

# **SNH ADVICE ON COASTAL AND MARINE NATIONAL PARKS**

## **ADVICE TO SCOTTISH MINISTERS**

### **Contents**

Chairman's foreword

0. Executive Summary
1. Introduction
2. Developing the Scottish approach to coastal and marine National Parks
3. How coastal and marine National Parks could work in practice
4. Consideration of possible locations for coastal and marine National Parks in Scotland
5. Stakeholder views and next steps

Annex 1 – Indicative Areas

**SCOTTISH NATURAL HERITAGE**

## **Chairman's Foreword**

In June 2005, SNH was asked by the Minister of Environment and Rural Affairs to provide advice on the development of coastal and marine National Parks, as a contribution to this process of stewardship. Following extensive stakeholder engagement and debate, we are delighted to present that advice in this report.

For the right area, or areas, we believe that a National Park can make an important contribution alongside the wider suite of initiatives that are under development for our coastal and marine environment. Support from local communities and other stakeholders is essential to bringing any proposal forward, and the next stage of the process will be important in bringing that about. We will continue to support the process of turning this advice into practice.

With nearly one tenth of Europe's coastline, Scotland has a truly international resource in its care. The seas around Scotland are also of great economic, cultural and natural importance, sustaining a valuable and diverse range of human activity, wildlife and natural resources. These features are related to the physical nature of the coast and seabed and to our position at the edge of the Atlantic Ocean. Fishing, aquaculture, shipping and recreation are widespread and our coastal landscapes are rightly famous for their naturalness and other qualities. In so many ways the effective management and stewardship of the coast and seas can therefore contribute to the Government's objective to build a sustainable future for Scotland.

**JOHN MARKLAND**

## SECTION 0 - EXECUTIVE SUMMARY

- 1 In June 2005, the Environment and Rural Affairs Minister asked SNH to provide advice on coastal and marine National Parks. This report describes the work we have undertaken to fulfil this request and presents our findings on how a Park might operate and on possible areas.
- 2 There is support for the principle of a coastal and marine National Park from some areas and interest groups, while others expressed concerns and reservations. This range of views is reflected in the findings.
- 3 Scotland has a world-class coastal and marine resource. As one of a range of measures proposed by the Scottish Executive to manage all our seas and coasts better, the designation of a coastal and marine National Park could:
  - enhance the care of an area of high natural and cultural heritage value;
  - increase the enjoyment and understanding of these assets by people from across Scotland and elsewhere;
  - deliver local social and economic benefits such as more and higher quality job, diversified and robust businesses and stronger communities;
  - provide for greater involvement of local people in decision making; and
  - promote innovation, good practice and more integrated approaches to sustainable development applicable throughout Scotland.

Underpinning this approach will be the better planning and management of the area and the activities that take place within it. In particular, a Park should provide a model of how fisheries can be managed better to ensure that biodiversity as well as the livelihoods of local fishermen can be sustained.

- 4 Scottish Ministers have made a commitment to establish a National Park in 2008 under the National Parks (Scotland) Act 2000. We recommend that the National Park Authority established to manage this area focuses initially on planning and enabling practical work to be delivered, using its basic powers and functions and drawing on modest programme expenditure. Following the preparation of a Park Plan, further consideration should be given to any regulatory powers that the Authority may need. In this way, the concept of a coastal and marine National Park can grow incrementally, having built consensus and good will.
- 5 The governance arrangements can only be considered for a Park once an area is selected, though common principles should include the following:
  - the Park Board should comprise directly elected community representatives, local authority nominations and national appointments;
  - the majority of individuals on the Board should live or work within the Park;
  - national appointees should have relevant experience and expertise and not represent specific interest groups;
  - local advisory groups can complement the formal governance of the Park with a strong commitment from the Park to build up capacity for local people to engage actively in the planning and management of the area.

6 A long list of possible areas was identified, based on heritage values and the coherence of defined areas. Most were in the North and west, including many of the island groups. The process of short-listing identified the following as the five strongest candidates:

- The Solway Firth;
- Argyll Islands and Coast;
- Ardnamurchan, Small Isles, and South Skye coast;
- North Skye Coast and Wester Ross; and
- North Uist, Sound of Harris, Harris and South Lewis.

If taken forward, further work will be required to refine these areas and to consider in detail their seaward and terrestrial extent and specific boundary.

7 The assessment work undertaken has also highlighted that a number of other places could also benefit from enhanced conservation and resource management effort, but for which the current National Park mechanism is less appropriate. For small areas, further consideration could be given to a new form of locally-led management initiative or marine reserve.

8 SNH was not asked to undertake a formal consultation as part of this work, but considerable effort was made to seek views. A national stakeholder group of 25 organisations was established to discuss key issues and nearly 150 people from over 90 organisations attended two national seminars. We wrote to over 300 stakeholders, receiving over 100 comments in writing and through an internet message board. Throughout the process, information on National Parks and working papers discussed by the stakeholder group have been publicly available on the SNH website.

9 Key themes to emerge from stakeholders were as follows.

- There is support for the principle of a coastal and marine National Park, with specific expressions of interest from Argyll and Bute and Dumfries and Galloway Councils, and also the community on Fair Isle.
- Some stakeholders had reservations and opposition to Park proposals was expressed, notably from some fishing groups and other businesses. Despite the positive role of Scotland's National Parks in promoting sustainable development, these stakeholders fear that a Park would impose further bureaucracy, remove local decision-making and restrict future development.
- In the absence of specific proposals or practice, stakeholders also queried the added value of a coastal and marine national park and what it would deliver that could not be realised through other mechanisms.

10 Whichever areas Ministers now decide should be the leading candidates, it will be vital that local communities are given the resources, information and time to consider the proposals.

## SECTION 1 - INTRODUCTION

- 1 This report fulfils the request of June 2005 from the Environment and Rural Affairs Minister asking SNH to provide advice on coastal and marine National Parks and specifically on the:
  - added value and benefits of a coastal and marine National Park;
  - the statutory and policy framework for a coastal and marine National Park, including its aims, powers, governance and likely running costs; and
  - one or more possible areas which Ministers should consider as leading candidates for designation as a coastal and marine National Park.
- 2 At this stage, new legislation is not being brought forward for establishing a coastal and marine National Park and SNH was asked to develop its advice drawing on the existing approach to National Parks contained in the *National Parks (Scotland) Act 2000*. SNH was also asked to examine and reflect on similar approaches outwith Scotland and consider the applicability or otherwise of this experience.
- 3 In considering possible locations for a coastal and marine National Park, no areas of Scotland were ruled in or out by the Minister. Nevertheless, his instructions made it clear that any possible areas that came forward would include some of our most outstanding coastal and marine heritage. A future Park was also likely to be in less remote locations if it were to make a significant contribution to increasing public enjoyment and understanding of our coastal and marine heritage. At the same time, the designation of a coastal and marine National Park should make a significant contribution to the sustainable social and economic development of the area.
- 4 In developing this advice, SNH was asked to work closely with a range of relevant stakeholders, including those from the business, community and environment sectors. There was no requirement for SNH to consult on its advice, as the Minister envisaged the issues raised by the advice would be subject to formal consultation by the Scottish Executive. This intention has subsequently been confirmed in *Seas - the Opportunity: A strategy for the long-term sustainability of Scotland's coasts and seas* (Scottish Executive, 2005). In this publication, Scottish Ministers have also outlined a timetable for establishing a coastal and marine National Park in 2008. SNH's advice should therefore be seen as an initial contribution to a longer and more inclusive process leading to the development and public debate of specific proposals.

### Programme of Work

- 5 SNH was asked to report to Scottish Ministers by the end of March 2006, and we have undertaken a short programme of review, policy development and stakeholder involvement to fulfil this request.

- 6 The key lessons emerging from a brief review of relevant international experience are summarised in background paper 1. SNH also commissioned two pieces of work – the first on best practice in sustainable tourism in coastal and marine protected areas in the UK and elsewhere; and the second on coastal and marine recreational patterns and trends in Scotland. The reports of this research will be published separately.
- 7 Significant effort was made to engage with stakeholders and this is detailed further in Section 5 of the report and background paper E. Throughout the process SNH has ensured that information and working papers, particularly those going to the stakeholder group, have been made available to anyone who wished them.

### **Structure of our Advice**

- 8 The structure of our advice is as follows.
  - Section 2 sets out SNH’s advice on the overall approach to coastal and marine National Parks and the added value they could bring to the management of the marine and coastal environment in Scotland.
  - Section 3 sets out SNH’s advice on the powers, structures and running costs of a coastal and marine National Park.
  - Section 4 sets out SNH’s advice on possible locations for one or more coastal and marine National Parks in Scotland.
  - Section 5 reports on the steps SNH took to ensure stakeholder involvement in the development of this advice. It also summarises the views expressed by stakeholders who commented, and makes suggestions for the next stages of consultation and policy development.
- 9 This advice is supported by five background papers, presenting more detailed information on five areas.
  - Background paper A: Lessons from international experience.
  - Background paper B: Examples of added value from Scotland and elsewhere.
  - Background paper C: Selection of the broad areas of search.
  - Background paper D: Profiles of the long-list of possible areas.
  - Background paper E: Report on stakeholder views.

These papers are available on the coastal and marine National Park pages of the SNH website.

## SECTION 2 – DEVELOPING THE SCOTTISH APPROACH TO COASTAL AND MARINE NATIONAL PARKS

*This section sets out SNH's advice on the overall approach to coastal and marine National Parks and the added value they could bring to the management of the marine and coastal environment.*

- 1 Throughout the world, National Parks are associated with the very best of a country's natural and cultural heritage. They are about showcasing some of the most valued wildlife and landscapes a country has to offer and providing opportunities for people to enjoy these features. They are also about long-term stewardship of these resources. In Scotland, our National Parks fulfil these roles. In addition, they are a tool for focusing effort and adding value to the planning and management of an area, helping to deliver actions on the ground which would not otherwise be delivered and providing significant social and economic benefits to local communities.

### The Scottish Approach to National Parks

- 2 The legal basis for National Parks in Scotland is set out in the National Parks (Scotland) Act 2000. At the heart of this Act are the four aims of Scottish National Parks, namely 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;
- promote the sustainable social and economic development of the area's communities.

The integrated purpose of these aims distinguishes Scotland's National Parks from the original purposes of most others throughout the world. In part this is possible because Scotland has come relatively late to National Parks and a range of mechanisms already exist to protect the best of our natural and cultural heritage. But critically, these balanced aims also reflect a modern approach to sustainable development which acknowledges that within 'living and working landscapes', social and economic development must be addressed alongside the care and enjoyment of the natural and cultural heritage. Such an approach is very much in keeping with the publication *Choosing our Future – Scotland's Sustainable Development Strategy* (Scottish Executive, 2005).

- 3 The Scottish approach to National Parks enshrined in the Act contains a number of key principles.
  - Park areas have to be of **outstanding national importance for their natural heritage, or their combination of natural and cultural heritage.**

The Act provides for a long-term commitment to the conservation and enhancement of these special qualities.

- **Three of the four aims of the Park are concerned with making positive things happen.** Existing economic and recreational uses of the area are therefore supported; and new uses are encouraged provided that they do not impact negatively on the special qualities of the area.
- **A Park Authority is established to oversee the planning and management of the Park area.** Its main task is to prepare and help implement a Park Plan. Scottish Ministers approve the Plan, and the wider public sector is expected to contribute positively to its preparation and implementation.
- Through their involvement in the Park Board and in the process of preparation and implementation of the Park Plan, **local communities play an enhanced role in the governance and management of the area.**
- Each Park is established through a separate designation order approved by the Scottish Parliament following extensive consultation, both locally and nationally. **The specific arrangements for the powers, functions and governance of each Park can be tailored to meet the needs of each Park area.** Section 31 of the Act allows for further modification of its operation to meet the needs of Park areas which extend into Scotland's marine environment.

## Issues and opportunities in the coastal and marine environment

- 4 SNH considers that this general approach to National Parks, as it has been applied on land, is equally applicable to the coastal and marine environment. At the same time, there are a number of distinct differences that need to be considered and these reflect specific issues and opportunities in the coastal and marine environment that a National Park will need to address.
  - The physical nature of the marine environment is more dynamic and less easy to draw boundaries around. Life in the sea, its patterns and movements and the processes that act upon it are inherently more difficult to map. Equally the interactions between land and sea are complex and traditionally the coastal zone has proved difficult to define, plan for and manage.
  - In many places the principle activities of food production in the sea are largely based on the harvesting of natural populations rather than on systems of husbandry, though this is now changing with the decline of many fish stocks and the continued development of aquaculture.
  - A very different system of common and property rights exist, some of which are the subject of international and UK law. Ownership of the seabed and much of the foreshore rests with The Crown Estate. In some parts of Scotland, coastal populations are small and dispersed in nature. More generally, many of the most significant users of the marine environment do not live close to the resources they use.

- Regulation is sectoral in nature, and split between a number of levels of Government – UK departments, Scottish Ministers, public bodies and trusts, and local government. At present, there is no equivalent to the strategic planning frameworks that operate at various scales on land.
  - Site-based conservation mechanisms for natural and cultural heritage interests are much less developed, as are the data sources on which such mechanisms rely. A number of species and habitats of importance at the European level are protected through the Natura 2000 series, though some characteristic Scottish features such as sea lochs are not. National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSIs) extend only to Mean Low Water Springs (MLWS). While extending into the marine environment and offering some protection from adverse development, National Scenic Areas (NSAs) have yet to deliver their full potential in guiding and managing landscape change. Scheduling of wrecks and other historic features in the marine environment is also very incomplete.
  - Informal coastal recreation – particularly walking - remains very popular, with new activities such as kite surfing being developed in recent years. Active participation in activities such as climbing, diving, sailing, sea-fishing, sea-kayaking, surfing and wind surfing is long-established in parts of Scotland and continues to grow. Of these activities, sailing is important economically to many areas of the west coast and, together with surfing, is an activity where it is recognised that we have a world class resource. For the most part, marine recreation activities tend to be quite specialised, with many parts of Scotland’s exposed coasts requiring good technical ability.
- 5 There is a growing number of pressures on the coastal and marine environment. The traditional use of our seas for shipping and fishing has been complemented by a number of significant new activities, including aquaculture, oil and gas development and renewable energy generation. Pressure for coastal developments and infrastructure, recreation and military use further add to this mosaic of activity. Sea-level rise and climate change are also of concern. Increasing the sustainability of our fishing practices, generating more power from marine renewable resources and raising environmental standards – notably in respect of water quality, bathing waters and biodiversity conservation through the Water Framework Directive - are key priorities.

### **The role of a National Park in a coastal and marine environment**

- 6 The recognition that more effort is required to manage and enhance our coastal and marine resources lies at the heart of *Seas - the Opportunity: A Strategy for Long-term Sustainability of Scotland’s Coasts and Seas* (Scottish Executive, 2005). The proposal to establish one or more coastal and marine National Parks is one of a number of measures being proposed in this strategy to address this. Looking at experience of Scotland’s first two National Parks, as well as relevant experience from elsewhere, there are a number of

aspects to this role that a Park could play in the coastal and marine environment.

- 7 At its core the National Park concept is about the long-term stewardship of the natural and cultural resources of an area. The achievement of objectives for biodiversity, landscape and cultural heritage will therefore be an important measure of success. The health and productivity of these resources is also vital to the continuing prosperity of Scotland's coastal and island communities which depend on them. Bringing together more effectively the aspirations for conservation and development within a Park area will be essential to achieving each of the four Park aims and will be the central purpose of a Park Authority.
- 8 Of particular importance to developing this more balanced approach within a coastal and marine National Park will be the future management of fishing activity within it. International experience suggests that a coastal and marine National Park could provide a model of how fisheries can be managed better to ensure that biodiversity as well as the livelihoods of fishermen can be sustained. A National Park should therefore be one of the *first* places in Scotland where a range of management mechanisms to achieve this are explored and tested in practice. Such measures could range from voluntary approaches through to technical conservation measures and the use of closed areas. How this translates into practical operations depends very much on where a Park is selected, how big it is, and how it fits in with wider planning and management of inshore fisheries. Such measures would most likely be targeted spatially or seasonally rather than implemented across the whole area of a Park.
- 9 At the same time, the Park provides the mechanism to co-ordinate fishing effort with other activities in the coastal and marine environment, most notably aquaculture, shipping, energy production, built development, infrastructure and recreation. The engagement of these interests in the preparation and implementation of the Park Plan will allow for greater consensus to be developed on management objectives for the area overall and help to focus effort and resources in achieving them. By ensuring that appropriate consideration is given to all activities within the area, a Park will help to avoid conflicts, or assist conflict resolution where necessary, between them. Specific examples here include the contribution that a Park could make to the current work on the relocation of existing fish farms away from more sensitive areas, or the future planning for marine renewable energy in locations which minimise their impacts, both on other activities and also the natural and cultural heritage.
- 10 A Park should also play an important role in helping to support many of these activities. Key elements of this role could include the following.
  - Developing best practice in resource management and building on the potential synergies between sustainable use and the maintenance of a high quality marine environment e.g. by supporting local fisheries and

aquaculture management initiatives, and developing the green image of the area to actively promote its products and attractiveness to visitors.

- Enhancing economic stability through increased opportunities for training, development and diversification e.g. by providing support to encourage sustainable tourism development and the growth of other new businesses which can make good use of the existing skills and infrastructure available.
- Increasing awareness and appreciation of the cultural, social and economic importance of traditional industries to coastal communities within the Park e.g. by making interpretation of marine activities part of the visitor experience, or by using local seafood, crafts and customs as a mechanism to promote understanding and knowledge of the marine environment on which these communities depend.

- 11 In establishing a National Park, opportunities should also be taken to simplify some of the existing regulatory arrangements. Some form of ‘first-stop shop’ could also be developed whereby the National Park Authority adopts a positive role in co-ordinating the administration of the other consents required for any development proposal from the industry. Whichever arrangements emerge, it will be important for a Park to enhance and add value to the environmental, economic and social performance of the businesses in its area.
- 12 The final important role of a National Park is the opportunity it provides to increase enjoyment and understanding of Scotland’s coastal and marine environment. In many ways, this is the most important contribution a Park could make. No-one in Scotland lives more than 40 miles from the sea, and we have a long tradition as a sea faring nation whose livelihood was dependent on the richness and accessibility of the waters around our coasts. Today, these links are less strong, particularly for the majority of the population who live in our major towns and cities.
- 13 Through the better planning and provision for recreational activity and visitors, a Park is a powerful tool for enhancing access to, and enjoyment and understanding of, our coasts and seas. Enjoying this special environment is already very important to many people in Scotland and we should aim to make it relevant to all. Key here will be the development and promotion of visitor and recreational infrastructure, such as accommodation provision, visitor centres, networks of coastal paths and trails, boat trips and dives within and around the Park area. Better interpretation and management of access in the more popular areas of the Park will also be important, as will the provision of a range of measures to travel to and within the Park more sustainably.

## **Vision and outcomes**

- 14 Against this background, our vision and aspirations should be high. Within Scotland’s first coastal and marine National Park we should aim to achieve the following outcomes.

- Local and national stakeholders support a more cohesive approach to considering economic, social and environmental issues. The Park provides a local mechanism for the resolution of conflicts between these issues and is a powerful advocate, on the national stage, when we want to see things changed.
- Our landscapes and biodiversity have been enhanced. We have learned how to develop their potential for recreation and to use them to promote the area to benefit people and businesses.
- Fishing, agriculture, crofting and forestry are managed more sustainably. They contribute more to the local economy and are benefiting from using the National Park as a marketing tool. Local inshore fisheries groups play a central role in managing this resource within the Park, and innovative management approaches have been established with the active support of local fishermen.
- More people want to come to the area as a result of its higher national and international status, directly benefiting local businesses. Increased visitor numbers have made existing local public transport links more viable and have encouraged the growth of new ones.
- Public understanding, enjoyment and commitment to the better care and management of Scotland's marine environment has grown. A range of projects and initiatives for this have been developed in the Park and are now being adopted more widely throughout the country.

### **The added value of a coastal and marine National Park in Scotland**

- 15 In conclusion, SNH considers that a coastal and marine National Park can add value in four main ways. Examples of these aspects of added value from Scotland's existing National Parks and from relevant international experience are explored further in background paper 2.

- Opportunities to enhance understanding, enjoyment and care of the area.

Scotland's coastal and marine environment is a world-class resource, important for its wildlife, landscapes, cultural heritage and recreational value. This resource needs better care and investment if we are to retain its diversity, health and productivity. We also need to make more of the opportunities for people from across Scotland to enjoy it first hand and to promote sustainable tourism based on its special qualities. A National Park provides opportunities to achieve these objectives for an area of particularly outstanding importance. It should also provide a focus for learning more about this environment and for increasing the profile of the area both nationally and internationally.

- Better planning and management

A Park is a tool for delivering better planning and management of some of Scotland's most outstanding coastal and marine heritage. Through the Park Plan, it provides for better co-ordination of existing activities and development, and for the provision for future needs. It will enhance local involvement in the planning and management of the area and will increase resources for investing in its environment, its infrastructure and its communities. A Park Authority will provide leadership on difficult issues and ensure that each of the four aims of the Park is achieved.

- Social and economic benefits

A National Park will deliver social and economic benefits for the area as well as Scotland more widely. The increased profile of the area can increase tourism and can be used to market local produce, goods and services. A Park Authority will create employment and can help support and champion existing businesses, providing tailored advice, training and funding for them to develop and diversify. As a result, the range and quality of jobs available in the area will grow and local incomes should increase. A Park Authority will also place considerable effort into building up the capacity of local communities to engage in the planning and management of their area. It will also address community aspirations for environmental improvements and future development, such as local path networks and affordable housing

- Best practice and innovation

A National Park provides the opportunity to be innovative and to trial new approaches to the planning and management of the coastal and marine environment. A Park could be one of the first areas in Scotland to develop integrated coastal zone management (ICZM) within a statutory context and to demonstrate the strengths and weaknesses of this in practice. It could also trial new approaches to the local management of inshore fisheries, community renewables and sustainable tourism which increase local economic benefits while protecting the natural environment which underpins them. A Park could also be the place where options for the simplification of the regulatory framework could be tested.

16 When taken together, SNH considers that these four themes make a strong case for a coastal and marine National Park for the right area or areas. Practical experience also suggests that this added value is very difficult to achieve from existing protection or designation measures. While SNH recognises that the voluntary coastal partnerships and integrated coastal zone management (ICZM) initiatives established in parts of Scotland provide scope to achieve some of them, we believe that the statutory basis of a National Park and the additional resources it should have available means that it can bring significantly enhanced benefits to the area and the nation more generally.

- 17 Translating the potential added value of a coastal and marine National Park into practice itself depends on a number of factors. The powers and functions of the Park Authority, the resources it has available and qualities and effort of its board members and staff are clearly crucial here. A key lesson from relevant experience elsewhere is that National Parks are most effective in achieving their aims when set within a wider strategy for managing the whole of a country's coastal and marine environment, including one or more national and regional frameworks for specific sectors. National Parks are also clearly not appropriate for all areas. Instead, they should be seen as one of a number of area-based initiatives which translate higher level strategies into practical and beneficial outcomes on the ground.

## **SECTION 3 – HOW A COASTAL AND MARINE NATIONAL PARK COULD WORK IN PRACTICE**

*This section sets out SNH's advice on the powers, structures and running costs of a coastal and marine National Park*

- 1 Within the existing legislative framework provided by the National Parks (Scotland) Act 2000, the powers, functions, structure and governance of any Park Authority can be tailored to meet the specific needs of each Park area. For coastal and marine areas, Section 31 of the Act provides further scope for specification, though new legislation would be required to provide the Park Authority with additional powers or a very different approach to its governance. There are also some activities for which a coastal and marine National Park in Scotland will not have a clear and direct locus. These include those areas where powers are reserved to Westminster or covered by international laws and conventions, such as shipping, offshore fisheries, oil and gas licensing and some aspects of port and harbour functions.

### **Planning and Managing the Park Area**

- 2 The core powers and functions of a National Park Authority are contained in the National Parks Scotland (Act) 2000 (see <http://www.opsi.gov.uk/legislation/scotland/acts2000/20000010.htm>). These fixed elements of this framework include:
  - the preparation and implementation of a National Park Plan (sections 11-14);
  - a town and country planning function (section 10);
  - the introduction and enforcement of management agreements (section 15); and
  - a range of general powers and functions (schedule 2), including the ability to employ staff, make charges, provide advice and assistance, undertake research, give grant, purchase and manage land, promote or oppose private legislation, make and enforce National Park bylaws, develop management rules, enter into contracts, carry on any business or undertaking, form or promote private companies and partnerships, and accept gifts or contributions etc.
- 3 The Act requires a Park Authority to prepare and submit (to Ministers' timescales) a plan setting out its approach to:
  - a) planning and managing the National Park; and
  - b) exercising its own functions, and the functions of other public bodies and office-holders, in so far as they affect the implementation of Park Plan.
- 4 Section 14 places a duty on Scottish Ministers, the Park Authority, local authority and any other public body or office holder, in exercising functions affecting a National Park to 'have regard to' the adopted Park Plan. This

section applies to both Scottish and UK departments and public bodies operating within Scottish waters.

- 5 Within the existing legislative framework, the implementation of the Plan by the Park Authority would be facilitated in several ways.
- By the Park Authority undertaking a range of specific functions provided in Schedule 3 of the Act, such as: conservation, recreation and visitor management; research, survey and monitoring; awareness and education programmes; and demonstration projects.
  - Through the Park Authority's programme expenditure on specific initiatives and capital projects, either separately or in combination with others.
  - Through the Park Authority drawing up concordats, voluntary agreements, codes of conduct etc.
  - Through the Park Authority entering into management agreements and drawing up and enforcing byelaws and management rules for its area.
  - Through the Park Authority becoming a statutory consultee to existing regulatory processes.
  - Through the Park Authority entering into voluntary agreements with local authorities and public bodies by which it could undertake to discharge their powers and functions.
  - Through direct regulation, where the Park Authority might take over full responsibility from others for the operation of their current functions. The main options in practice here include the local authority planning function, its access authority role and possibly its harbour and coastal protection functions.
- 6 Other options - such as providing the Park with equivalent 'works licensing powers' which apply in Shetland and parts of Orkney, or by extending existing planning controls below MLWS for activities beyond aquaculture – could be envisaged. However, these options would require new legislation and the case for them may only become clear once a Park Authority has prepared a Park Plan and tried to implement it in practice.

### **Possible approaches to the role of the Park Authority**

- 7 The precise approach and balance of effort between the elements outlined in paragraph 5 would be specific to each Park, depending on the management issues that a Park Authority needs to address and its powers and functions. It is also related to the overall approach to the Park model itself. Given the challenges of planning and managing the coastal and marine environment outlined in Section 2, the following three approaches can be envisaged depending upon the emphasis placed on the role that a Park should play and the scope for it to simplify and add value to existing arrangements.

Approach	Implementation of the Park Plan
<p><i>1) National Park as planner and enabler</i></p> <p>This model envisages a Park whose main remit is to plan for its area, to integrate and co-ordinate the efforts of others, to resolve conflicts and to facilitate the implementation of initiatives and projects on the ground. Such a Park would be a statutory consultee on town and country planning issues, and have the basic Park functions in respect to conservation and recreation. Apart from this no additional powers or functions would be envisaged. The Park Authority could be relatively small (say 15-25 staff), but it would have sufficient programme spend to undertake research and to initiate and take forward projects with others.</p>	<ul style="list-style-type: none"> <li>• By the Park Authority undertaking a range of specific functions provided in Schedule 3 of the Act</li> <li>• Through the Park Authority's programme expenditure on specific initiatives and capital projects, either separately or in combination with others.</li> <li>• Through the Park Authority drawing up concordats, voluntary agreements, codes of conduct, etc.</li> </ul>
<p><i>2) National Park as planner, enabler and manager</i></p> <p>This model is similar but envisages a more formal role for the Park as managing authority and as a consultee on other regulatory processes to ensure compliance with the Park Plan. This could include a call-in mechanism for the Park Authority or Scottish Ministers when there is disagreement between them and one of the regulating bodies. A larger staff would be required to service this consultee role, though it could still be a relatively small body (say 35-45 staff).</p>	<p>As above, plus</p> <ul style="list-style-type: none"> <li>• Through the Park Authority entering into management agreements and drawing up and enforcing byelaws, management rules and agreements for its area.</li> <li>• Through the Park Authority becoming a statutory consultee to existing regulatory processes.</li> </ul>
<p><i>3) National Park as planner, enabler, manager and regulator</i></p> <p>This regulatory model sees the Park subsuming many of the powers and functions of other public bodies and the local authority, including its planning, access and marine functions. The staffing requirement of such a body would be significant (say 65+) to ensure it had the necessary expertise and capacity to deal with regulatory casework. Rather than employing staff directly, it could enter into service agreements with others to provide these functions on its behalf, though decision-making on these functions would remain with the Park Authority.</p>	<p>As above, plus</p> <ul style="list-style-type: none"> <li>• Through the Park Authority entering into voluntary agreements with local authorities and public bodies by which it could undertake to discharge their powers and functions.</li> <li>• Through direct regulation, where the Park Authority might take over full responsibility from others for the operation of their current functions.</li> </ul>

Note. While drawn on the current experience of the first two National Parks, these suggested staffing levels are indicative only.

- 9 In practice, each of these ‘models’ has a number of common elements, with any option developed likely to draw elements from each. Nevertheless, it is instructive to consider the strengths and weaknesses of each.
- The regulatory ‘light-touch’ of the first approach would allow for the initial development of the Park to focus on the strategic planning of the area and on making things happen on the ground. The smaller resources required might also allow such a model to be applied more widely from the start to a larger area, or to a number of places from the outset. Such a Park could add value to existing arrangements rather than be seen as a further layer of administration. On the downside, such a Park could lack sufficient power and may prove to be ineffective in influencing the activities of other bodies or getting projects implemented. Without much of a visible presence on the ground, it may also seem distant from the communities and other stakeholders in its area.
  - The second approach addresses these concerns by providing for a stronger formal role of the Park Authority in the day-to day management and regulation of the area. On the other hand, such a Park Authority may still be considered to lack sufficient power and influence, and could be seen as neither simplifying nor adding value to the existing arrangements.
  - In providing for a more direct and ‘hands-on’ regulatory role for the Park Authority, the third approach is easier to understand and can be seen to be simplifying the current administrative arrangements. Such an approach also requires significant staff expertise and resources to support it, though the ‘sharing’ of these resources between the Park and the other bodies is one way to address this. Because of the energy and effort it requires, a strong regulatory function may also detract from the planning and co-ordinating role of the Park.
- 10 Overall, it is SNH’s view that the approach to a coastal and marine National Park should be closest to the first of these approaches, at least in the first phase of its development. Critically, SNH believes that such an approach would allow a Park Authority to concentrate on Park planning, achieving consensus on long-term priorities and making things happen on the ground. The former will be a significant task in its own right given that the concepts of an integrated coastal zone management and marine spatial planning are in their relative infancy in Scotland. The latter will require effective partnership working skills and adequate programme expenditure.
- 11 Once a Park plan has been developed and lessons learned in its implementation, the quinquennial reviews of the Park Authority would provide the opportunity to build-up the formal powers and functions of a Park Authority as need demonstrated. At this stage, the changes to the policy framework for the coastal and marine environment that are currently planned could also be taken into account, and the strengths and weaknesses of some of the recent measures evaluated. In this way, the concept of a coastal and marine National Park could grow incrementally and by active learning, consensus and good will.

- 12 Over time, such an approach could encompass the development of new arrangements for the delivery of existing functions by public bodies and local authorities within the Park under the voluntary provisions contained in Section 17 and 18 of the legislation. Options here include the transfer of the town and country planning and access functions of local authorities, together with closer direct involvement in coastal protection and delivery of port and harbour functions. The voluntary delegation of the leasing arrangements or the management of parts of the foreshore by The Crown Estate to the Park Authority could also be envisaged.

### **Consideration of specific powers and functions**

- 13 Table 2 presents a review of the relevant powers and functions in the coastal and marine environment, and broadly sets them against the three approaches discussed above. Further commentary is provided below on the town and country planning function, conservation and recreational management; and inshore fisheries management.

#### *The Town and Country Planning Function*

- 14 The National Parks (Scotland) Act 2000 provides three options for the delivery of this function as follows:
- a). full planning authority – with the Park Authority responsible for development planning and control; or
  - b). development planning authority – with the Park Authority responsible for development planning only; or
  - c). other arrangements (for example statutory consultee status or development planning and call-in powers for development proposals)

Changes to the planning system heralded by the recent Planning Bill mean that the Park Plan will in future provide the strategic planning framework for the area which is currently contained in structure plans.

- 15 A number of strong arguments can be made in favour of a Park being a full planning authority and for some possible Park areas these may be sufficient to outweigh the overall approach to the Park suggested above. The specific case for a Park to be a full planning authority will require consideration of the following factors.
- *Scale and significance of development pressures* By way of comparison the planning arrangements for the first two Scottish Parks were mainly justified on the basis of development pressures that were faced by the two proposed areas (circa 300-500 development proposals per year) and the need for the Park Authority to manage them directly. Most of the areas being considered for coastal and marine Park status are unlikely to be facing this scale of development activity. Even in these areas, the nature of these coastal developments and the new arrangements for aquaculture may suggest that they may benefit from a Park having a more direct

planning role along the lines of Loch Lomond and the Trossachs (full planning function) or the Cairngorms (full planning function with call-in powers) or for certain developments only.

- *Efficiency and added-value* The statutory planning function requires dedicated staffing and resources and can at times detract energy and effort away from the other functions of a Park. Within the first two National Parks, there were clear efficiencies and added value of establishing a single planning function for the Park area, rather than the four separate planning functions that the local planning authorities previously provided. This balance of efficiency and added value may be different in a coastal and marine National Park because of the lower level of development pressure noted above. A Park area may also only cover a small part of a single local authority area. One option here would be for the Park to establish a service agreement with the local authority, whereby local authority staff provide the planning service directly for the Park with planning decisions taken by the Park Authority. In not duplicating the planning expertise between the two authorities, this would be efficient in administrative terms and would also assist in the integration of the planning of the Park area with the wider local authority area. However, such an approach does raise concerns over whether staff would always be able to reconcile these two roles in practice, particularly where the views of the local authority and the Park Authority may differ.

- 16 In considering the detailed arrangements for planning within a National Park, it is important to emphasise that the end result should be higher standards of development in the right places. To achieve this, there may be some new restrictions placed on certain types of development in certain places, perhaps through zoning. However, the planning system already steers development towards the best locations and a Park should help to strengthen this system, for example by adopting special measures to support high design standards in keeping with the special qualities of the area. These measures could include additional effort on pre-application discussions, the provision of architectural advice and also grants for meeting additional building specifications. In the longer term, this approach will benefit the area and its economy by protecting and enhancing the qualities which people come to enjoy.

#### *Conservation and Recreation Management.*

- 17 The Act provides for a Park Authority to undertake its conservation and recreational management functions in a number of ways across the Park:
- through the co-ordination and promotion of activity in the Park Plan;
  - through the use of National Park byelaws and management agreements – the former can be used for purposes of protecting the natural and cultural heritage of the Park; preventing damage to the land or anything in, on or under it; or securing the public's enjoyment of, and safety in, the Park;
  - through entering into management agreements; and
  - through research and survey and employing staff (including Park Rangers)

- 18 On land, the suite of designations for biodiversity, earth heritage, and landscape provide the cornerstone of conservation effort. This suite is not as well developed in marine areas, though site-based protection for some features as part of the European Natura 2000 network is now in place. The scope for establishing a small number of more highly protected areas of high importance for their marine biodiversity within the Park could also be considered. The management and byelaw making powers provided in the Wildlife and Countryside Act 1981 in relation to marine nature reserves could provide the means to do this. Generally though, the key to better planning and management of the marine natural and cultural heritage of the Park area will be through the development and implementation of the Park Plan, including both Park wide approaches and also geographic and temporal zoning measures for specific interests.
- 19 Much of the day-to day implementation of the Plan will fall to a range of Government departments and public bodies, and the contribution of the key regulators – Scottish Executive, Scottish Environment Protection Agency (SEPA), Scottish Fisheries Protection Agency (SFPA) – together with The Crown Estate and SNH will be particularly important. Such bodies will need ‘to have regard to’ this plan in their activities. The Nature Conservation (Scotland) Act 2004 also places a duty on every public body and office holder to further the conservation of biodiversity so far as this is consistent with the proper exercise of their functions. While important in themselves, neither of these requirements may always be sufficient to ensure the effective implementation of the Park Plan. The need for a last resort ‘stop’ power for the Park Authority over potentially damaging activities should therefore be considered - for example by giving the Park Authority the powers SNH has to request land management orders from Scottish Ministers under the Nature Conservation (Scotland) Act 2004.
- 20 In terms of enjoyment and recreation, Schedule 3 of the Act provides the Park Authority with general powers to carry out certain activities relevant to its aims, and these are summarised below.

Schedule 3, 2	Local Nature Reserves	Power to establish LNRs under the National Parks and Access to the Countryside Act 1949, as amended
Schedule 3, 3	Information and education	Powers to provide information, education services and facilities for the purpose of promoting the special qualities of the National Park by the public
Schedule 3, 4	Tourism and Leisure	Powers to provides or promote leisure facilities in the National Park and to encourage people to visit the National Park
Schedule 3,5	Campsites, accommodation, meals and refreshments	Powers to provide campsites etc. under the Countryside (Scotland) Act 1967
Schedule 3, 6	Recreational,	Powers to provide recreational, sporting,

	sporting, cultural and social facilities and activities	cultural and social facilities and activities in the National Park under the local Government and Planning (Scotland) Act 1982
Schedule 3, 7	Access to open country	General arrangements for access, provision to make access orders and access agreements, acquire land, restrict access etc. under the Countryside (Scotland) Act 1967
Schedule 3, 8	Improvement of waterways for recreation	Powers to improve waterways for recreation under the Countryside (Scotland) Act 1967
Schedule 5, 2	Protection and Maintenance of Rights of Way	Powers to protect and maintain rights of way under the Countryside (Scotland) Act 1967
Schedule 5, 8	Traffic Management Orders	Powers to request the Scottish Ministers to make traffic management orders under the Traffic Regulation Act 1984

- 21 The existing Scottish National Parks are both access authorities under Part 1 of the Land Reform Act (Scotland) 2003 with various responsibilities to uphold access rights, to promote awareness of the Scottish Outdoor Access Code and to prepare core path plans for their areas. A coastal and marine Park Authority will need to have similar significant involvement in the planning and management of access in its area and there may therefore be a strong case for it be the full access authority. However, this again requires further consideration of the access needs of the area in question and of the added-value of a Park Authority specifically having this function.
- 22 The implementation of some of these functions also raises specific issues more generally concerning the scope of ranger services in the Park. In addition to land-based rangers, there will be a need for water-borne ranger provision to assist with marine education and interpretation, carry out monitoring of recreational activity and to enforce any byelaws and management rules. There may even be scope for an underwater presence such as guided diving trips or underwater interpretive trails. A Park Authority will have an important role in promoting the Scottish Marine Wildlife Watching Code and supporting the Wildlife Crime campaign. It may also want to draw up more area-specific codes of conduct and campaigns for parts of its area. These activities raise resourcing issues relating to equipment (boats, underwater survey gear, diving kit etc.) and skills and training needed for Park staff.

### *Inshore Fisheries Management*

- 23 The role of a National Park in respect to fisheries management has been one of the main areas of debate. This is to be welcomed as the international experience noted in Section 2 and reviewed in background papers A and B suggests that fisheries management is critical to the effective achievement of Park aims.

- 24 Current legislation provides for the full range of management measures that could conceivably be applied within a coastal and marine National Park, ranging in scope from relatively minor restrictions on gear specifications to complete closure of areas from fishing activity. Measures under the Sea Fisheries (Shellfish) Act 1967 can also be employed for stock enhancement or for the control of effort in a shellfish fishery. Within this legislative context, the Scottish Executive *Strategic Framework for Inshore Fisheries in Scotland* (March 2005) is looking to put in place better arrangements for the planning and management of inshore fisheries in collaboration with stakeholders via the Scottish Inshore Fisheries Advisory Group (SIFAG). The key components of the Framework are:
- Setting national, high-level objectives for sustainable inshore fisheries: a series of biological, environmental, social, economic and governance objectives will be set (and periodically reviewed) by SIFAG.
  - Establishing Inshore Fisheries Groups (IFG): To take account of regional variability around Scotland it is anticipated that up to 12 IFGs will be created. The boundaries and constitution of the IFGs are currently subject to final confirmation via discussions in SIFAG. However the IFGs are likely to involve a core Executive Committee of fishing interests with an Advisory Group comprising other stakeholders.
  - The IFGs will be the focus for developing and proposing management measures tailored to their local conditions. To facilitate this, the Framework requires each IFG to prepare a management plan and a set of local objectives for their area. Currently two IFGs have been established in South East Scotland and the Western Isles.
- 25 These arrangements deal exclusively with inshore fisheries (e.g. within 6 nautical miles [nm] from baseline). This is a devolved area of policy. While a Park established under the National Parks (Scotland) Act 2000 can technically extend to 12nm, such a Park would need to engage with fisheries management issues at the UK and EU level, including the new Regional Advisory Councils established for areas such as the North Sea. The added value of this involvement is perhaps questionable, suggesting that a more sensible seaward boundary of a Park is a maximum of 6nm. This issue is discussed further in the next section.
- 26 Irrespective of its seaward boundary, the area of any coastal and marine National Park will overlap with one or more of the new inshore fisheries groups. The clear view emerging from the Scottish Executive and fishing interests is that these should continue to be the main vehicle for the planning and management of fisheries within the Park area. SNH supports this view, provided the inshore fisheries groups prove effective in delivering better management arrangements in practice and work to actively support the implementation of the Park Plan.
- 27 A Park Authority could provide direct support to the work of the inshore fisheries groups within its area, for example by funding the necessary research or monitoring, or demonstration projects and initiatives. Through the Park Plan, it could also add value to the work of these groups by bringing

together the management of fishing activity with other marine and coastal activities. The option of formally incorporating the inshore fisheries groups in to the structure of the Park (for example, through the creation of a formal advisory group or a subject based forum) should also be considered, though this will very much depend on the area of the Park and the nature of the inshore fisheries group/s within it. As a minimum, a Park could provide administrative support to the group or groups in its area.

### *Aquaculture*

- 28 Any coastal and marine National Park located on the west coast, or the Northern and Western Isles, is very likely to contain some form of marine aquaculture. Policy and practice in this sector is currently changing as a result of the *Strategic Framework for Scottish Aquaculture*, published by the Scottish Executive in March 2003. Under the Water and Environment and Water Services (Scotland) Act 2003, planning control of fish-farms will transfer to local planning authorities in 2006, and a statutory instrument to implement the detailed arrangements is currently awaited. To guide future development, local planning authorities have been strongly encouraged to prepare local aquaculture framework plans for their area. A number of other bodies are also involved in the aquaculture consents process, including The Crown Estate, SEPA, SNH, the Scottish Executive and local planning authorities.
- 29 Given the forthcoming extension of planning controls to marine aquaculture development, it may make sense for the Park Authority to assume the planning function for this activity - even if it does not for other developments. Again, much will depend on the area chosen and, in particular, the relationship between the Park area and the local authority area and the extent to which aquaculture development exists in both. If the Park Authority does not subsume the planning function for aquaculture, possible options include the following.
- a) The local authority and existing regulators would continue to manage aquaculture in the Park, but be guided by the Park Plan and local frameworks for aquaculture prepared by the local authority and endorsed by the Park Authority; or
  - b) As a) above, but with the Park Authority preparing the local frameworks for aquaculture jointly with the local authority; or
  - c) As b) above, but with the Park Authority also becoming a statutory consultee to the local authority on casework.
- 30 Option c) has the potential to add to the complexity of current arrangements and on that basis could be set aside. Options a) and b) seek to avoid additional complexity in the handling of aquaculture case work by limiting the Park's role to setting the wider strategic framework for aquaculture. Option a) is the minimal approach but requires the local authority, The Crown Estate, the other regulating bodies and the industry to actively manage aquaculture developments in accordance with the Park Plan. Option b) provides for an extended formal role for the National Park Authority in the development of

local framework for aquaculture. Both of these options could be augmented by a call-in power for the Park Authority for aquaculture development.

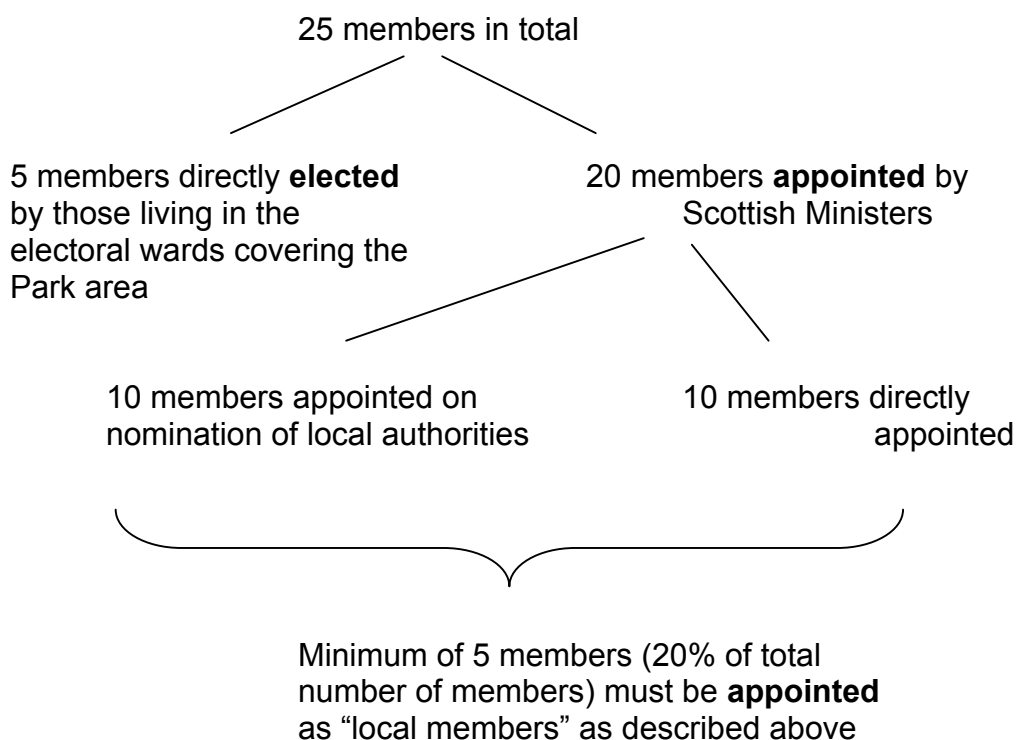
- 31 In addition to these formal arrangements, a Park Authority could bring together those involved in the planning and management of the sector in an advisory group or forum, or could look to support the work of the local management group or groups in its area. As with any of the options discussed above, how this would work in practice could only be considered once the Park area had been identified.

### Governance of the Park

- 32 The Board of the National Park Authority is the principal decision-making body of the National Park Authority and directly accountable to Scottish Ministers for its actions. The National Parks (Scotland) Act 2000 sets two main rules in relation to this Board. First, it can be no larger than 25 members in size. Second, Ministers can only reserve places on the Board for a number of nominees from local authorities. All other places on the Board must therefore be filled by competition under Nolan rules or by direct election. The detailed arrangements for the composition of the Park Board are contained in Schedule 1 of the Act, though these can be substantially amended by Section 31 of this Act in relation to coastal and marine areas.

#### *The Current Approach*

- 33 The composition of the Boards of Loch Lomond & the Trossachs and the Cairngorms National Parks is the same. These arrangements are complex but can be illustrated as follows.



- 34 These arrangements effectively guarantee that 15 members will either live within the area or represent the people within the Park or local authority area/s that the Park lies within. In practice, representation on both Boards from people who live or work in these areas is greater than this. The Board of the Cairngorms National Parks currently has 22 of its 25 members based within or very close to the Park. The benefits of this approach are clear as people with both local interest and knowledge are seen to offer direct local accountability. The national interest in National Parks is also of course important, but in addition to Board membership this can be achieved through the role of the Minister in setting budgets through grant-in aid and by approval of the Park Plan.

#### *Specific considerations for coastal and marine National Parks*

- 35 Implicit in these existing Board arrangements is the recognition of the need to have strong local representation on a Park Authority. This principle applies equally to a coastal and marine National Park and should underpin the approach to its governance. At the same time, such a Park is likely to face a number of different governance issues depending on its location.
- *Size of population* The possible areas for a National Park considered in Section 4 have very different populations, ranging from between 1,800 to 45,000 depending on the precise area selected. This compares to the populations of between 16,000 and 23,000 for the existing Parks. The principle of direct elections for coastal and marine National Parks remains highly relevant, though practical difficulties in undertaking them for smaller, more dispersed or very unevenly distributed populations will need to be addressed.
  - *Number of local authorities.* Scotland's current Parks each cover four local authority areas. The number of local authorities covering the possible areas considered in section 4 varies but ranges between one and five depending on the area selected. For a coastal and marine National Park which only covers part of one local authority area, the share of local authority nominations to the Board could be reduced, and other means of ensuring effective local representation strengthened. Alternatively, as the local authority represents many of the coastal communities which draw their livelihoods from the Park area through fishing, farming, crofting and tourism, it could be required to specifically nominate individuals with expertise and experience in these areas in addition to councillors.
  - *Range of relevant experience and expertise.* With the exception of the local authorities, no stakeholder interests are specifically allocated places on the Board. Scottish Ministers can seek to use their appointments to ensure that the Park Authority includes a range of relevant expertise and experience. This range of relevant experience and expertise is a key issue for the reporter to consider as part of the statutory designation process, but the preliminary review set out below suggests that a much wider range of expertise will be required by a coastal and marine National Park Authority. Given the importance of inshore fisheries management,

aquaculture and maritime shipping/ports and harbours within a coastal and marine National Park, special care will be needed to ensure that the Park Board can draw on a range of experience and expertise in these areas.

<b>Park Aim</b>	<b>Relevant experience and expertise in existing Parks</b>	<b>Relevance to Proposed Coastal and Marine NP?</b>	<b>Other experience and expertise and interests likely to be relevant</b>
Natural and Cultural Heritage	Biodiversity	Y	<ul style="list-style-type: none"> <li>coastal and marine science</li> </ul>
	earth heritage	Y	
	Landscape	Y	
	built heritage and archaeology	Y	
	local history, language and culture	Y	
Sustainable use	water and wood land management	Possibly	<ul style="list-style-type: none"> <li>inshore fisheries</li> <li>aquaculture</li> <li>energy development (including renewables)</li> <li>maritime shipping</li> </ul>
	food and timber production	Possibly	
	field sports	Possibly	
	fisheries management	Y	
Enjoyment and Understanding	informal recreation and access	Y	
	Sport	Y	
	environmental education	Y	
Sustainable Economic Development	Tourism	Y	<ul style="list-style-type: none"> <li>port and harbour authorities</li> <li>minerals</li> </ul>
	commerce and business	Y	
	community development	Y	
	planning and development	Y	

- Wider involvement of stakeholder interests** Each Park Authority can also establish a number of fora, advisory groups and sub-committees to ensure greater involvement of stakeholders in specific issues. The statutory requirements for involvement and consultation in the preparation of the Park Plan provide a further opportunity for this. Within a coastal and marine National Park, these approaches will be particularly important in ensuring that the wide range of stakeholders - including those who gain their livelihood from the area but who do not necessarily live in it - can contribute to the planning and management of

the area. They will also be important in ensuring the close involvement of staff from a number of key statutory agencies at both the Scottish and UK level, including SEPA, SNH, The Crown Estate, Defence Estates, the Maritime and Coastguard Agency (MCA) and SFPA.

### *Emerging Principles and Practice*

36 The governance arrangements for the Park Authority can only be considered once a more specific area is identified. However, SNH considers that the following principles should underpin the approach to governance in a coastal and marine National Park.

- The board should comprise direct local representatives; local authority nominations and national appointments.
- A clear majority of individuals on the Board should live or work within the Park area or represent those who do.
- National appointments should be selected on the basis of relevant experience and expertise rather than because they represent specific interest groups.
- The formal arrangements for the governance of a Park should be complemented by a number of fora, advisory groups and sub-committees reporting to the Park Authority and advising on specific issues, topics or areas.
- There should be a strong commitment by the Park to build up capacity for local communities and other stakeholders to engage actively in the planning and management of the area.

37 At the same time, a coastal and marine National Park throws up a number of challenges for governance. These could be addressed as follows.

- Within a coastal and marine National Park, there may be particular issues surrounding the viability of direct elections and alternative approaches may need to be found to ensure direct representation. For larger islands, the use of ward councillors may be a more viable option.
- A Board will need to draw on a wider range of experience and expertise in planning and managing coastal and marine areas. To ensure this is possible, the balance between local authority nominations and Scottish Ministerial appointments may need to be considered further, particularly if a Park is proposed within a single local authority area. Alternatively, local authorities could be encouraged to nominate people living with the area with relevant expertise and experience but who are not necessarily elected councillors.
- It will be particularly important for a Park Board to include expertise and experience on inshore fisheries management, aquaculture and maritime shipping/ports.
- Finally, the role and composition of advisory groups and committees needs to be explored to ensure that those working in the area but who do

not live in it have an effective input to the planning and management of the Park. The remit and membership of existing working groups or consultative fora may also need adjusting to minimise duplication of effort.

The principles of representation outlined above suggest that a maximum size of Board is likely to be required for some of the areas being considered, though there may also be some opportunity to reduce it in others depending on the powers and functions of the Park.

## Possible Running Costs

- 38 At this stage in the development of the proposals, it is difficult to quantify the likely running costs of a Park as this will depend on the area chosen, the specific powers and functions of the Park Authority and its governance arrangements. Nevertheless some of basic costs can be identified from the experience of the first two National Parks from 2004/05.

	Loch Lomond & the Trossachs	Cairngorms
<b>Staffing (FTE equivalents)</b>		
planning function	16	7.5
total staff	110.8	45
<b>Key running costs (£million)</b>		
Board	0.25	0.24
Core	5.73	2.14
Programme	0.89	0.94
Total	6.84	3.36

- 39 Within a coastal and marine National Park, we could expect relatively higher costs to be associated with research, survey and monitoring, together with related equipment. Additional spending would be also be required to support a marine ranger service, one or more dedicated boats, and some of the marine programme and capital costs. Experience from SNH, SEPA, SFPA and the MCA will be most relevant here.
- 40 None of this suggests that a coastal and marine National Park would have higher running costs than the first two Parks. Indeed, because of the lower staff numbers likely to be involved running costs could be lower. In line with the 'Efficient Government' and 'On the Ground' Government initiatives, there is also considerable scope for a Park to share corporate functions with other public agencies, thus reducing costs further. Authorities in new Parks should be encouraged explicitly to share support services with existing organisations.

**Table 1 Overview of main activities and regulators in the marine and coastal environment**

Issue or Activity	Regulator/s	Relevant legislation	Possible approaches to the powers and functions of a coastal and marine National Park *		
			NPA as planner, enabler, manager and regulator		
			NPA as planner, enabler and manager		
			NPA as planner and enabler		
Natural heritage	SEERAD, SNH, local authorities and public bodies	Habitats/Birds Directives Wildlife & Countryside Act 1981 Nature Conservation Scotland Act 2004	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Support to local biodiversity group</li> <li>Prepare NSA management strategies</li> </ul>	<ul style="list-style-type: none"> <li>Marine byelaw making powers from WCA Act 1981</li> <li>Use of byelaws and management agreements</li> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Land management order powers (from NCA 2003)</li> </ul>
Cultural heritage	Historic Scotland	Ancient Monuments & Archaeological Areas Act 1979 Protection of Wrecks Act 1973 War Graves	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Use of byelaws and management rules</li> <li>Statutory consultee</li> </ul>	
Access, recreation and tourism	SEERAD, local authorities, SNH, MCA	Bathing Water Directive Countryside Acts Scotland 1967 & 1968 Civic Government (Scotland) Act 1982 (includes byelaw making powers) Land Reform (Scotland) Act 2003	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Support to local access forum</li> <li>Support for local ranger services</li> </ul>	<ul style="list-style-type: none"> <li>Provision of Park ranger service</li> <li>Use of byelaws and management rules</li> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Access Authority</li> </ul>
Inshore Fisheries (up to 6nm)	SEERAD, (SIFAG), FRS, SFPA	Inshore Fishing (Scotland) Act 1984 Sea Fisheries (Wildlife) Act 1992 Sea Fisheries (Shellfish Act) 1967 Sea Fisheries (Conservation) Act 1967 & 1992	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Support to non-statutory IFGs</li> <li>Support to regulating order organisations</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Powers to request regulating and several orders</li> </ul>
Aquaculture	Local Authorities, <i>The Crown Estate</i> , SEPA	Fisheries Act 1981 Control of Activities Regulations 2005 Coast Protection Act 1949 Food & Environment Protection Act 1985 Water Environment and Water Services (Scotland) Act 2003 EIA (fish farming in marine waters) Regulations	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Support for preparation of local aquaculture frameworks</li> <li>Support to Area Management Groups</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Full planning authority (once WEWS comes into play)</li> <li>Delegation of lease arrangements from <i>The Crown Estate</i></li> </ul>

Issue or Activity	Regulator/s	Relevant legislation	Possible approaches to the powers and functions of a coastal and marine National Park *		
			NPA as planner, enabler, manager and regulator		
			NPA as planner, enabler and manager		
			NPA as planner and enabler		
Offshore Renewables	DTI, SE	Electricity Act 2004 Coast Protection Act 1949 Food & Environment Protection Act 1985	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	
Oil & Gas	DTI, SE	Petroleum Act 1998 & Regulations Coast Protection Act 1949 Food & Environment Protection Act 1985 EIA/SEA regulations	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	
Shipping & transport (ferries)	DfT SE MCA	IMO regulations Merchant Shipping & Maritime Security Act 1997 Merchant Shipping Act 1995	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	
Submarine cables & pipelines	<i>The Crown Estate</i> SEERAD (FRS)	Lease arrangements Food & Environment Protection Act 1985 Coast Protection Act 1949 Petroleum Act 1998 & Regulations	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Delegation of lease arrangements from <i>The Crown Estate</i></li> </ul>
Moorings	<i>The Crown Estate</i>	Lease arrangements Coast Protection Act 1949	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Delegation of lease arrangements from <i>The Crown Estate</i></li> </ul>
Aggregate extraction & dredging	<i>The Crown Estate</i> SEERAD, SEDD Ports Division	Coast Protection Act 1949 Government View Procedures Possibly FEPA pt II (1985) in some cases	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	
Military activities	MOD	Land Powers (Defence) Act 1958 Military Lands Act 1990	<ul style="list-style-type: none"> <li>Address issues though Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	

Issue or Activity	Regulator/s	Relevant legislation	Possible approaches to the powers and functions of a coastal and marine National Park *		
			NPA as planner, enabler, manager and regulator		
			NPA as planner, enabler and manager		
			NPA as planner and enabler		
Discharges & disposals	SEPA SEERAD (FRS)	Controlled Activities Regulations 2005 Food & Environment Protection Act 1985 Part II (Deposits in Sea) Bathing Waters (Classification) (Scotland) Regulations 1991 Urban Waste Water Treatment (Scotland) Regulations 1994 Shellfish Water (Classification) (Scotland) Regulations 1997	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	
Ports & harbours	Harbour & port authorities	Harbours Act 1964 (including Harbour Empowerment and Harbour Revision orders) Harbour Works (EIA) Regulations (as amended) 1999 Coast Protection Act 1949	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Port or Harbour Authority powers</li> </ul>
Coastal development	Local authorities, SEED, SEERAD, FRS	Town & Country Planning Act (Scotland) 1997 Food & Environment Protection Act 1985	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee (with call-in powers for NPA or SMs)</li> </ul>	<ul style="list-style-type: none"> <li>Full planning authority (development plan and development control)</li> </ul>
Coastal Defence and Coastal flood prevention	Local authorities SEERAD, SEPA	Coast Protection Act 1949 Flood Prevention Scotland Act 1961 Controlled Activity Regulations 2005	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> <li>Support to local flood prevention groups</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Coastal protection powers</li> </ul>
Beach cleaning	Local authorities, SEPA	Environment Protection Act 1990	<ul style="list-style-type: none"> <li>Address issues through Park Plan</li> </ul>	<ul style="list-style-type: none"> <li>Statutory consultee</li> </ul>	<ul style="list-style-type: none"> <li>Beach cleaning powers</li> </ul>

Works licensing scheme in Shetland & parts of Orkney apply to aquaculture, oil & gas, etc. UK bodies are indicated by italics. Separate legislation and regulations apply to offshore fisheries beyond 6nm.

In addition to the specific powers and functions suggested above, the National Parks (Scotland) Act 2000 also provides the Park Authority with a number of 'core' powers and functions. These include the ability to: employ staff; make charges; provide advice and assistance; undertake research; give grant; purchase and manage land; promote or oppose private legislation; make and enforce National Park bylaws; develop management rules; enter into contracts; carry on any business or undertaking; form or promote private companies and partnerships; and accept gifts or contributions etc.

\* These approaches to the powers and functions of a coastal and marine National Park Authority are described further in paragraphs 7-12 .

## **SECTION 4 – CONSIDERATION OF POSSIBLE LOCATIONS FOR COASTAL AND MARINE NATIONAL PARKS IN SCOTLAND**

*This section sets out SNH’s advice on possible locations for coastal and marine National Parks in Scotland.*

- 1 SNH was asked to make ‘recommendations on which area, or areas, Ministers should consider as the leading candidates for designation’. In developing this advice, the following factors were addressed.
  - No areas were initially ruled in or out – the whole of Scotland’s coastal and marine environment was considered.
  - The National Parks (Scotland) Act 2000 contains three ‘conditions’ for designation which need to be met, namely:
    - a) the area is of outstanding national importance for its natural heritage, or the combination of its natural and cultural heritage;
    - b) the area has a distinctive character and coherent identity; and
    - c) that designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.
  - Two specific factors were also highlighted by the Minister, namely:
    - that possible areas should be, or have potential to be, generally accessible to the population of Scotland; and
    - that designation of the area would make a significant contribution to the social and economic development of its communities.

There was no precedent for this analysis and it was necessary therefore to develop the methodology for the task. Because of the relatively short period of time available, the work was largely reliant on data that already existed. In addition it was recognised that some areas would be proposed by others and that it was important that these should be considered as part of the process.

- 2 The assessment framework needed to be as comprehensive as possible, taking account of all the factors above, and make the best use of the information that was available. Critically, the approach adopted needed to be seen as fair and transparent by stakeholders.

### **The Assessment Framework**

- 3 The assessment framework developed for this task comprised three separate stages, summarised in the table below. Feedback and information from stakeholders at the two national stakeholder seminars and from the meetings of the national stakeholder group have also contributed to this process. A summary of this material is presented in background paper E.

	Stage	Process	Outcomes	Completion
1	Identification of broad areas of search	A strategic assessment of Scotland's coastal and marine environment to identify extensive areas of outstanding national importance based on their importance for biodiversity, landscape, enjoyment and recreation and the cultural heritage.	Broad Areas of search	By mid Nov 2005
2	Generation of more specific proposals for areas	More specific proposals for possible areas were then generated drawing on the second 'condition' from the legislation. Key considerations were the coherence and collective identity of the area (defined in terms of social, economic, cultural and environmental characteristics <u>and</u> the commonality of relevant management issues), and the potential for a Park to manage it.	A long list of more specific proposals for areas	By mid Dec 2005
3	Assessment of, and reporting, on specific proposals for areas	Using a range of criteria drawn from the third 'condition' from the legislation, the possible areas generated at Stage 2 were evaluated to identify a relative ranking. Other proposals which have come forward from other stakeholders were also assessed. A particular focus at this stage was on the special needs that a Park designation could address and the added value that it could bring to the management of the area.	A short-list of more specific proposals for areas	By mid Feb 2006

### Stage 1 Methodology and key highlights

- 5 Stage 1 consisted of a strategic assessment of all of Scotland's coastal and marine environment in terms of its importance for natural heritage, historic environment and enjoyment and recreation. To allow for quick mapping of the available data, Scotland's coastal and marine environment was divided into 16 divisions, based on a previous analysis of coastal seascapes. A summary of the Stage 1 assessment is contained in background paper C, including details of the judgements required in applying the individual data sets

underpinning each of the themes, and also in bringing them together collectively to identify the broad areas of search. Throughout this exercise, the main limitation was the lack of consistent national data sets, particularly for the landscape, enjoyment and recreation and historic environment assessments. Historic Scotland also believed that the approach was less relevant to the cultural heritage because, in their view, the relative values of these interests cannot be used to differentiate between or rank different parts of Scotland.

- 6 The overall conclusions to stage 1 are presented below, and further detailed in Tables 2 and 3.

Definitely worth consideration at Stage2	Argyll Coast and the Islands Lochaber and Skye Western Isles
Probably worth consideration at Stage2	Solway Firth Firth of Clyde Northwest Coast North Coast Shetland Orkney Inner Moray Firth East Grampian Coast Firth of Tay Firth of Forth
Least likely to be worth consideration at Stage 2	North Moray Firth East Moray Firth Berwickshire

- 7 These conclusions differentiate between the three 'highest' and three 'lowest' ranking divisions, but also produce a long list of 'medium' ranking areas. Overall, the highest ranking areas are to the west, with the middle group more mixed and containing both islands groups and Firths. The lack of separation between the divisions overall is not unexpected given the natural heritage qualities of much of the Scottish coastline, although as a result the process had not narrowed down the areas of search that significantly at this stage.

## Stage 2 Methodology and key highlights

- 8 Stage 2 was concerned with the generation of more specific geographic proposals. It is focused on the second legislative condition concerning the coherence and collective identity of an area from a heritage and management perspective. Key criteria considered included the following:

What is the distinctive character of the area?	<ol style="list-style-type: none"> <li>1. landscape character, seascape and historic land-use and marine assessments</li> <li>2. historical and artistic associations</li> <li>3. local traditions and language</li> </ol>
--	--

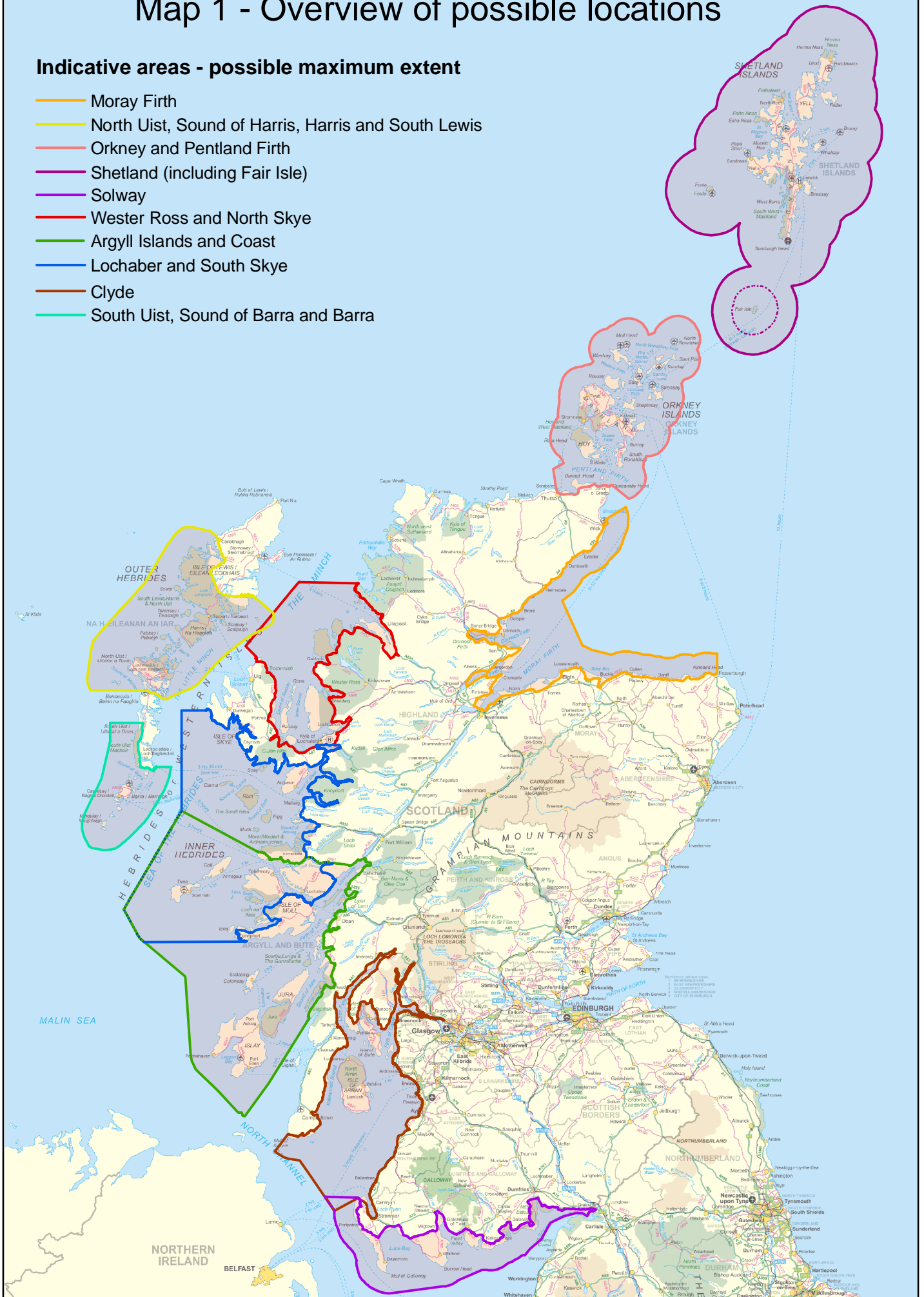
Does the area have a coherent identity?	<p>4. 'working' coastal and sea units e.g. Firths and larger scale marine processes</p> <p>5. administrative boundaries, community links, or 'building blocks'</p> <p>6. existing initiatives bringing together a range of partners in the area</p>
Can the area be effectively managed by a single Park authority?	<p>7. common range of activities and pressures throughout the area</p> <p>8. transport links within area</p> <p>9. scale of area proposed</p>

- 9 Bringing together data across this range of issues required judgement as well as analysis. This process was facilitated through a series of internal SNH meetings involving a range of relevant staff. The two national stakeholder seminars and discussion of papers at the national stakeholder group also provided further information and views to augment the internal analysis. Based on this work, an approximate delineation and naming of each of the possible areas was developed. A reassessment of the outstanding national natural heritage importance of these possible areas was also undertaken. This confirmed the stage 1 results, even where areas on this long-list were significantly different from the stage 1 divisions.
- 10 The long-list of the 10 possible areas which emerged from the Stage 2 exercise are illustrated in Map 1 and described further in Annex 1. More detailed area profiles for each of the areas on this long-list are also provided in background paper D. **The maps used to illustrate these areas are indicative only. No proposal for a coastal and marine National Park in these areas has been made, though this advice may be the basis for Ministers to do this. Local consultation will be an essential part of the next stage in the development of any such proposal, and these maps have only been prepared to facilitate this.**
- 11 International experience reviewed in background paper A suggests that larger areas are more suited to designation as Parks where wider aims and management have to accommodate a range of existing and future uses. The geographic coherence of the coastal management unit and the ease with which it is possible for a single Park Authority to manage an area, are also significant considerations. Taking into account these factors, the areas identified at Stage 2 were generally between 3,000 and 9,000 km<sup>2</sup> in extent. Where in this range an area fell depended on the geography of the coast and also the extent of the seaward element of the Park – for example the indicative area suggested for Shetland extends to nearly 14,000 km<sup>2</sup> if the seaward boundary extends to 12nm. These sizes compares with the current Cairngorms National Park area of 3,700 km<sup>2</sup>, the largest marine Natura 2000 site of 1510 km<sup>2</sup>, and the largest coastal NSA area of 1453 km<sup>2</sup>.
- 12 Identification of discrete areas along the West coast between Wester Ross and Kintyre has proved particularly problematic, though Ardnamurchan point and Skye provide possible cartographic break-points. Equally, it has been difficult to develop specific proposals for individual parts of Shetland and, to a

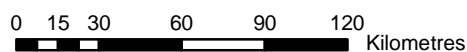
# Map 1 - Overview of possible locations

## Indicative areas - possible maximum extent

- Moray Firth
- North Uist, Sound of Harris, Harris and South Lewis
- Orkney and Pentland Firth
- Shetland (including Fair Isle)
- Solway
- Wester Ross and North Skye
- Argyll Islands and Coast
- Lochaber and South Skye
- Clyde
- South Uist, Sound of Barra and Barra



© Crown copyright 2006. All rights reserved. Scottish Natural Heritage 100017908 (2006)



lesser extent, Orkney. Much larger areas, such as the Minch, were not considered to be as appropriate for the Scottish Park model, with their management needs better addressed at the national level. It was also concluded that due to the more developed and intensive land and shipping use of much of the east mainland coast, there are no really viable areas of any suitable scale for a National Park based on current expectations and legislation. Other smaller discrete areas were also excluded. The exception to this is Fair Isle, which is only potentially 560km<sup>2</sup> in size, but which was assessed at Stage 3 because of the long-standing support for a Park by the local community.

### *Area and Boundary considerations*

- 13 Further work will be needed to refine these possible areas and to consider in more detail the possible extent of their seaward and terrestrial area and specific boundary. Inland boundary considerations should also be subject to detailed consultation at the local level with communities and land managers.
- 14 Within the existing legislative framework, the 6nm (from baseline) boundary for inshore fisheries management is perhaps the maximum that a Scottish Park should extend to at present and in places there may be case for less than this. A specific challenge is presented in the Minch where the marine area of any Park is contained partially or totally within the baseline. For the purposes of broadly defining the possible areas, a pragmatic approach involving mid-points and set distances was chosen, though this could be augmented by other approaches. To ensure that a Park does not divide important marine features, a more detailed benthic survey may also be required.
- 15 Defining the terrestrial extent of Park has been particularly challenging, and a mixture of approaches has been used. The maritime focus of a coastal and marine National Park means that its inland boundary may be drawn relatively tightly in places. Along developed coasts and industrial areas and major ports and harbours, a boundary at MLWS or even further out may be considered appropriate. Elsewhere, coastal habitats and landscapes with a strong coastal character have generally been included, though more detailed survey may be needed to determine the precise location and extent of these. As a result, islands and peninsulas are likely to be included within a coastal and marine National Park, together with relevant parts of coastal NSAs. Coastal communities closely linked to the sea should generally also be included, though they may be a case for excluding larger settlements provided that any gateway role they play is recognised in planning their future development.
- 16 Even with these general principles, it is not certain how far inland a Park should extend to ensure effective management of the coastal zone. This uncertainty applies equally to larger islands and the mainland. At this early stage in the development of possible proposals, we have therefore looked to simply define the inland extent of the indicative areas using a pragmatic approach based on MLWS, MHWS, coastal roads and the inland boundaries of NSAs. We recognise that the use of these features does not relate to

identifiable community demarcations in some places, and further debate is needed locally on whether these areas should all be included or excluded from the Park. Further detailed assessment is also needed on the merits of these features to define the inland extent of a Park area, or whether other features such as the watershed should be used. There is also a case for considering to what extent more extensive areas of outstanding natural heritage significance, which are contiguous to the coast but which are not strongly coastal in character throughout, should be included. NSAs may not be a good guide to this, given the maritime focus of a coastal and marine National Park.

### Stage 3 Methodology and key highlights

17 Stage 3 was concerned with the evaluation of the strengths and weaknesses of the case for National Park status of each of the long list of possible areas identified at Stage 2. The focus here was on the third legislative condition, which addresses the special needs of the area, and the Minister's requirements to consider the added value of a National Park, its accessibility and social and economic benefit. The criteria proposed for this stage are detailed in Table 4.

18 The use of these criteria relied on SNH expertise and experience of the areas on the long-list and also:

- a summary of the stage 1 assessment (biodiversity overview and area summaries, accounts of the landscape, enjoyment and recreation, historic environment assessments)
- a summary of the stage 2 assessment (detailed area profiles from SNH area teams, plus summaries of discussions from SNH specialist groups);
- social and economic data extracted from the *Scottish Coastal Social and Economic Scoping Study* (Scottish Executive, 2002); and
- a review by Historic Scotland of the historic environment interests of the divisions used during stage 1

While it may have been helpful in confirming some of the judgements made at this stage, SNH has not undertaken a more detailed evaluation of the social and economic profiles of these possible areas. The challenges in such an evaluation across all the proposed areas on the long-list are not to be underestimated but that is something that could be considered in taking forward specific proposals for one or more of them.

19 The results of this assessment are detailed in Tables 5 and 6, with a short-list emerging of the following areas:

- **Solway;**
- **Argyll Islands and Coast;**
- **Ardnamurchan, Small Isles and the South Skye Coast;**
- **Wester Ross and North Skye Coast; and**
- **North Uist, Sound of Harris, Harris and South Lewis.**

Each of these areas has a different balance of strengths and weaknesses, though at present it would seem that the strongest all round case is for the Argyll Islands and Coast area and the Ardnamurchan, Small Isles and South Skye Coast area. A combination of these two areas (for example taking in Mull, Coll, Tiree, the Sound of Mull, Ardnamurchan, the Small Isles and the South Skye Coast) would also be a strong candidate, spanning two local authorities but with less obvious administrative coherence as an area.

- 20 There is not much to choose between four of these five areas in terms of their overall accessibility, though clearly the North Uist, Sound of Harris, Harris and South Lewis area is notably weakest in this respect. Of the other areas, the Argyll Islands and Coast area is closest to the central belt in terms of travelling time by road. Along with the Ardnamurchan, Small Isles and South Skye Coast area and the North Skye and Wester Ross area, it also has a train link. The Solway Firth is well served by the M74 and A75. It is also accessible to the large population centres of Northern England.
- 21 The Solway and North Uist, Sound of Harris, Harris and South Lewis are perhaps the areas which have the greatest potential for delivering social and economic benefit for their areas.
- 22 The long-list areas which did not make the short-list are clearly of national importance for their natural and cultural heritage interests and there may be merit in further assessment being undertaken for part or all of these areas. From the preliminary work SNH has now undertaken it can be concluded that these are not the strongest areas to consider for National Park status at present.
- 23 Both the Clyde and Moray Firths did well in the stage 3 assessment, in part because of the range and intensity of activities in these heavily populated areas and because of their accessibility to large population centres. On balance though it was considered that these areas were of overall lower quality in terms of their natural heritage than the other leading areas, and their designation as a National Park would be less appropriate. This is not to say that parts of these areas do not merit improved and more integrated management which focused on their outstanding natural heritage and recreational qualities. The existing coastal partnerships that are in place may provide the basis for this to be explored further, particularly if these were given security of funding and increased status as the mechanism for integrated coastal zone planning. Where there is local support, consideration of other approaches, including coastal Regional Parks, could also be considered.
- 24 Like the Western Isles, Shetland and Orkney were both considered to be relatively remote areas for a coastal and marine National Park. While significant challenges in the planning and management of the coastal and marine environment of these areas exist, the extent to which a Park would add to them was less clear, particularly for Shetland which benefits from existing legislative and administrative provisions. The social and economic

data we used also suggest that these island groups are not as fragile overall, or in need of additional support, as some of the other areas being considered. A Park covering either of these areas could be attractive and would bring economic benefit to these locations, though it does not emerge from the current work as being a priority.

- 25 The local enthusiasm on Fair Isle for a Park has been very evident during the development of these proposals. The work involved in this assessment has not considered other areas of such small scale, largely because the Scottish model of National Parks is less well suited to them. The additional requirements for planning and for a Park Board seem more suited to areas with more significant issues and opportunities. As a result, Fair Isle did not emerge from this process as a strong candidate. This does not mean to say that the conservation management of Fair Isle and its inshore waters could not be improved, or is not deserving of greater effort, only that the current Park model is not likely to be the best or most appropriate mechanism.
- 26 In this, Fair Isle is similar to a number of other much small areas of island and sea, such as Arran, Loch Torridon, the Treshnish-Staffa-Ulva 'Archipelago' and the islands of the Forth. Rather than a National Park, we consider such places could merit further consideration as a new form of locally-led management initiative. For areas of high biodiversity importance, a marine reserve could also be explored. Management of these areas would address conservation, enjoyment and community development aims, and perhaps deliver the local management of fishing activity. The scope for the existing legislation to deliver such an approach would need further exploration, though the establishment of the inshore fisheries groups as part of the Inshore Fisheries Strategy may alleviate some of the previous difficulties encountered.

**Table 2 Overall Conclusions from the Stage1 Assessment – the broad areas of search**

Overall	Biodiversity and landscape only (all sub-themes)	Biodiversity and Landscape only (by theme)	All themes	All sub-themes	Overall
High	14. <i>Argyll Coast &amp; Islands</i> 13. Lochaber and Skye 11. <i>Western Isles</i> 9. Shetland 6. Inner Moray Firth	14. <i>Argyll Coast &amp; Islands</i> 11. <i>Western Isles</i> 9. Shetland	15 Firth Of Clyde & W Kintyre 14. Argyll Coast & Islands 13 Lochaber and Skye 11 Western Isles 4. East Grampian Coast	14. <i>Argyll Coast and the Islands</i> 13. Lochaber and Skye 11. <i>Western Isles</i> 6. Inner Moray Firth	14. Argyll Coast and the Islands 13. Lochaber and Skye 11. <i>Western Isles</i>
Med-ium	16. Solway Firth 8. Orkney 5. East Moray Firth 4. East Grampian coast 3. Firth of Tay 1. Berwickshire	16. Solway Firth 15. Firth of Clyde & W Kintyre 13. Lochaber and Skye 12. North West Coast 6. Inner Moray Firth 4. East Grampian coast 1. Berwickshire	16 Solway Firth 12 Northwest Coast 10. North Coast 9 <i>Shetland</i> 8 <i>Orkney</i> 6. Inner Moray Firth 3 <i>Firth of Tay</i> 2 <i>Firth Of Forth</i>	16. <i>Solway Firth</i> 15. Firth of Clyde 4. East Grampian Coast 9. Shetland 8. Orkney 3. Firth of Tay 2. Firth of Forth	16. <i>Solway Firth</i> 15. Firth of Clyde 12. Northwest Coast 10. North Coast 9. Shetland 8. Orkney 6. Inner Moray Firth 4. East Grampian Coast 3. Firth of Tay 2. Firth of Forth
Low	15. Firth of Clyde and W Kintrye 12. North West Coast 10. North Coast 7. <i>North Moray Firth</i> 2. Firth of Forth	10. North Coast 8. Orkney 7. North Moray Firth 5. East Moray Firth 3. Firth of Tay 2. Firth of Forth	7. North Moray Firth 5. East Moray Firth 1. Berwickshire	12. Northwest Coast 10. North Coast 7. <i>North Moray Firth</i> 5. East Moray Firth 1. Berwickshire	7. <i>North Moray Firth</i> 5. East Moray Firth 1. Berwickshire

Notes:

Italicised text indicates areas that are consistently rated whichever way the assessments are combined

An overall ranking for each division was developed in two ways – at the theme level and sub-theme level. The four themes were biodiversity (including earth heritage); landscape, enjoyment and recreation and cultural heritage. There were 9, 2, 2, and 1 sub-themes respectively for each of these themes. Bringing themes together on a sub-theme basis therefore gave greater weight to the biodiversity theme.

**Table 3 Overall Conclusions from Stage 2 – the long-list of possible areas**

Stage 1 Divisions	Emerging Conclusions from Stage 1	Key points from Stage 2 discussion	Options for the Stage 3 long list
Solway	Medium	<p>Solway Firth Partnership area unlikely to be suitable because of the Scottish-English border – a core area therefore emerges which is focused on the Galloway Coast</p> <p>Inland boundary could include the NSAs</p>	<p>1. <b>Solway Coast:</b> Mull of Galloway to Southernness point, with possible extensions westwards to Corsewall point near Loch Ryan and eastwards to Gretna</p>
Firth of Clyde and West Kintrye	Medium	<p>Clyde Forum area the logical starting point for debate, but potentially a big area.</p> <p>Very difficult in this area to draw meaningful coastal boundaries – both on Arran but also for the more developed coastlines and sealochs.</p> <p>Is the proposed area as a whole of sufficient natural heritage quality compared to other areas on the long-list?</p> <p>Potential proximity to existing National Park needs further consideration</p>	<p>2. <b>Clyde:</b> Clyde estuary (from Toward Point to Wemyss Bay outwards to Johnstone’s point to Bennane Head – including Ailsa Craig, Arran and Kilbrannan Sound), with possible extensions to the inner Clyde, Loch Fyne, and out to the Mull of Kintyre to Corsewall point</p>
Argyll Coast and Islands	High	<p>Two different core areas identified – Mull, Coll and Tiree and the North Argyll Coast south of Oban – both of which could be linked by the Firth of Lorne.</p> <p>A key issue in the geography of any area is the potential inclusion of all or part of Mull. If the Sound of Mull was included, there is perhaps a stronger case for extending this core area northwards rather than further southwards?</p>	<p>3. <b>Argyll Islands and Coast</b> Coll, Tiree, West and South and West Mull, Firth of Lorn, Seil to Loch Caolisport, Jura and Islay, with possible extensions northwards to include the sound of Mull, Loch Sunart and Ardnamurchan point.</p> <p>4. <b>Argyll Islands, Lochaber and South Skye</b> Coll, Tiree, Mull, Sound of Mull and Ardnamurchan, with possible extensions to the Small Isles, the Sound of Sleat, and the South Skye coast.</p>

Lochaber and Skye	Medium	Two core areas identified to the north and south of this division, with several possible extensions. Again, a key issue in the geography of any area is the potential inclusion of all or part of Skye.  There is a strong case for a possible area linking the northern part of this division with the North West Coast division.	5. <b>Lochaber and South Skye Coast:</b> Ardnamurchan, Small Isles, the Sound of Sleat, and the South Skye coast, with possible extensions northwards taking in Knoydart and Loch Alsh and southwards to Loch Sunart and the Sound of Mull.  6. <b>Wester Ross and North Skye Coast:</b> Wester Ross, the Summer Isles, with possible extensions southwards to Applecross, Raasay and South Skye Coast, and northwards to Scourie Bay.
Western Isles	High	Two very different core areas identified. Parts of both are relatively accessible for the Western Isles.	7. <b>North Uist, Sound of Harris, Harris and South Lewis:</b> North Uist, Loch Maddy and the Monarch Isles, Sound of Harris, Harris and South Lewis with possible extensions to take in the Shiant Isles.  8. <b>South Uist, Sound of Barra and Barra</b> Sound of Barra, south west coast of South Uist, Barra and the islands to the south
Northwest Coast	Medium	Analysis suggests that it is difficult to identify a specific part of this area, but there is a case for an area combining the southern part of this area with the Lochaber and Skye area (see above)	
North Coast	Medium	Analysis suggests that it is difficult to identify a specific area of sufficient size. A larger area could take in the Pentland Firth, Orkney and part of the north Caithness coastline	9. <b>Orkney and Pentland Firth</b>
Orkney	Medium	North Islands or Scapa Flow - Hoy – South Ronaldsay area (linking to North Coast division) seem strongest options, but analysis underlines the difficulty in identifying a discrete part of Orkney . The latter area is also constrained by port and industrial developments.	10. <b>Orkney</b>
Shetland	Medium	With exception of Fair Isle, the analysis underlines the difficulty in identifying a discrete part of the Shetland.	11. <b>Fair Isle</b> 12. <b>Fair Isle and all of Shetland</b>
North Moray Firth	Low	Some combination of these three areas suggested.	13. <b>Moray Firth</b>
Inner Moray Firth	Medium	Is the area as a whole of sufficient natural heritage	

East Moray Firth	Low	quality compared to other areas on the long-list? To address this, there is perhaps scope for considering an area including inner Moray Firth and east Moray Firth area – though this would divide the firth.	<b>14. Inner and east Coast Moray Firth area</b>
East Grampian Coast	Medium	There are several small core areas on this coastline of high heritage and recreational value (e.g. East Neuk of Fife, East Lothian and Berwickshire Coast, St Cyrus etc) but analysis suggests that it is difficult to identify a specific area of sufficient size and coherence given the extent of port and industrial development along parts of this coast.	
Firth of Tay	Medium		
Firth of Forth	Medium		
Berwickshire	Low		

**Table 4 - Stage 3 criteria**

Key components of assessment	Suggested criteria	Explanation
Are the threats to the natural, cultural heritage and recreational qualities of the area, or opportunities for their enhancement, sufficient to merit national effort and enhanced resources?	1. Extent of threat to the natural or cultural heritage of the area	Combination of criteria 2 and 3.
	2. The scale and significance of recreational and visitor pressures	Overall numbers of visitors and recreational activities. Signs of pressure from path erosion, overcrowding, and boat and traffic congestion etc.
	3. The scale and significance of coastal development and land/sea uses activities	Types, extent, coverage and intensity of activities in the area – fishing, aquaculture, shipping, renewables, coastal development etc.
	4. The potential for enhancing the natural or cultural heritage of the area	Protecting key marine interests; increasing fish stocks; scope of positive landscape and seascape management; managing soft coasts
	5. The potential for enhancing outdoor recreation and the enjoyment of the natural and cultural heritage of the area	Nature and capacity of natural and cultural resources; extent to which they are being used to capacity at present; extent to which projects and initiatives could provide greater access to them
Does the management of the natural resources of the area require the more integrated and specialised approach of a National Park?	6. The significance of the conflicts and other interactions between different land and sea-uses, between land/sea management activities and recreation use, and between different recreational uses	Combination of criteria 1, 2, 3, 4 and 5
	7. The extent to which the more integrated approach of a Park provide for better management of the area than any existing geographic, sectoral or voluntary approaches in place	Number and scope of existing mechanisms in the area (degree of integration; permanence; and geographic coverage); and the potential for a Park to enhance these
Are they likely to be specific social and economic benefits for the area of designation as a National Park?	8. The extent to which the local economy is dependent on the sustainable use of its natural resources, and the natural and cultural heritage of the area	Proportion of workforce employed in agriculture, forestry, fisheries and tourism. Existence of traditional fishing and land-use practices
	9. The potential of a Park to contribute significantly to the social and economic development of the communities of the area	Relative fragility of area – population loss; economic decline; employment profiles in key sectors – and whether a Park could make a significant contribution to the local economy

How accessible is the proposed area?	10. The accessibility of the area from the rest of Scotland, the UK and elsewhere	<p>High accessibility: within reach for a day trip and back by car from main population centres in central belt, or accessible within a short day (circa 5 hrs) by public transport.</p> <p>Medium accessibility within reach by car or public transport within a short day (circa 5 hours).</p> <p>Low accessibility – within reach by car or public transport within a long day, likely to require multiple modes of transport or air travel.</p> <p>Significance of boat based travel to/from area</p>
	11. The accessibility of the key coastal and marine resources within area	Presence of coastal roads, footpaths, beaches and access points to the sea. Travel by boat within area. Scope for both popular and more specialist recreation.

**Table 5 Stage 3 scorings of each of the long-list of possible areas**

	Solway	Clyde	Argyll Coast and Islands	Argyll Coast and Islands – principal area only	Argyll Islands, Lochaber and South Skye	Lochaber and South Skye	Wester Ross and North Skye	North Uist, Sound of Harris, Harris and South Lewis	South Uist, Sound of Barra, Barra	Orkney and Pentland Firth	Fair Isle	Shetland	Moray Firth	East Moray Firth
1) Is the natural and cultural heritage under threat?	M	H	H	M	H	M	M	M	M	M	L	M	M	M
2) What is the scale/significance of recreational visitor pressures?	M	H	H	M	H	M	L	L	L	M	L	L	M	M
3) What is the scale/significance of development and land-sea use pressures?	M	H	H	H	H	M	M	M	M	M	L	M	H	H
4) What is the potential to enhance the natural and cultural heritage?	H	H	M	M	M	M	M	M	M	M	L	M	M	M
5) What is the potential to enhance enjoyment and recreation?	H	M	M	M	H	H	M	M	M	M	L	L	M	M
6) How significant are the conflicts and interactions between development and land-sea uses?	L	H	H	H	H	M	M	H	L	M	L	H	M	M

	Solway	Clyde	Argyll Coast and Islands	Argyll Coast and Islands – principal area only	Argyll Islands, Lochaber and South Skye	Lochaber and South Skye	Wester Ross and North Skye	North Uist, Sound of Harris, Harris and South Lewis	South Uist, Sound of Barra, Barra	Orkney and Pentland Firth	Fair Isle	Shetland	Moray Firth	East Moray Firth
7) To what extent would the more integrated approach of a Park provide for better management?	M	H	H	M	H	M	H	H	M	L	L	L	M	L
8) How dependent is the economy on the use of the natural resources and heritage of the area?	L	L	M	H	H	H	H	H	H	M	M	H	L	L
9) What is the potential for a Park to make a significant contribution to the development of the area?	H	L	M	M	M	M	M	H	H	M	L	M	M	L
10) How accessible is the area from the rest of Scotland, the UK and elsewhere?	M	H	M	L	M	M	M	L	L	L	L	L	M	M
11) How accessible are the key coastal and marine resources within the area?	M	M	M	M	M	M	L	M	L	M	L	M	H	H
Overall	23	27	27	24	28	24	23	24	20	20	12	20	23	21

Overall scoring based on 3 points for high, 2 points for M, 1 point for low.

**Table 6 Overall conclusions from Stage 3 – the short-list of possible areas**

	Strengths and Opportunities	Weaknesses and Threats	Conclusion
Solway	<ul style="list-style-type: none"> <li>• High quality natural and cultural heritage – probably the strongest of the firths overall</li> <li>• Accessible area, with good transport infrastructure and potential for developing opportunities for enjoyment and recreation</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> <li>• Considerable social and economic benefit for area</li> </ul>	<ul style="list-style-type: none"> <li>• As accessible to England as within Scotland</li> <li>• Added value of a NP would be in terms of developing potential rather than resolving current issues which are generally of lower order than in the other firths</li> </ul>	Short-list
Clyde	<ul style="list-style-type: none"> <li>• Some high quality areas of natural and cultural heritage</li> <li>• Very popular area for marine and coastal recreation</li> <li>• Very accessible area, with good transport infrastructure and a wide range of opportunities for enjoyment and recreation</li> <li>• Significant issues and opportunities in area - could benefit from better planning and management</li> </ul>	<ul style="list-style-type: none"> <li>• Concerns over natural heritage quality throughout management unit – particularly on the east;</li> <li>• Current recreational provision is good compared to some of the other areas</li> <li>• Less dependence of coastal communities on the use of the coastal and marine environment</li> <li>• Possibly less social and economic benefit than other areas</li> <li>• Very close proximity to Loch Lomond &amp; The Trossachs National Park</li> </ul>	
Argyll Coast and Islands	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage, particularly in the principal area</li> <li>• Very popular area for marine and coastal recreation</li> <li>• Accessible area, with wide range of opportunities for enjoyment and recreation</li> <li>• Significant issues and opportunities in larger area - could benefit from better planning and management</li> <li>• Some social and economic benefit for area overall</li> </ul>	<ul style="list-style-type: none"> <li>• Current recreational provision is good compared to some of the other areas</li> <li>• Visitor facilities and infrastructure already at or near capacity at peak times of year</li> <li>• Social and economic benefit greater in most remote part of area</li> </ul>	Short-list
Argyll Islands, Lochaber and South Skye Coast	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage</li> <li>• Popular area for marine and coastal recreation</li> <li>• Accessible area, with a range of opportunities for enjoyment and recreation</li> <li>• Significant issues and opportunities in area and covers 2 local authorities - could benefit from better planning and management</li> <li>• Considerable social and economic benefit for area</li> </ul>	<ul style="list-style-type: none"> <li>• Large area – may lack coherence</li> <li>• Current recreational provision is quite good compared to other areas</li> <li>• Some concern that increased visitors could detract from its special qualities</li> </ul>	Short-list

Lochaber South Skye Coast	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage</li> <li>• Popular area for marine and coastal recreation</li> <li>• Accessible area, with a range of opportunities for enjoyment and recreation</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> <li>• Considerable social and economic benefit for area</li> </ul>	<ul style="list-style-type: none"> <li>• Current recreational provision is quite good compared to other areas</li> <li>• Some concern that increased visitors could detract from its special qualities</li> </ul>	Short-list
Wester Ross and North Skye Coast	<ul style="list-style-type: none"> <li>• High quality natural heritage</li> <li>• Popular area for coastal recreation</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> <li>• Considerable social and economic benefit for area</li> </ul>	<ul style="list-style-type: none"> <li>• Less accessible area</li> <li>• Current recreational provision is quite good compared to other areas</li> </ul>	Short-list
North Uist, Sound of Harris, Harris and South Lewis	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> <li>• Significant social and economic benefits possible</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively inaccessible area</li> <li>• Marine recreation limited to more specialist activities</li> <li>• Visitor facilities and infrastructure limited</li> </ul>	Short-List
South Uist, Sound of Barra, Barra	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage</li> <li>• Significant social and economic benefits possible</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively inaccessible area</li> <li>• Marine recreation limited to more specialist activities</li> <li>• Visitor facilities and infrastructure limited</li> <li>• Less added value of the Park because of fewer issues and opportunities</li> </ul>	
Orkney and Pentland Firth	<ul style="list-style-type: none"> <li>• High quality natural and cultural heritage</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively inaccessible area</li> <li>• Less added value of the Park because of single local authority, with marine powers for part of its area</li> <li>• Less overall social and economic benefit than other areas</li> <li>• Larger area covering Pentland Firth raises some concerns over safety and also future offshore renewable energy development</li> </ul>	

Shetland	<ul style="list-style-type: none"> <li>• Very high quality natural and cultural heritage</li> <li>• Some important issues and opportunities in area – particularly within sheltered waters - which could benefit from better planning and management</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively inaccessible area</li> <li>• Less added value of the Park because of single local authority powers and other management arrangements</li> <li>• Less overall social and economic benefit than other areas</li> </ul>	
Fair Isle	<ul style="list-style-type: none"> <li>• High quality natural heritage</li> <li>• Supportive local community</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively inaccessible area</li> <li>• Less added value of the Park – fishing issues could be addressed in other ways</li> <li>• Less overall social and economic benefit than other areas</li> </ul>	
Moray Firth & Inner/East Moray Firth	<ul style="list-style-type: none"> <li>• Some areas of high quality natural and cultural heritage</li> <li>• Accessible area, with wide range of opportunities for enjoyment and recreation</li> <li>• Some issues and opportunities in area - could benefit from better planning and management</li> </ul>	<ul style="list-style-type: none"> <li>• Some concerns over natural heritage quality throughout management unit;</li> <li>• Less social and economic benefit than other areas</li> <li>• Natural heritage qualities are confined to a relatively narrow coastal strip.</li> </ul>	

## SECTION 5 – STAKEHOLDER VIEWS AND NEXT STEPS

*This section reports on the steps SNH took to ensure stakeholder involvement in the development of this advice. It also summarises the views expressed by stakeholders who commented, and makes suggestions for the next stage of consultation and policy development.*

- 1 In developing this advice, SNH was asked to work closely with a range of relevant stakeholders, including those from the business, community and environment sectors. We engaged these and other stakeholders in the following ways.
  - Writing to over 300 interested parties informing them of the scope of the task, the programme of work to be undertaken and inviting them to comment on the key issues and potential areas. This invitation to contribute resulted in over 60 written responses.
  - Preparing press briefings and articles for newsletters to increase awareness of our work and the opportunities for engagement.
  - Developing specific coastal and marine National Park pages on the SNH web-site, with key discussion papers, research findings and updates of progress posted on it, together with an opportunity to contribute via a message board. Over 40 individuals contributed to this, including many individuals - tourism operators, fishermen and farmers - from Mull and the wider Argyll area.
  - A stakeholder group of 25 organisations was established to facilitate consideration of key issues.

### Membership of the Coastal and Marine National Park Stakeholder Group

British Marine Federation Scotland, British Ports Association, COSLA, Crown Estate, Federation of Scottish Aquaculture Producers, FRS Marine Laboratory, HIE, Historic Scotland, Maritime and Coastguard Agency, MOD, Royal Yachting Association, Scallop Association, Scottish Enterprise Network, Scottish Environment Link (NTS, Ramblers Association and SWT), Scottish Coastal Forum, Scottish Fisherman's Federation, Scottish Renewables Forum, Scottish Rural Property & Business Association, Scottish Shellfish Growers Association, Scottish Sub-Aqua Club, SEPA, Sportscotland, VisitScotland and the Scottish Executive.

The group met four times and discussed papers on a number of topics, including the added value of National Parks, local community concerns over National Parks, powers and governance, fisheries management, aquaculture and the assessment process. It also received presentations from the chief officers of Loch Lomond & the Trossachs and the Cairngorms National Parks on lesson learned, from a board member

and land owner from the Cairngorms National Park on local community concerns and briefings on the work of the Firths Partnerships, the Scottish Sustainable Marine Environment Initiative (SSMEI) and the Scottish Inshore Fisheries Strategy. Meetings and papers for these meetings are available on the SNH website ([ww.snh.org](http://www.snh.org)).

- National seminars were held on the 30th November 2005 in Inverness and 8th December in Glasgow 2005 – nearly 150 people attended these two events from over 90 separate organisations.
  - Stakeholders requested a number of meetings both locally (Mull and Iona Community Trust, Fair Isle Community Partnership, Wester Ross Alliance, Shetland Isles Council, Western Isles Council, Argyll and Bute Council) and nationally (Scottish Fishermen’s Federation, SIFAG, Scottish Environment Link, RSPB, Scottish Council for National Parks, Scottish Canoe Association, Scottish Sea Anglers Association, British Ports Association). Concerns over coastal and marine National Parks were also raised by members of the public at an informal session of the SNH North Areas Board in Mallaig in August. A presentation was also given on the work to the Advisory Group on the Marine and Coastal Strategy (AGMACS) on 6<sup>th</sup> February 2006. Regular liaison meetings with a number of partner organisations also provided further opportunities to keep stakeholders informed.
- 2 An overview of the initial views made by stakeholders is set out below. Further analysis of the responses received in writing, the views expressed by stakeholders at the two national seminars and also the contributions made on the SNH message board is contained in background paper E.
- 3 Ministers did not ask SNH to consult on specific proposals. While some local communities and stakeholders attended the events or contributed comment in writing, we did not organise any local public meetings during the development of our advice. This has caused some confusion and concern, particularly among some of the local communities in the areas that have been suggested as possible candidates for Park status in this report. If Ministers now decide that any area, or areas, should merit further consideration for Park status, it will be vital that local communities are given the resources, information and time to consider the proposals.

### **Initial Stakeholder views**

- 4 Overall, the main themes that have emerged from stakeholders are as follows.
- Support for the principle of a coastal and marine National Park, with specific expressions of interest in the concept made by Argyll and Bute and Dumfries and Galloway Councils, and also the community on Fair Isle. Other areas being proposed tend to be on the West Coast, with Argyll and

Lochaber most frequently cited. The Clyde, Moray and Solway Firths, together with Shetland and the Western Isles, were also suggested.

- Opposition to the principle of coastal and marine National Park, from specific sectors, communities and individuals.
- Concern over where coastal and marine National Parks fit in with other current initiatives – such as the establishment of inshore fisheries management groups and SSMEI project - and future ones, notably in relation to ICZM and marine spatial planning.
- Concern over the added-value of a coastal and marine National Park and doubts over what it would do in practice. Views here ranged from those seeking a Park which could do more to protect and enhance the coastal and marine environment through to those who believed that additional measures were not necessary or desirable to achieve this.
- Concerns that a National Park would impose further bureaucracy and restrict future development opportunities for specific activities or communities more widely.
- Fears that a National Park would be imposed from the ‘outside’ and that local stakeholders would be in a minority on a Park Board.
- Positive aspirations for a Park were also expressed by some environmental groups, most notably in respect to it delivering significant conservation measures in relation to fisheries management.

5 Individuals and some communities (notably on Fair Isle), tourism organisations and operators (Shetland and Argyll), environmental groups and two local authorities (Argyll and Bute and Dumfries and Galloway Councils) expressed positive interest in a coastal and marine National Park. The case put forward by these two Councils is largely based on the assistance a Park could give to the social and economic development of their more remote and fragile coastal communities. Argyll and Bute’s thinking is most developed at present, with suggestions made in terms of an area and also the detailed arrangements for the Park Authority. In partnership with Local Enterprise Company, Dumfries and Galloway Council have commissioned consultants to prepare a more detailed case for their area.

6 In the absence of specific proposals, many stakeholders remain at best neutral, or sceptical, or opposed to the concept, and have struggled to see how it would work and what it could add to existing initiatives. Concerns are strongest in the fishing and aquaculture sectors. Some local authorities (Western Isles, Shetland), communities and port and harbour interests have also expressed similar views.

7 Fishing interests in the north and west have been most openly against the concept. This contrasts with the discussions at the SNH stakeholder group. In this group there was acceptance if not agreement with the Ministerial commitment to establish a coastal and marine National Park. There was also broad support for fisheries management within a Park to be taken forward through the local inshore fisheries groups supported by the Park Authority.

8 Increased awareness of SNH’s work has led to uncertainty about what sort of Park might be created. Communities and other stakeholders are also seeking

reassurance that they will have an opportunity to be fully consulted on proposals, particularly in the areas that SNH's advice highlights for further consideration. They also want reassurance that a Park will not be 'imposed on them' simply to meet Ministerial commitments.

- 9 Some detailed comments were also made on powers and governance of a Park and its role in respect to conservation, recreation, fisheries management and social and economic development. On powers, a spectrum of views emerged. At one end many of the environmental groups called for a strong Park, with full planning and access authority functions and a range of powers to control other activities. In contrast, sectoral interests, such as fishing, aquaculture and ports and harbours, suggested limited involvement by a Park in their activities. Local authorities expressed general concern over the loss of their powers and functions to a future Park, with some arguing that it would be more efficient for these existing and democratically accountable organisations to be given the funding to take forward this work directly.
- 10 The balanced aims of Scottish National Parks, the powers and governance arrangements and the direct experience now emerging from Loch Lomond & the Trossachs and the Cairngorms suggests that some of the concerns and fears expressed by stakeholders would not be realised in practice. The questions of policy fit and added value are therefore perhaps more significant, though the advice provided in Sections 2 and 3 of this report provides the means to address these issues.
- 11 Finally, it is clear that many stakeholders would see a direct benefit from a coastal and marine National Park if it led to a simplification of approval procedures in its area, and this is something that it would be useful for the Ministerial Advisory Group on the Marine and Coastal Strategy (AGMACS) to consider further as part of their wider debate on the simplification of the maritime consent processes. The planning and enabling model of Parks, as suggested in this report, does not contribute to this agenda directly, though there is scope for it to develop 'first-stop-shop' approaches. In time if it were decided that the Park should take over the powers and functions of other bodies by direction or on a voluntary basis, the approach could also lead to a simplification of the current regulatory environment.

## **Next Steps**

- 12 SNH's work in preparing this advice is the first step in the much longer process required to establish a National Park illustrated in Figure 1. A programme of policy development and capacity building among key sectors will be crucial throughout this process, and suggestions of possible elements of this programme are made below.

### *Development of proposals*

- 13 It is only once specific areas come forward for consideration that a more detailed case for a National Park can be made and detailed options for

boundaries, powers and governance developed. We believe that our advice contains much of the framework for developing these options but further work is clearly needed on them prior to any formal statutory proposal for a coastal and marine National Park under Section 2 of the National Park Act 2000. We suggest this work would best be undertaken by local partnerships, supported by local authorities, SNH and other public bodies. A key aspect of this work will be the development of better social, economic and environmental profiles of the areas spotlighted.

- 14 Of all the issues SNH has addressed in developing this advice, fisheries management within a National Park is undoubtedly the one that has caused most controversy. To this end, we suggest that specific work should be commissioned to look at relevant experience of fisheries management in Europe and elsewhere. A seminar of relevant stakeholders could also be organised to discuss the conclusions of this work. This proposal has already been raised by SNH with the Scottish Executive.

#### *Capacity Building*

- 15 The national stakeholder group established by SNH has provided a useful sounding board for the development of our thinking. One or more such local stakeholder groups could play a similar role at the next stage of the process of developing proposals suggested above, with membership tailored to the specific needs of the areas under consideration. Highland Council has already proposed a one-off meeting for the stakeholders in their area.
- 16 Information on National Parks should be provided more generally in the areas Ministers decide to focus on, and a range of means should be used to do this including web pages, newsletters, leaflets and newspaper articles. This information should include updates on the process, but also more general material on the Scottish approach to National Parks and on relevant experience from elsewhere.
- 17 Opportunities should also be sought for key stakeholder groups – communities, land managers and fishermen - to visit and access at first hand Parks in other locations. Such trips proved successful in building capacity among such stakeholder groups in the Cairngorms – with a study trip arranged by FWAG for farmers to two French Regional Parks and Cairngorms community groups meeting with their equivalents from Loch Lomond & the Trossachs National Park. Early efforts should also be made to engage closely with young people in the areas concerned.

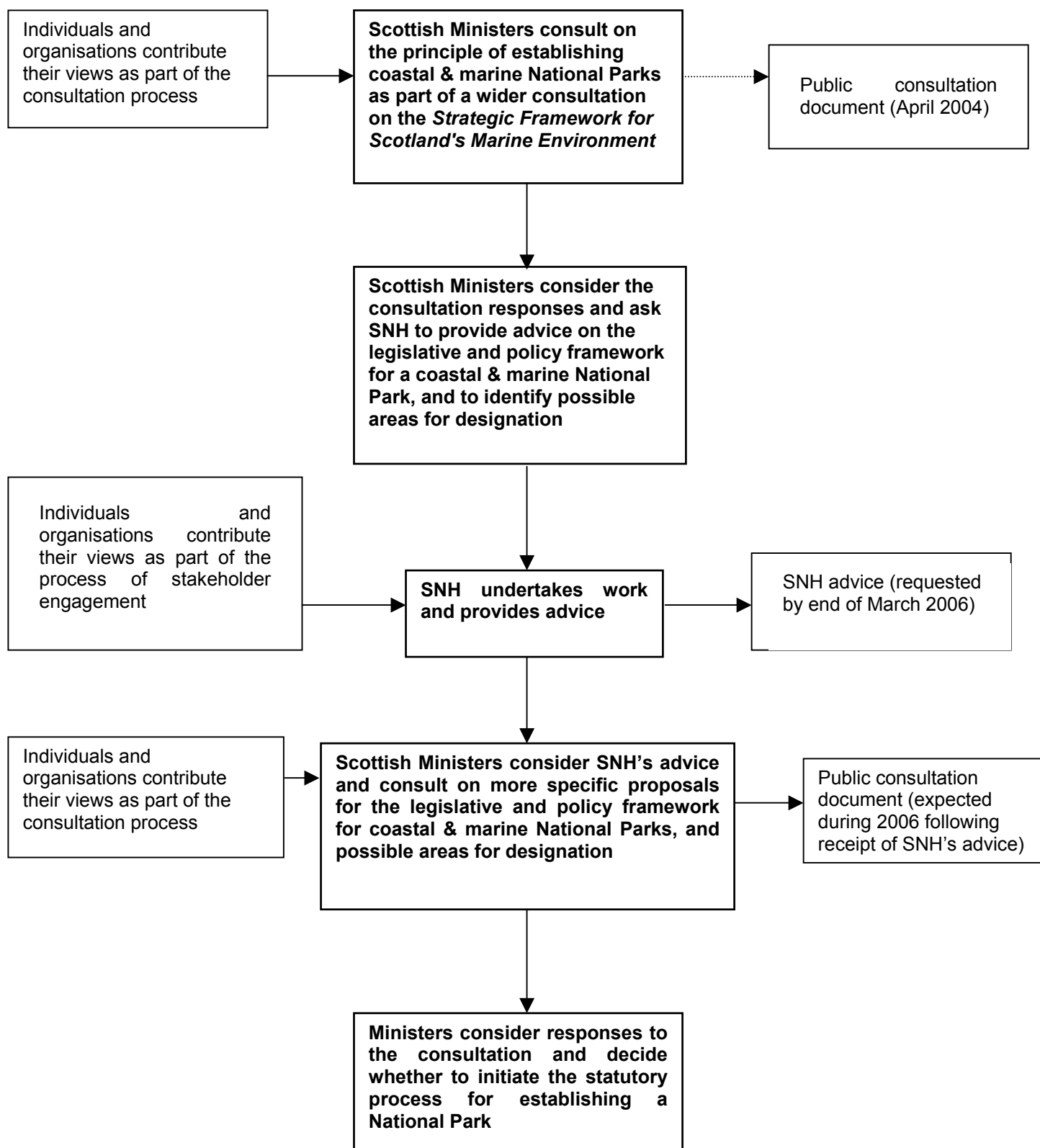
#### *Consultation*

- 18 For any areas specifically spotlighted by Ministers, consultation will need to include a range of local consultation meetings, events and surgeries, as well as a formal consultation paper. Building on the experience in the Cairngorms, the use of community-based facilitators should also be considered. Consultation at this stage need not be as extensive as the consultation SNH undertook as the statutory reporter for Loch Lomond & the Trossachs and the

Cairngorms but needs to be sufficient to engage people meaningfully in the debate, to identify key issues and to gauge public opinion in the area. We are strongly of the view that this consultation effort prior to a formal proposal for a National Park is a necessary investment required to bring Ministers' aspirations to establish a successful, locally supported, coastal and marine National Park to fruition.

- 19 A more detailed programme of activity will need to be developed to deliver this work within the current timetable. As an important first step in the process, Ministers have asked SNH to make its advice publicly available as soon as possible. A copy of this advice will also be sent to every organisation and individual who contributed to the process, either in writing or through involvement in the national stakeholder seminars or other meetings. The early release of this advice will provide an opportunity for stakeholders to contribute their views to Ministers, and allow for further dialogue to take place prior to formal consultation on more specific proposals.

**Figure 1 - Key Steps in Establishing Scotland's first coastal & marine National Park**



The statutory process for establishing a National Park contained in the National Parks (Scotland) Act 2000. Special provisions are contained in Section 31 of this Act to ensure that fishing interests have the opportunity to input effectively to this process.