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**From:** Bowles, Richard Mr [Richard.Bowles754@defence.gsi.gov.uk]  
**Sent:** 09 January 2007 09:41  
**To:** CMNP Consultation 2006  
**Subject:** MOD RESPONSE TO CONSULTATION ON SCOTLAND'S FIRST COASTAL AND MARINE NATIONAL PARK

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**RESPONSE TO CONSULTATION ON SCOTLAND'S FIRST COASTAL AND MARINE NATIONAL PARK**

NAME: RICHARD BOWLES

INTEREST: DEFENCE/ENVIRONMENTAL POLICY

ORGANISATION: MINISTRY OF DEFENCE

CONTACT DETAILS: SEE BELOW (AT END OF THIS RESPONSE).

Thank you for the opportunity to comment on the consultation issued on 11 October regarding proposals for Scotland's first Coastal and Marine National Park (CMNP).

The Ministry of Defence (MOD) is the UK competent body for matters regarding defence and will take due cognisance of the interests and requirements of any National Park and work with any such National Park Authority or other Regulatory Body in order to reduce the impacts of defence and military activities so far as these are compatible with carrying out the defence imperative, including the overriding priority of maintaining operational effectiveness.

MOD supports the concept of a Coastal and Marine National Park (CMNP) in Scotland, and the sustainable development benefits that will accrue from the creation and establishment of such a CMNP. MOD has already been involved in discussions at official level on this issue and would wish to continue those discussions as the proposal takes shape. This is important, especially as, depending on the choice of potential location(s) for the CMNP, there may or will be impacts on either current defence operations or historic military legacy issues. An example of the former would be the testing and evaluation of new or developing defence equipment at coastal military ranges in Scotland (which have sea and air danger areas, and are protected by byelaws for the safety of the public); an example of the latter would be the military wrecks in waters off Scotland, which are subject to protection as war graves under the Protection of Military Remains Act (PMRA) 1986. However, these are but two of the many issues which MOD will need to address in discussions on the proposed CMNP.

While MOD supports the CMNP concept, it must be emphasised that the Department's overriding priority remains the maintenance of operational effectiveness; and we will need to balance that priority against the requirements and ambitions which will be expected of a CMNP. There will also be a continuing need to ensure that military legacy issues are considered and respected, so that the public is not put at risk from those legacy issues. Military activities and historic military legacy issues must be accepted, therefore, as an integral part of any national park.

Turning to other points raised in the consultation, MOD would agree that the landward boundary might include coastal habitats and features where these are intrinsically linked with the park. This should include the local centres of population, many of which are closely associated or responsible for the cultural heritage which SNH identify as one of the aspects they wish to protect. MOD agrees that development should be limited to that which is appropriate to the park, adopting the same parameters used when considering land based national parks. It makes sense that if the selected site does include land and, in particular, areas that would become developed as a consequence of, or at cost to, the existence of the Park, then the Park should be responsible for implementing the planning regime for that land. However, MOD would wish to be involved in consultation on any such proposed development, where this might impact on military activities or legacy issues.

We would be content with the Park Authority acting in any of the proposed three roles, as: Planner and Enabler; Planner, Enabler and Manager; or, Planner, Enabler, Manager and Regulator. However, MOD could

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not accept any form of National Park Authority that would seek to regulate military activities. We would have objections to a last resort 'stop power' as this would inhibit the Department's overriding priority of maintaining defence operational effectiveness. MOD would object to any powers given to the Park Authority to make access orders to MOD land, although it is worth noting that voluntary access arrangements are already in place for much of MODs open land. MOD should wish to be better informed of any potential Traffic Management Orders made under the Traffic Regulation Act 1984 before commenting on whether this might affect MOD.

In short, MOD would wish to be included in work on developing the powers and responsibilities of the park authority. We believe that this would be best achieved through the development of a Memorandum of Understanding (MOU) between MOD, the designated National Park Authority and SNH, which would enable not only those organisations to discharge their responsibility as makers of the National Park Plan but also MOD to discharge its responsibility as a stakeholder.

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