

Governance, Powers/Responsibilities, and Management of a Borders National Park

National Parks are set up by the Scottish Government through secondary legislation. The framework for this is provided by primary legislation, the National Parks (Scotland) Act 2000, which leaves plenty of room to tailor the structure, governance, powers and responsibilities of a specific National Park in consideration of the needs and characteristics of the area proposed for designation. Here we summarise the requirements of the Act, and briefly describe some analysis which has been carried out of the alternative models which might be used in the designation of a Borders National Park. The reports which are cited below are easily obtainable on the web and are recommended further reading.

Requirements of the Act

Governance

In accordance with the Act governance of a Scottish National Park is by an Authority. The National Park Authority (NPA), essentially a Board, must have *not more than 25* non-executive members. The designation order must specify the precise number.

Note : The majority of the membership must be local :

Of the membership, at least one fifth must be elected to the Board by those registered to vote in local elections within the area of the National Park.

Half of the remaining members must be local members appointed on the recommendation of the local authority.

The rest are to be directly appointed by the Scottish Government (which is likely to be managed through open competition administered by the Public Appointments Commissioner) and must have knowledge or experience relevant to the functions of the NP.

Powers

The Act allows, but does not require, that the powers and responsibilities of a given NPA may be more, or less, substantial, depending on the statutory responsibilities conferred on it. It must, however, appoint a Chief Executive and agree a Plan for the NP which must be approved by the Scottish Government. Scottish Natural Heritage (National Parks for Scotland, 1999) stated that a National Park Authority might, on the one hand, have extensive executive powers transferred to it from national and local bodies.

Alternatively, at the other extreme, it might have limited direct functions and would integrate and coordinate the efforts of others through the National Park Plan.

Probably the most important area of responsibility which can be minimal or maximal depending on the specific NP's constitution is the planning powers

of the NPA (see below).

The precise makeup of the NPA of a Scottish Borders NP would, or should, relate to the extent of its powers and responsibilities. A key factor in deciding these would be the boundaries of the Park – they could either include or exclude some or all of the towns located within its geographical spread. There is a precedent for exclusion of towns – Blaenau ffestiniog is completely encircled by Snowdonia National Park, but is not “in the Park” legally.

Hence the precise constitution and powers of the NPA might follow one of a number of models. The management structures and running costs of these models would be very different depending on the extent of direct, executive responsibility they bore. These models have been summarised by the Southern Upland Partnership for Dumfries and Galloway (D&G, 2016) as follows :

1. National Park as planner and enabler – least expensive model - in which the NP would create a plan for its area, and integrate and coordinate the efforts of others in executing it. It would be a statutory consultee in planning matters but not a planning authority; it would have basic functions in relation to education and conservation, would initiate and take forward projects with others.
2. National Park as planner, enabler and manager – as above plus the NP Authority would enter into management agreements, draw up and enforce bylaws and agreements.
3. National Park as planner, enabler, manager and regulator – as above, plus the NP Authority would take over full responsibility as a Planning Authority.

The possible types and scales of NPs and their governance approaches under the Act have been ably reviewed by Graham Barrow for the SCNP (SCNP 2016). This report concludes that

- (a) An area with hamlets and small villages such as the Cheviots might be managed with 12-20 staff. It would offer advice to the Local Authority on planning, but would not have planning and development control. Its role might be primarily ecological and landscape management, public access management, interpretation, education and land use issues.
- (b) A larger area with a range of settlement sizes would probably have planning and development control, visitor management, access and tourism management, sustainable economic development and other responsibilities. It would require 30+ staff.

The first, low cost, scenario would exclude the towns from the National Park, the second, more costly, could include them. The first scenario would be substantially cheaper to administer than the second, and very much cheaper than the two existing Scottish National Parks, both of which have full planning powers. Loch Lomond and Trossachs NP had an annual grant from the Scottish Government of £6.4m for operating expenses and £1m for capital expenditure in 2015-2016 (lochlomond-trossachs.org). Cairngorms

National Park had an allocation £4.4m for operating expenses and £207,000 for capital expenses for 2015-2016 (cairngorms.co.uk).

Barrow (SCNP, 2016) estimates that a Scottish Government grant of £1.5-£3m would suffice for Scenario (a) which might be suitable for a Scottish Borders NP.

Note : In addition to their core funding grant, UK including Scottish NPs have an excellent track record in attracting large amounts of additional funding from a range of public and private sources. This allows them to engage in a wide range of projects and greatly enhances their socioeconomic contribution to their area. This will be discussed in more detail in a later paper in this series.

An important aspect of the NP Plan is that other public bodies are required to act in accordance with it. For example, if the Local Authority is the Planning Authority for the NP, it still has to have regard to the Plan, in the same way that it has regard to the conservation status of settlements, National Scenic Areas and other designated areas and structures.

Exactly what areas and settlements would be included in the NP and, to some extent, what powers it would have, would probably be largely decided locally, by the Local Authority, after appropriate assessment (i.e. a professional feasibility study) and public consultation. This proposal would then stand to be ratified by the Scottish Parliament.

Management of a Scottish Borders National Park

According to the Act, a National Park must have a Chief Executive appointed by the NPA, with approval by Ministers. The NPA can decide to delegate any or all of the NP's functions to the Local Authority or other contractors as appropriate. It is then up to the CEO and the NPA to decide what other employees are required in order to fulfil the functions of the NP. Hence it is possible to manage the NP with a small staff.

It might even be possible for an NPA with full planning powers to operate a low cost model if it were to decide to delegate planning to the Local Authority. There does not appear to be anything in the Act to preclude this (Reader, please comment if you have information to the contrary). It would leave the NPA with the power to take back direct control of planning if problems arose.

However, even in a minimalist model the Chief Executive would need some directly employed staff. Park administration and Information centres would have to be staffed. Rangers would be required to oversee the protection and education functions including one or more Rangers with special responsibility for managing volunteers. UK (including Scottish) National Parks raise large amounts of funding to complement their government grants. Much of this is dedicated project funding. Hence a professional fundraiser would be a highly desirable and self-funding addition. Another key role in this day and age would be a professional communicator, preferably with a high level of Webmaster and Social Media skills.

Close and effective liaison with community groups, farmers, landowners, heritage associations and countryside leisure groups such as wildlife, walking and cycling clubs to further the conservation and socioeconomic objectives of the Park would be among the core functions. In addition to the Chief Executive and Rangers this might require dedicated staff, although through forming partnerships with existing vigorous local groups the need for additional staff could be minimised.

Some of these posts would have to be funded through the core grant. However, some could more appropriately be supported through project funding.

Financial issues

A discussion paper is in preparation which will briefly consider the costs of establishing and running a Borders National Park, the possible sources of revenues, and also the implications in terms of increased local and national income of designation of the area. It will be posted on this website in the near future.

References

D&G (2016) "A Galloway National Park?", commissioned by Dumfries and Galloway Council, researched and written by the Southern Upland Partnership

SCNP (2016) "Future National Parks in Scotland – Possible Governance Models", author Graham Barrow, www.scnp.org.uk