# National Parks Commission SAG 1-4 - Establishing new National Parks – background paper

## Aim of Paper

1 This paper sets out some background to the development of National Parks in Scotland and its implications for considering the future roles and functions of existing and new National Parks.

## Background

2 In Scotland and throughout the world, National Parks are established to protect and enhance some of a nation’s finest natural and cultural heritage. They are also seen as exemplars of the provision of opportunities for people to experience and learn more about the special value of these areas. Developed to meet Scottish needs for more integrated management of nationally important areas, our National Parks also play an important role in sustaining local communities and championing the sustainable development of these areas. Through networks such as the [Europarc Federation](https://www.europarc.org/nature/healthy-parks-healthy-people-europe/), we know that other countries look to Scotland’s National Parks for advice and best practice because of this unique role in delivering outcomes for both people and nature.

3 The National Park designation signals a strong national commitment to, and investment in, protecting and enhancing the special qualities of an area. In Scotland, this means our National Parks need to:

* deliver on targets for the care and enhancement of the natural heritage, which recognise national and local goals and also the linkages between the natural and cultural heritage of the area;
* promote a range of outstanding opportunities for people of all backgrounds to experience, enjoy and understand the special qualities of the area;
* promote high quality in every aspect of the planning and management of the area;
* facilitate development and the use of land and water resources that is in sympathy with maintaining and enhancing the natural heritage, both now and in the longer term; and that
* develop changes in a range of present working practices, to secure effective partnership working with communities and within and between the public, voluntary and private sectors.

4 In addition, we should increasingly expect our National Parks to now play a key role in contributing to tackling the climate emergency by helping to restore biodiversity in their areas and supporting action to meet reduction targets and adaptation strategies. The leadership and staff of both existing Park Authorities recognise these aspirations and are working hard towards fulfilling them through the development and implementation of Park Plans for each area. Given the scale of the challenges we face if we are to address the climate emergency, the commitment to new National Parks now provides the opportunity to consider what more we can expect Parks to do to support our national commitments and what further powers and resources are needed to deliver this.

## The Scottish Approach to National Parks

5 The legal basis for National Parks in Scotland is set out in the [National Parks (Scotland) Act 2000](https://www.legislation.gov.uk/asp/2000/10/contents). 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; and
* promote the sustainable social and economic development of the area’s communities.

6 The integrated approach to 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 existed to protect the best of our natural and cultural heritage. But critically, these balanced aims can also be seen as reflecting 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.

7 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.
* **Each of the four aims of the Park are concerned with making positive things happen.** National parks have a key role on restoring biodiversity. Existing economic and recreational uses of the area are also supported and managed; 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 implement, with others, 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 direct representation in the Park Board and in the process of preparation and implementation of the Park Plan, **local communities play a key 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. There are also unused powers for public bodies to delegate their functions to National Park authorities and vice versa.

8 The legislation requires the reporter to consider if the Conditions for National Park designation are met in relation to the proposed area, namely

* That the area of outstanding national importance because of its natural heritage, or combination of natural and cultural heritage
* That the area has a distinctive character and identity
* That designating the areas as a National Park would meet the special needs of the area and would be the best means if ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way

9 Scotland’s National Parks are currently categorised as Category 5 protected areas by IUCN, in keeping with the rest of the UK (see Annex A). Within the National Parks is a range of other national designations including National Scenic Areas (NSA) (landscape designation) not IUCN classified as no biodiversity management function, National Nature Reserves (NNRs) (IUCN Cat (2) or 4), and Sites of Special Scientific Interest (SSSIs) (IUCN Cat (2) or 4). The extent that National Parks will in future contribute to the [30x30 commitment and nature networks](https://www.nature.scot/professional-advice/protected-areas-and-species/30-30-and-nature-networks) is an open one, which will be explored in parallel commissions being undertaken by NatureScot.

## Scotland’s first two National parks

10 Scotland’s first two National Parks contain some of the country’s most outstanding natural heritage, as signalled by the number of national and international designations they contain. Both are also important national resources for open-air recreation and sport. They cover extensive areas that include a number of small towns and villages and cross over multiple local authority, health board and public body boundaries. Both areas are subject to significant visitor pressures (most notably in Loch Lomond & the Trossachs) and long-standing tensions between different land-uses and stakeholders (most notable in the Cairngorms).

11 In the case of the first two National Parks, the reporter concluded that all three conditions were met; with similar needs identified as follows

Loch Lomond & the Trossachs

* Need to maintain a working countryside
* Need to manage recreational and visitor pressures
* Need to safeguard and enhance of the natural heritage of the area
* Need to give greater care to the cultural heritage of the area
* The need to facilitate community development

Cairngorms

* Need to maintain a working countryside
* Need to make better provision for recreation
* Need to safeguard and enhance of the natural heritage of the area
* Increased interest in the care of the cultural heritage of the area
* Need to facilitate social inclusion and community development

12 As a result of these common needs, the powers conferred to these National Parks were very similar with nearly all drawn from existing legislation. These included the general powers and functions of non-departmental government bodies; natural heritage functions (including for countryside management, ranger provision, nature reserves, compulsory purchase, grants etc.). In addition, they have planning and access authority functions of local authorities, though the parks are set up differently in the case of the former. In addition, National Parks have general bylaw making powers in relation to their conservation and enjoyment functions. Since its designation and the addition of development management functions and the establishment of its own ranger service, it is noticeable that the Cairngorms National Park has moved closer to the Loch Lomond & Trossachs “model” and it may be that we should expect convergent evolution in any new National Parks established.

## Implications for new National Parks

13 The criteria in the Act provide a useful starting point to consider an evaluation framework. However the first (quality) and second (character) could be readily applied to large parts of rural Scotland while the third (need) requires an approach to allow different areas to be systematically compared. Without getting into the consideration of specific areas, there are perhaps two levels of consideration needed.

*Are we looking at similar National Parks to the first two?*

14 As discussed, the case, legal framework and operation of Scotland’s first two national parks was in practice pretty similar. If it covered a popular visitor hotspot of high nature value, a third National Park could well follow suit.

15 Whilst at the same time, Scotland’s future national parks could be very different in several respects e.g.

* Covering a much smaller area
* Located within one or perhaps two local authority areas rather than 4 or 5 as is the case for Loch Lomond & the Trossachs and the Cairngorms
* No or more limited planning function
* Extending to, or largely covering, a coastal and marine area
* Focused more about opportunities to restore nature than protecting what exists already
* Focused more on rebalancing visitor pressures across parts of Scotland rather than managing current visitor pressures
* Focused more on opportunities to promote rural development and the visitor economy in parts of Scotland

*What is our overall strategy for national parks?*

16 Wider strategic considerations are also important too e.g.

* do we want National Parks to represent the very best of Scotland’s natural and cultural heritage or be representative of all of Scotland’s natural and cultural heritage?
* how many National parks are we planning to establish?
* is there a limit to land area we designate as National Parks in Scotland given other land use priorities?
* how diverse do we want the framework and operations of our National Parks to be?
* what alternatives to National Parks are there for areas which fail to make the cut (expanded NNRs, refreshed regional parks, Biosphere Reserves, new designation?)?
* how do National Parks relate to other Programme for Government commitments to 30x 30 and nature networks?
* are urban National Parks in scope or even possible given the legislative criteria requiring national important for natural heritage or a combination of natural and cultural heritage?
* Does establishing new National Parks also mean we need to look at the administrative arrangements for them as a whole?

*What role should National Parks play in tackling climate emergency and nature recovery?*

17 Scotland has ambitious targets and priorities to meet the challenges we face in tackling these emergencies and we need to transform what we do and how we do it, if we are to deliver them

* How can we transform our Parks to become carbon sinks that support our national commitment to net zero?
* What role should our National Parks play in delivering our 30x30 commitments of land and sea protected for nature?
* How can our National Parks can demonstrate what that Just Transition looks like for the communities and land users and managers within their boundaries?
* What new powers and resources are required to enable National Parks to be the agents of the changes we need to see?

Further assessment and discussion of each of these issues is needed to develop the thinking that should inform the approach to selecting new National Parks in Scotland.

## Recommendation

18 Stakeholder group members are asked to

* Note and discuss the material presented in this paper;
* Identify any experience from other countries that may be relevant
* Identify any further questions or gaps which may need to be addressed in developing this advice

**NatureScot**

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### **Annex A - IUCN categories of protected areas**

| **IUCN category** | **Protected Area Designations in Scotland** |
| --- | --- |
| **Ia Strict Nature Reserve:**Category **Ia** are strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphological features where human visitation use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-ia-strict-nature-reserve) |  |
| **Ib Wilderness Area:**Category **Ib** protected areas are usually large unmodified or slightly modified areas retaining their natural character and influence without permanent or significant human habitation which are protected and managed so as to preserve their natural condition. [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-ib-wilderness-area) |  |
| **II National Park:**Category **II** protected areas are large natural or near natural areas set aside to protect large-scale ecological processes along with the complement of species and ecosystems characteristic of the area which also provide a foundation for environmentally and culturally compatible spiritual scientific educational recreational and visitor opportunities. [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-ii-national-park) | (Some NNRs, SSSIs) |
| **III Natural Monument or Feature:**Category **III** protected areas are set aside to protect a specific natural monument which can be a landform sea mount submarine cavern geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value. [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-iii-natural-monument-or-feature) |  |
| **IV Habitat/Species Management Area**: Category **IV** protected areas aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular active interventions to address the requirements of particular species or to maintain habitats but this is not a requirement of the category. [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-iv-habitatspecies-management-area) | Most NNRs, SSSIs |
| **V Protected Landscape / Seascape:**A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological biological cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values. More | National Parks |
| **VI Protected area with sustainable use of natural resources**: Category **VI** protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large with most of the area in a natural condition where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area [more...](https://www.iucn.org/theme/protected-areas/about/protected-area-categories/category-vi-protected-area-sustainable-use) |  |
| **Not classified** | National Scenic Areas, Regional Parks  Biosphere Reserves |