

# National Park Authority Board Meeting

Agenda Item 11

## Chief Executive Officer Report

---



### *Paper for information*

1. Purpose

- 1.1. To provide an overview of significant issues and developments in the National Park Authority's operating environment.

2. Recommendation

- 2.1. Board Members are asked to note the contents of this report.

3. Contribution to National Park Partnership Plan and/or Our 5-year Plan

- 3.1. The report discusses topics which cover a number of outcomes and priorities from across the National Park Partnership Plan and Our 5 Year Plan 2018-23.

4. Scottish Government

- 4.1. **Environment and Economy Leaders Group (EELG):** This group (formerly RAFE) brings together all of the CEOs of those organisations that sit within the Environment portfolio of Scottish Government. These meetings are extremely useful forum to share emerging issues and Scottish Government policy.
- 4.2. A significant focus has been discussing preparations in the context of uncertainty over EU Exit and, in particular, the likely changes to the statutory frameworks which EELG organisations work within. The implications for the National Park Authority are mostly indirect. These centre on the planning function where a number of environmental assessment processes and designations are rooted in European law and also other areas of corporate compliance such as procurement rules. There are also a number of EU citizens working for the Authority who will require guidance. An internal working group is monitoring the situation and will be responsible for identifying where changes need to be made in National park Authority processes and procedures.
- 4.3. The Scottish Government have recently issued a consultation on Environmental Principles and Governance in Scotland. It considers how to maintain effective Environmental Governance following EU Exit and seeks views on the role of environmental principles in developing future policy and legislation and maintaining effective and proportionate environmental governance. The four environmental principles underpinning EU policy are;
- Precautionary principle,
  - Polluter pays principle,
  - Prevention principle,

# National Park Authority Board Meeting

Agenda Item 11

## Chief Executive Officer Report

---

- Rectification at Source Principle

It is proposed that the loss of EU force over these duties will be replaced by a new legal duty on Scottish Ministers.

- 4.4. EU Membership has provided a framework for monitoring, measuring and reporting on environmental outcomes. The Park Authority contributes to this, for example through providing returns to SNH on our Biodiversity duties. Reporting requirements are currently statutory and inform decision making at European level. Currently the European Commission scrutinises compliance with European obligations and standards. The consultation considers what should replace this monitoring and oversight. Currently complaints by the public about the Government or public bodies can ultimately lead to the Court of Justice of the EU (CJEU). Withdrawal means the CJEU will have no role and the consultation discusses what should replace this to ensure an appropriate independent complaints process in respect of compliance with environmental law. The CJEU can make rulings and apply sanctions to Member states for infractions of EU law. On withdrawal, the fall back would be judicial review in the Scottish Courts. The consultation discusses whether this is an adequate replacement to secure environmental outcomes. The consultation is intended to stimulate public debate on these matters. The outcome of the consultation and any subsequent proposals by the Scottish Government will be reported back to the Board.
- 4.5. The next EELG Board meeting will be held in the National Park and this will present an opportunity to demonstrate how the Park Authority is contributing to various national priorities through partnership working.
- 4.6. **Scottish Government Data Delivery Group** - The CEO has been invited to sit on a new Scottish Government Data Delivery Group, this is as a consequence of leading the delivery of the EELG portfolio Digital Strategy. The Group will contribute to the delivery of the Scottish Government Digital Strategy with a particular focus on improving how public data is managed and used to drive high quality, evidence based public services.

## 5. Partnership Working

- 5.1. **Transport Scotland** – Officers are continuing to engage with Transport Scotland in respect of significant upgrade works to the strategic A82 and A83 routes through the National Park. Following discussions at the December Board meeting a fuller briefing is set out below.
- 5.2. A82 Upgrade from Tarbet to Inverarnan - Transport Scotland and an appointed team of consultants have been progressing design work to an advanced stage for a significant upgrade to the A82 Trunk Road on West Loch Lomondside. This will improve the 17 Km stretch of road between Tarbet and Inverarnan. Much of this

# National Park Authority Board Meeting

Agenda Item 11

## Chief Executive Officer Report

---

stretch has not been upgraded since the 1930s or 40s and is seriously substandard in relation to modern road design requirements. A 400m section in the middle of this stretch at Pulpit Rock was upgraded, and the Crianlarich Bypass further north was opened, in 2015. The A82 south of Tarbet was upgraded in the 1980s.

- 5.3. Providing a well-designed road to modern standards in this section of the A82 is very challenging with the tight constraints of steep hillsides, a steeply shelving loch bed, the West Highland Railway Line (with associated viaducts and structures) and fissured geology. Alongside these physical constraints are the need to minimise and mitigate impacts on a sensitive landscape, extensive tracts of native woodland, much of it ancient, natural shore line and protected species such as otters and bats. In the light of these constraints, the finalised design will incorporate engineered viaduct structures (similar to Pulpit Rock) and rock cut stretches to achieve the necessary road widths and alignments.
- 5.4. The National Park Authority has been engaged in advising on design process since its inception in 2013, ensuring environmental impacts and potential mitigations are fully considered. In discussions prior to that, the National Park Authority, expressed significant concerns about the previous piecemeal approach to improvements and made a strong case that Transport Scotland should ensure a strategic approach to the road upgrade. The concern was to ensure a well-considered design, a full assessment of the total environmental impact, and a strategic approach to mitigation. The current more strategic approach has therefore been welcome. Following a number of years assessing design options for the road alignment and undertaking a wide range of survey work (guided by NPA officers), an Environmental Impact Assessment (EIA) report from Transport Scotland is expected in the near future. This will include details of the proposed road design, the draft permanent and temporary works footprints and the draft Environmental Statement, including a draft woodland mitigation plan. Park Authority specialist staff have been guiding and advising on content so that all of the assessments and information required is in place by the time formal consultations take place.
- 5.5. It is anticipated that a formal consultation on the Environmental Impact Assessment and Roads Orders will commence in the second half of 2019 but the timetable is not yet set. A full report will be brought to the Board to enable the Park Authority to take a formal view on the overall proposals, their impacts and the suitability of mitigation measures.
- 5.6. A83 Rest and Be Thankful. - The A83 Trunk Road connects to the Cowal area of the National Park and provides a crucial main road link from the Central Belt. The National Park Authority is a member of the A83 Task Force which is chaired by the Cabinet Secretary for Transport, Michael Mathieson. A major focus has been the problems of more frequent and significant landslips during periods of high rainfall

# National Park Authority Board Meeting

Agenda Item 11

## Chief Executive Officer Report

---

particularly on the flanks of Beinn Luibhean in Glen Croe at The Rest and Be Thankful. In consultation with the Task Force, and following a wide ranging options appraisal process, Transport Scotland and BEAR (the Trunk Road operating company), have been undertaking a series of engineering works to tackle the landslip problem over recent years. These have included:

- upgrading the privately owned Old Military Road on the floor of the Glen to allow it to be used by traffic (on convoy) as an alternative emergency route during times of closure.
- The erection of numerous large hillside catch nets across the identified debris flow channels
- The ongoing excavation of large catch pits between the road and the hillside to intercept debris.
- The installation of monitoring equipment to detect slope movements, and trigger responses including signage, inspections and road closure if required.
- Planting an extensive area of native scrub woodland on the hillside above the road, to help bind and stabilise the soil which over time should reduce the frequency and size of future landslips.

5.7. Despite these measures, a severe landslip in October 2018 involving some 3000 tonnes of debris closed the A83 for several days. Following an A83 Task Force meeting on 15<sup>th</sup> November 2018, the Cabinet Secretary has decided that Transport Scotland should pursue a twin track approach to address the landslips. Firstly, the existing package of engineering measures should continue. Transport Scotland considers that the existing mitigation measures are providing very significant benefits and have saved the road from being closed on several occasions. Many minor slips are ending up in nets or pits largely unnoticed. All of these mitigation measures are due to be completed by the end of 2020. Secondly, the Cabinet Secretary has put Argyll & Bute at the top of the priority list for the next national Strategic Transport Planning Review (STPR) process and has brought the process forwards. Consultants are being appointed to look at all the transport issues in Argyll and Bute and to find a permanent solution to the landslip problem. The STPR for Argyll & Bute is to be completed by end of 2020. The brief for the STPR is still to be finalised, but we anticipate that it will be wide-ranging, looking at all of the transport links in an and out of Argyll, not just engineering options at Glen Croe. The STPR process and recommendations will be brought to the Board when available.

5.8. **Forestry and Land Scotland** – the staff restructuring process to establish the new organisation to replace Forest Enterprise Scotland on 1<sup>st</sup> April 2019 has been completed. This will see a new approach to the management of the Scottish Ministers' National Forest Estate for multiple outcomes which presents a significant opportunity given its importance in the National Park. The National Park area will be part of a new, larger Central Scotland region which covers the central belt of Scotland. Meetings have already been held with the new Regional Manager to

# National Park Authority Board Meeting

Agenda Item 11

## Chief Executive Officer Report

---

discuss collaborative opportunities in the National Park, particularly regarding more efficient management of visitor and recreation facilities.

- 5.9. **Argyll and Bute Council** – following a positive senior officer workshop in December 2018, collaborative workforce planning is underway to streamline the litter collection, litter picking and site maintenance between Duck Bay and Tarbet on West Loch Lomond with the intention to start this from 1 April 2019. A joint deep clean of the A82 from Balloch to Tarbet is being scheduled for March 2019. For safety reasons only litter picking on one side of road is possible, without having to close the road. This represents a practical early action in advance of our plans to develop a more strategic and co-ordinated approach to litter prevention and management.

**Author & Executive Sponsor:** Gordon Watson, Chief Executive Officer