



# CEO Report

## Agenda Item 11

### National Park Authority Board Meeting

13 March 2023

Paper for information

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#### 1. Purpose

1.1. To provide a summary overview of progress on the main strategic areas of work being undertaken in the organisation as well as significant external activities involving the Chief Executive and the Executive team.

#### 2. Recommendation

2.1. Board Members are asked to **note** the contents of this report for information.

#### 3. Scottish Government

3.1. [The Future for Scotland's National Parks](#): Members will recall the [report received at the recent Board meeting in December 2022](#) recommending the National Park Authority response to NatureScot's consultation document which set out proposals for how the role of National Parks might be strengthened to be able to deliver more to tackle the twin nature and climate crises. The additional comments made at the Board meeting were added to the report in response to NatureScot as set out in the draft minute on this agenda.

3.2. Publication of NatureScot's final advice to Scottish Ministers is expected imminently and may be in the public domain before the Board meeting. A verbal update will be provided to members should this be the case. It is understood that there was a good response to the consultation and broad support for some of the changes being suggested and that this will come through in the final advice.

3.3. Should Scottish Ministers be minded to consult on proposed changes to the National Parks (Scotland) Act 2000 then it is possible that this will be in the Spring. We will be closely monitoring developments and discussing arrangements with Scottish Government officials should this be the case. There will be a need to ensure any consultation engages with stakeholders in Loch Lomond and The Trossachs. This will also require to be managed alongside other consultation work the National Park Authority will be undertaking.

3.4. Scottish Biodiversity Strategy 2045: This was launched by our Minister, Lorna Slater to coincide with COP15 in December 2002. This strategy sets out a clear ambition: for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045. The vision is:

- By 2045, Scotland will have restored and regenerated biodiversity across our land, freshwater and seas.
- Our natural environment, our habitats, ecosystems and species, will be diverse, thriving, resilient and adapting to climate change.
- Regenerated biodiversity will drive a sustainable economy and support thriving communities, and people will play their part in the stewardship of nature for future generations.

To deliver the Vision, a detailed set of Outcomes is set out which help to define and understand what success will look like by 2045:

- Across our land and seascapes
- On land
- In rivers, lochs and wetlands
- In marine and coastal environments

3.5. These Outcomes will be achieved through detailed actions set out in Delivery Plans. The Strategy sets out actions which will:

1. Accelerate restoration and regeneration
2. Expand and connect protected areas and improve their condition

3. Support nature-friendly farming, fishing and forestry
4. Recover and protect vulnerable and important species and
5. Generate the investment needed to support nature recovery

A Natural Environment Bill, which is to be introduced during this parliamentary term, will also put in place statutory targets for nature restoration. The proposed draft National Park Partnership Plan 2024-29 and Future Nature update items elsewhere on this agenda represent the National Park Authority's proposed contribution to achieving the vision of this strategy.

#### **4. Loch Lomond Navigation Byelaw Review Update**

- 4.1. Following the Special Board meeting on January 30<sup>th</sup> which approved the finalised byelaws for submission to Scottish Ministers, the project team have been following due process and will shortly be advertising the byelaws so that the public have an additional 12 weeks to submit views to the Scottish Government for consideration.
- 4.2. The project team are continuing to progress four workstreams around Boat Registration and database; Enforcement procedural review, Monitoring framework and Communication and Engagement. There is also parallel work covering Infrastructure so that we can be prepared for implementing new buoyage as soon as we know that the Scottish Ministers are content to approve.

#### **5. Pre-season Visitor Management Update**

- 5.1. As is customary at this time of year our staff and partners are working to develop and fine tune a shared and co-ordinated plan for welcoming and managing visitors in the National Park for the coming season. Last year was not without challenge but there was no doubt that increasingly efficient partnership working, alongside increased staff on the ground, significantly helped manage issues and enhance experiences for visitors and residents.
- 5.2. We are delighted that this difference has been acknowledged across Scottish Government this year with confirmation of additional targeted visitor management funding for ourselves, FLS, and NatureScot (who have just launched a £1M Better Places Fund). It is also welcome that

partner Local Authorities have signalled being able to retain funding and resource levels from 2022. A recent meeting of partner organisations in the National Park confirmed a continued commitment to joint working and resource allocation similar to last year's level. This work is progressing to "business as usual" but it is still important that Members are aware of all of the planning and development work involved in preparing for the 2023 visitor season. Appendix 1 highlights the preparatory work of the partnership along with some national and policy context. Appendix 2 shows a well-developed draft table of actions for the upcoming season giving members a clear picture of what to expect.

- 5.3. There are a few developments in relation to National Park Authority Ranger Service that should be highlighted. Firstly, this is the first year where we have been able to offer permanent Seasonal Ranger contracts which have understandably proved popular and allow us to recruit and retain high quality seasonal staff. This provides staff with improved employment security and rights and also allows the NPA to invest in those staff to increase their skill sets. In addition, this shift has reduced our pre-season recruitment resource pressures which allows our staff to focus on other key work.
- 5.4. The second development relates to our commitments to addressing the nature and climate emergencies which are set out in the draft National Park Partnership Plan 2024-29 presented elsewhere on this agenda. Many priority work areas will require support from our experienced Ranger Service - for example in improving nature literacy across our visitors or through project development or direct infrastructure or nature improvements on the ground. To enable this, we will be striving to make our visitor behaviour management work and enforcement work more targeted and efficient. The deployment model our Ranger Service Managers have developed for the year ahead will apportion some Ranger time to deliver more nature and climate benefits whilst ensuring visitors and communities do not see reduced presence at key times through the season. We will keep a watching brief on how this model is operating as the season progresses.
- 5.5. Lastly, both appendices set out how the parallel strategic infrastructure investment and sustainable transport work is helping us build a sustainable and enjoyable visitor experience for everyone, enable enforcement to be more targeted and efficient, and helping design out irresponsible behaviours.

## **6. Legal Cases update**

- 6.1. As previously communicated to Board Members, we currently have two live legal cases before the courts.
- 6.2. Core Path Plan: Gartmore House Judicial Review: Members will recall that Gartmore House lodged an appeal against the original decision in our favour. The appeal was heard before the First Division of the Inner House of the Court of Session in Edinburgh – the highest civil court in Scotland - in November last year. Staff from our Legal and Access teams attended the hearing, together with our external legal team. The Reporter from the Planning and Environmental Appeals Division who prepared the Report to the Scottish Ministers recommending inclusion of the proposed core paths at Gartmore House was also there, together with the legal team acting for Scottish Ministers, who are an ‘interested party’ in the case. The hearing lasted several hours. The appeal was refused meaning that the court found in favour of the National Park Authority.
- 6.3. Our external legal team is now dealing with the expenses of both the original hearing and the appeal. Gartmore House was found liable for the expenses of the original Petition for Judicial Review. A court hearing in front of the Auditor of Court to determine the expenses of the original hearing has been set for 23rd March 2023. The amount we can recover is completely at the discretion of the Auditor of Court. An account for the expenses of the appeal hearing is being prepared by the law accountants.
- 6.4. Glenoglehead Site: 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 although there is no snack van on the site at present. The National Cycle Network Route 7 and the Rob Roy Way, officially one of Scotland’s Great Trails, follow the cycle path through the site.
- 6.5. The Forestry Partnership 2008 LLP (“TFP”) owns the land surrounding the site and some time ago wanted us to sign documentation to expressly permit timber lorries, forestry vehicles, and other large vehicles including wind farm equipment, to run through our site which lies between TFP’s land and the A85 trunk road. The 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. The site is busy with walkers, cyclists, car drivers and people stopping to use the picnic facility. Our position is that timber lorries using the cycle path as a haul route is not in the public interest because it would negatively impact the nationally significant cycle path and long-distance route, and other users of the site.

- 6.6. We sought to negotiate with TFP with the aim of arriving at a mutually acceptable position, but that was unproductive. In July 2021 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 haul timber on a commercial scale. We have sought legal advice and an opinion from Counsel and as a result, we are defending our position.
- 6.7. The case was due to call in the Court of Session in October 2022 however the court proceedings have been delayed until 10th March 2023 in an attempt to reach a mutually agreeable settlement through confidential mediation which is currently ongoing.

## **7. Vacant National Park Asset in Luss**

- 7.1. Further to the Board's decision in September 2022, officers continue to progress the disposal of the vacant National Park Authority asset in Luss - the former visitor centre and associated land.
- 7.2. Officers met with the Trust in October 2022 and also in January 2023 to discuss the Trust's proposals for the asset. Dialogue remains ongoing with the Trust, whilst it reviews whether it has sufficient capacity and wider community support to take on ownership of the asset.
- 7.3. The Trust has updated its constitution and other governance arrangements so that it is eligible to seek ownership of public assets. In January, officers proactively arranged a meeting which was attended by the Community Ownership Support Service to clarify any queries the Trust may have regarding the Asset Transfer Request process and to discuss any potential proposals for the asset.
- 7.4. Discussions remain ongoing and in accordance with Scottish Government guidance, officers have agreed to instruct a joint-valuation of the asset with the Trust. The joint-valuation will be instructed shortly and it will hopefully enable the Trust to establish whether it wishes to progress any of the potential proposals for the asset going forward.
- 7.5. Simultaneously, officers have collated a Property Pack in accordance with the process set out in the Scottish Public Finance Manual. In order to submit this pack to the Property Division of Scottish Government, the National Park Authority needs to secure the necessary servitude rights of access and wayleave to be granted by Argyll and Bute Council.

7.6. In February 2023, our Estates Manager met with a surveyor from Argyll and Bute Council to agree the necessary rights, which are now being drafted by the respective legal teams. When the servitude rights have been registered, we will be able to submit the Property Pack to the Scottish Government.

## **8. Appendices**

8.1. Appendix 1: 2023 Joint Response Visitor Management Plan

8.2. Appendix 2: Draft Table of Actions

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