



Natural Environment Bill – implications for the consultation

The No Galloway National Park Campaign have already raised numerous, significant concerns about the current process, including the work carried out by NatureScot, in their role as Reporter. This demonstrably falls short when reviewed against Scottish Government's own consultation guidance¹ including the UK Government's 11 principles of good consultation² and the Gunning Principles which are minimum legal standards for a consultation to be deemed a fair and worthwhile exercise. It also falls short of good practice standards, the National Standards for Community Engagement³. Taken together these failures seriously undermine the basis for the Reporter's advice to the Government arising from the process to date.

To make matters worse these failures have been compounded by the publication of the Natural Environment Bill⁴ less than a week after the closing date for the statutory consultation. The consultation was based on the National Parks (Scotland) Act 2000 and the new Bill proposes numerous changes to this, including the aims of National Parks and the way they are run.

The consultation proposal clearly stated this Act provides, 'the ground rules for all Scotland's National Parks.' So, in effect the Government were consulting on the basis of the Act, at the same time as they were planning changes to it. They did not publish those changes until after their consultation closed. The Government response to the conundrum of being called out for such shameful manipulation of the process is weasel words and obfuscation.

The Minister for Rural Affairs and the Natural Environment, Mairi Gougeon, has acknowledged that the Bill proposes changes to the aims of National Parks and the way they are run. As detailed by the minister the Bill amends the Act in order to:

- Amend and elaborate National Park Aims
- Strengthen the existing duties on public sector bodies operating within National Parks

¹ <https://www.gov.scot/publications/consultations-in-the-scottish-government-guidance/>

² <https://www.gov.uk/government/publications/consultation-principles-guidance>

³ <https://www.scdc.org.uk/what/national-standards>

⁴ <https://www.parliament.scot/bills-and-laws/bills/s6/natural-environment-scotland-bill>

- Introduce new powers to set up a fixed penalty notice regime for the contravention of National Park byelaws and
- Amend the Land Reform (Scotland) Act 2003 to enable any future National Park to become the access authority for its area.

She then goes on to state that the existing powers to designate a new National Park under the 2000 Act and the designation process are not affected by the new Bill. On that basis she claims, 'we do not envisage any issues with the Bill being considered by Parliament at this time.' In other words, she is expecting our community to be gullible enough to accept that Government can, behind the scenes of a statutory consultation, change the legislative basis which sets out the 'ground rules' for the proposal under consideration.

Whilst the powers and process for designation may not have changed, much of the substance of what the community were being asked to give their view on looks likely to. Many feel the timing of the publication of the Natural Environment Bill, less than a week after the consultation closed, demonstrates very clearly how little regard the Scottish Government have for the views they have offered. Some would go further and believe this arrogance demonstrates a staggering level of complacency and contempt for those they are meant to represent.