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29 November 2022

Dear National Parks Commission Team,

### **Response to: The Future for National Parks in Scotland Consultation – October 07, 2022**

Scottish Renewables is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 320 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change. Scotland's renewable energy industry and its supply chain supported more than 27,000 full-time equivalent (FTE) jobs and generated £5.6 billion of output in 2020.<sup>1</sup>

To keep Scotland on track to achieving net-zero, we will require an additional 11GW of offshore wind, at least 12GW of onshore wind and 4GW of solar by 2030 to provide the electricity to decarbonise heat and transport. Achieving an additional 12GW of onshore wind will deliver fresh economic opportunities for Scottish supply chain and ports, creating £27.8 billion in GVA and 17,000 jobs across Scotland<sup>2</sup>.

Our members work across all renewable energy technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainably power Scotland's National Parks, heat homes and support businesses.

Scottish Renewables (SR) welcomes the opportunity to provide our view to NatureScot's consultation on the future for National Parks in protecting and restoring nature, tackling climate change, managing facilities and access for visitors, and developing sustainable communities in Scotland. SR is of the view that renewable energy developments can deliver for nature, such as via peatland restoration, and therefore have the potential to tackle both the nature and climate crises in tandem.

Where justified on natural heritage grounds and there is majority cross-section support amongst the local community, the renewables industry welcomes and supports The Scottish Government's commitment to designating one new National Park in Scotland by Spring 2026. Our members strongly agree that a new National Park should not be designated in Scotland for the sake of designating one if any of the above criteria are not met or if there is no suitable candidate area.

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<sup>1</sup> [The Economic Impact of Scotland's Renewable Energy Sector – 2022 Update](#), Fraser of Allander Institute, October 2022

<sup>2</sup> [The Onshore Wind Industry Prospectus](#), October 2021

While we acknowledge the Ministerial agenda for at least one new National Park by 2026 our members have real concerns that the policies (and law) which will flow from designation will make it even harder for Scotland to achieve net-zero. Onshore wind continues to lead the way to net-zero and needs to be able to do so for the foreseeable future. It is already constrained by an accepted policy that there should be no wind farms in National Parks and National Scenic Areas (NSAs). It is further constrained by other designations such as European nature conservation designations.

The need to avoid proximity to houses is also a major constraint. Together, these constraints make over half the land area of mainland Scotland unavailable for renewable energy generation from onshore wind. Adding a further National Park, especially in high resource areas such as Dumfries and Galloway, will materially add to the challenges facing Scotland's biggest climate change, nature recovery and jobs success story.

It is essential that further deployment of onshore wind, which is strongly supported by Scotland's new national development plan, National Planning Framework 4 (NPF4), and plans for a new National Park do not come into conflict.

In responding to this consultation, we highlight the following points as being of particular importance:

- The points raised by SR through the [Challenge for Ideas](#) (June, 2022) appear not to have been considered in this consultation or considered in the approach taken and we seek clarity on the rationale for this.
- We do not consider NatureScot to be the appropriate body to design and manage this consultation in full. NatureScot should be involved in Section 1 – The role of National Parks, as a key stakeholder. However, for Section 2 and the development of criteria by which to assess a new National Park, the criteria developed must allow for a balancing up of considerations, including the need to meet energy targets. The current criteria do not easily allow for this, and such criteria are not within the remit of NatureScot.
- Creating a National Park in an area that is not currently covered by any designations that preclude wind farm or other renewable energy technology and storage development, will have significant ramifications for meeting Scotland's renewable energy targets and pose a direct conflict with the priority given to the twin crises of the global climate and nature emergencies, as seen in the revised NPF4.
- It is essential that the new NPF4 is taken into consideration when designing the criteria in Section 2 and there will be a need to address any resulting policy conflict.
- To maximise the overall progress towards net-zero it is critical that the designation of a National Park avoids introducing any new and not objectively justified barriers that would materially impede the deployment of renewable energy developments in the vicinity of the National Park.
- Under current policy, any existing wind farm within a newly designated National Park could not be repowered. This will mean that, over time, there will be a loss of generation. Resulting in a loss of opportunity for increasing generation with larger modern and more efficient turbines typically seen with a repowered site.
- There could be a loss of opportunity to life extend existing assets, therefore wasting the opportunity to maintain output at an operational site.
- Communities currently in receipt of community benefit payments will lose this income stream from wind farms, where they could otherwise have continued to receive this via a repowered scheme or new development.

In designating any new National Park or Parks, The Scottish Government must balance its ambitions to increase the number of National Parks in Scotland with the need to deploy more renewable energy to meet our legally binding target of reaching net-zero by 2045 and the binding interim targets for 2030 and 2040.

To realise the enormous environmental, economic and social benefits that both National Parks and renewables can bring to Scotland **it is our recommendation that only areas which fall within existing National Scenic Areas (NSAs) should be considered.**

It is trusted that the concerns and matters raised in our response will be taken into account when considering the nomination of a new National Park in Scotland, as well as throughout the forward process.

Scottish Renewables remains committed to engaging as part of the National Parks Stakeholder Advisory Group, would be keen to engage further with NatureScot and The Scottish Government on this agenda and would welcome opportunities to discuss our response in more detail.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Richardson', with a stylized, cursive script.

**Mark Richardson**  
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## A stakeholder consultation on the selection criteria and approach to National Parks in Scotland

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### Part A - Scene setting –Scotland’s National Parks

**This section provides background to Scotland’s current approach to National Parks and some of the key considerations in establishing new ones. Further information on the international context for Scotland’s National Parks and the key parts of the National Parks (Scotland) Act 2000 are provided in Annex A and B of this paper respectively.**

In Scotland and throughout the world, National Parks are established to protect and enhance some of a nation’s finest wildlife, landscapes, seascapes and cultural heritage. They also provide a range of first class opportunities for people to enjoy, learn and value the natural and cultural heritage of these areas. Developed to meet Scottish needs for more integrated management of nationally important areas, our National Parks also play an important role in sustaining local communities and championing the sustainable development of these areas.

The Scottish approach to National Parks contains a number of key principles.

- **Park areas have to be of outstanding national importance for their natural heritage, or their combination of natural and cultural heritage.** The legislation provides for the long-term commitment to the conservation and enhancement of these special qualities of the area, and specifically its biodiversity, landscapes and historic features.
- **Each of the four statutory aims of the Park are concerned with making positive things happen.** National parks can play a key role on restoring biodiversity. Existing economic and recreational uses of the area are also supported; and new uses are encouraged provided that they do not impact negatively on the special qualities of the area.
- **A Park Authority is established to oversee the planning and management of the Park area in order to ensure that the aims of the National Park are collectively achieved.** Park Authorities are required to prepare and implement a Park Plan. Scottish Ministers approve the Plan, and the wider public sector is expected to contribute positively to its preparation and implementation.
- Through their direct representation in the Park Board and in the process of preparation and implementation of the Park Plan, **local communities play an enhanced role in the governance and management of the area.**
- Each Park is established through a separate designation order approved by the Scottish Parliament following extensive consultation, both locally and nationally.
- **The specific arrangements for the powers, functions and governance of each Park can be tailored to meet the needs of each Park area.** Section 31 of the Act allows for further modification of its operation to meet the needs of Park areas which extend into Scotland’s marine environment. There are also unused powers for public bodies to delegate their functions to National Park authorities.

Scotland’s integrated approach to National Parks acknowledges that social and economic development must be addressed alongside the care and enjoyment of the natural and cultural heritage. Ministers are also seeking to make sure Scotland’s approach to National Parks delivers more for nature recovery and achieving net zero.

### Key considerations for new National Parks

Scotland’s first two National Parks were designated for broadly similar reasons:

## The case for establishing Scotland's first National Parks

### Loch Lomond & the Trossachs

- Need to maintain a working countryside
- Need to manage recreational and visitor pressures
- Need to safeguard and enhance the natural heritage of the area
- Need to give greater care to the cultural heritage of the area
- The need to facilitate community development

### Cairngorms

- Need to maintain a working countryside
- Need to make better provision for recreation
- Need to safeguard and enhance the natural heritage of the area
- Increased interest in the care of the cultural heritage of the area
- Need to facilitate social inclusion and community development

*From*

[\*Report on the proposal for a Loch Lomond & the Trossachs National Park \(2001\)\*](#)

[\*Report on the proposal for a Cairngorms National Park \(2002\)\*](#)

The arrangements set out in the statutory designation orders for both of these Parks are similar comprising: a Park Board, a stand-alone non-departmental public body (NDPB), planning and access functions, and a range of powers drawn from existing legislation. This approach was considered appropriate given the reasons for designation. It also took into account that the both these areas cover relatively large populations and complex administrative arrangements (including at least four local authorities, two of Scotland's three enterprise agencies, several destination management organisations, and regional divisions of most public bodies).

The arrangements for Scotland's next national park could be similar to the first two. At the same time, they may need to be different in several respects e.g.

- Covering a different size of area (smaller or larger) or a different size of population;
- Extending to, or largely covering, a coastal and marine area;
- Located within fewer local authority areas or a single local authority area;
- A different range of powers and functions;
- Alternative governance and staffing models;
- Designated for a different range of reasons e.g.
  - Delivering more on the opportunities to restore nature as well protecting what exists already.
  - A stronger role in demonstrating exemplars of sustainable community development and land-use through natural capital approaches
  - As a tool to increase population growth in more remote parts of Scotland
  - A focus on rebalancing visitor pressures across parts of Scotland as well as the management of current visitor pressures.

Establishing new National Parks also brings wider opportunities in terms of nature recovery and could be a key element to achieving the "[30x30 commitment](#)" to protect at least 30% of Scotland's land area for nature by 2030. At the same time, refreshing the approach to National Parks may have implications for the role and arrangements for existing natural and cultural heritage designations.

In deciding to establish new National Parks, a number of strategic considerations therefore become important.

- What should be the key role or roles of National Parks?

- As the number of Parks grows in Scotland, how do we increase their collective impact?
- Do we want the suite of National Parks to collectively represent the very best of Scotland's nature or be representative of all of Scotland's nature?
- What are the implications of new National Parks for the role and importance of other natural and cultural heritage designations?
- How diverse do we want the strategic framework and operations of our National Parks to be?

These issues are explored further through the consultation questions

## Annex A – International perspectives on National Parks

While the primary purposes of National Parks are broadly similar (nature conservation, landscape conservation, public enjoyment and understanding), there is a range of approaches reflecting different emphases on the protection of nature and the inclusion of social and economic considerations. This diversity is illustrated within the International Union for Conservation of Nature (IUCN) categorisation of protected areas:

**Ia Strict Nature Reserve:** Category **Ia** are strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphological features where human visitation use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring [more...](#)

**Ib Wilderness Area:** Category **Ib** protected areas are usually large unmodified or slightly modified areas retaining their natural character and influence without permanent or significant human habitation which are protected and managed so as to preserve their natural condition.[more...](#)

**II National Park:** Category **II** protected areas are large natural or near natural areas set aside to protect large-scale ecological processes along with the complement of species and ecosystems characteristic of the area which also provide a foundation for environmentally and culturally compatible spiritual scientific educational recreational and visitor opportunities.[more...](#)

**III Natural Monument or Feature:** Category **III** protected areas are set aside to protect a specific natural monument which can be a landform sea mount submarine cavern geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value.[more...](#)

**IV Habitat/Species Management Area:**Category **IV** protected areas aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular active interventions to address the requirements of particular species or to maintain habitats but this is not a requirement of the category.[more...](#)

**V Protected Landscape/ Seascape:** A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological biological cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.  
[more...](#)

**VI Protected area with sustainable use of natural resources:** Category **VI** protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large with most of the area in a natural condition where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area [more...](#)

In developing its advice on National Parks in 1999, NatureScot commissioned a range of research on National Parks including [a review of models of National Parks](#). While now dated, much of the analysis of this report remains valid. In particular, it identified a range of relevant approaches to National Parks in Europe and globally, which included:

- small areas of strict protection and state ownership more akin to Scotland's National Nature Reserves (e.g. Netherlands, Ireland, Sweden) – mainly IUCN category 2;

- larger areas including strictly controlled core zones for conservation and other zones that allow for a range of compatible recreation, land-use and economic development (e.g. France, Italy, Germany and Canada) – a mix of IUCN Category 2 and 5 with a difference in classification of National Parks even within countries;
- larger strongly “humanised” natural areas or cultural landscapes (e.g. England, Wales) with similar approaches found in French Regional Parks and other European Nature Parks– all IUCN Category 5.

Perhaps not surprisingly given the commonality in land ownership, use and governance that we share, the Scottish model developed in the National Parks (Scotland) Act 2000 is closest to the English and Welsh approach to National Parks. However, there are a number of key differences including the stronger integration of cultural heritage into the legislative framework, the addition of specific sustainable land-use and social and economic aims, the flexibility over planning arrangements; and the inclusion of directly elected members from the community on Park boards. In being 100% funded by Scottish Ministers and run by non-departmental public bodies equivalent to NatureScot, the administration of Scotland’s National Parks is different and more akin to some European practice.



## Annex B – Key extracts from the [National Parks \(Scotland\) Act 2000](#)

### **Aims of National Parks**

#### *1 The National Park aims*

- *conserve and enhance the natural and cultural heritage of the area;*
- *promote the sustainable use of the natural resources of the area;*
- *promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area; and*
- *promote the sustainable social and economic development of the area's communities.*

### **General purpose and functions of National Park Authorities**

*9(1) - The general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way.*

*9 (2) - A National Park authority has, in relation to the National Park—*

- (a) the general powers conferred by virtue of schedule 2,*
- (b) the functions conferred by virtue of schedule 3,*
- (c) such planning functions as may be conferred under section 10,*
- (d) such additional functions as the designation order may specify*
- (e) such other functions as are conferred by virtue of this Act.*

Point 9(d) means that changes to National Park powers can be carried out through amendments to the designation order rather than having to always change the primary legislation.

*S 9 (6) In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).*

Section 9(6) of the Act sets out an overarching requirement for National Park Authorities to safeguard the special qualities of the Park area. This means that the National Park Authority has to give greater weight if there is a conflict between aim one (natural and cultural heritage) and the other aims. This requirement only applies to the National Park Authority and not to any other public body operating in the National Park. There is also no definition of 'greater weight' in the primary legislation.

### **Duty to have regard to the National Park Plan**

*14 - The Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park, have regard to the National Park Plan as adopted under section 12(7)(a).*

### **Byelaws and Management Rules**

All National Park Authorities have the general powers to create byelaws (schedule 2, section 8) and to set up management rules (schedule 2, section 10). Both provide for the control of a range of activities which are illegal (such as littering); or detrimental in specific locations or concentrations (such as the use of open fires or wild camping) or are incompatible with other uses (such restrictions on jet skis).

#### *Byelaws*

8 (1) A National Park authority may make byelaws for the National Park for the purposes of—

- (a) protecting the natural and cultural heritage of the National Park,
- (b) preventing damage to the land or anything in, on or under it,
- (c) securing the public's enjoyment of, and safety in, the National Park.

8 (2) In particular, a National Park authority may make byelaws under sub-paragraph (1)—

- (a) to regulate or prohibit the lighting of fires,
- (b) to prohibit the depositing of rubbish and the leaving of litter,
- (c) for the prevention or suppression of nuisances,
- (d) to regulate the use of vehicles (other than the use of vehicles on a road within the meaning of the Roads (Scotland) Act 1984 (c.50)),
- (e) to regulate the exercise of recreational activities.

#### *Management Rules*

10 (1) Sections 112 to 118 (management rules) of the Civic Government (Scotland) Act 1982 (c.45) have effect as if references to a local authority and to the authority's area included references to a National Park authority and the National Park.

10 (2) In the application of those sections to a National Park authority—

- (a) the reference in section 112(9) to management rules being sealed with the common seal of an authority, and
- (b) section 117(6) (disapplication of section 56(1) of Local Government (Scotland) Act 1973 (c.65)), are omitted."

#### **Application to Marine areas**

Section S31 of the Act allows Scottish Ministers to modify a number of provisions of the Act to make them relevant to coastal and marine areas. The application of this section was explored further in with NatureScot's [advice](#) on coastal and marine National Parks in 2006.

## RESPONSE TO CONSULTATION QUESTIONS

### Part B – Proposals – an online survey in three sections

#### Section 1 – The Role of Scotland’s National Parks

**This section examines the role of National Parks in Scotland and sets out proposals for refreshing the approach to National Parks.**

At present, Scotland’s two National Parks cover 7.2% of its land area. Establishing more National Parks will increase this total, bringing Scotland more in line with other parts of the UK (for comparison, the 10 English National Parks cover 9.3% of England and the 3 Welsh National Parks cover 19.9.% of Wales). How do we enable the National Park designation to deliver more for each of these areas and Scotland as a whole?

#### Contents

- The role of National Parks
- The statutory Aims of National Parks
- Powers and Functions of National Park Authorities
- Diversity in approach

#### The role of National Parks (Q1-7)

Scotland has ambitious targets and priorities to meet the challenges we face in tackling the climate and nature emergencies and we need to transform what we do, and how we do it, if we are to deliver them. Scottish Ministers wish to see Scotland’s National Parks as places that will actively demonstrate nature recovery and the transformational change needed in our approach to land-use, providing leadership and showcasing a just transition to net zero in Scotland.

The establishment of one or more additional National Parks is therefore not only a goal in its own right, but must be seen in the context of a range of connected Scottish Government strategies and policies including:

- [National Strategy for Economic Transformation](#) – including its ambition “to demonstrate global leadership to deliver a just transition to net zero nature positive economy and rebuilding natural capital”.
- The [Environment Strategy 2020](#) with its outcome that ‘Scotland’s nature is protected and restored with flourishing biodiversity and clean and healthy air, water, seas and soils’.
- Delivery of vision and outcomes of the [Scottish Biodiversity Strategy for 2030](#), to protect nature by 2030 and restore it by 2045 including
  - Preventing any further species extinction and halting declines by 2030 and making significant progress in restoring the natural environment by 2045.
  - 30x30 - securing by 2030 that at least 30% of Scotland’s land and seas are managed for nature.
  - Nature Networks - ensuring every Local Authority area will have a nature network of locally driven projects to improve ecological connectivity.
  - Establishing a world leading suite of highly protected marine areas.
- Commitment to meeting carbon reduction targets and adapting to climate change through implementation of the [Climate Change Action Plan](#) by developing “thriving rural economies based around woodland creation, peatland restoration and biodiversity as well as sustainable tourism, food and drink and energy”
- Delivery of Scotland’s [national planning framework](#), [land-use strategy](#) and [national marine plan](#), including the development of regional land-use partnerships and regional marine plans;
- The development of [new legislative proposals for land reform](#) including the introduction of a public interest test for transfers of large-scale landholdings;

- Implementation of Scotland’s vision for Responsible Tourism for a Sustainable Future in [Scotland Outlook 2030](#) and its [visitor management strategy](#); and the
- Refresh of [Our Place in Time – Scotland’s strategy for the historic environment](#).

Scotland’s National Parks currently play a number of key roles that support many of these strategies and plans through demonstration and good practice. In particular:

- they help protect some of the very best of Scotland’s nature, landscapes and heritage;
- they are at the forefront of landscape-scale action for nature restoration;
- they are an important part of Scotland’s visitor offer and provide a range of outstanding opportunities for outdoor recreation and enjoyment of nature.
- they are an important mechanism for land-use planning and the piloting of regional land-use partnerships; and
- they provide exemplars of community engagement and sustainable development, including natural capital approaches.

To build on this existing work and add greater emphasis to it, National Parks could be given a new overarching purpose “**to lead nature recovery and a just transition to net zero**”. Key elements of leadership and action required in this role could include:

- Promoting the need to do things differently and at greater pace if we are to make the changes needed to address the climate and nature emergencies;
- Recognising that change is inevitable and that nature recovery should be inspired and informed by the past but not seek to simply replicate it;
- Accelerating the transition in land and marine use needed to deliver climate mitigation and adaptation and nature recovery;
- Testing and embedding natural capital approaches to growing a well-being and sustainable economy;
- Generating opportunities for greater private investment in natural capital;
- Realising the just transition by championing reskilling and new employment opportunities to help ensure that no local community in the Park area is left behind;
- Leading on improving ways of design and place making that achieve optimum outcomes for people, nature and landscapes.

**1. Do you support “leadership of nature recovery and a just transition to net zero” becoming the overarching purpose of Scotland’s National Parks? If not, what else would you propose?**

SR members agree that *“leadership of nature recovery and a just transition to net-zero should become the overarching purpose of Scotland’s National Parks”*.

We propose that the overarching purpose is amended to *“leadership of nature recovery, climate change mitigation and adaptation and a just transition to net zero”* in line with The Scottish Government’s commitment within the revised draft National Planning Framework 4 (NPF4) that *“Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment”*.

The revised draft NPF4 Policy 1 – *Tackling the climate and nature crises* - gives significant weight to the *“global climate emergency”* to ensure that it is *“recognised as a priority in all plans and decisions”*. Therefore, National Park Authorities should also have a duty to give significant weight to the climate and nature emergencies in the management of National Parks and crucially in decision making.

**2. Which of the proposed elements of leadership and action set out in the list above do you support? What others - if any - would you propose?**

Our members support all the proposed elements of leadership. We recommend a new bullet is added or the bullet “*Accelerating the transition in land and marine use...*” should be expanded, to explicitly require National Parks to support appropriately sited developments within and adjacent to a Park’s boundaries that will contribute to climate change mitigation and adaptation, as well as Scotland’s net-zero targets.

The revised draft NPF4 states that The Cairngorms National Park is “*bringing together conservation, the visitor experience and rural development to provide benefits that extend well beyond the park boundary. Landscape-scale solutions to build resilience to climate change, to manage sustainable tourism and outdoor access, and a commitment to reversing biodiversity decline and increasing woodland expansion and peatland restoration, are all key priorities*”. Appropriately sited developments within and adjacent to a National Park, working in collaboration with National Parks in Scotland can support and deliver the proposed elements of leadership.

**3. What opportunities are there for National Parks to generate private investment in natural capital?**

SR members agree energy infrastructure projects, when undertaken in an appropriate manner will create opportunities for National Parks to generate private investment in natural capital. Further, renewables generate private investment in nature restoration for example via habitat management and through community benefit payments.

Our members recognise the opportunity presented by Biodiversity Net Gain (BNG) and Marine Net Gain (MNG) for developments, such as renewable energy projects, to generate private investment in nature enhancement.

We acknowledge that NPF4 will almost certainly advise that there should be no commercial wind farm developments within the existing Scottish National Parks, but this guidance should not preclude such development adjacent to a Park’s boundaries. The impacts of wind farm developments should be assessed taking fully into account the overarching objectives of National Parks discussed under Question 1. Other forms of renewable energy development may well be appropriate within Scottish National Park boundaries.

Our recommendation is that only areas which fall within existing National Scenic Areas (NSAs) should be considered. However, if a new National Park were to be designated for areas outside an existing NSA there is a significant opportunity to generate private investment by supporting renewables both within and adjacent to a Park’s boundaries, particularly where there are existing sites and wind farm repowering and storage opportunities.

**4. What role should local communities play in the National Park and how should National Park authorities work with and for them to secure a just transition?**

Local communities (assuming this means communities within or directly affected by the policies and administration of a National Park) should play an integral role in any proposal and process for a new National Park in Scotland, demonstrating that there is a majority backing in the community for such a proposal. Further, provisions should be made if local communities do not support the National Park proposals.

It is critical that the promotion of a new Scottish National Park, and later the promotion of

its statutory aims and objectives, should have proper regard to the just aims, needs and ambitions of such local communities.

A national statement that sets out the Scottish “vision and mission” for National Parks could be useful to provide further clarity on the role of National Parks and to promote their work more widely.

**5. Do you support a “vision and mission” for all of Scotland’s National Parks being clearly set out in a national statement? If not why not?**

In principle this could be useful if the vision and mission were drafted in clearly defined terms which have real meaning. However, SR members agree that the focus should be on setting the overarching purpose and the leadership and action elements as outlined above. A vision and mission could overcomplicate this and it is unclear what additional benefit this would bring.

**6. If you favour a national statement for Scotland’s National Parks being developed, what else should it cover?**

No comment. This question is too broad.

**7. To what extent should new National Parks be about the future potential of an area for nature restoration as well as what’s currently in place**

We would encourage adaptive management approaches to conservation because natural systems are not always predictable, which means it is important to be able to react, adapt and future proof as necessary. This question is too broad.

**The statutory Aims of National Parks (Q8-12)**

*National Park aims are to:*

- *conserve and enhance the natural and cultural heritage of the area;*
- *promote the sustainable use of the natural resources of the area;*
- *promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area; and*
- *promote the sustainable social and economic development of the area’s communities.*

*Where*

*“**natural heritage**” includes the flora and fauna of a National Park or a proposed National Park, its geological and physiographical features and its natural beauty and amenity*

*“**cultural heritage**” includes structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes,*

*Section 9 (6) - In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a)*

*National Parks (Scotland) Act 2000*



There should naturally be a close relationship between the “vision and mission” of National Parks and the statutory Aims of National Parks provided in the Act. In covering environment, social and economic dimensions, the four statutory Park Aims currently provide the basis for Scotland’s integrated approach to National Parks. While none explicitly refers to it, the Aims also enable National Parks to contribute to nature recovery and a just transition to net zero.

Definitions of both the natural and cultural heritage are provided by the Act. The latter was developed before [Our Place in Time, Scotland’s strategy for the historic environment](#), was written. Further consideration may be needed on whether this definition should be updated to reflect this strategy and its implementation as well as experience of its application within National Parks.

The National Park Authority is required to take forward each of the Aims in a joined-up way unless this is likely to lead to the detrimental loss of the natural heritage and cultural heritage of the area at which point it must give “greater weight” to this first Aim. This “balancing duty” is essential to the protected area function of Scotland’s National Parks.

While the current legislative approach has generally been seen as successful, a number of changes to these statutory Aims could be considered to further strengthen the focus and contribution of National Parks. Some of the possible broad options include:

1. retaining the current status quo e.g. keeping the existing four Aims as currently worded;
2. keeping the policy intention of each Aim unchanged but rewording them to better reflect the new vision and mission in the proposed national statement;
3. keeping the four Aims but include a new overarching statutory purpose of National Parks to secure nature recovery and a just transition to net zero;
4. adding additional aims e.g. “to promote the just transition to net zero” or “to increase the accessibility of the areas for all”; and
5. reducing the Aims to the first one only and change the other three Aims to duties, thus giving the National Park a much stronger, single statutory focus on the protection and enhancement of the natural and cultural heritage.

**8. Are any specific changes to the existing four Aims required? If so why, and what are they?**

We recommend that the final bullet, “*promote the sustainable social and economic development of the area’s communities*” should be revised to “*promote the sustainable social and economic development of the area*”. Our members highlight that the reference to communities is an unnecessary limitation. The objective should be unlimited.

**9. Which of these possible options, or mix of possible options, do you think would help strengthen the focus and contribution of National Parks, and why?**

Of the options presented, Option 3 is favourable over Option 4 because the statutory purpose of National Parks to secure nature recovery and a Just Transition to net-zero holds more weight than only promoting a Just Transition to net-zero.

Providing the new overarching aim should address the twin crises of **climate change** and **nature recovery**, with the supporting aims providing an appropriately broad scope for the future of National Parks in Scotland.

**10. Are there other options that could be considered? If so, what are they?**

No comment, having regard to the interests of our members.

Other public bodies are also bound by these statutory Aims when they are exercising functions within a National Park through the duty on them “to have regard” to the Park Plan.

*Section 14 - The Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park, have regard to the National Park Plan as adopted under section 12(7)(a).*

This wording does not itself require action by public bodies. While the track record of partnership working by public bodies in National Parks is strong, issues can arise between policy objectives which may slow or block delivery of the Park Plan. To address this, 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.

**11. Do you think there should be any changes to the wording in the Act to require public bodies to support delivery of National Park Plans? If so, what would you propose?**

The process of drafting, examining and adopting the National Park Plan should ensure that it's aims, objectives and policies adequately reflect input from NPF4, and so the twin crises of climate change and nature.

Our members note that the phraseology of Section 12(7)(a) is of having regard to the National Plan. Having “*regard*” to a particular matter is a style of statutory duty which is regularly imposed on public bodies. It is in effect an obligation to consider a particular matter whilst undertaking functions. We agree that it does not direct a particular outcome, nor does it require action. It should however be noted that, as currently drafted Section 12(7)(a) applies very broadly. It includes for example development outwith a National Park impacting within a National Park.

The question that is raised is the extent to which additional duties should apply and in particular is it necessary. This stakeholder consultation paper does not advance any examples of where the lack of this particular duty is impacting upon National Parks or the achievement of the National Park Plan. The duties should not be changed unless there is clear evidence to the contrary.

**12. Do you have any other suggestions for improving partnership working to support the implementation of the National Park Plan by all**

Provided any new National Park in Scotland is supportive of renewable energy development and storage both within and adjacent, there is an opportunity for the National Park Authority and renewable energy developers to form net-zero partnerships, with both organisations working to realise the areas full potential for renewable energy and associated community, environmental and economic benefits. For example, leveraging private investment in nature recovery or incorporating infrastructure improvements into project design.

**Powers and Functions of National Park Authorities (Q13-16)**

At present, the Act provides the following powers and functions to all National Park Authorities These include:

- general powers of non-departmental government bodies (charges, advice, research, grant-aid; land acquisition and compulsory purchase etc.);
- natural heritage functions of local authorities and NatureScot (for example for countryside management, ranger provision, nature reserves, compulsory purchase and grants etc.); and the



- planning and access authority functions of local authorities.

Through the designation order, these powers and functions can be further specified to meet the needs and circumstances of the area.

All National Park Authorities also have general powers to make bylaws and management rules in relation to the achievement of the National Park aims. While not yet used, the legislation also contains unique powers for Scottish Ministers and public bodies to transfer their functions and powers to a Park body and vice versa.

**13. Could any of the existing powers and functions be used more effectively? If so, which ones and how?**

We note that some officers within National Parks have taken the view that if there is any conflict between a development and the first of the objectives (conserve and enhance) it cannot be overridden by other factors automatically because of greater weight. The challenge in this interpretation is that by seeking to conserve and enhance a culture of doing nothing is encouraged.

If we do nothing, the very core of the National Parks will potentially be harmed by the lack of ambition to respond positively to the effects of climate change and nature crisis. Doing nothing may further exacerbate the challenges that we are already facing. It is likely that, as set out in the revised draft NPF4, a far more positive agenda is required in responding to the twin challenges of climate change and the nature crisis.

As already stated, our members strongly agree on the need for national policy and planning functions to be undertaken in line with The Scottish Government's commitment within the revised draft National Planning Framework 4 (NPF4) that *"Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment"*.

The revised draft NPF4 Policy 1 – *Tackling the climate and nature crises* - gives significant weight to the global climate emergency to ensure that it is *"recognised as a priority in all plans and decisions"*. It is therefore our recommendation that Park Plans should be reviewed and updated to align with national policy which is underpinned by the global climate emergency and nature recovery.

**14. Are any of the existing powers or functions redundant or unnecessary? If so, which ones and why?**

No comment.

To take forward a refreshed "vision and mission", National Park Authorities may require strengthened or new powers and functions in relation to the following areas:

- Improving protection, enhancement and enjoyment of nature
- Delivering Net Zero
- Better management of land or sea
- Funding
- Community well-being and development

**15. What, if any, changes to the powers and functions in these areas should be considered and why?**

For National Parks to achieve the proposed function of “*Delivering Net Zero*” The Scottish Government must consider how any new National Park in Scotland can be supportive of essential net-zero infrastructure, including renewable energy developments and storage. Particularly if an area is proposed as a National Park that already hosts onshore wind or other renewable energy technology.

Changes to powers and functions are not necessarily required. However, the aims should be reviewed to ensure decisions give significant weight to the climate emergency and nature recovery, reflecting the more positive NPF4 agenda. As already highlighted, this would typically be exercised under existing planning policy arrangements, which currently prohibits wind farms within National Parks.

**16. Are there any other areas where strengthened or new powers and functions will be needed by the National Park Authority? If so, what are they?**

No comment.

**Diversity in approach (Q17-18)**

In thinking about powers and functions, a key question is the extent to which we want all our National Parks Authorities to be similar. Consideration may also be needed in relation to their governance and management. It could be that a new National Park Authority will need to be similar to the existing ones. Alternatively, very different approaches could be developed though bespoke arrangements set out in the individual designation order for each new National Park Authority which reflect the needs and geography of its area and its administration.

**17. Should the powers and functions of National Park Authorities be decided on a Park by Park basis? Should any apply to all National Park Authorities? If so, which ones and why?**

SR members strongly support consistency and clarity across all Scottish National Parks in relation to powers and functions of National Park Authorities, as this will provide predictability for developers and decision makers. It is our view that there is currently no reason to depart from this principle.

**18. Are there any changes you would want to see to the governance and management arrangements of all National Park Authorities?**

As already stated, National Park Authorities should have a duty to give due regard to the climate emergency and nature recovery in all plans and decisions in Scotland in line with the revised draft National Planning Framework 4 (NPF4).

Our members highlight that it is essential that the existing, and any new, National Park Authorities are sufficiently resourced, trained and provided the tools to deliver their functions timeously, particularly in relation to stakeholder consultations and engagement on planning applications.

We welcome the statement that any changes to the statutory Aims of National Parks and the powers, functions and governance of National Park Authorities will require amendments to the legislation and will be subject of further stakeholder consultation by The Scottish Government.

Any changes to the statutory Aims of National Parks and the powers, functions and governance of National Park Authorities will require amendments to the legislation and will be the subject of further consultation by the Scottish Government.

## Section 2 – Criteria for selecting National Parks

This section considers the issues that need to be addressed in selecting new National Parks. While NatureScot has been asked to provide advice on how it should be done and what it should comprise, the Scottish Government will lead the development of the evaluation framework and the nomination process itself.

### Contents

- Developing a nomination process for National Parks
- Criteria for nomination and evaluation
  - Outstanding national importance
  - Size and coherence
  - Need or added-value
  - Degree of support
  - Strategic contribution
- Selection Criteria – other issues

### Developing a nomination process for National Parks (Q19-21)

Scottish Ministers have committed themselves to an open, transparent and bottom-up nomination process for selecting new National Park areas rather than the traditional expert-led, top-down approach. This fits well with new thinking about “co-production” in protected areas’ approaches, conservation practice and public policy more generally.

Key elements of the approach envisaged by Scottish Ministers include:

- Development and publication of an evaluation framework to assess nominations;
- A request for nominations to be made with clear guidance and within a timeframe that encourages nominations from all parts of Scotland;
- The provision of advice and other support for potential areas to prepare nominations;
- An open and transparent evaluation of the nominations based on the agreed framework;
- Decisions on which area or areas to progress made by Scottish Ministers based on recommendations following this evaluation.

#### **19. Are these the key elements of an effective nomination process for National Parks in Scotland?**

Our members highlight the lack of clarity as to whether there will be any public stakeholder consultation on the nominated sites. We argue that a public stakeholder consultation process is essential to consider the merits, opportunities, and potential issues for different areas. Further, a timely consultation process will ensure that The Scottish Government is fully informed before deciding on nominations.

However, a bottom-up approach rigorously applied will undoubtedly delay the designation process. Delay means a longer period of uncertainty for those of our members who have development proposals in the area of a proposed National Park. We note that the Scottish Ministers are committed to designation by 2026, a bold ambition which could be impacted by a long process.

We highlight [The Flow Country Partnership’s consultations](#) on the Flow Country proposed World Heritage Site Draft Management Plan and proposed boundary respectively as an example process which could be mirrored.

Scottish Renewables' responses to the proposed Flow Country World Heritage [Site Draft Management Plan](#) and [Site and Boundary](#) consultations respectively are available on our website.

**20. Do you have suggestions for improving any of the specific elements of the process?**

SR members agree that nominations from across Scotland should be encouraged. However, potential bids should be able to clearly evidence not only strong majority community support in favour from a wide cross-section of the area's demographic and population, but also a thorough appreciation and audit of the implications of the designation of a National Park for the achievement of net-zero.

This is a key point for our members. While it is easily stated that nature recovery and a Just Transition to net-zero are the overarching twin purposes of National Parks, those purposes could so easily be put at risk if areas for a new National Park are proposed which are also vital renewable resource areas to enable the transition to net-zero.

The most obvious unintended consequence would be for much needed large commercial wind farms, which will likely be advised against in National Parks under NPF4, as they are now under Scottish Planning Policy (SPP). If the utilisation of a vital sustainable resource is to be denied by designation, then that implication should be acknowledged from the outset and opened to debate during the designation process.

The evaluation framework should be clear that no weight should be afforded to National Park proposals in the planning process prior to any Ministerial decision on National Park status. We highlight that it is likely that there will be several proposals for National Parks, covering significant areas of Scotland. Affording weight to proposed National Parks in the planning process prior to a final decision on each will result in unnecessary delays to development, including renewable energy. Existing planning requirements will ensure development is appropriate to the context of each area.

A further key issue is ensuring that in qualitative terms the addition of a further Scottish National Park compliments the success of the existing two National Parks in Scotland. If a new National Park is not of a high enough quality, then it would devalue the National Park brand. This is a very real risk, and it is important that any location that is proposed would meet the key objectives.

**21. Are there additional elements you want to see included, and if so, what are these?**

A public stakeholder consultation process on proposed bids should be included to allow for wider public scrutiny and support of proposals to ensure that there is a more rounded view available to Scottish Ministers, prior to any decision making.

SR members would welcome greater clarity and transparency on the decision-making process and why any potential new National Park sites are proposed over others. Further, improved clarity and transparency on any decisions and why a site has been chosen for National Park designation over others. We recommend that a chain of reasoning would be beneficial to improve understanding for all stakeholders involved in the process.

**Criteria for nomination and evaluation (Q22-37)**

The following questions (22-37) seek views on possible criteria against which nominations for new National Parks could be evaluated.

Possible criteria that could be included in the Evaluation Framework are as follows:

1. What are the special qualities of the area that merits its designation as a National Park? (“Outstanding national value”)
2. Does the area proposed make sense as a National Park? (“Size and coherence”)
3. How would establishing a new Park help deliver nature recovery and a just transition to net zero in this area? (“Need or added value”)
4. Is the investment in creating a new National Park Authority for this area justified in terms of these outcomes, or are existing approaches sufficient? (“Need or added value”)
5. Is there sufficient evidence of local support for this proposal to be considered further? (“Degree of support”)
6. Would the designation of the area increase the impact of Scotland’s National Parks as a whole? (“Strategic contribution”)

For each of these criteria, a number of components are suggested that could be expanded on as part of the nomination and reviewed as part of the evaluation processes. Further consideration is needed on how far we try to quantify these components or whether they should be left more open-ended. (“Other issues”).

Outstanding National Importance

i. What are the special qualities of the area that merits its designation as a National Park?
<p>Possible components</p> <ul style="list-style-type: none"> <li>• Value for biodiversity, landscape and cultural heritage</li> <li>• Value for enjoyment and understanding</li> <li>• Value of natural capital assets</li> <li>• Inclusion of associated marine areas and islands where relevant</li> </ul>

This criterion directly reflects one of the conditions in the existing National Parks legislation.

In terms of international practice, a strong case can be made for having a suite of National Parks that either include “the best of Scotland’s nature and landscape” or are representative of “all of Scotland’s nature and landscape”.

The existing legislative conditions in the Act refer to “natural and cultural heritage” and it also therefore remains an important consideration in thinking about future National Parks.

While outstanding value is strongly linked to international practice in National Parks and should be so in Scotland, we may also want to consider the *potential* for nature recovery and a just transition to net zero in any area that is nominated.

<p><b>22. Do you agree that outstanding national importance should be a criterion? Could the clarity of it be improved and, if so, how?</b></p> <p>Yes, we agree. If an area is not of outstanding national importance, there are several other designations which are more likely to be appropriate to the area than a National Park. If this criterion is not met, it would undermine the credibility of the designation. Our members strongly agree that a new National Park in Scotland should not be designated for the sake of designating one if there is no suitable candidate area.</p>
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We highlight again the Flow Country Partnership's nomination process which includes clear criterion for 'Outstanding Universal Value' that are unambiguous.

**23. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

The proposed components are appropriate. No further comment.

Size and coherence

ii. Is the proposed geographic area likely to make sense as a National Park?

Possible components

- A definable geographic area including, where relevant, associated settlements
- Shared heritage, cultural associations and traditions
- A size which allows for the delivery of Park aims
- An area in which the special qualities of the Park as a whole would not be undermined by existing or proposed more intensive land or sea uses or large scale infrastructure that exist within, or are proposed for, the area

This criterion directly reflects one of the conditions in the National Parks legislation.

National Parks are normally contiguous, discrete areas with shared heritage, cultural associations and traditions. Smaller settlements can be included. There may also be additional considerations in terms of defining the marine extent of an area where this applies.

In thinking about the area, a central question is whether the area is in practice too small or too large for consideration as a National Park. Another key factor may be the extent to which intensive land or sea uses or large-scale infrastructure which detract from the special qualities of the area are included or excluded.

**24. Do you agree with size and coherence as a criterion? Could the clarity of it be improved and, if so, how?**

We agree with size and coherence as a criterion. See response to Question 25.

**25. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

The area, or majority part, should already be designated as a National Scenic Area. Such an area would already be subject to stringent regulations which already demonstrate some of the attributes in terms of being of genuine national quality and would not additionally stifle development as a matter of policy. Consideration should also be given to marine areas which are already subject to significant protection.



We suggest further clarity should be provided relating to the last bullet, *“An area in which the special qualities of the Park as a whole would not be undermined by existing or proposed more intensive land or sea uses or large scale infrastructure that exist within, or are proposed for, the area”*

SR members strongly request clarity about what is meant by this sentence as it is implied here that a National Park would not be considered in areas where there are existing wind farms, wind farms which will require repowering and other large infrastructure present. If this is the case then The Scottish Government needs to be clear, as they are otherwise causing great concern to the renewables industry and investors. There also appears to be a suggestion that further large-scale infrastructure might be appropriate in a Scottish National Park?

If this is the case, then we would be supportive of this and suggest (as above) to direct National Park nominations to National Scenic Areas where there is typically no development of large-scale infrastructure.

#### Need or added-value

These two criteria directly reflect one of the conditions in the National Parks legislation.

iii. How would establishing a new Park help deliver nature recovery and a just transition to net zero in this area?

Possible components

Are there existing issues and/or future opportunities for

- nature restoration?
- transforming land or sea use to contribute to net zero?
- Improving accessibility to nature for all?
- provision of sustainable transport options?
- better visitor and tourism management?
- growing the well-being economy by increasing natural capital, creating nature-based skills and jobs and supporting community capacity and development?

If our ambition for National Parks is to provide leadership and practical action to demonstrate nature recovery and a just transition to net zero, the potential for this should provide a key basis for evaluation of new National Parks. Further consideration will be needed on the “information” or “measures” that could be used to make the case for this.

**26. Do you support the consideration of the potential contribution of the National Park in delivering nature recovery and a just transition to net zero as criterion? Could the clarity of it be improved and, if so, how?**

We somewhat support the consideration of the potential contribution of a National Park in delivering nature recovery and a Just Transition to net-zero as criterion. Our members highlight the need for further clarity. It is unclear whether the second bullet, *“transforming land or sea use to contribute to net zero?”* includes commercial energy infrastructure projects. And if the final bullet, *“growing the well-being economy by increasing natural capital, creating nature-based skills and jobs and supporting community capacity and development?”*, to confirm that this includes community owned commercial energy infrastructure.

Consideration should also be given to existing land uses which may be at conflict with a new National Park designation and disadvantaged by such a proposal. The inability to progress



critical renewable energy proposals due to a new National Park designation would hinder progress to net-zero and should be taken into account when assessing nominated areas.

We acknowledge that Policy 11 – *Energy* in the revised draft NPF4 states that Policy 11b) “*Development proposals for wind farms in National Parks and National Scenic Areas will not be supported*”. However, we highlight Policy 11a) which states:

a) *Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*

i. *wind farms including repowering, extending, expanding and extending the life of existing wind farms;*

ii. *enabling works, such as grid transmission and distribution infrastructure;*

iii. *energy storage, such as battery storage and pumped storage hydro;*

iv. *small scale renewable energy generation technology;*

v. *solar arrays;*

vi. *proposals associated with negative emissions technologies and carbon capture; and*

vii. *proposals including co-location of these technologies.*

**27. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

Somewhat agree. Our members highlight the opportunities for appropriately sited energy infrastructure developments including renewable energy generation and energy storage developments should be considered.

We recommend that any new Scottish National Park should be able to support renewables both within and adjacent to a Park’s boundaries, particularly where there are existing sites, wind farm repowering and storage opportunities. This should be considered and clarity provided regarding whether this would contribute to the stated criterion.

Further, we recommend the second bullet, “*transforming land or sea use to contribute to net zero?*” should be revised to include *use of land and sea for renewable energy technology generation and storage.*

iv. Is the investment in creating a new National Park Authority for this area justified in terms of these outcomes, or are existing or other approaches sufficient?

Possible components

- Weaknesses or limitations of existing measures
- Costs of existing measures

The Act also requires a dedicated National Park Authority to be created, so a key judgement to be reached is whether the issues and opportunities in an area merit this, over and above other mechanisms or approaches.

**28. Do you support the assessment of the merits of a National Park compared to existing or other approaches as a criterion? Could the clarity of it be improved and, if so, how?**

Yes, this is appropriate. No further comment.

**29. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

Our members highlight the need for a new National Park authority to be adequately skilled and resourced to fulfil its functions, including as a statutory consultee to ensure planning delays are avoided. Conversely, the significant costs of establishing, resourcing and managing a new National Park effectively must also be strongly taken into consideration.

Our members also highlight the existing significant lack of resources within planning authorities across Scotland in general.

Degree of support

**v. Is there sufficient evidence of local support for this proposal to be considered?**

Possible components

- Support by local community or group
- Support by local authority/fit with local authority policy
- Indication of national support/fit with national policy

The degrees of local and national support for a National Park in both Loch Lomond and the Trossachs and the Cairngorms was assessed by the reporter during the statutory designation process. This was tested again during the consultation and Parliamentary scrutiny of the Designation Order. The need for this assessment remains for future statutory proposals, suggesting that the non-statutory evaluation framework should also include some consideration of this issue to allow Ministers to have confidence that a statutory proposal they issue has the best chance of leading to designation. As well as the level of support, who is supporting the nomination is also important – be it local authorities, communities, land-owners or other key stakeholders. How this is best captured in the framework and expressed in nominations will need careful consideration.

**30. Do you support the consideration of existing support as a criterion? Could the clarity of it be improved?**

Yes, we support the consideration of existing support as a criterion. However, it should be considered that unconscious bias based on previous existing support does not factor into decision making or the consultation process. A proposal for a new National Park should be judged solely on its merits against the standard criteria. The potential for a new National Park to significantly impact local people, communities, business and infrastructure is on a par with local council elections and should be subject to a local vote and/or referendum.

We recommend greater emphasis is needed on the 'national' element. Given the climate emergency and nature crises, it is critical that collectively stakeholders think about use of our limited land strategically and long-term. Our members agree that there should be an opportunity for all stakeholders to demonstrate informed support or objection for any new National Park in Scotland.

Additionally, we recommend a fourth component bullet is added for *'Support from local businesses and investors.'*

**31. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

Our members agree that the process of designating a potential new National Park is effectively creating a new level of local governance, opting out of existing local authority control, we suggest it needs to have the majority support of local people and communities living in and adjacent to a proposed site. Further, we recommend that the process should ensure decision-making is not left to self-appointed or influential individuals in any given local area to take over the running of a locale without due democratic process.

Local support must be demonstrated wider than that given by a local community group, which are often run by a small number of people who do not always represent the majority. Support should be representative of the whole community. We recommend that accessible surveys, petitions, and case studies should be considered similar to [The Flow Country Partnership's consultation](#) process on the proposed Flow Country World Heritage Site as mentioned elsewhere in our response. All proposals should be subject to consultation prior to Ministerial decision to gauge national support.

Local authority and national policies should be at the core of the decision-making process ensuring that meeting decarbonisation and climate change policies remain a key focus.

Strategic contribution

vi. Would the designation of the area increase the impact of Scotland's National Parks as a whole?

Possible components

- An area that could provide an opportunity to develop and test different approaches to nature recovery in a way that supports a just transition
- An area which contributes to the delivery of 30x30 commitment
- An area which supports Scotland's strategic approach to visitor management
- An area where the sustainable social and economic development of its communities, that a National Park could support, is of strategic importance

A key role for National Parks is as exemplars of management and good practice. Do we want to increase the relevance of this role by selecting a range of areas that cover the issues and opportunities that come from the different landscapes and seascapes that Scotland has?

**32. Do you support the assessment of the strategic contribution of an area as a criterion? Could the clarity of it be improved?**

Yes, we support the assessment of the strategic contribution of an area as a criterion. As already stated, there is an opportunity for a new National Park to support appropriately sited renewables developments that can help to address the climate emergency and nature crisis.

See response to Question 3 relating to the contribution to natural capital that Biodiversity Net Gain (BNG) and Marine Net Gain (MNG) could offer.

**33. Do you agree with the proposed components? Are any components missing and, if so, what are they?**

Our members highlight that National Parks could also strategically contribute to net-zero; this should be added as a criterion. Scottish Planning policy precludes wind farms from being developed within existing Scottish National Parks, but they can support appropriately sited renewable energy developments and storage adjacent to a Park's boundaries.

We recommend that any new National Park in Scotland should be able to support renewables both within and adjacent to a Park's boundaries, particularly where there are existing sites, wind farm repowering and renewable energy storage opportunities. This would enable a strategic contribution towards our net-zero ambitions.

**Selection Criteria – other issues**

Further work is needed in developing these criteria as part of the guidance for nominees but a key consideration will be keeping this as short and as simple as possible.

**34. Are there any significant issues that are not covered by the proposed criteria? If so, what are they?**

We recommend an additional criterion is added to consider the negative implications of designation of the nominated National Park area. The current criteria offer no clear forum for stakeholder discussion on a cost/benefit analysis. The criteria are currently orientated around benefits only, with no opportunity to discuss the problematic implications, for example for the renewables industry, local communities and businesses. Our members agree that this will give The Scottish Government / decision maker(s) an opportunity to weigh up their decision, in line with the revised draft NPF4, with clear evidence.

Creating a new National Park in an area that is not currently covered by any designations that precludes wind farm or other renewable energy technology development, will have significant ramifications for meeting Scotland's renewable energy targets.

As highlighted elsewhere in our response, it will also pose a direct conflict with the significant weight given to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions as stated in the revised draft National Planning Framework 4.

**35. Do you think any of the criteria are more important than others? If so, which ones and why?**

Our members agree that climate change and nature recovery in line with the revised draft NPF4 should be the priority. A balanced and proportionate approach should be adopted for the selection criteria.

**36. Do you think the selection criteria and proposed components provide the right balance between covering the issues required and simplicity? If not, how could they be improved?**

Yes, SR members agree that the selection criteria and proposed components at this stage appear to provide the right balance.

**37. Should more of the proposed components be quantifiable? If so, which ones, and how?**

It is unclear which proposed components are intended to be quantifiable. However, yes, we suggest that there should be an opportunity to quantify evidence as required and appropriate, rather than this being stipulated.

From a renewables industry perspective this would include the opportunity to quantify:

- Loss of energy generation towards meeting targets from existing wind farms that can no longer be life extended or repowered. In line with revised draft NPF4, Policy 11a) which states,

*“a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*

*i. wind farms including repowering, extending, expanding and extending the life of existing wind farms”*

- Estimate loss from wind farms that do not yet have planning permission or are looking for a turbine tip height increase.

- Loss of all development costs for companies (including supply chain) developing projects in the above categories.

- Loss of community benefits from repowered renewables schemes, and potential future schemes.

The above will all contribute to an overarching issue of undermining investor confidence in renewable energy in Scotland long-term.

As already stated, we recommend that only National Scenic Areas be considered for a new National Park designation with priority given to proposed sites which already have additional designations such as SAC.

### Section 3 – Other issues and respondent information (Q38-40)

#### This final section covers other issues

This consultation has focused on proposals for the role, powers and functions of National Park Authorities and the criteria for selecting new National Park areas. Future consultations from Scottish Government will follow, seeking views on the detail of any legislative changes Ministers consider are required and on a draft evaluation framework for selecting new National Parks. Following the finalisation of this evaluation framework, a call for nominations for specific areas will then be issued by Scottish Ministers.

#### **38. Are there any other issues about either Scotland's approach to National Parks or the selection of new National Parks you would like to raise in your response at this stage?**

As stated elsewhere in our response, consideration should be given to ensuring that the formation of a new National Park does not limit decarbonisation efforts and prevent the development of renewable energy infrastructure projects (including the grid infrastructure that is needed to connect renewable generation to the transmission network) where they are appropriately located, to achieve Scotland's net-zero targets as supported by National Parks in this stakeholder consultation.

We reiterate the need for a transparent public stakeholder consultation process on any proposed new National Park nominated areas.

Finally, can you please provide the following respondent information to allow us to process your response in accordance with our [data policy](#).

#### **39. Are you responding as an individual or an organisation? - required**

Individual

Contact Name and email:

Organisation or group

Name of Organisation or group:

Scottish Renewables, 6th Floor, Tara House, 46 Bath Street, Glasgow, G2 1HG

Contact Name and email:

Mark Richardson, mrichardson@scottishrenewables.com

NatureScot would like your permission to publish your consultation response.

#### **40. Please indicate your publishing preference – required**

Publish response with name

Publish response only (without name)

Do not publish response

Please note that 'Publish response only (without name)' is available for individual respondents only. If this option is selected by an organisation, its name will still be published and will be listed as having responded to the consultation in, for example, the analysis report.

**THANK YOU FOR COMPLETING THIS SURVEY**