

## **A GALLOWAY NATIONAL PARK?**

This is a briefing paper on the issues that I hope will be addressed by all interests in considering the proposals for a National Park in Galloway. It first discusses what a national park is from an international perspective and assesses the significant features of best practice learnt from international experience and their relevance for the Galloway proposal. Secondly, it assesses the Galloway proposals. The so far unanswered issues arising from the bidder's document are identified, particularly in relation to the role and functions of other bodies operating in the area. Key questions that need to be addressed are raised before the Scottish Government can reach a conclusion based on the Reporters assessment.

### **The international experience**

A national park is one of a suite of measures to protect nature, natural systems and landscapes. These are called 'protected areas' and defined as

*A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.*

More specifically, a national park is defined internationally as

*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.*

Readers might question these international references. They are relevant to the Galloway National Park (GNP) proposals given the number of internationally significant sites and areas designated for nature and the proposer's stated intention to be different from the two existing Scottish national parks.

### **What are the lessons learned from international experience?**

**Lesson 1 Nature first:** the protection and restoration of nature and natural processes should be the primary objective.

The implication for the GNP proposal is that nature should take priority. This is relevant as many of the nature features are degraded and the natural processes have been interrupted by human activity. It is even more relevant in the light of actions needed to provide solutions to the effects of climate change and biodiversity decline which the proposed Natural Environment Bill is likely to focus on.

**Lesson 2 Other objectives are important but of second order:** social, cultural, economic, scientific, educational are regarded as supporting the primary objective.

The implication for the GNP proposal is that, as already stated in the National Parks (Scotland) Act 2000 Section 9 (6), when there is conflict between the aims, nature must take priority. Again, this is reinforced by the need to act to adapt to and to change the trajectory of the twin crises. Presumably, the revised provisions for national parks to be included in the forthcoming Natural Environment Bill will strengthen these points in the light of the Scottish Government's earlier consultation and policy support.

### **Lesson 3 National parks should be chosen within a bioregional context**

National parks are representative of the biogeographical components of a country, i.e. the broad natural regions, so that the national parks are a representative of each of the main bio-regions.

The implication for Scotland is that a biogeographical approach should be seriously considered in the proposed legislation in the Natural Environment Bill. It should be a relatively simple exercise given the definition of Natural Areas by NatureScot. The basis to date of ideas for national parks has rested on the work of the Ramsay Committee of 1947, a survey by W H Murray for the National Trust for Scotland *Highland Landscape – a survey*, and the work of the then Countryside Commission for Scotland on *Popular Mountain Areas*. All of these studies have favoured national parks centred on mountain areas, as has the recent work by the Scottish Council for National Parks. Is this an appropriate approach, especially when many of these areas are already protected for nature through domestic and international designations? It is noticeable that in England newer national parks have been in regions representing non mountain landscapes.

The implication for the GNP proposal is to assess how it fits within the biogeographical region.

### **Lesson 4 National parks should cover a large area**

Many national parks have been too small to adequately protect natural processes and extensions have been needed to embrace a wider area to act as a buffer to activities beyond the boundary. The three zone Biosphere Reserve model is a classic example of this approach. A more sophisticated one is to use the IUCN Protected Area Management Categories. The international rule of thumb is that the nature priority area should comprise 75% of the total area of the national park.

The implications for the GNP proposal are that the broadly defined boundary should serve for consultation, but with clarification on the extent of the nature priority core and the inclusion or otherwise of human communities. The implication is that care would need to be taken about the human communities included or excluded in drawing up a boundary. What is as yet unclear is whether the area will extend into the marine environment. Section 31 of the National Parks (Scotland) Act 2000 provides for the establishment of marine national parks. It is relatively unusual internationally to have the statutory ability to establish combined terrestrial and marine national parks in the same piece of legislation. Is this not the time to consider this seriously or is there sufficient protection of the marine environment already?

### **Lesson 5 The speed of development of proposals must take into account the views of local communities, and historical rights and practices.**

A top down approach in many areas has set back the development of an 'accord' between the national interests and local people for many years. Equally, an approach generated by interest groups nationally and/or locally has had the same effect. The lesson is that rushing to achieve an end for political reasons or to satisfy pressure group aspirations puts back the cause of national park development considerably.

This lesson is well known in Scotland as the proposals for national parks from the late 19<sup>th</sup> century onwards failed to find local or national political support or the support of local rights owners. In 1990 Scottish Office Ministers agreed to officials' recommendations for the establishment of two working parties to consider ideas for new approaches in the

Cairngorms and Loch Lomond and The Trossachs as follow up to the CCS report on Popular Mountain Areas. The working party's membership deliberately included all of the relevant local and national interests in order to achieve consensus of the way forward, but it took time, as is always the case in these matters. By the time the new government was elected in 1997, there was a reasonable meeting of minds locally to accept the new government's proposals for a national park statute for Scotland and specific proposals for the two areas. The lesson is clear that it takes time to build consensus and to reduce polarity.

The implications for the GNP proposal are that this is being rushed and with a partiality in the claimed support for the GNP. There is opposition from particular interest groups. But more significantly there are concerns about the divisiveness of the issue in many communities which will take a long time to overcome. The appointment of NatureScot as the Reporter under the 2000 Act is correct by statute, but the time scale given to them is short. There are likely to be concerns that the Scottish Government is rushing the process to have a new national park in place prior to the Scottish Parliament elections in May 2026. It is surely best practice for revisions to the primary statute, the 2000 Act, to be approved ahead of any new national park. The Bill is not expected until early 2025. Otherwise, the consultation on new approaches to deal particularly with the twin crises will have been nugatory and call into question the Scottish Government's seriousness about updating the purposes of Scottish national parks.

#### **Lesson 6 the contract between national and local interests must secure a working partnership for the future**

Overriding traditional rights and failure to take into account the knowledge and experience of local people in looking after the area has resulted in many conflicts in the establishment of national parks around the world. Community representatives from the outset in developing proposals is necessary, rather than consultation once ideas are already firmed up.

The implication for the GNP proposals is that a more consensual process is needed, probably beyond what the official Reporter under the 2000 Act can offer given the short timescale the Reporter has been given by the government. Thus, a more nuanced approach is needed which allows all interests to contribute, rather than reliance on those in favour being in the lead and seeking views on the proposals as they, the proponents, state them. A new form of consultation is needed that is led by neutral agents to develop a consensus, where all interests are equal partners as in the now widely accepted international consultation approach focussing on co-design and co-production. At present the timetable will not allow for this. This will prove to be a grave mistake.

#### **Lesson 7 Removal of perverse effects of policies is essential**

There are countless examples internationally where activities in or adjacent to national parks and other protected areas have a deleterious effect on the protection of nature and natural functions within the protected area. Controls over activities themselves, particularly those which exploit natural resources such as timber felling and restocking, such as wildlife and game management, such as mineral extraction, such as recreational activities requiring infrastructure, need to be controlled. At least as important is the need to remove what are commonly known as 'perverse incentives' which drive activities having a negative effect on nature, such as support for agriculture, forestry, fishing and mining activities, development of transport infrastructure and use of water resources.

The implications for the GNP proposals are that the current practices in forestry in particular, and to a lesser extent in agriculture and renewable energy, need to be changed to ones

which protect the environment and preserve and where necessary enhance natural ecological functions. Despite the Good Agriculture and Environmental Code (GAEC) and the UK Forestry Standard, the application of these measures are largely voluntary and are not subject to the degree of scrutiny and even less enforcement, which is needed if land use operations for economic benefits are also to achieve the necessary support for amelioration of climate change and for reversing the biodiversity declines. Without new measures and stricter controls and enforcement the primary objective of protecting and enhancing nature cannot be achieved in the core area.

### **Lesson 8 Adequate resources need to be secured in perpetuity**

Any new body requires resources both to operate and to provide incentives for others to undertake activity beneficial to the overall purpose of the national park. All too often many countries have not provided long term financial commitments to the national park once established. Without this the work is undermined. The assumption that the private sector will step in only works in a few situations where there are privately owned and run national parks and nature reserves; these are few and far between.

The implications for the GNP proposals are that the Scottish Government must give a firm commitment to long term funding of whatever mechanism is established. This is usually not the approach as budgets are reviewed annually and more fundamentally on longer timescales. Also, the much vaunted ideas of large amounts of private capital and operating costs being available need to be formally assessed. Equally, the cost of activities to achieve the primary aim of nature improvements needs to be undertaken, over and above the current funds through the Peatland Action Programme and the Nature Restoration Fund as this is not clear. Figures of the order of £15m to £25m have been mentioned, but what is this for? Where are the costings? Why are such large sums needed just to establish what would only be a small government agency?

There is also a concern that the GNP proposals are seeking to obtain central government financial commitment to the area to address a whole range of issues which a national park authority is not the primary government leader of delivery.

It is also common knowledge that the current funding for the Biosphere from SoSE is threatened with withdrawal from April 2025. This means that it is being terminated prematurely leaving the recently employed staff without funding. It is no wonder therefore that the Biosphere Partnership Board voted in favour of the GNP proposals. Yet, the model developed over the last decade would, with refreshment and further development serve the area well if future funding were guaranteed.

The use of funds must be carefully considered as all too often it is to employ expert staff from the outside the area, rather than provide jobs and skills training for local recruits. Also, there is a need to determine what expertise is needed internally beyond the normal skills and competencies for running an organisation including nature expertise, both geo and bio, and educational expertise, and what can be obtained from existing local businesses.

### **Lesson 9 Novel governance systems to include all communities of interest are vital**

There are many governance models internationally. They range from traditional top down central government agencies administering federally owned land through to what are now termed Community Conserved Areas which represent and maintain the traditional rights of people and their accumulated knowledge and wisdom in caring intergenerationally for their natural environment. There is no one preferred model, but there is a gradual move away

from top down to more nuanced forms of governance based on the concept of 'sharing power'.

The modified arrangements for governance of the two existing Scottish national parks reflect in part this trend, although it is still heavily weighted towards local council elected member representation rather than local community representation. This should be reviewed in the forthcoming Natural Environment Bill.

In the case of the GNP proposals, consideration would need to be given to the establishment of Area Committees given the large scale of the proposed area, and the lack of social connection across the area.

### **What are the issues to be addressed in the formal consultation on the GNP proposal?**

The joint proposal by the Galloway National Park Association and the Galloway and Southern Ayrshire Biosphere is considerably better than those for the other four nominations. It is more thorough in relation to the criteria set out in the legislation and in relation to the specific criteria determined by the Scottish Government for the bid process.

However, many fundamental questions remain which the Reporter appointed under Section 3 of the National Park (Scotland) Act 2000 must address. I make an assessment below in the hope of aiding the process within the area.

One way of describing the GNP proposition is it is 'all things to all people'. Hence the claimed high level of public support stated by the proponents. In effect 'an all singing all dancing' authority is proposed which will solve of all of the issues that existing authorities have proved incapable of addressing! There are a few obvious questions which needed to be addressed to assess whether the GNP proposition will make a real difference and not undermine the efforts of public, charitable and private sector efforts. I state some of the most obvious ones below in no particular order.

- How will tourism numbers be controlled?
- How will the visitor market be manipulated to bring in high spenders?
- How will the land use conflicts between upland agriculture and nature on the one hand and renewable energy and afforestation on the other be resolved?
- How will locally trained people be housed and given jobs that will be needed to manage, for example the forests and the renewable energy installations?
- What basis will be used to decide which communities are included and which are outside the boundary?
- Should the marine environment be included given the option to do so under Section 31 of the 2000 Act and especially the importance of the feeding grounds for birds and the effect of rising sea levels and increased storminess at the coast?
- How will poverty alleviation be achieved?
- What will a national park do that is not being achieved in the education and skilling of future employees so that they remain in the area?

- How will a national park resolve the housing crisis of affordability and access for young people, especially with the proposed focus on the development of tourism?
- How will the infrastructure of the area be improved to accommodate tourists?
- How will the A75 and A77 be upgraded to improve access to the vital Northern Ireland supply links?
- How will a national park control invasive non-native species?
- How will a national park result in greater peatland restoration and nature restoration than is being achieved through existing measures?
- How will a national park bring about better return of lost species compared with existing projects such as the Golden Eagle Re-enforcement and Red Kite projects?
- How will the national park improve the management of state owned land through NatureScot and Forest and Land Scotland than what is currently being undertaken?

The Scottish Government Assessment Panel concluded that either Galloway, Lochaber or Tay Forest proposals could be taken forward to the formal Reporter stage. The Scottish Government decided on the Galloway case given its aim of having one new national park designated before the end of the current parliament in March 2026. Despite this political commitment, time is not on the side of settling all of the issues, and most importantly of achieving widespread support of all of the communities of interest in the area in support of this means of moving forward in the light of my assessment of international experience.

The Scottish Government Assessment Panel made three very telling comments on the GNP proposals:

1. On the aspects of relative social and economic of the area nominated (employment, income, education, health, and access to services) they commented that the “the role was not something that national parks were uniquely capable of addressing”.
2. The Panel noted in relation to land use matters that “the national park could add an additional layer of organisational complexity “.
3. The Panel noted in relation to the evidence quoted by the proposers on support for the national park, that the “evidence of support for the national park was not universal”.

All of these aspects are critical in determining whether the national park proposals are the most appropriate way of addressing the many issues faced by the area and its people.

On the Assessment Panel’s first point, the telling point is are there other bodies which have these responsibilities as their primary purpose. The pertinent question is whether existing bodies or a new body with a clear socio-economic remit is best fitted to address these issues. While the Assessment Panel does not dwell on their observation, it is obvious that South of Scotland Enterprise (SoSE) should lead on many of these given its social, economic and environmental functions, along with other authorities such as local councils, housing associations, and health boards. Also, SoSE has identified the wider region as a Natural

Capital Innovation Zone. This unique approach merits further development to address the social and economic issues of Galloway in a uniquely different manner than previously bearing mind its natural resource base.

On the Assessment Panel's second point, about the potential complexity of decisions on land use, the scene has moved forward with the production by SoSE of a Regional Land Use Framework published in September 2024 following extensive consultation throughout the south of Scotland. This can clearly provide the basis for both developing more local land use strategies, as is being done for example in The Glenkens, and the development of novel and innovative support mechanisms within the framework of the four tier system of the Agriculture and Rural Communities (Scotland) Act 2024. The pressing issues are the economic viability and the environment role of livestock farming both in the upland and lowland sections of Galloway. This work should surely lead to a tailor made mechanism for supporting food production and environmental stewardship as a single integrated system to meet the legitimate criticism of the farming community about more bureaucracy arising from a national park. Furthermore, there are already issues within the Biosphere about land use, such as the switch of land use from uplands livestock farming to afforestation and to renewable energy, resulting in the increasing industrialisation of the landscape but with very limited locally based employment. This is an urgent issue which is not being addressed because of the fragmentation of Scottish Government decision making and lack of meaningful consideration of community views. Again, this is an aspect that a national park authority could not resolve given the number of government actors involved. It requires the implementation of the land use strategy with support and involvement of all of the arms of government.

On the Assessment Panel's third point, it is essential that the Reporter not only holds meetings, but seeks to gain understanding of the degree of concern within communities. Many people do not want to attend meetings because of concerns about the divisive nature of the debate. Social survey and other means must be used to address this point. Otherwise, as stated in my international lessons learned assessment, there will remain divisions and dissension within communities which would take many years to overcome.

One issue of the Scottish Government's own making is its confusion about the purpose of a national park. Its latest statement says that any new national park should support economic growth, address the climate emergency and improve public services and community wellbeing. No mention of the biodiversity crisis despite its 2045 Biodiversity Strategy, no mention of the Just Transition and the Journey to Net Zero. And does it mean removal or downgrading of the critical provision in Section 9 (6) of the National Park (Scotland) Act 2000 in the face of conflict between the purposes of a national park conservation and enhancement of the natural and cultural heritage should take precedence? I hope not as this principle is vitally important as the international experience demonstrates. Even worse any degrading of this provision will be seen by many as an 'open sesame' for tourism

development without thinking through the consequences. It is an oft quoted statement by folk living in Galloway that 'we would like to have more visitors, but not too many'! I hope that the Scottish Government's proposals for revised national park legislation will be well informed and reflect the basis of its earlier consultation paper proposals and the advice of NatureScot and many non-government bodies, such as the Royal Society of Edinburgh.

To conclude, the key questions which this commentator considers need to be addressed through the Reporting process are :

1. Will a national park address the twin crises of climate change and biodiversity better than the current arrangements?
2. Can the non-environmental benefits be better achieved in another way through existing organisations working more effectively in partnership with local interests and with each other?
3. Have the proposals gained widespread support within the communities as independently assessed?
4. What is the scope for a more measured timescale of working towards an integrated solutions to address all of the social, economic, environmental, cultural, educational, health issues faced by the land and its people?

There are supplementary issues of lesser importance that will need to be considered such as: the boundary of any area requiring a new strategy and action plan by all public bodies, is the marine environment to be included, what powers should any new body have in addition to those already delivered through existing bodies, and what new governance arrangements are needed especially bearing in mind that the Galloway area contained in the proposer's map is by no means socially, economically, naturally or culturally coherent and would require area committees.

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