

Cairngorms National Park Authority
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11 December 2023

Dear Cate

Tackling the Nature Emergency - strategic framework for biodiversity

Please find attached the response from the Cairngorms National Park Authority to the Strategic Framework for Biodiversity consultation. Please do not hesitate to get in touch to discuss any of the issues raised.

Yours sincerely



Grant Moir
Chief Executive Officer



Cairngorms
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Cairngorms National Park Authority – Consultation Response

The consultation on Scotland’s Strategic Framework for Biodiversity is of great importance to the future of the Cairngorms National Park and the Authority.

Please find below the response from the Cairngorms National Park Authority which was agreed at the board meetings of 27 October and 24 November 2023.

Section 2 – Scottish Biodiversity Delivery Plan

Consultation Question: Have we captured the key actions needed to deliver the objectives? Are the key actions sufficient to put Scotland on track to ending the loss of biodiversity by 2030? Which actions do you think will have most impact?

Scotland’s National Parks and Park Authorities have a key role in delivering the Scottish Biodiversity Strategy. This should be recognised more fully in the Delivery Plan.

The Park Authority is very supportive of the key actions described in the Delivery Plan. There is significant alignment with objectives in the Cairngorms National Park Partnership Plan and the Park Authority recognises and welcomes the ambition for National Parks to act as exemplars of biodiversity protection and recovery.

Many of the key actions are directly reflected in the Cairngorms National Park Partnership Plan where the Park Authority is coordinating delivery by a wide range of stakeholders. The Park Authority is keen to continue to work closely with Scottish Government and partners to continue to demonstrate a leading role in taking forward the key actions on the ground.

The Park Authority agrees with the key actions as being sufficient. However, whilst the key actions are sufficient in the range of activity, the imperative need to act at speed and scale will require investment and resource. Delivery of key actions will also be dependent on the involvement of stakeholders, land managers and across sectors. Support for the key actions must come from a range of incentives, regulations and alignment of policy. We welcome acknowledgement in the key actions that biodiversity recovery must be mainstreamed into other areas of Scottish Government policy and is an important part of the fair and just transition.



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Section 3 – Nature Networks Policy Framework

Consultation Question: Do you have any comments on the Nature Networks Framework?

The Park Authority welcomes the vision for ‘...evolving, flexible and resilient Nature Networks allowing wildlife and natural processes to adapt to land use and changing climate pressures.’ However, this vision is at odds with the current designations in the Cairngorms, which are not allowing the flexibility and readiness to adapt as the vision describes.

The Park Authority would like to see a review of the designation system to allow for a more mobile and adaptive approach to protecting biodiversity which allows the necessary change in the landscape.

The Park Authority is very supportive of the guiding principles for Nature Networks to meet local needs and objectives, with a focus on empowering and equipping delivery partners, and involving partnerships and communities. The Park Authority would like to see National Park Authorities overtly recognised as being responsible for delivering Nature Networks, alongside Local Authorities.

Section 4 – 20x30 Framework

Consultation Question: Do you have any comments on the 30 by 30 Framework?

The vision and principles for delivery of 30 x 30 are consistent with delivery of the National Park Partnership Plan and the wider work of the Park Authority. The criteria for selection and designation of 30 x 30 sites will have significant impact on delivery of the National Park Partnership plan objectives.

The current criteria of designated sites being part of the 30% of Scotland protected for nature will be a significant barrier to the National Park being an exemplar of nature restoration and achieving the National Park Partnership Plan outcome for ‘...a biodiversity rich National Park with better functioning, better connected and more resilient ecosystems’.



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The Park Authority feels there is a good opportunity to consider the way the designated sites are delivering for future ecological needs in the National Park as part of the 30 x 30 process.

The Park Authority recommends considering mechanisms for one, overarching designation for the central massif and surrounding areas in the core of the Cairngorms, such as an International Union Conservation Nature Category 2 National Park or a Nature Recovery OECM. This would encompass nature protection and recovery ambitions and enable a more mobile, adaptive framework for designating areas for their potential, enabling action to reach a future state rather than protect a current one.

Where desirable, commitments in current designations would be met in a more dynamic fashion, allowing the designated features and outcomes to have temporal and spatial flexibility as part of natural processes whilst retaining their nature and extent within an overall, landscape-scale designation. We recognise it is important for any new mechanism to retain safeguarding and accountability for features that are still considered to be nationally and internationally important. We feel these safeguards and commitments could be retained and overseen through the National Park Partnership Plan and subsequent Cairngorm Nature plans.

It is also important that any future system is developed with the collaboration of land managers, communities and interest groups.

The Park Authority would like to see a review and reform of the current designation system in the National Park to identify which habitat and species outcomes should be retained and which are overly prescriptive and/or restrictive, within a new landscape-scale designation for the central core of the National Park.

Section 6 – Statutory Targets for Nature Restoration

Consultation Question: Do you agree with the approach, criteria, scope, topics, timeline, reporting and review of statutory targets?

The Park Authority agrees with proposal to place nature restoration targets on a statutory footing and that they are able to adapt and be flexible with further detail to be added in secondary legislation with review, reporting and independent oversight processes.



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It is suggested that target topics cover the indirect drivers of biodiversity loss as well as biotic and abiotic factors. The Park Authority appreciates the challenge of identifying and monitoring metrics that work at a national and international scale that would also adequately reflect regional circumstances. The Park Authority is developing the Cairngorms Nature Index for baselining and monitoring ecological functionality and biodiversity in the National Park. We look forward to the opportunity in further consultation to identify opportunities for supporting monitoring of National Park Partnership Plan delivery and synergies with the Cairngorms Nature Index.

Section 7 – National Parks

Question 7a: Do you agree that the purpose of National Park authorities should be amended in order to emphasise the important leadership role that National Park authorities need to play in restoring nature and in mitigating and adapting to climate change?

The Park Authority support this amendment to the purpose of National Park Authorities. The Park Authority does want to make sure that the role of people and place is reflected in proposed changes to the legislation.

Question 7b – 7e: Do you agree with the suggested change to the National Park aims?

The Park Authority supports the proposed changes to the National Park aims. The Park Authority however would wish to input into the final wording of the aims as some of the language is currently slightly clunky e.g. historic environment assets.

Question 7f: Do you agree that the National Park ‘principle’ set out in section 9(6) of the 2000 Act should be retained? This would mean that, if there is a conflict between the National Park aims, greater weight should be given to the first aim which would seek to protect, restore and enhance the natural assets, biodiversity and ecosystems within the National Park.

The Park Authority supports the retention of the National Park ‘principle’ as key backstop for National Park management and it applying to the new first aim.

Question 7g: Do you agree that public bodies operating within the National Park should have regard to the proposed National Park aims?



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The Park Authority supports public bodies having regard to the aims. The Park Authority would like clarification whether the term 'public bodies' covers Local Authorities and organisations working on behalf of a public body e.g. managing agents.

Question 7h: Do you agree that public bodies operating within the National Park should have regard to the National Park principle?

The Park Authority supports public bodies operating within the National Park having regard to the National Park 'principle' and request that this is applied to the Scottish Government's Planning and Environmental Appeals Division and Scottish Ministers when it is dealing with any planning appeals. This is to ensure that planning applications are being considered against the same criteria at different levels of the process.

Question 7i: Do you agree that the duty on public bodies operating within National Parks should be strengthened so they have an obligation to support and contribute to the implementation of National Park Plans rather than having regard to these plans?

The Park Authority strongly supports the duty on other public bodies operating within the National Park being strengthened so they have an obligation to support and contribute to the implementation of National Park Plans rather than having regard to these plans.

Question 7j: Do you agree with the proposal that National Park Authorities should be able to enforce byelaw breaches within National Parks by issuing fixed penalty notices rather than referring them to local Procurators Fiscal?

The Park Authority supports that National Park Authorities should be able to enforce byelaw breaches within National Parks by issuing fixed penalty notices rather than referring them to local Procurators Fiscal.

Question 7k: Do you think that any other changes should be made to the general powers of National Park authorities?



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The Park Authority supports powers associated with rights of way being transferred from Local Authorities to Park Authorities. This would be in line with the Park Authority being the Access Authority for the area.

The Park Authority supports revisions to Management Rules within the current legislation to update them and potentially allow a comprehensive suite of management rules to be adapted by each individual National Park Authority to suit the circumstances in the local area.

Question 7l: Do you agree with the proposed changes to the governance of National Parks?

The Park Authority Board supports the existing governance arrangement for the Cairngorms National Park Authority. The Board believes the current structure and size provides a comprehensive approach covering both local and national interests and is right for the Cairngorms National Park.

The Park Authority Board **does not** support a reduction in the size of the Board nor a change in the split of the proportions from the different appointment processes. This is especially important, given the presence of five local authorities within the boundaries of the National Park.

However, if there is a reduction to the size of the Cairngorms National Park Authority Board the preference is for a 5/5/5 split between the three categories (elected, ministerial, nominated by LA). This change, whilst not the Board's preference, does at least retain the current approach of having the three different ways of getting onto the Board and provides continuity.

The Park Authority Board strongly supports the election of the Convener and Deputy Convener by the Board as this is seen as providing local accountability.

Question 7m: Do you have any other comments that you would like to make about the aims, powers and governance of National Parks?

The Park Authority would like to see a stronger role and governance oversight for the Park Authority Board regarding public land within the National Park. This would allow for greater coherence of approach by the public sector within this internationally recognised area. The Park Authority would like to see the potential transfer of public



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land in the National Park to the Authority to provide greater local accountability and would welcome a further discussion with Scottish Government around this issue.

The Park Authority would like to see the power devolved to the Park Authority to potentially implement a core area approach in the National Park (potentially an OECM – Other Effective Area-based Conservation Measures approach) that would help to deliver on nature and climate targets. This would tie in with the policies and objectives of the National Park Partnership Plan but would need significant discussion with partners in the Cairngorms and at the Park Authority board to look at potential models.



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