



# CEO Update

## Agenda Item 9

### National Park Authority Board Meeting

13<sup>th</sup> September 2021

Paper for information

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#### 1. Purpose

1.1. The purpose of this paper is to provide the Board with important updates on significant issues affecting the operating environment of the National Park Authority.

#### 2. Recommendation(s)

2.1. Members are asked to note the contents of the report.

#### 3. Scottish Government

##### SNP and Scottish Green Party agreement

3.1. The new agreement between the SNP and the Scottish Green Party has been confirmed following a vote in the Scottish Parliament. The agreement sets out a number of areas that have significant relevance to our work.

3.2. Some highlights relevant to us:

- Designating at least one new National Park in Scotland by the end of the Scottish Parliament session
- Introducing a new Natural Environment Bill to restore and protect nature. It will follow on from the biodiversity strategy expected in 2022

- Dedicating at least 10% of the Scottish Government's overall travel budget to active travel, as well as significantly increasing investment in public transport
  - Ensuring the National Planning Framework 4 (NPF4) focuses on resilient and empowered communities, the wellbeing economy and greener places. This includes securing the positive effects for biodiversity from development and deliver natural solutions to climate change in a way that also enhances biodiversity.
  - Implementing a new framework for agriculture and land use that includes delivering on climate mitigation, adaptation, and nature restoration.
  - Increasing annual woodland creation targets.
- 3.3. In addition, Lorna Slater, co-leader of the Scottish Green Party, has been appointed as the Minister for Green Skills, Circular Economy, and Biodiversity. This includes responsibility for National Parks and natural heritage.
- 3.4. There is much more detail within the agreement itself, which we expect to see picked up in the Programme for Government once it is published. We are looking forward to working with the Scottish Government and the new Minister on the opportunities that the new deal presents for the National Park, including in how we can contribute to national outcomes.

#### Scottish Government budget process

- 3.5. The Scottish Government has begun its budget-setting process for the next financial year. As usual, we have been asked to submit information to support this, and we are working towards a mid-September deadline.
- 3.6. There is no indication yet whether the budget will revert to its usual December publication or if it will be in January again like it has been for the past two years. We have been asked to outline multi-year spending projections, but do not yet have confirmation of whether we will receive a 1-year or multi-year allocation. Regardless, Scottish Government colleagues have advised us that there are financial pressures across the fiscal framework and therefore budget-setting will be challenging.
- 3.7. As with previous years, we are building our submission to the Scottish Government around our strong ability to deliver and support the national priorities. We are also highlighting the ongoing pressures we face on operating costs, in particular related to visitor management. We are hopeful and confident this will result in a positive budget settlement. When we kick-off our own internal budget-setting process for 2022/23 shortly, we will be scenario-planning for various different budget outcomes.

## 4. Visitor Season

- 4.1. As predicted through our pre-season planning, the visitor season has been exceedingly busy in the National Park. A full report will come to the Board in December once the season is finished, but indicative data in areas like camping bookings and litter management confirm the anecdotal reports of high visitor numbers. Rangers that have been with the National Park for many years have reported that this season has been unprecedented in the level of visitor activity experienced.
- 4.2. The Joint Response Visitor Management Plan that we put in place with partners ahead of the season has provided significant value in responding to increasing visitor numbers and associated pressures. We are better resourced than in previous years with additional staffing in place, as are our partners. This has allowed us to act more meaningfully across a number of areas, including enforcement and advice, although challenges still remain due to the scale visitor pressures in some areas such as West and East Loch Lomond and the central Trossachs areas. Through regular meetings with partners we are sharing information and coordinating action.
- 4.3. We have also adapted to events as they have arisen through the year. For example, two of our sites on West Loch Lomond faced water shortages in late July following a spell of hot and dry weather, meaning our busy public toilet facilities at Inveruglas and Firkin Point could not cope with demand. Temporary toilets (portaloos) were added to these sites in addition to the sites that we had already supplemented.
- 4.4. The volume of litter we have experienced has also been at times very high. For example, in response to the popularity of our site and volumes of litter at Milarrochy Bay early in the summer, we contracted Stirling Council to have additional large bins provided and serviced at the site for the rest of the season. These too, however, have frequently filled to capacity.
- 4.5. Some visitor hotspots within the National Park, such as Luss and Balloch Castle Country Park have experienced increased issues with anti-social behaviour at times of prolonged fair weather and this has resulted in rising tensions within affected communities and the need for additional resources to manage. We and other public body partners have recently been engaging with the Luss community on the challenges it is facing including litter, waste, traffic, parking and antisocial behaviours from some visitors. This has centred around Luss Pier and the surrounding bay, which has been a focal point for youths gathering and irresponsible behaviours from some jetski users.
- 4.6. Following two summit meetings on the issues at Luss, led and chaired by Jackie Baillie MSP, we have been engaging the Luss community on their concerns, and are working with partners such as Argyll and Bute Council and Police Scotland on possible short and longer term actions. We have also redeployed some land and water based Rangers to focus more patrol time on

this area. Many of the issues are interrelated and don't have quick fixes, so again require a collaborative and strategic approach from all involved.

- 4.7. The visitor season is always a demanding period for those staff regularly involved, whether they be out and about in the Park such as Rangers, Land Operations and Environment Officers, or in supporting roles such as Visitor Management, Communications, Estates or Administration. This season has been particularly challenging however, with the increased number of visitors leading to more work for all, including associated correspondence. Against this is the backdrop of staff juggling the personal and professional impacts of the pandemic.

## **5. Water Safety**

- 5.1. We wanted to provide an update to the Board on actions that are being taken following the tragic water-related deaths in the National Park earlier this summer. We send our sympathies to the family and friends of those who lost their lives, as well as our thanks to all of those involved in the emergency response to the incidents, including our staff.
- 5.2. Our own water safety project has been running since 2019. It has made significant progress since then including commissioning a report by the Royal Society for the Prevention of Accidents (ROSPA) in 2020. ROSPA assessed the sites around Loch Lomond that we own and manage and made a number of recommendations. In response, over the past year we have been progressing these recommendations including installing a number of new warning signs and PRE around Loch Lomond, with the next stages moving to other lochs in the Park.
- 5.3. In terms of day-to-day work, our Boat Team patrol Loch Lomond on a daily basis speaking to loch users to provide safety advice and where necessary enforce the Loch Lomond byelaws. Their presence on the loch means that they are often first on site when incidents do happen and they work closely with the emergency services and rescue boat team to carry out search operations. We also support the Loch Lomond Rescue Boat and their volunteer crew. Currently we are providing a base for their boat at the Duncan Mills Memorial Slipway in Balloch which is helping to speed up their response time to incidents on the loch.
- 5.4. Our Rangers also deliver water safety education to schools and groups when requested, and arrange events when resource is available, including at the recent Boots and Beards celebratory event in Balmaha which focused on members of the Scottish Asian community. Rangers work with RNLI and other emergency services to host water safety awareness events where possible.
- 5.5. We also use our communications channels to provide water safety advice and important information and this has in particular been a key focus this summer. New campaign signs have also been installed and we are using our website and social media channels to promote these messages.

- 5.6. Responsibility for water safety is shared amongst a number of bodies, including Local Authorities, landowners, and emergency services. Whilst the National Park Authority is not legally required to lead on water safety across the Park we consider that the most effective way to make improvements to water safety outcomes and prevent tragedies is for the National Park Authority to work in partnership across these bodies.
- 5.7. As reported to the Board immediately following the drowning incidents, a series of urgent Partnership Approach to Water Safety (PAWS) meetings took place with each of the local authorities and water safety partners involved. These meetings were aimed at reviewing existing water safety measures and identifying any potential further actions to be taken both in the short and the longer term. These measures include signage, public rescue equipment (PRE) and information to highlight the hidden dangers of deep, cold water. We will be shortly be hosting a meeting of the various PAWS Chairs to bring together the common points, lessons learned and planned actions across the Park.
- 5.8. We also participated in a Ministerial Roundtable meeting on water safety, chaired by Ash Denham MSP, Minister for Community Safety. It was attended by a number of public and third sector organisations and covered topics such as intelligence sharing, awareness raising, and skills development. A further follow-up meeting is expected.
- 5.9. We have also met with local MSPs on the subject of water safety and the efforts needed to prevent further tragedies of this nature. Our own approach to water safety is now seeing wider benefits as our work is encouraging local authority partners to progress further water safety measures on their land holdings.
- 5.10. Our water safety project will continue its work over the coming months, including to finalise our water safety policy that was drafted earlier this year, and continue to progress our site risk assessments. Crucially, we will also continue to coordinate with partners to help bring about a joined-up approach to water safety throughout the National Park.

## **6. Legal cases update**

- 6.1. As previously communicated to Board Members, we currently have two live legal cases before the courts. These have both been added to the Corporate Risk Register that is on the agenda for the September 7<sup>th</sup> Audit & Risk Committee meeting.

### **Core Path Plan: Gartmore House Judicial Review**

- 6.2. We were served with a Petition for Judicial Review seeking to set aside (quash) the recent Board decision to adopt the updated Core Path Plan, to the extent that the decision to adopt Core Paths applies to Gartmore House. The Petition has been lodged in the Court of Session by Gartmore House. We were surprised to receive this as we had been proactively engaging with Gartmore House to address concerns regarding opening up the core path at this location.

- 6.3. Having taken legal advice, we have submitted Answers to the Court of Session in relation to the Petition for Judicial Review. Our position is that the proceedings have been raised against the wrong party because the National Park Authority was obliged by statute to follow the Direction of the Scottish Ministers to adopt the updated Core Path Plan and had no discretion in the matter.
- 6.4. A short oral hearing took place on 24th August in front of Lord Clark in the Court of Session. Gartmore House lodged a Minute of Amendment, to effectively bring Scottish Ministers into the judicial review proceedings at this stage. Scottish Ministers and the National Park Authority now have 14 days to lodge Answers to the Minute and a continued hearing has been scheduled for 15th September. We expect that at this continued hearing the court will decide whether the case will proceed or not. When we know the outcome, we will provide a further update.
- 6.5. As the court proceedings are in the public domain, we have received media enquiries regarding this case which our Communications and Legal Teams are responding to. We are also ensuring that Gartmore Community Council are updated regarding this matter.

#### Glenoglehead Site

- 6.6. We own a small visitor site at Glenoglehead on the A85 north of Lochearnhead. Currently the site has a car park and picnic benches, and a certificate of lawful use for a snack van. The National Cycle Network Route 7 and the Rob Roy Way, officially one of Scotland's Great Trails, cross the car park and follow the access road through the site.
- 6.7. The Forestry Partnership 2008 LLP ("TFP") owns the land surrounding our site at Glenoglehead. TFP wants us to sign documentation to expressly permit timber lorries and other forestry vehicles to run through our site which lies between TFP's land and the A85 trunk road. Our site was bought by the Council in 1967 for the purpose of being a public open space or recreation area, and subsequently transferred to us upon creation of the National Park. When the site was bought by the Council in 1967 the landowner reserved a right of access through the site along a very particular route, however the route was not built and the landowner has used a different access road through the site, but not for the purpose of commercial timber extraction.
- 6.8. Transporting timber through our site is not compatible with the current use of the site, and the landowner has not proposed to compensate us for the diminution in the value of our site. Therefore we have resisted signing the paperwork presented to us. We have sought to negotiate with TFP with the aim of arriving at a mutually acceptable position, but this has been unproductive.
- 6.9. In July we were served with a Summons advising that TFP are seeking Declarator from the Court of Session for rights of access through the site

including the unfettered right to extract timber on a commercial scale. TFP are also seeking expenses.

- 6.10. Our position is that permitting timber lorries over the site would not be in the public interest because it would negatively impact users of the site and the nationally significant cycle path and long distance route. We have sought legal advice and an opinion from Counsel and as a result, we will be defending our position.
- 6.11. If we lose the case, the legal costs are likely to be significant and the site value is likely to be negatively impacted. Given the NCN7 and the Rob Roy Way, and the purpose for which the site was originally acquired by the Council, not defending the action would be to the detriment of our strategic public interests in promoting and supporting cycling and walking within the National Park.
- 6.12. We have now lodged our written Defences with the court. There is now a period of time for both parties to adjust their respective written cases. A court hearing has not yet been scheduled but the earliest we expect it is December. We will keep the Board updated on any significant developments.

## 7. Our New Ways of Working

- 7.1. At the beginning of the year we started a project to consider how we will work as an organisation once COVID restrictions are lifted and we can begin our return to office working. We call this our 'New Ways of Working' project.
- 7.2. The project is being developed with the explicit recognition that office working has fundamentally changed as a result of the pandemic. Global and UK surveys have shown that the workforce wants much more flexibility in their working hours and location, and most employers are introducing increased flexibility for their staff. Closer to home, the Scottish Government is encouraging employers to continue to support working from home where possible. In our own staff survey, almost 90% of our staff indicated they would like some form of hybrid (home/office) working.
- 7.3. Our New Ways of Working project is setting out to capture the benefits of working from home that we want to maximise, while regaining what we've lost from in-person working. The project is aiming to establish a model that enables us to feed the energy and inspiration of our people and places, whilst supporting our Mission Zero goals, individual wellbeing, and work-life balance.
- 7.4. To achieve this vision, we are designing our New Ways of Working around three key elements:
  - We will re-establish the **connections** we've lost between each other and the National Park as a place.
  - We will enable and encourage a form of **flexible** working that supports well-being and work-life balance

- We will work in a way that enables us to **deliver** on the National Park outcomes – including on carbon reduction – effectively and efficiently.

7.5. To create our New Ways of Working, we have a project team in place led by HR. The project is being guided by the following parameters:

- Staff will be fully **engaged** through individual and team discussions, surveys, and wider communications
- Our return will be **gradual and phased**, to allow staff and teams to adjust to the change, and to adapt along the way
- As part of our organisational learning culture, we are using an **agile and improvement mindset**. Our new ways of working will seek continual improvement and change

7.6. On August 30<sup>th</sup> we began Phase 1 of our office access, which raises the capacity at our headquarters to enable increased access. For most Carrochan staff this means they can access the office one or two times per week, over the period of Phase 1, but that numbers will be managed to enable appropriate distancing and ventilation. This will enable staff to begin to reconnect with colleagues and the National Park itself, as well as get used to working from an office again. We expect Phase 1 to last at least four weeks, but possibly longer depending on guidance from the Scottish Government.

7.7. Phase 2 is when we will experience our full move to hybrid working. All office based staff have been having discussions with their line managers and teams about how they want to work in the future, balancing business and team needs with personal circumstances and preferences for flexibility and home working. The result is a model that will see staff working different hours and at different locations, but in a way that sets appropriate boundaries to ensure delivery, productivity, and collaboration needs.

7.8. As an organisation that had very little home working before the pandemic, this is a significant shift in how we work. Therefore we know that as we move to hybrid working there will be learnings and adjustments that need to be made in order to make it work most effectively. We are planning a Phase 3, roughly three months in, to gather feedback and implement improvements that we identify. Phase 3 is likely to ultimately evolve into business-as-usual, with continual review of our working arrangements to identify how we can make them more effective for the business and for staff.

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