



CEO Update

Agenda Item 8

National Park Authority Board Meeting

13th December 2021

Paper for information

1. Purpose.....	1
2. Recommendation(s).....	1
3. Scottish Government.....	1
4. Transport Scotland – A82 Tarbet to Inverarnan Upgrade Consultation.....	4
5. Legal Cases Update.....	7
6. National Parks Partnerships LLP	8

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

Draft National Planning Framework 4

3.1. The Scottish Government published [Scotland 2045: Draft National Planning Framework 4](#) (draft NPF4) on 10th November for consultation up to the 31 March 2022. This sets out the Scottish Government’s approach on how planning and development will help to achieve a net zero, sustainable Scotland by 2045.

3.2. A report will be brought to the next Board meeting on this, providing more detailed consideration of its content in relation to the main issues and opportunities relevant to the National Park alongside our officer recommended response to the consultation. The following gives a summary overview of the draft document for information at this stage.

- 3.3. Draft NPF4 sets out an overarching spatial strategy and set of principles for Scotland to 2045. It proposes 18 national developments to support this strategy and contains policies for the development and use of land that will be used to guide the preparation of regional spatial strategies, local development plans and local place plans. The strategy will also be relevant to wider policies and strategies relating to land use, with the expectation that planning and development will play a critical role in supporting nature restoration and recovery, as well as the safeguarding of the natural systems on which our economy, health and wellbeing depend. It also references the need for a concerted effort with people and places working more closely together at local, regional and national level so our journey to a net zero society and nature recovery involves and is fair to everyone.
- 3.4. The draft spatial strategy looks at how different areas in Scotland can help deliver a shared vision centred around four core themes of: **Sustainable places**, where we reduce emissions and restore and better connect biodiversity; **liveable places**, where we can live better, healthier lives; **productive places**, where we have a greener, fairer and more inclusive wellbeing economy; and **distinctive places**, where we recognise and work with our assets.

Relevance to the National Park

- 3.5. Scotland is split into five geographic action areas which can deliver on these themes and which have their own identified priorities for action around *Innovate (North and West Coast)*, *Revitalise (Northern central)*, *Transition (North East)*, *Transform (Central Urban)* and *Sustain (Southern)*. The National Park is included within the **central urban area** with priorities summarised as being on *transforming and pioneering a new era of low carbon urban living*. This area includes the Glasgow city region and the Ayrshires in the west to Edinburgh city region in the east, including the Tay cities, the Forth Valley and Loch Lomond and The Trossachs National Park.
- 3.6. Whilst mainly an urban area, the narrative for this section highlights that this part of Scotland benefits from a rich and diverse rural area and there are many areas where town meets countryside, including Loch Lomond and The Trossachs National Park. It is welcome that it specifically references the key points that were contained within our indicative Regional Spatial Strategy submission to the Scottish Government during 2020 to help inform the preparation of NPF4 that:

‘There are landscape-scale opportunities within Loch Lomond and The Trossachs National Park to restore and enhance nature and respond to climate change, including through woodland creation and peatland restoration, as well as natural flood risk management. The National Park will continue to support the quality of life and health of the urban population and its future priorities include new infrastructure provision to provide a quality visitor experience and support people to connect with nature, as well as a greener tourism sector supported by innovative low carbon transport

solutions. Long-distance active travel and rail routes have untapped potential to provide sustainable tourism solutions. The area's communities can adapt to support more localised living and working opportunities, with improved digital connectivity and affordable housing. More integrated planning and land management offers opportunities to support land use change and reduction of greenhouse gas emissions. The approach also links with and relates to the action area to the north.'

National Policies

3.7. For the first time, the draft NPF4 contains a suite of national planning policies, which once NPF4 is adopted will be applied to the determination of all planning applications. These will also become part of statutory development plans. Many of these new draft national policies contain specific requirements which we will require to carefully consider over the coming months, however for information a list of topics is provided below to illustrate the breadth of national planning guidance proposed to be in place and listed as per draft NPF4 theme:

Sustainable places includes policies on climate emergency (including emissions reductions); nature crisis (including biodiversity enhancement); human rights and equality; community wealth building; design and place making.

Liveable places includes policies on local living (20 minute neighbourhoods); infrastructure first approach; quality homes (including housing targets for the National Park area); sustainable travel and transport; heat and cooling; blue and green infrastructure, play and sport; sustainable flood risk and water management; lifelong health, wellbeing and safety.

Productive places policies on business and employment; sustainable tourism; culture and creativity; green energy; zero waste; sustainable aquaculture; minerals; digital infrastructure.

Distinctive places policies on city, town, commercial and local centres; retail; town centre living; historic assets and places; urban edges and green belt; vacant and derelict land; rural places; natural places (including guidance for National Parks); peat and carbon rich soils; trees, woodland and forestry; coasts.

Delivery and relevance to NPA plans and strategies

3.8. Delivery of NPF4 will depend on collaboration with alignment of resources and an infrastructure first approach, with local development plans and the new regional spatial strategies having a key role in delivery at local and regional level. It will inform our work to prepare our new suite of plans and strategy for the National Park as we move towards preparing our next National Park Plan, Regional Spatial Strategy and Local Development Plan.

4. Transport Scotland – A82 Tarbet to Inverarnan Upgrade Consultation

- 4.1. The A82 trunk road is the strategic link between the population centres of Glasgow, Fort William and Inverness. It forms an economic lifeline for the communities directly served by the route and to the wider region to the west and north-west of Scotland. The stretch of the road that is the subject of the upgrade project is approximately 16.5km in length and is being approached primarily as an on-line alignment, generally following the route of the existing A82 along the western shore of Loch Lomond. It extends from Tarbet to just north of Glen Falloch Lodge. The already upgraded 400m section at Pulpit Rock sits mid-way along this scheme.
- 4.2. In historic discussions with Transport Scotland the National Park Authority has accepted the need to upgrade the road to a better standard and has pushed for a more strategic approach to the project rather than a series of piecemeal upgrades. The process being adopted now allows for a strategic view of the upgrade proposals, particularly a clear understanding of the potential cumulative impacts on the environment associated with design options as well as opportunities to build in designed stop off points and active travel opportunities. National Park officers have been providing specialist advice to the design team on a wide range of landscape, habitat, protected species and recreation issues. This has been in the form of technical advice and the National Park Authority will only be able to take a considered view on the whole scheme once a design has been finalised.
- 4.3. At present, most of the existing road is significantly sub-standard for vehicles and a hostile environment for non-motorised users with no form of footpath. Many sections have narrow widths and tight corners, drainage is often poor and road maintenance works generally require significant disruption to traffic flows due to the absence of space. More recent upgrades include 300m at Stuckendroin Bridge in 2011 and the Pulpit Rock improvement scheme and Crianlarich Bypass were both opened to traffic in 2015. The bulk of this stretch of the A82 has not seen any significant improvements in many decades. To meet modern design standards, the typical cross section of the road in the scheme is for a 7.3m wide carriageway plus 1m hard strips, verges and a combined footway/cycleway. A shared footway/cycleway running adjacent to the carriageway is being designed into the scheme, from the edge of Tarbet to the north beyond Inverarnan. The footway/ cycleway will be an approximate width of between 2m and 2.5m dependent on the constraints along the route.
- 4.4. The key transport planning objectives for the scheme are:
- To improve journey times for A82 trunk road users between Tarbet and Inverarnan.
 - To reduce personal injury accident numbers and their severity on the A82 between Tarbet.
 - To provide appropriate stopping opportunities to aid driver comfort for visitors and for all trunk road users on the A82 between Tarbet and

Inverarnan, taking account of the unique setting of the route within the National Park.

- Seek to provide opportunities for enhanced access by sustainable modes of travel along the A82 corridor between Tarbet and Inverarnan.
- To reduce disruption to road users resulting from the undertaking of routine maintenance activities on the A82 between Tarbet and Inverarnan.

4.5. Design work for this very challenging stretch of the A82 has been ongoing for some years initially commencing in 2013 and follows Transport Scotland's Design Manual for Roads and Bridges (DMRB) process. Stage 1 of the DMRB process was completed in 2014 and reviewed a wide range of possible options for the road corridor, including long tunnels, the east shore of the loch, etc. Environmental design principles were agreed during this stage were developed in line with Transport Scotland's *Fitting Landscapes* guidance, to ensure that the proposed scheme was designed with respect of the distinctive local landscape character, quantities and cultural heritage of the National Park and the National Scenic Area. Stage 2, completed in 2015, looked at route alignment options in the preferred corridor. These led to the conclusion that an upgrade largely based on the existing road corridor was preferred.

4.6. The design process is now nearing the end of Stage 3 where a detailed design exercise and the undertaking of an Environmental Impact Assessment (EIA) are almost complete. A detailed woodland mitigation plan is being produced as part of the EIA. These will lead to draft Road Orders progress the necessary legal steps including the identification of the land to be purchased for the construction of the scheme.

4.7. It is understood that partly as a result of the protracted period of time the design work has been undertaken, Transport Scotland recently ran a six week informal public consultation which included updated information on the scheme and included an interactive Story Map. As part of the consultation the public were asked to comment on the existing route, how it influences travel decisions, and on the proposed scheme itself. The new information was the first public update for some time. Transport Scotland intend that the visualisation and supporting details will form a key part of Transport Scotland's engagement and will continue to be updated with new content and design information when available.

4.8. Officers have not submitted informal comments at this stage as there is ongoing dialogue around the extent of impacts of the design and exploring how the significant potential climate and nature impacts can be handled to deliver net benefits. The outcome of the informal consultation is not yet known. A final view on the design will not be possible until all of these aspects are finalised and committed to. It is understood that Transport Scotland hope to hold a formal consultation on the final design and associated Environmental Impact Assessment by the end of 2022.

- 4.9. It is not possible to provide a full description and analysis of the current design and its impacts within the confines of this report and it is anticipated that a full report will be provided to the Board in the coming year once proposals are in a final formal stage.
- 4.10. In summary, the width of the new scheme will require significant land take. This is extremely challenging due to the constrained corridor with an often steep hillside and the West Highland Railway line to the west and the loch shore and steeply shelving loch bed to the east. The geology is complex and faulted and the route passes through several settlements. Extensive stretches and large volumes of rock cut will be unavoidable.
- 4.11. A number of significant new structures will be required along the route. These include several new or upgraded bridges in Tarbet, Inveruglas, Ardvorlich, Strath Dubh-Uisge and Inverarnan as well as modifications to bridges at Sloy power station and Stuckendroin. New viaducts will be required above the loch at Creag an Arnain, elevated over loch shore at Coire nan Each and across a bay to Tom na h'Innse.
- 4.12. Officers have engaged in numerous discussions on options for mitigation including landscaping measures on the loch shore, woodland management and significant new woodland planting, as well as significant improvements to access and recreation opportunities along the road corridor. Advice has also been provided on the draft Environmental Impact Assessment where these issues and approach were highlighted.
- 4.13. The tension between achieving a high standard road design and minimising impacts on the numerous very high value natural and cultural heritage features along the road corridor needs to be highlighted. There are extensive areas of semi-natural woodland, including much that is on the Ancient Woodland Inventory. Although none of the scheme is inside the Loch Lomond Woods SAC, the otters and the woodland along it support the integrity of the nearby SAC. The Loch also supports one of the only two natural populations of powan in Scotland and lampreys that support the integrity of the River Endrick SAC. Decisions about the exact road alignment and design inevitably involve balancing out the impacts on all of these features as well as detailed plans to mitigate and compensate for impacts.
- 4.14. In addition to the engineering & design difficulties, the recent experience of the major construction project at Pulpit rock shows the significant logistical problems of building a new road in this area whilst keeping the road open for routine use.
- 4.15. It is recognised that a design is needed to upgrade what is unarguably a very substandard trunk road to a modern standard that will accommodate the scheme's transport objectives. It will create significant access improvements, particularly the footpath cycle way from Tarbet to Inverarnan on what is currently an extremely hostile section of road for anyone on foot or a bicycle. There will also be improvements to the opportunity to experience north

Loch Lomond through the creation of new, better quality stopping points & viewpoints.

4.16. Aside from the specialist advice we have given to the design team, formal report and recommendation taking a view on the alignment as presented in the current design has not been prepared. However, if the design were to proceed as currently proposed, there would be very significant impacts of concern along this extended stretch of the route both on important habitats and the lochshore environment generally. We will continue to seek to influence the design before it becomes finalised and meetings are ongoing with the design team to discuss;

4.16.1. Woodland mitigation, compensation and expansion in the corridor affected

4.16.2. Loch shore treatment

4.16.3. Rock cut treatment

4.16.4. How to guarantee delivery of the mitigation and delivery of more than compensatory measures

4.17. In these discussions the need to appropriately respond to the declared climate emergency and nature crisis is central with appropriate and ambitious mitigation and compensation measures required that do more than address impacts being embedded in the delivery of the final scheme. Given the presence of two railway stations (Arrochar and Ardlui) close to the scheme, meaningful active travel links are also needed. Pushing for the design to deliver much more than a functional transport corridor does mean pushing the boundaries of the normal Transport Road Design process. It is anticipated that a full report and recommendations will be brought to the Board during 2022 when a finalised design and Environmental Impact Assessment has been concluded to allow a final formal view to be taken.

4.18. Members will also be interested to know that in addition to the work on the A82 Tarbet to Inverarnan Upgrade Transport Scotland's work continues on the **A83 design options at the Rest and Be Thankful** with the next public update and consultation currently planned for spring 2022. Transport Scotland are aware of the potential issues that both schemes could create through delays and diversions and are considering how the A82 project and proposals for the A83 Access to Argyll could be packaged to minimize disruption and impact on the surrounding road network.

5. Legal Cases Update

5.1. As previously communicated to Board Members, we currently have two live legal cases before the courts.

Core Path Plan: Gartmore House Judicial Review

- 5.2. The continued hearing took place on 15th September in the Court of Session. Permission to proceed was granted by Lord Clark and a full hearing date has been fixed for 10th December. Everything is in place for the hearing to proceed and the hearing will take place online. We have been advised that it may be up to three months from the hearing before a written decision is issued by the court i.e. mid-March 2022. When we know the outcome, we will provide a further update.

Glenoglehead Site

- 5.3. We continue to defend the legal action raised in the Court of Session by The Forestry Partnership 2008 LLP in relation claimed access rights through our Glenoglehead site for the unrestricted transportation of extracted timber from significant adjacent forestry plantations. We submitted our defences to the Court by the end of October. The period of time for both parties to adjust their respective written cases has been extended by six weeks, to 29th December. At that stage, we expect a hearing date to be fixed. We will keep the Board updated on any significant developments.

6. National Parks Partnerships LLP

- 6.1. Members will recall receiving a presentation recently from Naomi Conway, Development Director of National Parks Partnerships on current areas of work to develop commercial partnerships to support the work of the UK's 15 National Parks. A significant recent development has been the Net Zero With Nature initiative which is starting to draw private investment into nature and climate projects. The Loch Lomond and The Trossachs CEO has been lead CEO on the Board for the last 5 years and currently acts as Chair. In addition a central UK communications team has operated for the last 3 years hosted by the Broads Authority. This undertakes UK level communication activity to help promote and develop influence on the role and contribution of National Parks.
- 6.2. With the initial agreement in principle of the 15 National Parks to develop proposals, a new operating model has been developed to bring these functions together as one service with associated subscription. A three-year Operating Plan has been prepared by National Parks Partnerships and UK Communications in November 2021 and which outlines these central services for the UK's 15 National Park Authorities for the period April 2022 - March 2025. The Plan has been developed through CEO level consultation in June and September 2021.
- 6.3. UK level commercial and communications services are key services for the UK National Parks when acting as a family, and have particular resonance in the light of the dramatic increase in the relevance of National Parks in relation to climate change and public health since 2020. Within its current business plan, to date NPP has generated **£3.97m** (£2.29m cash, £1.68m in-kind) of benefit to the NPAs to date.

- 6.4. Given the significant interest in Net Zero With Nature as well as other prospects, the Business Plan projects direct and indirectly generated funds over the operating plan period 2022-2025 of **£4.4m**. Projected income and expenditure figures for this operational plan period 2022-2025 give a Return on Investment (ROI) for NPP operations of **5.2:1**.
- 6.5. The current governance arrangements and structure of NPP LPP will continue to meet the needs of providing the new combined services which will be set out in a Service Level Agreement. The Board has a majority of National Park Authority representatives and Member National Parks will continue to approve all NPP Board appointments; attend the annual NPP LLP AGM meeting and approval of the Annual Report and Accounts.
- 6.6. The new combined service will require a new combined annual subscription of £18k plus VAT which is a modest increase on previous separate subscriptions (totalling 16k plus VAT). The recent activity at COP26 demonstrated the impact that can be achieved by closer collaborative working at UK level where UK Comms and NPP staff worked with lead CEOs and some individual Park Authorities. This combined demonstrating thought leadership in developing green finance initiatives alongside strong communication and event presence to ensure clear messaging on the roles National Parks can play in helping tackle the climate and nature crises. The new operating model is a further positive step in this area of work and is being supported.

Appendix 1: Map showing the location of the A82 proposed upgrade between Tarbet and Inverarnan

Author: Gordon Watson, CEO