



**The Future for National Parks in Scotland
Consultation Response
30 November 2022**

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society.

LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland. LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

1. Section 1 – The Role of Scotland’s National Parks

This section examines the role of National Parks in Scotland and sets out proposals for refreshing the approach to National Parks.

At present, Scotland’s two National Parks cover 7.2% of its land area. Establishing more National Parks will increase this total, bringing Scotland more in line with other parts of the UK (for comparison, the 10 English National Parks cover 9.3% of England and the 3 Welsh National Parks cover 19.9% of Wales). How do we enable the National Park designation to deliver more for each of these areas and Scotland as a whole?

Contents

- **The role of National Parks**
- **The statutory Aims of National Parks**
- **Powers and Functions of National Park Authorities**
- **Diversity in approach**

1. Do you support "leadership of nature recovery and a just transition to net zero" becoming the overarching purpose of Scotland's National Parks? If not, what else would you propose?

LINK supports the proposal to define nature recovery and a just transition to net zero as the overarching purpose of Scotland's National Parks (NPs). We are in a nature and climate emergency and radical action must be taken to change our land and sea use. Scotland was ranked 212th out of 240 countries and territories on how intact our biodiversity remains – whilst this reflects historical losses, it also shows us how much more nature-rich Scotland could be if we take the necessary action, at scale. We also know that we are still losing nature today, the State of Nature 2019 report found that around 50% of species in Scotland have declined since 1994 and 1 in 9 is at risk of national extinction. Scotland's Marine Assessment 2020 highlighted the concerns about the state of Scotland's seabed, seabird populations and marine biogenic habitats. National Parks have the potential to play a significant role in tackling this nature crisis.

National Parks are already delivering successful conservation projects and scaling up action for nature, but nature still faces many pressures within the parks - the introduction of an overarching purpose in statute would send a clear signal that our Parks are expected to lead in tackling our ecological emergencies, providing clarity of focus for National Park Authorities, public bodies, local communities and the whole range of business, organisations, land managers and NGOs operating in the parks. We are working within a new context which was not well understood when Scotland's two National Parks were created over 20 years ago and action must be taken to ensure they are fit for purpose to tackle 21st century challenges. We must focus the intention of 'nature recovery' on fully functioning natural processes at landscape scale. For example, introducing National Parks that aim to create conditions in which habitats can naturally regenerate, cycle through maturity, senescence and regenerate, connectivity that allows species to move in response, co-existing with predator-prey dynamics etc.

National Parks offer a vehicle to pilot different approaches to a just transition to Net Zero and Nature Positive. The new Park should develop just transition pilots through the delivery of nature restoration projects- for example, creating employment opportunities around control of deer or INNS, rangers or monitoring of projects. These roles would need long term funding, as well as funding and resources to train and potentially re-skill those who are part of the transition to these green jobs. There may also be a need for housing for workers. Creating more secure communities with local jobs and opportunities would have stronger ties with the surrounding landscape, and a stronger cultural identity to engage with the tourists and visitors who come looking for those aspects of Scotland. This will help to demonstrate that a healthy environment and thriving local economies are not mutually exclusive but instead mutually reinforcing.

All four aims set out in the National Parks (Scotland) Act are important. Currently, the Sandford principle, as expressed through Section 9 (6) of the Act, states that where these aims come into conflict the Park Authority must prioritise the aim to "conserve and enhance the natural and cultural heritage of the area". As such, the law as it stands already creates a hierarchy of importance within the four aims, although this has not been interpreted as an overarching purpose. One weakness of

the current legislation is that the Sandford principle applies to Park authorities but not to other public bodies operating within the Park.

LINK welcomes the proposed focus on nature recovery, rather than simply conservation and enhancement, as well as on the just transition to net zero. The wording of this purpose could be strengthened further to state “a just transition to net zero and nature positive”. Becoming [Nature Positive](#) means halting and starting to reverse the nature loss by 2030 and recovering nature by 2045.

Key elements of leadership and action required in this role could include:

- **Promoting the need to do things differently and at greater pace if we are to make the changes needed to address the climate and nature emergencies;**
- **Recognising that change is inevitable and that nature recovery should be inspired and informed by the past but not seek to simply replicate it;**
- **Accelerating the transition in land and marine use needed to deliver climate mitigation and adaptation and nature recovery;**
- **Testing and embedding natural capital approaches to growing a well-being and sustainable economy;**
- **Generating opportunities for greater private investment in natural capital;**
- **Realising the just transition by championing reskilling and new employment opportunities to help ensure that no local community in the Park area is left behind;**
- **Leading on improving ways of design and place making that achieve optimum outcomes for people, nature and landscapes.**

2. Which of the proposed elements of leadership and action set out in the list above do you support? What others - if any - would you propose?

LINK supports the proposed elements. In particular, the last element of leadership displays a strong commitment to the needs of nature, while also protecting and maximising outcomes for people and landscapes, which we especially welcome.

We see a crucial role for National Parks in trialling and demonstrating approaches to a Just Transition in Scotland’s rural areas, through incentivising nature-positive land management, activities and industries, and investing in nature-based and nature-positive skills, training and employment opportunities within the parks.

Given that definitions of the term ‘sustainable economy’ have long been the subject of dispute, we see use of this term as problematic and vague. We see ‘nature positive and net zero economy’ and ‘local nature positive economy’ as more appropriate terminology here.

The fifth proposed element should however be strengthened to specify “responsible private investment in natural capital”, and should refer to the Scottish Government’s Interim Principles for Responsible Investment in Natural Capital.

3. What opportunities are there for National Parks to generate private investment in natural capital?

All private investment must have strict criteria and be robustly governed in order to ensure it genuinely leads to nature positive outcomes and does not become a greenwashing exercise.

We see an opportunity for National Park Authorities (NPAs) to work with the Scottish Government to further refine the Scottish Government's Principles for Responsible Investment in Natural Capital to generate a more detailed set of principles for investing in natural capital within National Parks. This could set out that National Parks are open for responsible investment, but set out the rules to ensure quality control for nature, climate and people. This could be accompanied by a prospectus for investors, coordinated by NPAs but made up of investable projects from partners operating in the parks that can be used as and when investment opportunities or grant funding opportunities arise.

The delivery of landscape scale ecological restoration will require partnership working between the different landowners in the National Park. There may be opportunity for private owners to leverage funding for land based partnership working.

4. What role should local communities play in the National Park and how should National Park authorities work with and for them to secure a just transition?

There must be a balance of local interest with national interest within the National Park. This includes working with communities to ensure their sense of place is not negatively impacted, for example through increased traffic, tourism numbers, housing development, or infrastructure development. A Just Transition must mean that communities must receive benefits from nature positive and net zero actions within the park boundaries. There is potential involvement for communities at all levels of National Park activities e.g. board membership, inhabitants, workforce, volunteers, visitors, students.

5. Do you support a “vision and mission” for all of Scotland’s National Parks being clearly set out in a national statement? If not why not?

Yes.

The National Parks (Scotland) Act and Scotland's two existing National Parks were created over 20 years ago. At that time, there was limited, widespread understanding and awareness about the nature and climate emergency. There is now clear evidence that nature and the climate are in crisis. Furthermore, we now know that the way we use and manage our land and seas is one of the top drivers of biodiversity loss globally and here in Scotland.

In light of that context, as well as the commitment to designate at least 1 new National Park and current development of a crucial package of policy and legislation for tackling the nature crisis in Scotland – including the 25 year Biodiversity Strategy and the Natural Environment Bill – that this the right time to refresh our collective vision for National Parks in Scotland and the role that they should play in tackling these crises.

Setting out a clear ‘vision and mission’ seems a sensible way to coordinate ambition and action across our existing and any new National Parks.

6. If you favour a national statement for Scotland's National Parks being developed, what else should it cover?

A national statement would allow for the Scottish Government to clearly set out expectations of the Park authorities and other public bodies operating within the Parks.

A vision could set out the continuing development of the NP network in Scotland - with the goal of including a more representative selection of the best of Scotland's diverse landscape types in the accolade.

A statement should:

- Provide clarity on how public bodies should interpret an "overarching purpose" clause.
- Outline the wider Scottish Government strategies, policies and targets that National Parks are expected to contribute to, as set out in the preamble to this section of the consultation.
- Outline the role of the Parks in delivering the Scottish Biodiversity Strategy and nature restoration targets, with specific consideration of co-working between Parks and other designated sites/landscapes to manage ecological networks on a strategic scale.
- Clarify how National Parks are expected to contribute with the target to protect at least 30% of Scotland's land and sea for nature by 2030 and highly protect 10%.
- Set expectations for what National Parks do for the nation as well as the local area and the aspirations of the nation for the NPs i.e spell out the demonstration/exemplar role of NPs and relate that to wider public policy objectives.
- Recognise that NPs may be diverse in character but will have a degree of consistency in management and standards, allowing for flexibility for the differing geographical, ecological and social context across the National Parks.
- Recognise the changing human (cultural) influence on Scotland's landscape over millennia, and that in the present day our recognition of the perilous state of climate change and nature degradation is in turn going to influence the management choices made more and more.
- Make links to Scotland's other protected landscapes, National Scenic Areas and Regional Parks, and state how lessons and experience from National Parks could be better applied to them.
- Set out the role of National Parks in landscape protection and access to nature for health, wellbeing and cultural identity.
- Put Scotland's expectations for NPs into an international context.

7. To what extent should new National Parks be about the future potential of an area for nature restoration as well as what's currently in place

Scotland's two National Parks have delivered some significant and successful nature conservation projects, and recently have led the way in setting a progressive direction for scaling up nature restoration in the parks. However, despite this great action, nature still faces many challenges within the National Parks and more is needed to establish the entirety of our National Parks as exemplars of land managed well for nature, climate and people.

With regards to the Scottish Government's commitment to protect 30% of Scotland's land for nature by 2030, LINK does not consider it appropriate that new or existing National Parks in their entirety, and in their current format, should count towards the 30%. Only those areas within National Parks that meet criteria of long-term protection and demonstrate positive management for nature should count towards the 30%.

However, there is a huge opportunity for National Parks to expand their role in nature restoration and protection at-scale. With support and reforms to build on the existing positive direction the parks are going in, more and more areas within the parks should meet the criteria and, over time, count towards the 30% target. Other areas of the park managed well for nature will play an important role in helping buffer our most important nature sites and joining them up in a nature network. Any new National Parks must be designated to have a key focus on nature recovery and achieving Net Zero.

For example, it may be helpful to consider where National Parks can lead on nature restoration through land and sea *managed principally for ecosystem restoration / directly for nature*, IUCN category 2 or 'Nature Recovery Zones', with active management for restoration and ecological links to build ecosystem wide resilience via Nature Networks.

There is a clear role for all National Parks in identifying and demonstrating the future potential of areas for nature as well as improving existing areas that are important for nature.

Whilst the initial focus should be ensuring that nature-rich areas within the parks are effectively protected and management, and degraded areas under restoration, NPAs could look beyond at opportunities for improving other areas for nature across the parks and build these opportunities into Just Transition plans, seeking out opportunities for job creation and diversifying the economies within the parks.

In terms of selection of new National Park areas some aspects of the area should already be of demonstrable national importance. However, in terms of future role and management, national parks should be at the forefront of nature recovery effort and make significant contributions to national targets. We would expect this to be a priority role wherever a NP is located and for NPs to demonstrate how this can be achieved alongside other NP aims.

8. Are any specific changes to the existing four Aims required? If so why, and what are they?

National Park Aims are to:

- **conserve and enhance the natural and cultural heritage of the area;**
- **promote the sustainable use of the natural resources of the area;**
- **promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area; and**
- **promote the sustainable social and economic development of the area's communities.**

The aims should more adequately reflect the urgency of the nature and climate crisis through updating the wording.

Adding an overarching purpose would help provide clarity about how the four aims should be interpreted and what they are ultimately trying to achieve.

The required shift in priorities could happen under the existing Aims, given the flexibility they contain, as long as national policy is clear enough and if NPs are given stronger powers to follow this through. The new priorities could be expressed in the vision and mission statement. However, if the Scottish Government's timescale allows for legislative change then refreshing the language of the 20+ year old Act could better reflect present day concerns of addressing climate and biodiversity crises and increasing equality of access to NPs.

In addition, changes to the legislation could make the Sandford principle more prominent and ensure that it applies to all public bodies where their work is within a NP or affects a NP.

As set out in the Scottish Government's timetable it appears that the nomination process for new NPs will be received and assessed under the existing legislation. Proposed changes therefore need to be articulated early in the process so that all parties understand that changes will be brought in at a later stage.

As well as promoting understanding and enjoyment of the special qualities of the area, the aims should secure improved accessibility. Research shows that people face many barriers to engaging with Scotland's culture, including its natural heritage. These include cost, time, lack of confidence and transport (NTS Scotland's Culture Strategy: overcoming barriers and unlocking benefits, January 2020). National Parks should have strategies in place to help people overcome these barriers and they should be somewhere all those in Scotland can experience and enjoy.

9. While the current legislative approach has generally been seen as successful, a number of changes to these statutory Aims could be considered to further strengthen the focus and contribution of National Parks. Some of the possible broad options include:

- 1. retaining the current status quo e.g. keeping the existing four Aims as currently worded;**
- 2. keeping the policy intention of each Aim unchanged but rewording them to better reflect the new vision and mission in the proposed national statement;**
- 3. keeping the four Aims but include a new overarching statutory purpose of National Parks to secure nature recovery and a just transition to net zero;**
- 4. adding additional aims e.g. "to promote the just transition to net zero" or "to increase the accessibility of the areas for all"; and**
- 5. reducing the Aims to the first one only and change the other three Aims to duties, thus giving the National Park a much stronger, single statutory focus on the protection and enhancement of the natural and cultural heritage.**

Which of these possible options, or mix of possible options, do you think would help strengthen the focus and contribution of National Parks, and why?

LINK supports rewording the existing four Aims to ensure they are modernised and better reflect the climate and nature emergencies. LINK also supports the introduction of an overarching purpose to

secure nature recovery and a just transition to net zero. We note that the impact of such changes will depend upon the resources available, wider policy context, and leadership from Park authorities, Scottish Government and other public bodies.

10. Are there other options that could be considered? If so, what are they?

We suggest that in addition to the options set out above, clear definitions should be provided for the terms in the aims and these definitions should be updated where needed in line with the vision and mission for Scotland's national parks.

The Sandford principle should be extended to apply to all public bodies operating in the parks, not just the National Park Authorities.

11. Do you think there should be any changes to the wording in the Act to require public bodies to support delivery of National Park Plans? If so, what would you propose?

Yes. The duty is the standard "have regard to" type of duty (see s.14 of 2000 Act). This could be improved to "act in accordance with" in order to increase the effectiveness of the plan.

That said, it is also necessary to improve the plans - and the emphasis/priority they accord to nature recovery. As the Plans are ultimately approved by Ministers, this is a matter they can address by requiring that future plans are more robust.

12. Do you have any other suggestions for improving partnership working to support the implementation of the National Park Plan by all?

Land use is influenced by a range of policies and funding streams, such as agriculture and forestry. The Scottish Government should consider how these wider policy areas can be influenced by Park authorities, and more broadly by Regional Land Use Partnerships. The planned introduction of management plans for large-scale landholdings is also relevant and consideration should be given as to the relationship between these management plans and National Park Plan priorities.

13. Could any of the existing powers and functions be used more effectively? If so, which ones and how?

National Park authorities could be given responsibilities on rights of way currently held by local authorities.

16. Are there any other areas where strengthened or new powers and functions will be needed by the National Park Authority? If so, what are they?

To enable National Parks to drive nature recovery projects their powers need to extend beyond planning powers - for example, powers to manage pressures such as deer management at a park scale.

Any new National Park designations may well lead to a rise in visitor interest in that area, so the National Park authority should have adequate powers and functions to be able to manage associated pressures such as high road congestion at busy times, litter and camping.

18. Are there any changes you would want to see to the governance and management arrangements of all National Park Authorities?

We would like to see the National Parks (Scotland) Act strengthened to more explicitly require Board members to have significant skills, expertise and commitment to the purposes of National Parks. Specifically, this would involve strengthening Section 3(6) of Schedule 1 of the Act to specify the “particular matters” that persons should appear to have knowledge or experience in, when Scottish Ministers are appointing directly appointed members, and this list of particular matters must include expertise and skills relating to nature and biodiversity.

Boards should be as small as feasible but still consistent with the Act and effective, with a balance of national and local interest.

As the number of Parks grow there may be opportunities to share services, such as back office support, between Parks. The Scottish Government may wish to consider the merits of establishing a dedicated National Parks Service or National Landscape service to achieve this.

9. Section 2 – Criteria for selecting National Parks

This section considers the issues that need to be addressed in selecting new National Parks. While NatureScot has been asked to provide advice on how it should be done and what it should comprise, the Scottish Government will lead the development of the evaluation framework and the nomination process itself.

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- **Developing a nomination process for National Parks**
- **Criteria for nomination and evaluation**
- **Outstanding national importance**
- **Size and coherence**
- **Need or added-value**
- **Degree of support**
- **Strategic contribution**
- **Selection Criteria – other issues**

19. Are these the key elements of an effective nomination process for National Parks in Scotland?

There should be a role for expertise as well as a ‘bottom up’ nomination process, as there is significant prestige and value which comes with the accolade signalling national significance.

20. Do you have suggestions for improving any of the specific elements of the process?

It needs to be clear which types of organisations will be able to nominate areas for NP status.

Support from local Council shouldn't be seen as essential at the start of the process - but their involvement will be required later if a nomination proceeds.

11. Criteria for Nomination and Evaluation

Questions 22-37 (on the following pages) seek views on possible criteria against which nominations for new National Parks could be evaluated.

Possible criteria that could be included in the Evaluation Framework are as follows

- 1. What are the special qualities of the area that merits its designation as a National Park? ("Outstanding national value")**
- 2. Does the area proposed make sense as a National Park? ("Size and coherence")**
- 3. How would establishing a new Park help deliver nature recovery and a just transition to net zero in this area? ("Need or added value")**
- 4. Is the investment in creating a new National Park Authority for this area justified in terms of these outcomes, or are existing approaches sufficient? ("Need or added value")**
- 5. Is there sufficient evidence of local support for this proposal to be considered further? ("Degree of support")**
- 6. Would the designation of the area increase the impact of Scotland's National Parks as a whole? ("Strategic contribution")**

For each of these criteria, a number of components are suggested that could be expanded on as part of the nomination and reviewed as part of the evaluation processes. Further consideration is needed on how far we try to quantify these components or whether they should be left more open-ended. ("Other issues").

22. Do you agree that outstanding national importance should be a criterion? Could the clarity of it be improved and, if so, how?

Yes, it would support a case if at least some part of the area is already designated for its national importance.

It is unclear if the values listed above make up 'outstanding national importance' or if this is a separate criterion. More information is needed about how 'value' would be defined and assessed.

25. Do you agree with the proposed components? Are any components missing and, if so, what are they?

The component dealing with potential undermining of special qualities of the NP by intensive uses or large scale infrastructure that exist within the area or are proposed for it is likely to be contentious. As long as they don't cover a significant proportion of the proposed NP area, it would make more

sense to include areas where the land use may be intrusive now but may change over the long term rather than to leave 'holes' within the NP boundary which would subsequently be difficult to amend.

26. Do you support the consideration of the potential contribution of the National Park in delivering nature recovery and a just transition to net zero as criterion? Could the clarity of it be improved and, if so, how?

Yes.

27. Do you agree with the proposed components? Are any components missing and, if so, what are they?

Yes. Remote areas with fragile local communities with significant needs for sustainable social and economic development are often areas with opportunities for this to be based upon natural resources and visitor economy.

38. Are there any other issues about either Scotland's approach to National Parks or the selection of new National Parks you would like to raise in your response at this stage?

Scotland is a coastal nation. Our inshore and offshore waters combined comprise 13% of all European seas and support a staggering 8,000 or more complex species. We have a deep rooted cultural connection with the ocean, which is part of our heritage and a source of inspiration, wellbeing, recreation and restoration for many. Given our coastal heritage, the Scottish Government should consider a Coastal and Marine National Park for Scotland to recognise the cultural role of our seas, and a new way for people to engage and value them.

Furthermore, a well-designed, community-supported Coastal and Marine National Park with the aim of nature restoration could have enormous positive impacts on both nature and local communities. Our seas are in bad repair. Unsustainable expansion of industry, destructive fishing methods, climate change, pollution and inadequate protections have severely impacted their health. In 2019, the UK Governments collectively failed to meet 11 out of 15 key marine targets for achieving 'Good Environmental Status', and Scotland's Marine Assessment 2020 paints a stark picture of ongoing concern about the health of seabed habitats and marine wildlife populations. Yet our seas are a vital resource for humans- including as a source of food, jobs, carbon storage, water purification and protection from flooding. In the right location, with community support and integrating with existing marine conservation commitments in the Bute House Agreement, a Coastal and Marine National Park could help protect and enhance these key ecosystem service benefits, in turn helping deliver sustainable development and inshore marine planning benefits for local communities and businesses.

This response is supported by:

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