the functions of a national park authority or of a national park. There might, in the designation order, be further specifications about the knowledge or experience that would be required of those members who were directly appointed by Scottish ministers. That important provision would allow for the particular needs of parks to be taken into account. It might, for example, be possible to identify somebody who lives and works locally who can also represent a national interest. We want to get the maximum input from our appointees.

The maximum of 20 members, which the bill proposes on SNH's advice, ensures that the size of each authority will be workable. However, that also means that it will not be possible to have a representative of each of the many interest groups, as there are many more than 20 such groups. It is, however, important that there will be advisory boards, which will enable each national park to be more inclusive and will ensure that people who cannot be on the national park authority, but who would like to contribute, can be key stakeholders.

Local authorities have an important part to play in setting up our national parks. That is why we have provided for half the membership to be

appointed on their nomination. We believe strongly that local communities should be involved and that the nature of such involvement means that it does not make sense for central Government to lay down the exact arrangements for that. There are many ways of involving the community—that is an issue that we can explore when we discuss the details of the legislation with the committee.

Committee members will be aware of the extensive consultation that has been undertaken by SNH in formulating its published advice on national parks. We have sent copies of the consultation document—which contains the draft bill—to an extensive list of consultees. Copies have been sent to more than 500 groups, including every group on the SNH list of consultees. We printed 2,000 copies of the document, of which only a handful remains. The document is also on the internet, so I hope that everybody has access to it.

During the consultation period, my officials will meet any group that requests a meeting, so that people can ask questions about the bill before it is introduced. We are receiving many written and—members may be interested to know—e-mail responses. We will need to consider what amendments to the bill are needed once we have analysed the responses. All responses—unless respondents request otherwise—will, as usual, be available for public inspection. We will prepare a summary and analysis of responses and we will be happy to ensure that the committee receives a copy.

The enabling legislation will provide us with the legislative basis to prepare designation orders that will set up specific national parks. We hope to be able to introduce a designation order for the Loch Lomond and the Trossachs national park following consultation later this year. The process leading up to the preparation of the designation order will be that which is set out in sections 2 to 5 of the bill. The process enables Scottish ministers to require SNH or any other suitable public body to undertake the statutory consultation process on our behalf. Given SNH's experience in that area, it makes sense for it to do that.

We hope, also following consultation, to introduce a designation order for the Cairngorms national park soon after that. It is important to get the enabling legislation right at this stage, and we look forward to constructive comment. From talking to and meeting organisations, I know that the more contentious issues will arrive with the designation orders. People must have an overview of all stages of the process.

The bill will provide for the designation orders to be affirmative instruments. That means that they will have to be affirmed by the Scottish Parliament before they become law. Parliament will, therefore,

have the last word on designation orders. That is important for the status of national parks and for the way in which people perceive them.

The draft bill is a great step forward, which will allow us to progress. National parks will provide opportunities for people. We must work together to realise those opportunities and to manage conflicts and reach resolutions that people will be happy with. The legislation provides a framework for that. It will, thereafter, be down to the key stakeholders and to the people who live in a national park area to make the park work. I look forward to working with the Transport and the Environment Committee and with others to ensure that we get it right and that national parks become a reality in Scotland.

The Convener: Thank you. We are certainly heartened by what you have said about the consultation process and by the fact that officers from the Scottish Executive are going out to meet organisations and reporting back to you.

I remind everyone to switch off their mobile phones, as the sound system is sensitive even when they are on quiet mode. Having them switched on at all will lead to interference.

I now open the meeting to questions.

Mr Tosh: I welcome the inclusion of economic and social development objectives in the draft bill. We must remember that there are substantial communities in all the areas that are likely to be designated, and their interests must be looked after as well as the broader wilderness issues that most people associate with national parks.

We have heard representations about the planning implications of what is proposed. It would be useful to explore that matter further. The Royal Town Planning Institute in Scotland is concerned about the potential division of planning powers between the park authority and the local authority. The institute is also worried about how that might be managed, about potential conflict and about losing the focus of planning if there is a division of responsibility.

I find it hard to see how the total planning function could be given to something as small as even the largest national park is likely to be, given that such a park will be a pocket in a much larger area. How do you see the planning function being allocated? I am particularly interested in the suggestion in the document that a possible option would be for the park authority to be a statutory consultee and that the local authorities might retain effective planning control.

Do you think that there are any significant differences between the two proposed national park areas?

Sarah Boyack: I welcome your comments on

the importance of social and economic considerations to national parks. It is important to achieve a balance. We can learn from the practical experiences of national parks in other countries, where varying interests have been brought together. There can be benefits for local people as well as a national park designation that protects the environment.

Planning issues will be addressed at the designation order stage. That is important, because it is not necessarily the case that one size will fit all national parks, and there might be an argument for taking different approaches to planning powers in different national park areas. We need to spend a lot of time on that issue when we get to the designation order stage.

You are right—the legislation provides for different formulations of planning powers. I would like to discuss that in much more depth at a later stage. May I say why it is important that a designation order has that flexibility? Different national parks may have different characters, and different priorities may need to be met in the areas that they will cover. If powers are not moved across from the planning authorities, it is important that the national park authority should be a statutory consultee. I would like to address that issue in more depth and engage with the views of the committee and other organisations.

Depending on the boundaries, the Cairngorms area could involve a variety of planning authorities. In the area of Loch Lomond and the Trossachs, fewer planning authorities are likely to be involved. I would like to ensure that we get that right. There is scope for flexibility, but the concerns that you have raised help to form the framework for the discussion that we will have at the designation order stage.

Now is the time to get the enabling legislation right. We do not have to say a great deal about planning powers at this stage, although, as I said, when we get to the designation order stage there will be huge interest in issues such as boundaries and the authorities' planning powers. That would be the time to focus on that discussion. Does that answer the questions?

Mr Tosh: I am happy with that answer, convener. I simply wanted to know what the minister's thinking was. The committee will, I hope, discuss these matters further with planning professionals and local authorities, and the minister has indicated an open-mindedness that suggests we should be able to get this right.

Janis Hughes (Glasgow Rutherglen) (Lab): I come from an urban constituency, so I hope that I will be forgiven if this sounds naive. There is nothing in the bill that stipulates the size of the national parks. I know that we are currently looking

at the Trossachs and the Cairngorms, but there have been calls for fairly large areas of the country to be designated as national parks. Have you given any thought to the definition of size in the bill?

I know that the consultation process is on-going, but do you have a feel for what is coming out of it? You mentioned that some people were concerned about the imposition of national parks. How are you dealing with that? Will the same consultation process that is being applied now be used when consulting on the designation orders for future national parks?

Sarah Boyack: The bill does not delineate the size of national parks. It is important to get that across. When the designation orders are made, we will consider appropriate boundaries. The legislation is driven by the problems and pressures that areas face. For example, there has been a great deal of debate in the consultations conducted by Scottish Natural Heritage and the Cairngorms partnership about how big the Cairngorms park should be. There are different issues in different parts of potential parks, but the designation of national park areas is driven not by the size of the authority or by landmass, but by the pressures and issues relating to the park area. We need to focus on that issue when we consider designation orders.

We will have a follow-up consultation stage. When I was in Aberfoyle and the Cairngorms area recently, I stressed that point to local people and organisations. Once the enabling legislation is in place, we will have a full consultation process, because that is the point at which, I suspect, local people will be most interested in the planning powers that Murray Tosh talked about. A key issue will be setting the boundary of the park; it is at that stage that people will wish to be involved in the discussions. There have been many discussions already. There is almost consultationitis in some communities that have been consulted several times.

We are not quite at the stage of saying, "This is the boundary for you. Do you agree with it?" It is important that we go through the consultation process effectively. There are different views on the different areas of the national parks, which is why we need to get the process right. There has been much consultation already. We need to demonstrate to people that progress is being made—that we are moving on from consultation—and that we have taken their views on board in the draft bill.

We are monitoring the consultations weekly, partly to make them manageable. We have had a variety of comments from different groups, which we are analysing point by point, so that I will be able to decide which issues we want to include in

the bill and where we want amendments to be made. The committee will be able to see which issues we have taken on board and it will be able to explore that with me further when we get to the next stage.

10:30

Janis Hughes: Are you saying that there are no limits to size, if other criteria are met? Is that a concern to any of the other interest groups?

Sarah Boyack: The park would have to be manageable; it would have to be a functional area that made sense. The areas in the national park would have to relate to the core functions of the park. On the natural and cultural heritage, the issues of the sustainable management of resources, enjoyment and social and economic purpose must have a functional relationship; however, that is not necessarily driven by the size of the area.

Mr Kenny MacAskill (Lothians) (SNP): First, am I right in assuming that the marine national park cannot stand alone, but must be physically attached to some geographic landmass? If so, why? To what distance will a national park be able to extend into sea or marine areas?

Secondly, if there is to be enabling legislation, does that not present the opportunity to seek codification, in terms of the broader International Union for the Conservation of Nature guidelines?

Thirdly, why are we proceeding by enabling legislation if we are talking about a limited number of national parks? Two are currently in the frame. If we are accepting that every national park is to be considered separately because it will be different in size, nature and constitution, why are we doing that through enabling legislation, as opposed to primary legislation? Will there not be further consultationitis? There is a democratic deficit.

You mentioned affirmative resolution. Will enabling legislation, compared with proceeding with separate bills for Loch Lomond and the Trossachs and for Cairngorm, not lessen the ability of the Parliament to scrutinise? Will it not reduce its ability even to amend the legislation?

Sarah Boyack: On the first issue, we have had representations on marine national parks. In fact, I think that the first on-line petition that the Parliament will receive may be on that issue. We believe that the creation of marine national parks may be possible within the body of this legislation. The Interpretation Act 1978, as we see it, would give full support for marine national parks. Should we seek to create one in future, it would be covered by the legislation.

On your second point, many national parks

round the world fit into the different categories of the IUCN designation. It is important that we do not get hung up on this—it is a bit of a red herring. We have to get the right national parks for Scotland. Areas of our national parks may fit within the IUCN's category 5 and other areas may fit within the other categories. It is important that what we have in Scotland is driven by our needs. We can learn lessons from the national parks around the world; the IUCN definition is useful in giving us a sense of what is appropriate for Scotland. However, whatever we do, it needs to be right for us.

Let me be clear on enabling legislation and designation orders. We are suggesting two national parks now because we see them as the priorities. Over the years, those areas have attracted the most interest. However, that does not rule out the creation of other national parks, which is why it is important to put in place enabling legislation that will take on board any future proposals for national parks—for a marine national park, for example. It is important that the process and the principles are set out in primary legislation, so that we know the four key purposes of any national park, whether marine or on land.

There is no democratic deficit, because any designation order must go through a rigorous consultation process. I would have to account for that process and inform this committee of it. I am sure that the discussions that we will have on the Loch Lomond and the Trossachs national park will be even more extensive than the one that we are having today—that is appropriate. National parks must be set up democratically, through the Parliament. That is why the bill will require affirmative orders—this must be something that we vote for positively.

There has been a great deal of consultation, and the public now want to see their national parks. However, we must reach that point via a process that is rigorous and accountable to the Parliament as a whole. That is why we need primary legislation that sets out the purposes of national parks, followed by designation orders that enable us to get things right for each national park. One size will not fit all. We must ensure that each national park is set up with the right planning powers and the right boundaries, and in a way that local people are comfortable with. They need to be able to see that the park fits in with the national purposes that we have set out in the key legislation.

Mr MacAskill: Can you confirm that a marine national park does not have to be related physically to a landmass?

Sarah Boyack: That is correct—it does not.

Cathy Jamieson (Carrick, Cumnock and

Doon Valley) (Lab): Like Murray Tosh, I was glad to see the reference to the balance between environmental issues and the social and economic development of an area. That is important for people who have to live and work in rural communities.

I want to ask about the proposed funding for national parks. As I understand it, the bill does not specify the sources of funding. I know that in previous consultations the Convention of Scottish Local Authorities and others have expressed concerns about what would be expected to be the balance between central funding and local government funding. COSLA was concerned to ensure that there would be new funding, rather than a recycling of funding that it was already receiving, and that other rural areas would not be disadvantaged. What is your thinking on that, and what have the consultations thrown up so far?

Sarah Boyack: We have made it clear that the Scottish Executive would pick up the bill for national parks. If we designate national parks, we must put resources into those areas. This comes back to the status and powers of the parks and providing sufficient focus for the job to be done correctly. Over the past couple of years, the Scottish Executive has stepped up its contribution to the Loch Lomond and the Trossachs interim committee from 80 to 85 per cent of funding. We recognise that local authorities do not have infinite resources and believe that national parks should be a national priority, paid for by the Scottish Executive.

That would not prevent the national park authorities from identifying other funding opportunities. An obvious one would be branded goods, with shops that advertised the national parks, so that people from Scotland and abroad could buy goods with the national park logo on them. However, the main source of funding for the running of the park and park rangers would be the Scottish Executive.

Helen Eadie (Dunfermline East) (Lab): I welcome what you said about community interests and the formula that you envisage for determining the make-up of the board and the advisory body. You also said that you would like to explore ways of getting wider community interest. Can you expand on that?

My second question relates to a point that was made by Scottish Natural Heritage about zoning in the design and format of the national plan. Will you comment on that, as it does not seem to emerge from the draft bill?

Sarah Boyack: The involvement of local people in the national park is fundamental to their sense of having a stake in the area and its designation. However, it will be difficult for everybody to be

represented on the national park board. Twenty people sounds a lot for a board, but some people will not make it on to the board, which will represent varying interests in the national park. The opportunity to have an advisory group is important: people will be able to get involved in setting agendas and the board will have a touchstone against which to test ideas.

When I was up in Aberfoyle, I was inundated with requests from people who said, "I hope that you will note our interest. We want to be on the authority board." That is a natural response. We must try to accommodate people, although not everybody will be on the board. We need appropriate mechanisms. The board will take the key role in running the national park authority—it will be responsible for staff and the strategic direction—but there must be space to involve other people as well. The advisory group will be able to involve a slightly different mix of people.

Because 50 per cent of the board will be nominated by local authorities, and 50 per cent by Scottish ministers, we should get the right mix. However, the advisory group will ensure that the key stakeholders are involved. I hope that we will get the balance right on that.

Your second question concerned SNH's comments on the design and format of the national park plan. That raises the important issue of the appropriate management of zoning in the national park area and relates to what Janis Hughes said about the size of the national parks. Obviously, some areas will have Europe-driven natural heritage designations, which will have a strong nature conservation element. Other areas that are part of the national park plan will allow a slightly different focus. The idea of zoning is important, as it will let us get the approach right in different parts of the national park authority and let people see the priority that is being attached to different uses of land in those areas.

The World Wide Fund for Nature paper on marine national parks explores extensively the issue of zoning. The national park plan would play an important role; it would also undergo a consultation process. The point that you raise is important.

Robin Harper (Lothians) (Green): Six of my questions have been answered to some extent. In conversation earlier, I was reminded that John Muir quit Scotland 150 years ago on Saturday. He would have opted for IUCN category 1 for our parks, although it seems as though they are going to reach 5 and 6.

Section 12 of the draft bill requires public bodies to "have regard to" national park plans in the conduct of their business in national parks. Do you feel that that phrase is strong enough to elicit the

response from public bodies that might be required in certain cases?

Although you say that the Executive is prepared to fund the national parks, has a specific sum been set aside in the budget, or will that money be found through negotiation over the next few years?

Sarah Boyack: You mention the duty on bodies to “have regard to” the national park plan, which is an important phrase in the legislation. You are right: the question is what that means in practice. It is important that there is a statutory obligation to have regard to the national park plan. It will be for the management of the national park authorities to have the kind of relationship with key organisations that will ensure that they have regard to the national park plan. That is partly a question of being in line with the spirit of the legislation, but it will also be about the contents of the national park plan and whether the organisations have been properly consulted and involved in drawing up the plan.

One of the tricks will be to ensure that the key organisations carrying out the national park plan’s provisions understand those provisions and can make constructive suggestions about them. We should take their views on board at an early stage, so that there are no surprises and so that everyone knows what is coming through the plan.

10:45

I can give members a good example of where conflict can be resolved. In the week when we launched the national park plan, the people constructing the works on Drumkinnon bay on Loch Lomond delayed some of the engineering works by two weeks to let the powan, a rare fish found in the loch, spawn. Two weeks’ delay in a construction project is not something that any construction manager will welcome, but that two-week window of opportunity enabled that rare fish to spawn.

Such detailed management issues are critical for nature conservation and we must ensure that major organisations are consulted and involved in the drafting of the national parks plan. That is not just a matter of what is written on paper; it is about the relationships that are built up with the national park authority. In other words, the letter of the law will be important, but management relationships and involvement will be critical for the project to work.

We make our funding commitment in the light of our expectations of what will be on the transport and environment line in the budget. We do not make that commitment lightly. We have put a lot of thought into finding the appropriate level of funding and the resources that the national parks might

need. That partly depends on the boundaries, but a lot of work has been done with Scottish Natural Heritage, with the interim park authority and with the Cairngorms partnership to examine the resources, staffing requirements and management issues that will need to be identified once the national parks are established. The funding commitment, therefore, will be made when we have knowledge about the resources that will be required when the national parks are to be established formally.

Nora Radcliffe (Gordon) (LD): Many things that I wanted to comment on have already been covered, as is often the case.

I feel that it is vital that we get the planning issues right. We must address the overall planning structure in Scotland and the way in which the national parks will fit into that.

Could you expand a little on the clout—for want of a better word—that the national park plan will carry? For example, will the Ministry of Defence be bound by it? I would also like your views on the national park authority.

I like the idea of a light touch but I wonder whether there is some merit in specifically excluding bodies such as SNH from the national park authority to engender a sense of “run with the hare and hunt with the hounds”. That might be useful in setting up checks and balances.

Sarah Boyack: You raise an important point about accountability. I think that we are getting that right in terms of the planning powers. I realise that local authorities have concerns about accountability, but we need to ensure that the park authority is managed strategically and effectively.

There are examples in England of development control powers being passed to national park authorities. I would like to ensure that, in the run-up to the designation order, we take a closer look at the experience of other national park areas.

We will need to strike a balance. The national park plan will be critical in setting out the management framework and in addressing issues of zoning. The planning powers must be appropriate for their level. There are a number of planning mechanisms. The national planning policy guidelines set a framework across Scotland for key issues. The structure is planned, and local plans are currently with the planning authorities. Development control is a further issue. Nora Radcliffe is right to say that we need a co-ordinated and accountable framework. We must consider that in more depth at the designation order stage.

Whether the national park plans have clout comes back to Robin Harper’s comments about the duty of public bodies to have regard to the

plans. For an organisation such as the Ministry of Defence, the memorandum of understanding and the concordats that we have established between the Scottish Executive, the Scottish Parliament and the UK Government will be important. There are several related issues concerning the national park authorities. Whether a national park plan has clout depends on how it is prepared and the extent to which organisations have been involved. That is one of the challenges of the new national park authority, but it will have powers, status and primary legislation to back it up.

The Convener: I would like to clarify that clout in relation to other departments of the Scottish Executive. How will the other departments fit into the process and will they understand the limitations of their influence on the plans?

Sarah Boyack: I would expect them to understand that because they were involved in drafting the legislation.

Nora Radcliffe: Do you have any comments on who should sit on the national park authority and whether there is merit in specifically excluding national bodies such as SNH?

Sarah Boyack: SNH is our adviser on natural heritage and has a direct line to us in any case. It is important to involve SNH in the national park plan—it may want to give advice to the national park authority about nature conservation designations. However, I do not think that it would be appropriate for SNH to be part of the national park authority.

Nora Radcliffe: That was my point. I think that it is appropriate that SNH does not sit on the national park authority.

Sarah Boyack: We have not specifically excluded SNH from the park authority; we would expect it to provide guidance to the authority in the same way as it provides guidance to Scottish ministers.

Des McNulty (Clydebank and Milngavie) (Lab): The four aims that are mentioned in the bill appear to be appropriate in terms of the management of a park once it has been designated. However, I am rather concerned about the use of the fourth aim—the promotion of economic and social development of the area—in the process of designation. The process of operational management and the process of designation need to be separated. Designation should privilege the conservation enhancement of the culture and natural heritage of the area. The other aspects fit in with that. We should not be considering economic and social development at the designation stage, although we should be considering it at the management stage.

If we are going to have national parks, we must

be very clear that the areas will be managed on behalf of the whole nation. That is important because, at a local level, we do not want to set up something that is separate from yet parallel to local authorities. That is why I am pleased that the Executive is involving local authorities in the process of selecting members of the boards. I would be worried if national park boards were made up of self-appointed local worthies. I hope that we can guard against that.

Do you anticipate any impact from the consultation on the processes of scrutiny undertaken by the committees of the Parliament? You have used the word “consultationitis”. Is there a danger that the committees will simply go over old ground? Is there some way of using aspects of the Executive’s consultation to feed into the work of the committees?

Sarah Boyack: I will begin with your point about the foundation of the national parks. Section 1 of the bill talks about drawing a distinction between the aims and the conditions by which a national park would be identified.

Section 1(2) states the conditions for the establishment of the area’s designation, which are

“(a) that the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage,

(b) that the natural resources of the area have a distinctive character and a coherent identity,

(c) that designating the area as a National Park would meet the special needs of the area and would be the best means of seeking to ensure that each of the aims set out in subsection (3) is achieved to the greatest possible extent in relation to the area.”

The core issue for ministers is whether a park proposal meets those criteria.

Section 1(3) states that the social and economic development of the area is one of the objectives. That needs to go along with conservation of the area, the promotion of sustainable use of resources, and the promotion of understanding and enjoyment of the area. To decide whether an area should pass the test of becoming a national park, we revert to section 1(2), which specifies that an area really has to be special and has to deserve national status and management. We have a raft of designations—scenic areas, areas of outstanding natural beauty, and nature reserves—but we have to ask what makes an area special enough to be considered as a national park.

Those two subsections of the bill should be read together. Our aims in subsection (3) reflect the experience in national parks in other countries—for example, the importance of bringing in key stakeholders at the foundation of a national park, so that they feel part of it and can contribute to

managing any conflicts that may arise. However, the core definition of the reason and the conditions for having a national park is in subsection (2).

There is clearly a balance to be struck on the involvement of local authorities. The park may be a national area, but many of the functions of local authorities will still be important in making the park work. We must get the balance right between our national objectives—managing the pressures, and considering nature conservation and enjoyment in the park—and the fact that people live there. When considering a designation, we have to ask whether the area is right, and whether, over time, the national park authorities will work. It is important to bring our reasons for, and the aims of, designation together. We need a national focus, but we also need a degree of ownership by people who live in the area and local representatives who are accountable through the local authorities. It will be difficult to get that balance right, but that must be our objective.

The Convener: Murray Tosh and Kenny MacAskill are next; will you be brief, as this is your second bite?

Mr Tosh: Yes, I will—but it would be wrong to leave this discussion without asking Sarah to say a little about land management. Among those who have made representations to the committee have been people from the National Farmers Union of Scotland. They are worried about the tightness of the regulations that might be imposed on agricultural practices in the national park areas. They have raised issues of compensation and of how any changes to agricultural practice might be funded. They have asked for an incentive-based approach, but have also stated their concern that that might mean that national budgets for agri-environmental schemes might be geared over-heavily towards national park areas, possibly to the detriment of agriculture in other parts of Scotland. They have asked whether some of the agri-environmental schemes that might be considered as part of a national park approach might not be more appropriately considered on a broader, all-Scotland basis.

I realise that the criteria for designating parks might pick up on a lot of those points, but I think that it is important for the minister to signal the Executive's intentions for the management of agricultural land in those areas.

Sarah Boyack: The farming community will be a key stakeholder in any of our potential national park areas. The issues that you mention should be addressed through the management processes in the national park plan.

On the question of whether farming practices will need to change, such problems will have to be resolved—as in the rest of Scotland—by all the

people involved. Where incentives can be provided, they will help the process. The process works best when SNH can talk to the farming community at an early stage about how practices might work to the benefit of both the conservation of an area and the management of farms.

We recognise that the national park plan must take account of the promotion of the area's social and economic development. The groups that we are talking about are important and we will have to think about possible incentives.

11:00

Mr MacAskill: If we proceed with enabling legislation, there is a danger that the test for setting up a national park will not meet the legislation for its operation and management. Section 2 says that the park must enhance and protect the natural heritage, but section 8(5) and section 10 do not say that that is the key criterion. As Robin Harper said, section 12 says that public bodies must have regard to the national park plan. That does not seem to fit in with the stated aim of enhancing and protecting the natural heritage. Instead of "to have regard to", it should say, "to act in accordance with".

Section 8(5) seems to say only that greater weight should be given to the conservation and enhancement of the natural and cultural heritage of the area. Surely that should be the principal focus and due cognisance should be taken of the other matters. If the principal weight were given to the conservation and enhancement of the area's natural and cultural heritage, the national park authority would not be prevented from taking into account social and economic matters.

If conservation and enhancement of the area's natural and cultural heritage is not the principal test, a loophole will be created that would allow an individual to build a second EuroDisney at Duck Bay marina if they could say that they had had regard to the national park plan.

Sarah Boyack: I do not accept that and I will be keen to see what views are submitted during the consultation process. Section 8(5) makes it clear that, in the case of any conflict, greater weight must be given to the aim that is set out in paragraph 1(3)(a). The aims drive the national parks, but there must be a reversion to paragraph 1(3)(a) if conflicts arise in the management of the area. I think that the wording is quite clear, but I await the outcome of the consultation process. I am sure that people will suggest alternative wordings.

The Convener: I thank the minister and her assistants for their attendance. We have had a useful session.

11:04

Meeting adjourned.

11:12

On resuming—

Concessionary Travel Inquiry

The Convener: I refer members to the paper on our proposed terms of reference and approach to the inquiry into concessionary travel. We need to discuss the paper, a draft of which was circulated to members at the weekend, in light of the recent announcement in Parliament on concessionary travel by the Minister for Transport and the Environment. The minister said that there would be research into the issue; we should discuss how that announcement affects our proposed inquiry. We should consider whether and how to seek further information from the Executive. We can then appraise that information.

The minister was aware of our interest in concessionary travel. I believe that our interest helped to stimulate the announcement, which was widely welcomed in the chamber.

Janis Hughes: I welcome the minister's announcement on concessionary travel, which is an area that we prioritised and in which we all want results. We should not duplicate any work that the Executive will do. Do we have details of the Executive's research programme? We spent a lot of time on the telecommunications inquiry; we should not reinvent the wheel on this issue, but use any other information that is being gathered. How do the clerks think that we can tailor our plan in light of the Executive's announcement?

The Convener: I will take other comments before inviting the clerk to respond.

Helen Eadie: I would like to hear the clerk's views first.

Lynn Tullis (Clerk Team Leader): From our perspective, the sensible next step would be to get a written briefing from the Executive on the detail and timing of its proposals and its intended approach. It may also be helpful to have someone from the Executive attend our next meeting to explain that to us. We will then be in a better position to decide how to proceed and how we want to interact with the Executive.

11:15

The Convener: We need written clarification and someone from the Executive to explain the brief for the research proposal. If members agree, that is how we will proceed.

Members indicated agreement.

EU Environmental Action Programme

The Convener: Item 4 on our agenda concerns the European Union's sixth environmental action programme. Members have received a discussion paper on the matter and are aware of the reporter's proposed terms of reference. The European Committee plans to hold an inquiry into the sixth environmental programme; its starting point will be the recently published consultation document on the proposed development of the programme.

According to information that we have received, the European Committee's inquiry should last for about six months. We have been invited to have an input into the European Committee's inquiry, so we need to consider, first, whether we wish to appoint a reporter to liaise with the European Committee, and secondly, who that reporter will be. I have received a note of interest from Robin Harper, who can speak for himself. I have not received any other notifications, but the matter is open to the committee for discussion.

Robin Harper: At our previous meeting, I intimated that I would have been very happy to liaise with the Rural Affairs Committee on national parks, but that was before I got sight of this proposal. Having spent 10 years developing European policy through the European Federation of Green Parties, I have a great deal of experience in European affairs, which are of considerable interest to me. I would, therefore, be very keen to serve as a reporter for the environmental action programme inquiry. In light of other recent events and additions to my work load, I think that I should put myself forward for that inquiry only.

The Convener: I saw a lot of members nodding, so there seems to be some consensus on that. Robin told me this morning that he has been elected the rector of Edinburgh University, and we all congratulate him on that. He is a busy man, and getting busier. If the committee agrees, we will appoint Robin Harper as our reporter for the environmental action programme inquiry. I see no sign of dissent; I thank members for their co-operation.

There are two further items on our agenda—to consider the draft committee report on telecommunications and to consider our future work programme. At a previous committee meeting, we agreed to take those items in private. I thank the public and press for attending; I appreciate your coming along today.

11:18

Meeting continued in private until 12:35.

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