

# **Consultation on the key findings and recommendations from the National Parks Review**

## **Preface**

*“At the outset, I want to say with enthusiasm how exceptionally important our national parks are to Scotland. Indeed, their iconic landscapes put Scotland on the international stage.*

*The parks demonstrate sustainable solutions for rural development and environmental protection, and contribute to the Government's greener Scotland and other objectives.*

*In the five years since the parks were established, they have made good progress. I am sure that everyone who is involved in the parks realises that the time is right for the review that is due to take place. We are committed to simplifying the public sector landscape. It is time for us to ask ourselves some questions and to seek answers.”*

**Michael Russell, Minister for Environment at the debate on National Parks in the Scottish Parliament 13 March 2008.**

## **1. Background**

1.1 In March 2008, Michael Russell, the Minister for the Environment, announced a Strategic Review of Scotland's two National Park Authorities as part of the Scottish Government's commitment to 'More Effective Government'. The Review addressed three key questions:

- A) What is the most appropriate type of National Park body (or bodies) for delivering National Park functions in Scotland?
- B) What is the most appropriate employer arrangement for this body (bodies)?
- C) What are the most appropriate governance arrangements for this body (bodies)?

1.2 The Review was originally intended to comprise two stages. The recommendations in the report now published will produce significant improvements in the delivery of national parks policy and will address most of the issues which were envisaged as potential subjects for Stage 2, including considering boundary issues and potential new National Park designations. At the same time (and in common with other planning authorities) the National Park Authorities will be responding to the Government's agenda for modernisation and reform in the operation of the planning system and will be taking this forward with enthusiasm. Ministers have therefore decided that there is neither the substance nor the justification for proceeding with a second stage of the Review.

1.3 This consultation paper is being published alongside the Report of the Review. The report addresses the three key questions above. Some of its recommendations

relate to the governance arrangements for the National Park Authorities, the statutory provisions for which are set out in the National Parks (Scotland) Act 2000. Any changes to Board size and composition would require changes to both primary and secondary legislation and an early legislative opportunity would be sought.

1.4 The Review Report is available on the Scottish Government website: [www.scotland.gov.uk/Topics/Environment/Countryside/16131](http://www.scotland.gov.uk/Topics/Environment/Countryside/16131). If you would like us to post you a copy, please contact the National Parks Review Team at:

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Landscapes and Habitats Division  
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1-A North  
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## **2. Review Findings and Recommendations**

2.1 The three main issues addressed in the Review Report are set out below. The key findings and recommendations from the Review are presented together with related consultation questions.

### **2.2 The most appropriate type of National Park body (or bodies) for delivering National Park functions in Scotland**

2.2.1 The Review found that the present arrangements which established each National Park Authority as a freestanding non-departmental public body (NDPB) should continue in the medium term. This model has been beneficial as it has enabled the Park Authorities to develop strong links to local communities and has given them flexibility to tailor their approach to the specific needs of the Park areas.

2.2.2 Statutory National Park Plans, as required by the National Parks (Scotland) Act 2000, were agreed in 2007 and are still in the early stages of implementation. The Review recognised that time is needed for implementation to be progressed so that the efficacy of current arrangements can be fully tested. In the future, the National Park Authorities' contribution to National Outcomes and their effectiveness in implementing the Park Plans will provide the basis for assessing their effectiveness in meeting National Park Aims.

2.2.3 The Review noted that actions should be taken to help to strengthen the national and strategic elements of National Park Authority work. As small distinctive organisations, the challenge for National Park Authorities is to sustain their local roots at the same time as enhancing their national profile. National Park issues are always

likely to be small parts of wider public agendas. To achieve what was envisaged in the legislation, National Park Authorities need to have a stronger national voice than they appear to have at present. The implication of this is that national routes of influence should be strengthened so that other public bodies can better focus on their contribution to National Park aims.

2.2.4 The Review found that continuing to have separate NDPBs for each new National Park Authority is unlikely to be sustainable in the long term. National Parks are now well established in Scotland and if, in the future, there were to be further National Parks, there would be an opportunity to build on experience and adjust arrangements while continuing to address key issues of local democracy, national significance and accountability. In the long term, a national organisation, supporting the work of individual National Park Authorities may have the potential to meet what is required.

2.2.5 Recommendations from the Review:

- The present arrangements for a free-standing NDPB National Park Authority for each National Park should continue for the medium term.
- A Ministerially chaired National Parks Strategy Group, consisting of National Park Authority conveners and other key interests, should be established to discuss the contribution of National Parks to wider public policy agendas; to give direction which optimises the benefits of National Parks; and to ensure that the direction of development is consistent with what is likely to be required for the future.
- If, in the future, consideration were given to the designation of further National Parks, it would be sensible to consider different organisational arrangements that would reduce the number of NDPBs required for National Parks, while addressing key issues of local democracy, national significance and accountability.

2.2.6 In relation to the second point above Ministers have arrived at a preliminary view that a suitably constituted National Parks Strategy Group would provide an appropriate mechanism:

- a) for considering any proposals for changes to national park boundaries and/or the creation of new national parks and for advising ministers whether to refer any such proposal for full formal consideration under the procedures set out in the of the National Parks Act
- b) for advising ministers on how to progress any future organisational and operational changes including any changes in planning powers (see 2.3 below)

## **Consultation Questions**

**1. What are your views on the recommendation that the present arrangement of free-standing NDPBs for each National Park Authority should continue in the medium term?**

**2. What are your views on:**

**a) the recommendation that a ministerially chaired National Strategy Group should be established?**

**b) the proposed remit of the group?**

## **2.3 The most appropriate employer arrangement for the National Park Authorities**

2.3.1 The Review found that there would be, at best, marginal benefits in changing to a single employer arrangement for the National Park Authorities in isolation from other changes. National Park Authorities are among the smallest of NDPBs and results of a pilot benchmarking exercise suggest that proportionately they spend less than others on their employer arrangements. There is a risk that the potential business cost of changing employer arrangements could, in the short term, outweigh benefits.

2.3.2 It is recommended that consideration be given to a phased approach to harmonising employer arrangements between the Park Authorities as part of a wider examination of opportunities for service sharing. In the medium to long term, there may be efficiencies from sharing employer arrangements, particularly if the Park Authorities are working more closely together on issues of shared concern. Results from pilot benchmarking of a range of corporate services suggest that there may be benefits from sharing a wider range of corporate services, including finance, estates management, and ICT as well as HR services.

2.3.3 Each National Park Authority currently works in a different way and there is recognition that there is more scope for shared effort and experience. As small organisations with wide-ranging remits, they need to be focused on their core mission but can be vulnerable because they lack critical mass. Thus they cannot achieve economies of scale, they do not have the capacity for back-up and lack resilience to corporate stresses such as absence or staff turnover. Service sharing would reduce these risks inherent in the current arrangements.

2.3.4 Sharing business tools and working practices that can underpin National Park Authority activities would still allow for National Park Authorities to have the flexibility to reflect distinctive needs of the areas for which they are responsible. Both National Park Authorities are involved in SEARS (Scotland's Environmental and Rural Services), a partnership of nine public bodies aimed at delivering a better co-ordinated service to land managers, for example avoiding duplication of inspection and other visits. SEARS is thus an example of sharing the public interface of services. The National Park Authorities are taking steps towards sharing 'back office' processes. A more systematic approach would ensure that they shared direction and maximised potential benefits. A fully costed scoping exercise on service sharing for

the National Park Authorities would be an essential preliminary stage to more progress.

#### 2.3.4 Recommendations from the Review:

- In the absence of any wider organisational change there is no merit in pursuing a single employer arrangement for staff of the National Park Authorities. The scope for wider sharing of corporate services and increased harmonisation of employer arrangements between the Park Authorities should be examined. The Park Authorities should jointly agree the scope and direction of service sharing and establish a plan and timetable for the work required.
- The National Park Authorities should also build on the steps they are already taking to exchange knowledge and to develop shared approaches and should intensify their involvement in SEARS.

#### **Consultation question**

**3. Taking account of the above recommendations, what further steps (if any) would you like to see the National Park Authorities making towards working together?**

### **2.4 The most appropriate governance arrangements for the National Park Authorities**

2.4.1 The Review recognised that there were clear benefits in the National Park Authorities having large Boards with 25 members at the outset. The Park Authorities are now well established and their strategic direction has been set in the National Park Plans. The Review recommends that there is now a case for moving to a reduced Board size in order to support consistently effective governance going forward. The Boards benefit from the mix of directly elected members and Council nominees to strengthen local accountability, and direct Ministerial appointees to strengthen national accountability, ensuring a balance of skills and experience.

2.4.2 The Review recognises the inclusion of directly elected Members has contributed to the effectiveness of the Board in reflecting local interests. There is support for increasing the proportion of Park Authority Board Members who are directly elected. Whilst there is potential for the balance of membership to be changed so that directly elected members would represent an increased ratio of the total Board membership, it is important to bear in mind that each Park has a small electorate.

2.4.3 The Review notes that the National Park Authorities receive almost all their funding from the Scottish Government. It would be consistent with the need for securing accountability for public funding if the Convener and Deputy Convener were to be appointed by Ministers.

2.4.4 Changing the maximum size of Park Authorities and the arrangements for Conveners and Deputy Conveners will require change to primary legislation. The legislation embodies the concept of local as well as national accountability through

inclusion of appointed members and relevant local authorities nominees. However, future National Parks may not intersect multiple local authority boundaries to the same extent as the current National Parks. In some situations a smaller Board or different Board constitution might be appropriate.

#### 2.4.5 Recommendations from the Review:

- National Park Authority Boards should be reduced in size while retaining a mix of directly elected members, Council nominees and direct Ministerial appointees.
- Within a smaller Board, the proportion of directly elected Members could be increased. Public views should be sought about the possible different balances of membership, taking account of the small size of electoral base within the Parks.
- Within a re-structured Board there needs to be a proper reflection of the accountability to Scottish Ministers which could be achieved if Ministers were to appoint the Convener and Deputy Convener. A feasible process for appointing the Convener and Deputy Convener would need to be agreed with the Office of the Commissioner for Public Appointments in Scotland (OCPAS).

#### **Consultation questions**

**4. a) Do you agree that the size of National Park Authority Boards should be reduced? Yes or No**

**b) If yes, what size do you think the Board should be?**

**5. a) Do you agree that the National Park Authority Boards should continue to contain a mix of 3 types of member (directly appointed, nominated by councils and directly elected)? Yes/No**

**b) If yes, what would be the appropriate balance of the three types of membership?**

**6. What are your views on the recommendation that having Ministers appoint Conveners and Deputy Conveners from among Board Members would help to strengthen the Parks accountability for public funding?**

### **3. Next Steps**

3.1 Following the closing date of this consultation, all responses will be analysed and considered along with any other available evidence to help us reach a decision on what is proposed. We aim to issue a report on this consultation process within three months of the closing date.

#### **4. How to Comment**

4.1 Comments are invited by 12<sup>th</sup> February 2009.

4.2 All responses should be sent to –

[nationalparksreview@scotland.gsi.gov.uk](mailto:nationalparksreview@scotland.gsi.gov.uk)

or

National Parks Review Consultation  
Landscapes and Habitats Division  
Rural Directorate  
The Scottish Government  
1 A North  
Edinburgh  
EH6 6QQ

## Additional Information

### **Responding to this consultation paper**

We are inviting written responses to this consultation paper by 12<sup>th</sup> February 2009. **Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:**

nationalparksreview@scotland.gsi.gov.uk

or

National Parks Review Team  
Rural Directorate  
Landscapes and Habitats Division  
Mail Point 4  
1A North  
Victoria Quay  
Edinburgh  
EH6 6QQ

If you have any queries contact Erika Hudleston on 0131 2446472.

We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.

The Scottish Government now has an email alert system for consultations (<http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library by 12<sup>th</sup> March 2009. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next ?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the recommendations made in the National Parks Review report. We aim to issue a report on this consultation process by Spring 2009.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

[nationalparksreview@scotland.gsi.gov.uk](mailto:nationalparksreview@scotland.gsi.gov.uk)

or

National Parks Review Team  
Rural Directorate  
Landscapes and Habitats Division  
Mail Point 4  
1A North  
Victoria Quay  
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### **Information on the Scottish Government Consultation Process**

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses<sup>1</sup>. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**

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<sup>1</sup> <http://www.scotland.gov.uk/consultations>