



## Table of Recommended Responses

### Agenda Item 10 – Consultation on Scotland’s Biodiversity Framework – Appendix 1

National Park Authority Board Meeting  
11 December 2023

Consultation Section	#	Sections of Board Paper	Recommended Response
Scottish Biodiversity Strategy Delivery Plan	1	5.5– 5.13	<p>5.5. The preparation of rolling delivery plans to realise the ambition of the new Scottish Biodiversity Strategy is most welcome. Previous strategies have not led to the scale of action necessary and in the context of the twin crises in climate and nature, the need to focus on delivering the most impactful things at scale over the next 5 years is all the more pressing. This approach is already reflected in our delivery of Future Nature as well as the priorities set out in our finalised National Park Partnership Plan (presented elsewhere on this agenda).</p> <p>5.6. Loch Lomond and The Trossachs National Park is in a position to contribute significantly to a number of the proposed key actions and there are some points of clarity that are suggested for the finalisation of the SBS Delivery Plan.</p> <p>5.7. Some clarity is required over what the criteria are for proposed partnership projects for six large scale landscape restoration areas with significant woodland components by 2025.</p>

		<p>Work is ongoing to reinvigorate and expand the Great Trossachs Forest. Future Nature also identifies Wild Strathfillan and the Loch Lomond Basin (Atlantic Oakwood Rainforest) as priority partnership projects which could contribute to this action.</p> <p>5.8. Other specific actions of note include ‘reducing the rate of establishment of known or potential INNS by at least 50% by 2030 compared to 2020 level; and detection of priority INNS through increased inspections and vigilance of citizen scientists and eradicated or contained before they become established and spread’. Support for developing a pipeline of strategic INNS projects to coordinate the control of priority INNS at scale to eliminate or reduce the impacts of INNS in at least 30% of priority sites by 2030 is welcome.</p> <p>5.9. An action to explore how best to support optimal herbivore densities to enhance biodiversity outcomes in the uplands is welcome and reflects that management of herbivores other than deer is important, particularly sheep. This should include recognising the future contribution of sheep farming in this context.</p> <p>5.10. Given the number of lochs and freshwater bodies that are used for water abstraction in the National Park, the commitment to take an adaptive approach to water abstraction and impoundment management to protect freshwater biodiversity from the impacts of water scarcity in response to future climate change pressures is welcome. Abstraction that leads to some watercourse completely drying up is a concern in the National Park in the light of the threats to freshwater species. The National Park is looking to work with SEPA on better use of the Controlled Activity Regulations to review abstraction.</p> <p>5.11. In relation to Ecosystem Restoration there is a commitment to support landowners to protect and restore priority ancient woodlands by 2030, where the initial priority list is those protected/designated woodlands that are currently in unfavourable condition. Given the declining condition of some of our most important woodlands it is not clear what will be done differently to achieve this to improve on current efforts.</p> <p>5.12. In relation to Marine and Coast the commitment to. ‘Extend current monitoring programme for marine litter to include monitoring of microplastics’ and ‘Develop Coastal</p>
--	--	---

			<p>Change Adaptation Plans (CCAPs)' is welcome particularly given the extent of marine litter affecting Loch Long as well as the extent of predicted sea level rise in the Firth of Clyde.</p> <p>5.13. Also included is a welcome commitment to implement a programme of measures to restore catchments and rivers through River Basin Management Planning to achieve 81% of water bodies at 'Good' or better condition by 2027.' Our current levels indicate nearly 50% are less than good condition. This area will need further engagement with stakeholders to ensure meaningful delivery in the National Park.</p>
Nature Networks Delivery Framework	2	5.16 – 5.17	<p>5.16. Nature Networks if delivered well, with meaningful and long-lasting buy-in from local communities and land managers have the potential to offer a huge, positive impact for re-building nature. By encouraging more natural habitats, that are better connected across landscapes they could provide the building blocks for a richer natural environment and greater resilience to pressure and change.</p> <p>5.17. Clarification is required as to how planning authorities will be adequately resourced and supported to give them and other key delivery bodies the ability to establish, manage and monitor Nature Networks and what requirements will be placed on land managers within them to ensure land use that delivers nature restoration. We aim to develop our approach to nature networks as part of our new Local Development Plan.</p>
30 by 30 Policy Framework	3	5.20 – 5.21	<p>5.20. In relation to the current interpretation of 30 x 30, NatureScot in their recent advice to Ministers on new National Park(s) in Scotland were of the view that not all land within National Parks meets the criteria for 30 x 30, although it is recognised that there is an aspiration for more land to meet this criteria.</p> <p>5.21. We would question this conclusion which implies that land in National Parks outside of formally designated nature sites is not important for nature especially as it is designated as being "of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage" (Section 2 of the National Parks (Scotland) Act 2000). Equally, it is accepted that the entirety of National Parks should not count towards 30x30. Given the key role that National Parks increasingly play in Scotland's nature restoration</p>

			ambitions we believe special consideration should be given to how categories such as ‘other effective area-based conservation measures’ (OECMs) could be applied within the National Parks to provide new ways of building effective landscape scale partnerships on multiple landholdings, securing more land into long-term and effective management for conservation and restoration. We would welcome the opportunity to discuss in more detail how National Parks can play in helping to deliver 30 x 30, with large swathes of land in the Park being demonstrably important for nature in other ways.
Statutory Targets for Nature Restoration	4	5.26	5.26. The proposal to set, monitor and review statutory targets for nature restoration is supported in principle as this will help focus efforts on driving forward the larger scale delivery which is necessary to reverse the decline in nature. Clarity is required as to how delivery bodies will be enabled and supported to meet these targets above the current levels of public duty and suite of designations already in existence.
National Parks	5	5.30 – 5.31	5.30. The consultation carried out by NatureScot last year proposed that there should be a national policy statement on the role of all National Parks in Scotland. The response agreed by the Board was supportive of a statement that encapsulates the national role and combined benefits that can be delivered by National Parks for Scotland while not unduly restricting the focus of individual National Park Partnership Plans.  5.31. This proposal differs from NatureScot’s in that now it proposes to embed a broader statutory purpose in the 2000 Act. While this may be seen to somewhat duplicate aspects of the aims, it nevertheless is an important statement on the importance of National Parks in tackling these existential threats. This proposal is therefore strongly welcomed, and it is anticipated that more specific wording will appear in the draft Bill.
National Park Aims	6	5.35	5.35. The proposed changes represent a positive response to the suggestions previously made by the National Park Authority and are supported. In particular the separation of natural and cultural heritage into two separate aims is welcome as there can occasionally be conflicts between these interests. The National Park Authority has assessed some proposals against the National Park aims in the past, particularly in relation to significant planning applications. Impacts on the current first aim have interpreted natural heritage to include visual impacts on

			<p>landscape and scenic qualities. The proposed new wording should clarify that natural assets includes the quality and character of the landscape, which has been a significant consideration to the reasons for designation. The expansion of other aims to reflect the value, role and work of National Parks is welcome although this has meant that they have inevitably become more wordy. As mentioned above the drafting of the Bill will allow the opportunity to simplify language where possible.</p>
National Park Principle	7	5.38 – 5.40	<p>5.38. The scope of the four aims which apply to Scotland’s National Parks is seen as appropriate and successful. It should be noted that Scottish National Parks still differ from those in England and Wales by having a ‘socio-economic’ aim to be pursued in balance with the other three (now proposed four). This has led to a more rounded perspective in both strategy and delivery. However, the reasons for National Park designation must still be at the heart of all decision making and how the National Park Authority uses its resources as well as co-ordinates and influences others. If there is conflict with the first aim it is still very important that the National Park Authority gives greater weight to the nationally important environmental assets that it is charged with protecting and enhancing. In the context of a nature crisis this duty is more important than ever. The new National Park Partnership Plan has this duty at its heart as do other strategies and plans such as Future Nature and the Local Development Plan. Occasionally the National Park principle has been used to assess significant planning applications where there is considered to be conflict with the first aim and an unacceptable threat or risk to aspects of the National Park’s precious environment.</p> <p>5.39. It should be noted that without the National Park ‘principle’ being included in the National Parks (Scotland) Act 2000 it is unlikely that Scottish National Parks would be recognised as protected landscapes particularly in an international context. Scottish National Parks are recognised as a Category V protected area under International Union for Conservation of Nature guidelines (in common with those in the rest of the UK).</p> <p>5.40. The National Park ‘principle’ is at the heart of what gives the designation its purpose and for this reason its retention should be strongly supported.</p>

Other Public Bodies and National Park Aims	8	5.42 – 5.44	<p>5.42. Given that other public bodies and decision makers may be pursuing activities which may significantly affect the National Park aims it is anomalous that they have no responsibility at all to consider them under the current terms of the Act. The introduction of this duty will significantly help National Park Authorities hold partner bodies to account to ensure that they are actively considering the National Park aims as part of their own work where appropriate. Examples of why this is important, includes the extent of land in the National Park which is publicly owned and managed or the prospect of public infrastructure projects such as road improvements where impacts need to be adequately mitigated.</p> <p>5.43. It should also be noted that there are instances when planning decisions are being taken in National Parks by entities other than a National Park Authority. While Loch Lomond and The Trossachs National Park Authority is the full planning authority, the Act allows for other configurations in how planning powers may be exercised. Revisions to the Act should make clear that any planning authority making decisions in a National Park should have a duty to consider the impacts of a development on the achievement of National Park aims. This extends to decision making on planning appeals where the decision maker is the Scottish Government's Planning and Environmental Appeals Division or the Scottish Ministers. It is anomalous and concerning that these decision makers do not have a duty to consider the National Park aims when considering appeals on decisions made by a National Park Authority where an application has been assessed as contrary to the aims.</p> <p>5.44. The extension of this duty to other public bodies operating in the National Park is therefore to be strongly welcomed and should be drafted to ensure that all entities involved in planning decisions are included within this definition.</p>
Duty on Other Public Bodies to Deliver National Park Partnership Plans	9	5.46	<p>he National Park Authority response to NatureScot's consultation said:</p> <p>It is considered that the current 'have regard' wording is too weak and does not place a significant enough duty on public bodies to give sufficient priority to delivering National Park Plans..... To address this, it is suggested that there may be a need to strengthen the effect of this duty so that public bodies exercising functions within a National Park are required to positively support delivery of National Parks Plans.</p>

			It is therefore welcome to see this enhanced duty proposed as this will assist with more effective delivery of our National Park Partnership Plan.
General Powers of National Park Authorities	10	5.48 – 5.49	<p>5.48. The National Park Authority response to NatureScot’s consultation said it would like to see:</p> <p>“More direct powers of enforcement in relation to byelaws made by National Park Authorities to allow simpler disposal of minor byelaw breaches through giving National Parks Fixed Penalty Notice powers for some offences rather than all breaches being referred to procurator Fiscals.”</p> <p>5.49. This proposal would therefore be strongly welcomed. Loch Lomond and The Trossachs National Park Authority staff already have experience of fixed penalty notice powers concerning littering offences conferred through other national legislation. These powers are used sparingly and bring added deterrence value assisting Ranger staff to achieve voluntary compliance rather than formal enforcement. Current enforcement of National Park byelaws breaches through the court system involves significant legal work and in the case of more straightforward breaches could be seen as disproportionate particularly where there is a risk of receiving a criminal record. It is not anticipated that this proposal will be in place for when the revised Loch Lomond Byelaws come into force on 1st October 2024. The timetable and statutory provisions needed to implement this proposal will require further discussion and clarification.</p>
Governance of National Park Authorities	11	5.53 – 5.56	<p>5.53. The consultation by NatureScot last year asked a very general question on whether there was a need to review governance arrangements for National Parks and did not make any specific proposals. In response we said:</p> <p>“...the current approach does ensure that National Park Boards have a balance of local accountability and knowledge as well as national perspectives and experience in topics of relevance to National Park management issues. However, an issue that should be considered</p>

		<p>for review is whether the current approach to Board appointments and elections is fit for purpose in securing more diversity on our Boards.”</p> <p>5.54. While it is recognised that National Park Authorities have larger boards than other national Non-Departmental Public Bodies, the consultation omits to acknowledge that they are different from them in that they exercise a number of powers normally held by local authorities. This alongside the local geographic remit therefore means that Boards should have an appropriate balance of local and national expertise and perspectives. The knowledge of locally based members and the connection with local stakeholders and communities is a vital part of the governance make up of National Parks helping ensure they are responsive to local issues and concerns while delivering nationally important benefits.</p> <p>5.55. The consultation suggests a shift in balance of board membership but is not specific on precise numbers. The proposal for a maximum board size of 15 would mean at least a reduction of two Board members for this National Park Authority. Whether this new maximum board size, balance of membership, or means to elect the Convener and Vice-Convener should change or the status quo remain is a matter for the Board to debate and take a view on. It is suggested that the Board could consider options as follows:</p> <ul style="list-style-type: none"> <li>A No change from the current arrangements</li> <li>B Support the proposals set out in the consultation in full</li> <li>C Suggest any specific changes to the current arrangements that may supported.</li> </ul> <p>5.56. As set out in the introduction, while Board members have a conflict of interest in this matter, a dispensation has been granted by the Standards Commission to allow the Board to debate this matter and agree a response.</p>
--	--	---