



# Submission

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## **MARINE NATIONAL PARK - Consultation On Where The First Coastal and Marine National Park Should Be Located And On Its Functions**

1. The significance for agriculture in this consultation is that most of the possible designated areas include considerable areas of land as well as coasts and sea. Therefore, despite the title of the consultation, this is a subject that concerns interests of farmers, growers and crofters, as did the earlier designation of two landward National Parks.

Answers to set questions are attached as an annex to the following comments on the principle of establishing a Coastal and Marine National Park.

### **Summary**

2. In summary, the NFU Scotland views are:
  - At least in the context of agricultural interests, the consultation has not made a convincing case for designation of any Coastal and Marine National Park.
  - Nor has it explained what value would be added to existing conservation designations in the areas discussed.
  - Having consulted Branches, in areas that might be included in such a designation, all are opposed to the proposed areas being designated.
  - If designation does takes place in any area which includes a landward component:
    - there must be direct representation of land management interests on the Park Authority's governing body. Farming expertise should be specifically represented.
    - so as to have scope for realising plan ambitions at its own hand, we suggest that the budget for the Park Authority's expenditure should provide for administrative costs to be less than fifty per cent of total expenditure. Grant aid should be commensurate with the scale of area within the boundary of any proposed National Park. That boundary should, wherever practicable, not divide land holdings.
    - local authorities should retain the full range of planning functions, with any Park Authority as a statutory consultee.

- financial effects on farm businesses through constraints on land use and development that are peculiar to Park areas through application of byelaws etc., should be fully compensated.

### **Agriculture in a National Park**

3. The fourth statutory aim of a National Park is: "To promote the sustainable social and economic development of the Park's communities".

The variety of areas included in the consultation means that circumstances vary. Variation in soils, altitude, slopes and microclimates affect the feasibility of different kinds of farming. Therefore, there are many farming communities. All of them suffer from circumstances that have produced a long period of low incomes. Some farmers must be considering, in light of the decoupled farm support system, whether, or to what extent, production should be continued.

4. Continued farming is probably most threatened in the most remote areas of Scotland, many of which have been included in the consultation. All other things being equal, upland and remote farms with high transport costs are among the ones in Scotland most likely to cut production.
5. Provided land is kept in Good Agricultural and Environmental Condition, EU support payments continue. Therefore, where there is no return, or a negative return, from an agricultural activity, a rational response is to minimise output. If agricultural production in a National Park area is to be maintained, for the wider public interest in the social, economic and environmental benefits that it delivers, disadvantages will have to be overcome.
6. The case for sustaining farming families through income from non-agricultural sources is overwhelming. This is recognised in the Scottish Executive's Forward Strategy for Scottish Agriculture. However, it is least easily delivered in the most remote places.
7. As far as direct support payments and market returns are concerned, powerful forces that are beyond the influence of any Park Authority govern the viability of farm businesses. However, a Park may make a difference at the margin. At the least, a Park should ensure that conserving and enhancing the natural and cultural resources of the area are managed in ways that do not compromise the sustainability of farm businesses. Additionally, a Park Authority should be looking for actions that help at the margin, for example by aiding and abetting farm diversification and the marketing of farm-derived products. Otherwise, it will not be promoting sustainable economic development, which is a statutory obligation.
8. There are eight references to agriculture in the consultation. However, there is no indication in any of them of any ambition to sustain or develop the sector within the context of a Coastal and Marine National Park.

### **Representation**

9. Legislation for establishment of National Parks provides a formula for appointment members of Park bodies by Ministers and for a proportion of members of Park bodies to be directly elected. In this regard, existing local authority Councillors should be eligible candidates, irrespective of arrangements for Ministerial appointment of representatives from Councils.

10. However, the inclusion of direct elections does not of itself guarantee the representation of land management interests. So, the Ministerial appointment of such representatives remains essential.
11. NFUS notes that there is potential for influence through appointment of land management representatives to Committees of Park bodies and to Advisory Groups. Such appointments would be welcome. However, because Committees are obliged to take direction and Advisory Groups have no direct authority, this would not be sufficient action to ensure the representation that is sought.
12. NFUS understands that there will be competing claims for membership places on Park authorities. However, if there is designation of a Coastal and Marine National Park with landward area, agriculture as the dominant land use should have significant representation - to make the Parks' objectives deliverable.

### **Planning Functions**

13. Overwhelming opinion in NFUS favours retention of planning powers by local authorities.
14. There are two reasons for this attitude:
  - (i) **democratic accountability:** farmers are comfortable with arrangements which presently exist. Were a body to have planning powers which is only partly democratically accountable, the machinery would not be as capable of representation through the usual channels.
  - (ii) **Cross-boundary equivalence:** there is great pressure on farm businesses to diversify and any non-agricultural business on farmland comes within the planning constraints applying to other commercial businesses. NFUS does not want equivalent enterprises on either side of a Park boundary to be treated differently by the planning machinery. Where any extra conditions apply within a Park area, there should be full compensation from Park expenditure [see below for further comments on restrictions relative to compulsory purchase powers and compliance costs].

### **Designation Criteria**

15. The area of a proposed National Park may be presumed to address some aspect of conservation value. That value may be quite concentrated in a small area, remote from the communities which are, to some extent, dependent on the land use in the area. In the case of a Coastal and Marine designation, the principal conservation interest would be in an absolutely different place.
16. In considering any National Park boundary, Ministers should take account of the communities whose livelihoods are affected by the area that is under attention because of its conservation value. Since agriculture is in a separate place from the conservation interest, we suggest that no land should be included in a Coastal and Marine National Park.

17. A more general consideration is what value would be added to existing conservation designations by designating a Coastal and Marine National Park. In the areas discussed, there are, amongst others, Sites of Special Scientific Interest, Special Areas of Conservation, Special Protection Areas, RAMSAR sites and National Scenic Areas. Additionally, coastal waters come within the scope of measures to implement the EU Water Framework Directive that has strict ecological objectives. No explanation has been offered as to the extra conservation value of a National Park designation for coastal and marine areas.

### **Compulsory Purchase, Byelaws and Compliance Costs**

18. In any situation where a Park authority wishes to curtail some aspect of land use or influence/prevent development, there should be extensive safeguards to ensure that such action is not disproportionate to its objectives relative to what would happen in equivalent circumstances outwith Park areas. Also, where action is justified, there should be full compensation for revenue foregone or other costs of complying with any extra conditions.
19. NFUS understands and accepts that powers of compulsory purchase may be necessary to secure development, for example, of a public path where there is no clear land title or where the owners of title are not traceable. However, the power of compulsory purchase is not circumscribed in any way, save for the obligation to have Ministerial authorisation. This carries the hazard that the power of compulsory purchase might be unreasonably used to pressure a land manager on some unrelated aspect of exercising a Park authority's functions.
20. As local authorities have powers of compulsory purchase and their use is democratically accountable, NFUS suggests that there should be no need to give Park authorities this power, beyond that of securing development of, for example, paths where there are difficulties of title or ownership.
21. Understanding that some byelaws may be necessary tools in securing Park objectives, it is suggested that there should be a check on their reasonableness, relative to the practicalities of land management, e.g. in the use of vehicles other than on a road.
22. Byelaws could create conditions which impose financial penalties for farm businesses. If their costs are raised or byelaws impose constraints which penalise revenue, these should be fully compensated. Without such a safeguard, producers within Park areas would suffer a competitive disadvantage relative to producers elsewhere.

### **Finance**

23. A National Park Authority may have a significant effect on its area if there is sufficient deployment of public spending on its own account and by other public bodies who exercise their powers in support of the Park plan. Without sufficient resources it may not. Therefore extra resources from the Scottish Executive for local authorities, for example, as well as for Park bodies, will be required. The sufficiency of resources is important relative to possible compensation for extra costs incurred as a result of byelaws and planning decisions.

24. Park budgets should not be predominantly used for funding administration. To have some effect on economic and social development, as well as conservation of environmental interests, Park Authorities should have resources to spend on the subjects of Park plans at their own hand. For illustration, we suggest that a Park budget be sufficiently large as to ensure that the cost of its own administration is less than fifty per cent of expenditure.
25. Funds allocated for National Park purposes should be independent of the Executive's other agricultural and rural development spending.

**ANNEX – RESPONSES TO THE SET QUESTIONS** – for brevity, responses are only shown on topics pertinent to the agricultural interest.

### **1. Potential benefits of a Coastal and Marine National Park**

*How could a Coastal and Marine National Park help communities develop in a more sustainable way and meet community aspirations?*

A: By injecting new and additional demand for products and services of the Park area.

### **2. Selecting the location**

*Which area do you consider to be the strongest candidate as a Coastal and Marine National Park?*

A: None.

*In particular do consultees agree that: the strongest all round case can be made for Argyll Islands and Coast area and Ardnamurchan, Small Isles and South Sky Coast area? Would a combination of these two areas also be a strong candidate?*

A: No. No.

*What criteria would you use to set the landward and seaward boundaries of the Park?*

A: No landward component.

### **3. Functions, Powers and Governance**

*What functions and powers would you wish a Park to have?*

A: None in respect of the landward area.

*Do you consider that planning control for the land component should remain with the local authority or should it be transferred to the Park Authority?*

A: Yes. It should remain with the local authority.

*Comments are invited on the potential functions of a Coastal and Marine National Park relating to conservation and recreation management.*

A: None in respect of the landward area.

*Ministers seek consultees' views on whether the Park Authority should be given a last resort 'stop' power (to prevent potentially damaging activities).*

A: No.

*Do you have any other views on the Board and governance of the National Park Authority?*

A: If a CMN Park is created with a landward component, land management interests should be directly represented on the Park Authority.

*Comments are invited on the running costs and financial implications of a Coastal and Marine National Park.*

A: Funding should be commensurate with its purposes and sufficiently large as to ensure that the cost of its own administration is less than fifty per cent of expenditure.