

Proposal by Scottish Ministers for a National Park in Galloway

July 2024

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Purpose

1. This document is the National Park proposal for Galloway.
2. This National Park proposal is issued under section 2 of the National Parks (Scotland) Act 2000 (“the 2000 Act”). This states that the Scottish Ministers may propose the designation of an area as a National Park and the establishment of a National Park authority if it appears to them that the conditions in Section 2(2) of the Act are or may be satisfied in relation to that area.

Background

3. The Programme for Government 2021-22 included a commitment to designate at least one new National Park by the end of this Parliament, provided legal conditions can be met, making funding available to support this ambition.
4. Extensive public consultation on the future of National Parks in Scotland took place in 2022. In 2023 Scottish Natural Heritage (known as “NatureScot”) provided [advice to Scottish Ministers on the role of National Parks](#) and how nominations for new National Parks could be evaluated.
5. Further public consultation on a draft appraisal framework and criteria for new National Parks took place in 2023. The outcome of this consultation helped to shape the final appraisal framework and six broad criteria for new National Parks: outstanding national importance; size, character and coherence; meeting the special needs of the area; strategic contribution; visitor management and tourism; and local support ([New National Parks: nominations guidance and appraisal framework](#))
6. In October 2023, communities and organisations across Scotland were invited to explore, develop and submit nominations for their area to be considered as Scotland’s next National Park. Published guidance was provided and support was made available to all groups that registered their interest in exploring or developing a nomination. The deadline for nominations to be submitted to Scottish Government was 29 February 2024. Five nominations were received and these nominations were appraised against the six criteria by an appraisal panel. The report of the appraisal panel can be found here: [National Parks - Landscape and outdoor access - gov.scot \(www.gov.scot\)](#)
7. Following the outcome of this appraisal process, the Scottish Ministers have decided to propose the designation of Scotland’s third National Park in Galloway, subject to relevant legal conditions and other requirements being met. The proposal will now be sent to [NatureScot](#) (the lead public body responsible for advising Scottish Ministers on all matters relating to Scotland’s natural heritage) to carry out the next stage of the process (“the reporter stage”). This involves NatureScot considering the national park proposal,

consulting on this and producing a report for Scottish Ministers on the desirability of the proposed area being designated as a National Park. Scottish Ministers will then consider NatureScot's report and determine whether to designate the proposed area as a National Park with or without modifications. If the Scottish Ministers decide to proceed, they must then consult on the draft designation order.

Meeting the conditions for National Park designation

8. Section 2(2) of the 2000 Act sets out the following conditions for the proposal of a National Park:
 - a) that the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
 - (b) that the area has a distinctive character and a coherent identity; and
 - (c) that designating the area as a National Park would meet the special needs of the area, and would be the best means of ensuring that the National Park aims set out at section 1 of the Act are collectively achieved in relation to the area in a co-ordinated way.
9. The extent to which these conditions may be satisfied in relation to an area was a key consideration during the recent appraisal process for new National Park nominations.
10. Based on the information that was provided in the nomination for a new National Park in Galloway, it appears to the Scottish Ministers that the conditions in section 2(2) of the 2000 Act are likely to be, or will be, met in relation to the area of Galloway. The Scottish Ministers have also noted the report of the new National Parks appraisal panel, which concludes that the Galloway nomination meets all of the criteria within the appraisal framework.

Proposal

11. The 2000 Act sets out the legislative framework for National Parks in Scotland. However, the Act leaves a number of issues – notably National Park boundaries, details of composition of the National Park authority, and functions including those in respect of Town and Country Planning – to be specified in the relevant designation order for each National Park.
12. The [nomination that was submitted jointly by the Galloway National Park Association and the Galloway and Southern Ayrshire UNESCO Biosphere](#) sets out the rationale for the establishment of a new National Park in Galloway and it provides evidence of how the six appraisal criteria have been met.
13. Consideration needs to be given during the reporter phase to how a new National Park in Galloway would contribute to Scottish Government's key priorities – in particular growing the economy, tackling the climate emergency

and improving public services. A new National Park in Galloway should take account of local circumstances and the views of local communities. It should deliver environmental benefits alongside economic growth and progressive land use, including renewable energy, agriculture and forestry. It should support the visitor economy and have a positive impact on people's social, mental and physical health. And it should be cost-efficient and contribute to the public sector reform agenda, for example through streamlined governance and the use of shared services, expertise and premises with other public bodies.

14. Key matters that now need to be considered, discussed, developed and tested through extensive public consultation and stakeholder engagement include: the desirability of the area as a National Park; the proposed boundary; the proposed powers and functions, the proposed membership of a National Park authority in the area and how a new National Park in Galloway would provide value for money and contribute to the public sector reform agenda. The consultation should also gauge support for the proposal.
15. **Area:** the general area proposed for consideration under section 2 of the 2000 Act is set out in Annex B of this document. This area has been suggested by the nominating group that put forward the proposal for a National Park in Galloway. However, consideration of the optimal area for the National Park will be informed by further detailed assessment and public consultation during the reporter process, taking account of the conditions in section 2(2) of the 2000 Act. The Scottish Ministers will wish to ensure that the overall size and precise location and boundary of the designated area take into account local circumstances and are commensurate with the effective and efficient administration by a National Park Authority of its functions and duties. As a result, Scottish Ministers may decide to designate a smaller or larger area than what was proposed.
16. **General Powers and functions:** the general purpose, powers and functions of National Park authorities in Scotland are set out in section 9 and Schedules 2 and 3 of the 2000 Act. These include powers to fix and recover charges for services; provide advice and assistance; carry out research; give financial assistance; acquire and purchase land; create byelaws and management rules; enter into contracts; and develop agency arrangements and joint operations with other public bodies. National Park authorities can also exercise powers in relation to open spaces and recreation, nature reserves, information and education, tourism and leisure, recreational, sporting, cultural and social facilities, access to open country and improvement of waterways for recreation.
17. **Town and Country Planning powers:** in addition to the general powers and functions outlined above, section 10 of the 2000 Act provides for the exercise of powers under the Town and Country Planning (Scotland) Act 1997 to be decided for each National Park individually, in light of local circumstances, and specified in the relevant designation order.

18. The options for possible planning functions of a National Park Authority (as set out in the 2000 Act) include:
- the National Park authority being the planning authority for the National Park (for the purposes of the planning Acts);
 - the National Park authority being the planning authority only in respect of development plan preparation (as set out in Part II (development plans) of the [Town and Country Planning \(Scotland\) Act 1997 \(c. 8\)](#));
 - the National Park authority having planning functions that are set out in the Designation Order. This could include, for example, the possibility of the planning function remaining with local authorities in the area, with the National Park authority being given statutory powers as a consultee; and
 - no planning functions being conferred on the National Park authority.
19. Views will be sought on these options through the forthcoming public consultation with local communities, stakeholders and interest groups on the National Park proposal.
20. **Access:** Under Part 1 of the Land Reform (Scotland) Act 2003, access powers and functions have been allocated to the two existing National Parks, including responsibilities in relation to publication of the Scottish Outdoor Access Code; upholding access rights and responsibilities, establishing local access fora and core path planning. Views on whether similar powers and functions are appropriate for this proposed National Park area will be sought as part of the forthcoming public consultation with local communities, stakeholders and interest groups on the National Park proposal. Section 24 of the Land Reform (Scotland) Act 2003 also provides that national parks can appoint persons to act as rangers in relation to the land in which access rights are exercisable.
21. **National Park authority membership:** each National Park has a National Park Authority (known as “the board”) that provides leadership and agrees the overall direction of the National Park. The board also oversees the work of the National Park authority staff. The requirements for the size and constitution of boards are set out in [schedule 1 of the National Parks \(Scotland\) 2000 Act](#) and the designation order for each National park. Boards are made up of:
- members that are elected locally (by postal ballot of the local electorate);
 - members that are appointed by Scottish Ministers on the nomination of the local authorities in the park area; and
 - members that are appointed directly by Scottish Ministers.
22. As set out in Schedule 1 of the 2000 Act, the boards should have a maximum of 25 members, of which at least 20% should be elected locally. Of the remainder, half should be nominated by the local authority/authorities whose area is within the National Park and half should be directly appointed by Scottish Ministers.
23. 20% of members must also be local members. Scottish Ministers may only appoint a person as a local member if the person’s sole or main residence is within the National Park or the person is a councillor for an electoral ward, or

a member of a community council, any part of whose area is within the National Park.

24. Where there is more than one local authority, the number of members to be nominated by each is to be specified in the designation order for the National Park. Local authorities must not nominate a person for appointment as a nominated member unless the person appears to have knowledge or experience relevant to the National Park and/or the functions of the authority.
25. No person may be appointed as a directly appointed member unless the person appears to the Scottish Ministers to have knowledge or experience relevant to the functions of the National Park authority or the aims of the National Park.
26. Based on the parameters of the 2000 Act, proposals regarding the size, composition and expertise of the governing board for a National Park in Galloway will form part of the forthcoming public consultation with local communities, stakeholders and interest groups on the National Park proposal.
27. Specific consideration should be given to ensuring that a new National Park in Galloway is cost efficient and provides value for money. It should also contribute to the public sector reform agenda, for example through the use of shared services, expertise and premises with other public bodies.

Report on the National Park proposal

28. The Scottish Ministers have decided, in relation to this National Park proposal, to proceed under section 3 of the 2000 Act which requires NatureScot to consider the proposal, undertake a process of consultation and report to Scottish Ministers in accordance with the provisions in Section 3 of the 2000 Act. The detailed requirements of the reporter investigation by NatureScot including the statutory requirement on the reporter with respect to publicising and consulting on the proposal and the key areas of advice sought, are set out in Annex A of this document.
29. Scottish Ministers will consider the outcomes of the reporter investigation carefully, taking into account any views on the National Park proposal expressed by those consulted and any significant issues reported by NatureScot. Scottish Ministers must publish and lay the reporter's report before Parliament.
30. Following the publication of the reporter's report, the Scottish Ministers may then decide to make a draft designation order to establish a National Park in the area, either in terms of the National Park proposal or with such modifications as they see fit. This draft designation order would be subject to public consultation and scrutiny before the final order is laid before Parliament for approval.

Annex A - Requirement for NatureScot to act as the reporter

Introduction

1. The Scottish Ministers have decided, in relation to this National Park proposal, to proceed under section 3 of the National Parks (Scotland) Act 2000 (“the 2000 Act”), requiring NatureScot to consider the proposal, undertake a process of consultation and report to them on it in accordance with the provisions in section 3 of the 2000 Act.

Legislative background

2. Section 3(1) of the 2000 Act empowers the Scottish Ministers to require the reporter to consider the proposal and report to them, by a date as may be specified, on the matters which are set out in Section 3(2) of the Act.
3. Section 3(5) of the 2000 Act requires the reporter, on receipt of the National Park proposal, to:
 - (a) send a copy of it, together with a copy of this requirement, to every local authority any part of whose area is within the area to which the proposal relates,
 - (b) determine the period (which must be at least 12 weeks) for which the proposal is to be made available for public inspection and notify every such authority of that period,
 - (c) publicise the proposal in such manner as the reporter thinks fit, and
 - (d) consult on the proposal.
4. The 2000 Act requires the reporter to consult:
 - (i) every local authority any part of whose area is within the area to which the proposal relates,
 - (ii) every community council any part of whose area is within the area to which the proposal relates,
 - (iii) such persons as appear to the reporter to be representative of the interests of those who live, work or carry on business in the area to which the proposal relates, and
 - (iv) such other persons as the reporter thinks fit.

Requirement

5. In relation to the proposal for a National Park in Galloway, NatureScot is required to consider the proposal, take forward the consultation process and report to Scottish Ministers in accordance with the provisions in section 3 of the 2000 Act. NatureScot must provide its report to Scottish Ministers by 28 April 2025.
6. The consultation should be participatory and should ensure that people living and working in the area have an opportunity to discuss the issues, consider

the content of the proposal including the desirability of a National Park in the area and suggest any alternatives. In addition to consulting local authorities, community councils, businesses, landowners, land managers and interest groups, the reporter should ensure that agencies and public bodies representative of relevant interests are consulted and their views are reported. These should include representatives of the social, economic and environmental interests of the proposed National Park.

7. As set out in Section 3(2) of the 2000 Act, NatureScot is required to consider and report to Scottish Ministers on the following matters:
 - (a) the area which it is proposed should be designated as a National Park;
 - (b) the desirability of designating the area in question (with or without modifications) as a National Park;
 - (c) the functions which it is proposed the National Park authority for the Park should exercise; and
 - (d) such other matters relating to the proposal as the requirement may specify.

8. As provided for by (d) above, the Scottish Ministers require NatureScot to consider and report on the below matters:
 - (a) the proposed name of the National Park;
 - (b) who the major stakeholders and interest groups are and how they have been engaged and consulted;
 - (c) an analysis of the balance of opinion on the matters considered, including specific reference to the views expressed by local communities and businesses (including those representing agriculture and forestry interests) and by bodies and agencies representative of interests which fall outside NatureScot's main remit;
 - (d) proposed governance arrangements for the National Park authority including: the proposed size of the authority; the proposed number of elected members; the proposed number of members appointed by Ministers (including those to be nominated by the local authority/local authorities in the area); the proposed date of election to the board; and any particular expertise, knowledge and skillset that should be represented on the board;
 - (e) an assessment of whether the conditions in section 2(2) of the 2000 Act are satisfied in relation to the area that has been proposed as a National Park.

- (f) consideration of the preparatory work and public consultation that was undertaken during the development of the nomination for Galloway to become a National Park and relevant findings within the appraisal report.
 - (g) options for a new National Park authority in Galloway to be cost efficient, contribute to Scotland's public sector reform agenda and provide value for money for Scotland as a whole, for example, through shared functions and services with other public bodies and organisations in the South of Scotland and with the existing two National Park authorities; and
 - (h) recommendations for the development of any transitional arrangements in the area prior to designation as a National Park.
9. In line with paragraph 4 of Schedule 1 to the 2000 Act, the arrangements under which the direct election of members to a National Park authority in Galloway are conducted will not form part of the reporter investigation, they would be set out in an Elections Order.

Directions for consultation

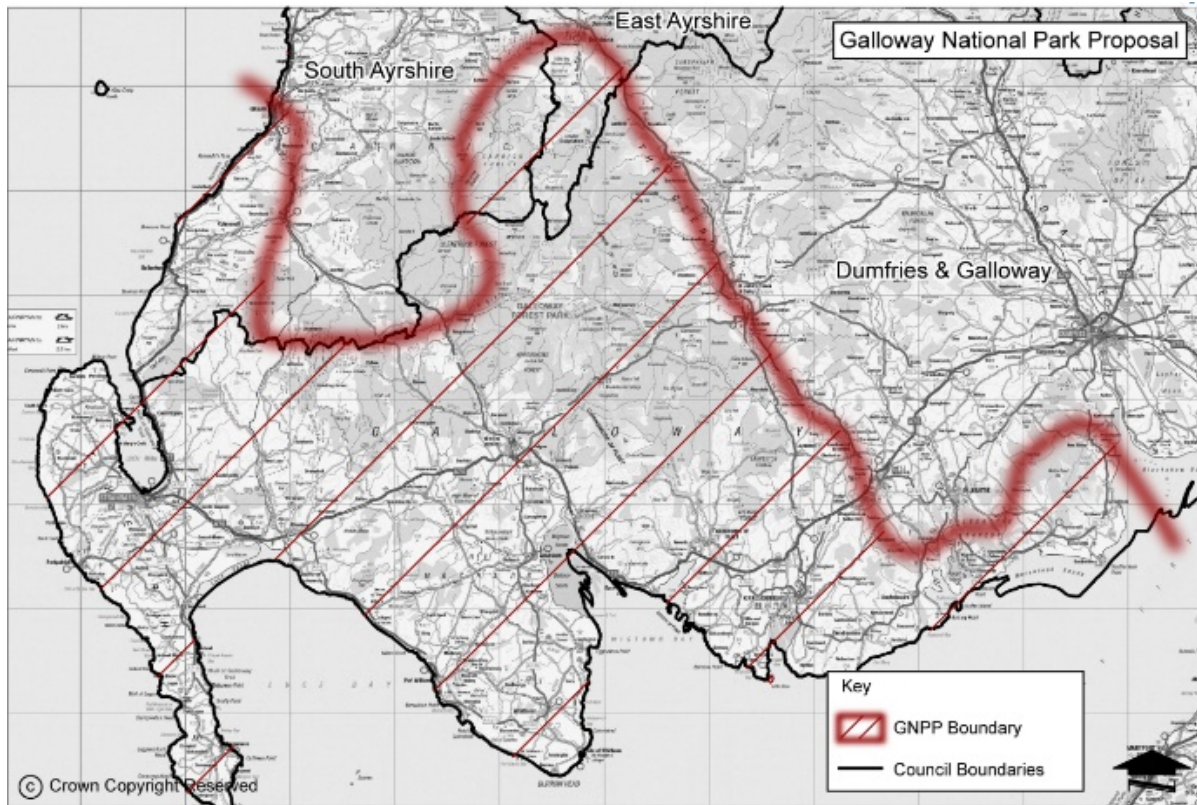
10. In line with the requirement set out above, the following directions on how the consultation is to be carried out are issued by Scottish Ministers to NatureScot under Section 3(6) of the National Parks (2000) Act Scotland:
- Within one month of receipt of this requirement, NatureScot should publish a plan for how it will take forward the reporter investigation, including an outline of the consultation that is required and the communities, organisations, businesses and interest groups it will seek to engage with.
 - Every relevant local authority and community council must be engaged and consulted in line with the requirements in Section 3(5) of the 2000 Act.
 - Non-executive departmental public bodies and Scottish Government agencies that represent interests relevant to this National Park proposal must be engaged and consulted, and their views reported. These must include those representative of the social, economic and environmental interests of the proposed Park area.
 - Consultation should be inclusive, participatory and equality-focused, ensuring proactive engagement with those with protected characteristics including ethnicity, age, disability and intersectionality. Public consultation and engagement should include organising and publicising meetings and events with local communities, interest groups, businesses and landowners and managers, using a variety of formats and approaches.
 - The preparatory work and public consultation that was undertaken during the development of the nomination for Galloway to become a National Park and relevant findings within the appraisal report should be described in the public consultation which takes place during the reporter

investigation, so that consultees can see how this previous work has informed the content of the proposal.

- Record, document and take into account the views expressed by consultees when preparing the report to Scottish Ministers.
- Ensure that any views which are those of NatureScot as statutory adviser on natural heritage matters are kept clear and distinct.

Scottish Government
22 July 2024

Annex B – Map of the area proposed in the nomination for a new National Park in Galloway



Map showing the approximate boundary line proposed in the nomination for a Galloway National Park that was submitted to the Scottish Government by the Galloway National Park Association and the Galloway and Southern Ayrshire UNESCO biosphere.



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