The Scottish Governmentâ??s process for creating new National Parks in Scotland

Description

It is over 18 months since I explained why the Scottish Government needed to review how Scotlandâ??s two existing National Parks have done before creating a new one (see here). Instead of doing that the Scottish Government has been pressing ahead with the creation of a new National Park but using a new process to do so in which local communities are asked to nominate areas for consideration. Previous work that had been undertaken both by government agencies and the Scottish Campaign for National Parks to identify potential areas for National Park has been thrown aside.

The origins of this approach lie in the power sharing agreement between the Greens and SNP. In return for accepting the Greensâ?? pledge to create a new National Park, the SNP insisted the selection process should be driven by local communities. This represented a complete reversal of the means by which Scotlandâ??s first two National Parks were created where potential areas were identified against national criteria.

While I strongly believe no new National Park should be imposed against the will of the majority of the local population, selecting a â??Nationalâ?• Park on the basis of areas nominated by local communities is another matter. Unsurprisingly, the whole process has now started to unravel.

The role of local communities and the purpose of National Parks

While apparently putting local communities at the heart of the selection process for new National Parks, the Scottish Government is at the same time proposing to reduce local community representation on National Park Boards.

Section 7 of the Scottish Government consultation on the nature emergency which took place at the end of last year (see here) proposed that the size of National Park boards should be reduced to a maximum of fifteen, while the percentage of board members appointed directly by Scottish Ministers should increase from 33% to 50%. What this would mean for the Cairngorms National Park Authority (CNPA), which currently has nineteen members, is that local representation â?? however decided â?? would reduce from twelve to seven: at present five members are directly elected by local communities and seven nominated by local authorities. For the Loch Lomond and Trossachs National Park Authority (LLTNPA) the reduction in local representation would be from eleven out of seventeen to seven out of fifteen. It is not surprising local members on both Boards have objected to the proposals.

In addition the Scottish Government was proposing that the Convener of the Board should always be a government appointed board member. This would have precluded the previous Convener of the CNPA, Councillor Xander McDade, from ever having been elected to that position. While my own view is Xander McDade did more than any Convener of either National Park board up until now to make our National Parks more transparent and accountable, see here for example, the point is the Scottish

Government has produced no evidence to support of their proposal or why people like Xander McDade should be banned from standing.

The Scottish Governmentâ??s justification for this power grab â?? it is not clear what its current plans are -was that:

â??In order to provide bold leadership and ensure that National Parks are at the forefront of efforts to restore nature and tackle the climate crisis, it is essential that National Parks have effective and efficient governance. National Park Authority boards should be large enough to ensure diversity, a broad range of relevant skills and local representation. However, they should not be so large that decision making is difficult and costs to the taxpayer are disproportionate for the size of the public body.â?•

In advocating a reduction in board size, the Scottish Government cites the size of other boards (SEPA, HES, Scottish Enterprise etc). Without getting into a debate about whether those boards are fit for purpose, that is the wrong comparison. National Parks are area-based and therefore a far more appropriate comparison would be with local authorities. In terms of that comparison Scotland generally has the most centralised and lowest level of democratic representation of any country in Europe, something which our National Park Authorites have helped counter, and the Scottish Government should not be using the need to reform National Parks to make that even worse.

While parkswatch has documented extensive failures in governance by our National Park Authorities for almost ten years now, there is very little evidence to suggest that those failures in governance stem from the size of the boards or the number of local representatives on them. Indeed, the only way you can understand how and why the LLTNPA conducted 13 secret meetings to agree the camping byelaws, why they did an about turn and approved the Cononish goldmine and why they allowed land they owned to be included in the first Flamingo Land development at Balloch is that their boards felt under pressure from the Scottish Government (civil servants and ministers) to do these things.

The problem has not been local representatives have too much power but too little. The first thing that happens when locally elected members and councillors join the LLTNPA Board is they are told they are there to represent Scottish Ministers not their local communities. This has no basis in law but is fundamental to how the boards of National Parks have been controlled. The level of disempowerment of local representatives in the LLTNPA was revealed in 2017 when local councillors put a motion to the Board Meeting in Callander that their role should be abolished as there was nothing for them to do. That rebellion was quashed.

In my view the main governance challenge facing our National Parks is the lack of democracy. The Scottish Governmentâ??s consultation didnâ??t ask a single question about how National Parks could be made more democratic and did not even mention the corrupt system for electing local members (see here) which has resulted in people getting on the board with less than 20% of those voting (see here).

Ministerial appointments could also be democratised. Instead of the centralised appointments system, which gives Scottish Ministers enormous power and has resulted in a certain type of Board Member, nominations could be sought from organisations representing the main national stakeholder interests in our National Parks: landscape; outdoor recreation; nature conservation; landowners/managers and so on. That would help ensure far more informed and critical debate on National Park boards, instead of the current lowest common denominator consensus corporate approach. It would, I believe, result in better decisions as is illustrated by the CNPA, which allows and encourages far more debate among

board members and is doing significantly better than the LLTNPA.

Democracy means officials have to listen to things they often donâ??t want to hear.

As for the purpose of National Parks, having declared they want our National Parks to take a lead on tackling the nature and climate emergencies â?? exactly the right aspirations â?? the Scottish Government are proposing that the way to do that is to adjust the statutory aims of our National Parks without giving them any real new powers. (The only new power proposed is that National Park staff should be able to issue fixed penalty notices where people breach byelaws).

There is no need to change the four statutory aims of our National Parks to address the climate and nature emergencies. The aims were agreed after a long debate and include a duty to put conservation first and to promote sustainable development. These aims are broad enough to cover the need to tack both emergencies.

The Scottish Government, however, appears to believe that tinkering with the words â?? it is proposing the duties to protect the cultural and natural heritage will be replaced by duties to replace cultural and natural â??assetsâ?• â?? will make a difference. It wonâ??t and serves to divert attention from the real issue which is that while National Parks were created to make a difference, they have almost no powers that would enable them to do so and have to operate in the same legal and policy framework as everywhere else in Scotland.   Where differences do exist, for example the planning policy presumption against windfarms in National Parks, these are set by the Scottish Government not the National Parks themselves.

The result has been that neither local communities nor national stakeholding interests have any more power to influence how land is used in National Parks than anywhere else. From both a local and a national perspective, it is extraordinary for example that rich people and organisations can buy large chunks of land in our National Parks without having to pass any test whether they are fit to own that land and without any commitment that they intend to manage that land in accordance with the aims of the National Park. The result, as I have shown recently in respect of BrewDogâ??s purchase of Kinrara (see here), is not just environmental destruction but a loss of local employment both of which are contrary to the statutory purpose of National Parks.

Missing entirely from the Scottish Governmentâ??s consultation was any attempt to engage local communities to ascertain what new powers might enable National Parks to make a real difference to their lives. Nor was there any consultation about what resources would be required to resolve potential conflicts between the needs of local communities and the protection of the natural environment, as is illustrated by the furore about the re-introduction of beavers to Speyside in the Cairngorms National Park (see here). If National Parks had powers to determine how rural payments were spent in their area that would make a real difference.

The consultation process for creating new National Parks

Given the Scottish Governmentâ??s failure to ask about the needs and roles of local communities in the consultation last year, their decision to choose a new National Park through a process of local nominations should be seen treated with a degree of scepticism.

At best, asking local communities across Scotland to make cases for a National Park in their area was naive. Most local communities simply donâ??t have resources to do this and nor do the local authorities in which they are situated. As government has become ever more centralised, resources have been stripped out of local areas. There has been lots of government talk about community empowerment but no resource to do so.

The contrast with the processes which led to Scotlandâ??s first two National Parks were created is striking. There had been government reports going back to the Ramsey report 1945 about what areas in Scotland might most benefit from becoming National Parks. In 1990 the Countryside Commission for Scotland published its Popular Mountain Areas report (see here) which identified four such areas, two of which subsequently formed the basis for the Cairngorms and Loch Lomond and Trossachs National Parks. Before either National Park was created, however, there were several years of state financed activity, led in the Cairngorms by a government working group and in the Lomond and Trossachs by a local committee. In other words the state provided the infrastructure to develop the idea and proposals which then went out to public consultation based on opportunities/issues etc.

That continued following the creation of the LLTNPA and CNPA. SNH conducted work from 2005-07 on the potential for a coastal and marine National Park, at the request of the then Scottish Executive, and further work was conducted in 2008 to look at the potential for a National Park on Harris. Government interest and support for work on National Parks then reduced significantly but the Scottish Campaign for National Parks took on the work and produced another excellent report in 2013, Unfinished Business (see here) (that was before I joined their Executive Committee for a time).

Instead of building on all this work, under the new process local communities most of whom donâ??t have any infrastructure to do so are being asked to prepare their own cases. As a result well intentioned initiatives are now, despite lots of local work, falling by the wayside. In the last two weeks three bids from the West Highlands have been withdrawn (see here):, Skye,â?•Glen Affric and Loch Ness National Parkâ?• which set up an excellent website (see here) and â??Affric and Wyvisâ?•. The people and organisations behind these bids had to operate in almost impossible timescales, as evidenced from this quote from the Affric and Loch Ness consultation: *â??The timescale set by Scottish Government and delays in appointing their consultants provided a very short window within which to conduct the consultationâ?•* .

Without any clarity about what National Parks in these areas might do â?? the power to decide that still lies with the Scottish Government â?? or the implications for local communities, the outcome of the consultation exercises that have taken place was fairly predictable: significant numbers of people rejected what they did not know for what they did. In the case of Affric and Loch Ness, for example, while there was 50.37% support for a bid, 41.23% opposed it. Despite a series of polls (see here for recent example) showing 2/3 of people in Scotland supporting in principle the idea of new National Parks, when it comes to it local communities are not prepared to vote for the unknown.

That relatively low level of support locally has been made worse by the information about National Parks that is circulating around local communities. . A good example, was provided in the Herald a couple of weeks ago (see here) with people in Lochaber fearing for their jobs, without any analysis of how a National Park might affect jobs. A stalker, for example, was concerned his job might go when if deer numbers were reduced and kept properly under control, as should be happening in our National Parks, that would require MORE stalkers.

This lack of understanding of the potential consequence of National Parks has been made worse by the misinformation being circulated by certain interests who have used the consultation process to launch new culture wars and pit people against each other [(see here)](). For example, information is being circulated about the costs of National Parks â?? as if local communities are paying for this â?? when actually whatever you think of National Parks they will create new jobs locally.

Despite many good ideas coming out of local communities â?? their involvement is key if our National Parks are to be successful â?? the consultation process is backfiring and many good people, who did see National Parks as an opportunity to improve both the natural environment and the lives of local communities, now risk being thrown to the dogs.

Responsibility for this state of affairs clearly lies with the Scottish Government. If they thought they could avoid hassle and expense by handing over the process of selecting a National Park to local communities they have got it badly wrong. About the only area in Scotland where enough work has been done with the local community (over a period of ten years and more) to secure widespread support for a National Park is in Dumfries and Galloway. By the time the bidding process ends next week, the Scottish Government may not be left with any other choice.

That might not be a bad thing for those of us who want real National Parks which make a difference. The problem and challenge for both the Scottish Government and the local communities in the area, is that the beautiful landscape in Dumfries and Galloway has been mostly trashed, first by industrial forestry and now by windfarms. If selected, Dumfries and Galloway might force the Scottish Government to address those fundamental questions of what are National Parks for and what powers do they need to achieve those ends. It would be wonderful if the Minister for National Parks, the Green MSP Lorna Slater, committed to reversing that damage in Dumfries and Galloway- it will take a 50 year plan â?? or indeed in the Loch Lomond and Trossachs where the National Park Authority have done almost nothing in twenty years to reverse the damage done by industrial forestry practices.

What needs to happen?

The consultation process for selecting a new National Park appears to me like a grotesque gameshow, in which first the potential contestants are asked to fight among themselves to decide whether they have a team or not and then compete with any other team left standing.

It is not clear how far Lorna Slater had any choice about this consultation process but it is almost as though she has been set up to fail (just as she was with the Deposit Return Scheme). Even if she is able to select one new National Park out of the consultation process, given her declaration that this should only be the start, her challenge is how does she begin to win back local communities in areas which have started to turn against National Parks?

These problems could have been avoided had the Scottish Government built on all the previous reports that had identified potential areas for new National Parks. If those reports had been coupled with a clear set of initial proposals for what a National Park in those areas might do â?? along with facts and figures setting out the potential consequences â?? there could have provided the basis for meaningful consultation not just with local communities but national stakeholders who have been completely

sidelined from the process to date.

Instead, the whole process appears to have descended into chaos. While that can stimulate new ideas and creativity, it is also recipe disillusionment and empowering interests which have other agendas, including the downfall of the Greens. Rather than focusing on how to deliver a new National Park quickly, Lorna Slater would be far better completing the review of National Parks which was supposed to have taken place in 2008 and then engage on what powers and resources would be needed for National Parks to make a positive difference. That would then provide a sound basis for consultation with local communities.

Category

1. Cairngorms
2. Loch Lomond and Trossachs
3. National Parks

Tags

1. CNPA
2. LLTNPA
3. Scottish Government

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Author
nickkempe