

# THE DEVELOPMENT OF A NEW APPROACH TO THE NATURAL HERITAGE IN SCOTLAND

## Introduction

1. This paper summarises key issues which led to the establishment of Scottish Natural Heritage as the Government's advisory and executive body in Scotland concerned with wildlife, landscape, environmental education and public access and enjoyment, and sustainability.

2. More detailed papers of particular relevance are also available notably:

- a keynote speech by the then Secretary of State for Scotland, the Right Honourable Malcolm Rifkind in January 1991
- a Government consultation paper 'Scotland's Natural Heritage: the way ahead'
- the Natural Heritage (Scotland) Act 1991 together with an explanation of the Act
- an appraisal by Roger Crofts on the establishment of SNH written in November 1994.

3. The paper identifies why change was necessary, sets out the reasons why change happened when it did, sets out the key sequence of events, provides a summary of the key issues relevant to the Icelandic situation, and comments briefly on the relevance to Iceland.

## Why change?

4. A number of reasons for change can be identified: those not specifically relevant to the Icelandic situation are not dealt with here.

5. In the late 1980s and early 90s (and still relevant in 1996) a much broader-based approach to the environment had been established internationally. Starting with the World Conservation Strategy in the early 1980s, developed by the Brundtland Commission in the mid-80s and taken forward particularly by the Rio Conference in 1992 was an environmentally-centred philosophy about man's future health and well-being: sustainability and sustainable development. At the heart of the philosophy was an approach of 'think global and act local'; in other words, the environment does not recognise territorial boundaries but there are many activities which can be undertaken within those boundaries to benefit local people as well as the wider world.

6. In Scotland nature conservation had become to many people a 'dirty word'. The statutory agency, the Nature Conservancy Council, was controlled from an English base; it operated in a didactic and non-consultative way, and it masqueraded as science when it was essentially value-loaded in its judgements. It imposed demands and solutions on local communities and it cost the taxpayer a great deal of money.

7. A separate Government agency (the Countryside Commission for Scotland) dealing with landscape protection and public enjoyment was small and ineffectual.

8. The separation of bodies dealing with wildlife conservation on the one hand and landscape conservation and recreation and enjoyment on the other was not sensible.

9. Staff working in the 2 organisations were, privately at least, concerned about the lack of effectiveness of their effort and its lack of recognition by the wider Scottish community.

### **Why the timing of the change?**

10. Basically, politicians in Scotland of both Government and opposition parties recognised that the groundswell of support for change to the statutory environment bodies could be ignored no longer. Political frustration was building up about lack of responsibility residing in Scotland at the time when nationalist feelings were running high again. Politicians of all sides, therefore, saw political 'green' points in moving for change.

11. The specific timing of the announcement, July 1989, was however triggered by dissatisfaction by an English-based Secretary of State for the Environment who had, in his view, lost control of the Nature Conservancy Council and was having to face ever-increasing demands for greater resources to compensate disaffected landowners and farmers in Scotland.

12. The announcement of the change was, therefore, widely supported in Scotland in principle. There were, of course, significant worries and concerns, especially among environmental interests, that the proposed changes could bring about a dilution and diminution of environmental effort.

### **What was the sequence of events?**

13. The following are the key events in long sequence over 4-5 years.

(1) Preparatory stage.

14. Government officials in The Scottish Office began preliminary preparation of ideas for a merger of nature conservation and countryside interests in 1987. Whilst Ministers were aware of this activity, no formal approaches were made to other Government Departments or to those outside Government. The preparatory work concentrated on a structural merger and no other issues.

(2) The political decision

15. Almost out of the blue the UK Secretary of State for the Environment expressed to his other environmental Ministerial colleagues his dissatisfaction with the Nature Conservancy Council and his preparedness to change it. In the space of a few weeks the Secretary of State for Scotland had strongly supported the proposal and, in turn, had decided that Scotland should have a separate approach to gain green points for the Government and to resolve the structural issue of separation of nature conservation and countryside issues. The announcement in July 1989 by Government of the dismemberment of the Nature Conservancy Council - in Scotland, and also in Wales, the establishment of integrated bodies - took most environmental interests by surprise.

(3) Initial consultation

16. The Scottish Office produced a very short, and rather inadequate, consultation paper on the Government's proposals. Hundreds of responses were received and reviewed by officials in preparation for a longer consultation paper.

(4) Appointment of the key leader

17. About 3 months after the Government's announcement, Ministers scoured the environmental world for an environmentally credible leader who would also share the Government's vision of a new approach and be committed and determined to take it forward. As UK President of the largest voluntary conservation movement, the Royal Society for the Protection of Birds, Magnus Magnusson apparently had impeccable environmental credentials. Unbeknown to many he was much more of a pragmatist and action-orientated: ideal credentials to make the Government's proposals work. A mixture of stunned silence at the political coup of the appointment from environmental interests, and wide applause from the non-environmental interests, proved to Ministers that they had made the right choice.

(5) Development of strategy

18. A major strategy paper was produced by Government officials and endorsed by the Secretary of State for Scotland. This placed the Government's proposals in the global context of sustainability and set down a carefully considered blueprint for Scottish Natural Heritage. The paper also sought to relate natural heritage to other land use and environmental interests including agriculture and fisheries. In this sense it broke new ground and clearly signalled to all interests the strength, breadth and seriousness of the Government's proposals.

## (6) Ministerial backing

19. In the period 12-18 months after the first announcement, Ministers, and in particular the Secretary of State for Scotland, took opportunities to set out their thinking in detail. The Secretary of State gave a trail-blazing environmental speech to an annual conference of industrial interests. He also set out the Government's proposals before a more scientific and conservation-orientated audience, many of whom were sceptical of, and others downright opposed to, the Government's proposals.

20. The Government's intentions were also set out unambiguously in the Natural Heritage (Scotland) Bill which was published in October 1990, 15 months after the original announcement.

## (7) The public and political debate

21. The publication of the Bill and the debates in the UK Houses of Parliament, beginning with the House of Lords in November 1990 and then in the House of Commons in February 1991, signalled a period of intense public debate. Ironically, the debate was much less about the merits of the Government's proposals for the new statutory agency and much more about the wider environmental agenda, the resources to be devoted to the environment and the relationship between environmental policies and practices and those relating particularly to other land uses. Although the Bill spent a long time in Committee in the House of Commons, there was all-party support for its provisions. However, a potential wrecking amendment was placed in the House of Lords by landowning interests who sought to emasculate the environmental focus of the new agency. In the end of the day, Ministers were forced to concede a statutory committee to advise on those nature conservation site cases where there was disagreement between the new body and the owner/occupier/manager of the land.

## (8) The implementation phase

22. A period of intensive activity preparing for the establishment of SNH was spread over 2 years until April 1992. External support from private sector consultants was used in order to develop the middle round between the interests of the different predecessor bodies and to help the Government officials prepare the way for the implementation.

23. An implementation team, albeit far too small and under-resourced, was established a year ahead of the formal establishment of SNH and a Chief Executive was appointed at the same time.

## **The key points and their relevance to Iceland**

24. It should be clear from the paper so far that there were key ingredients bringing about the establishment of a new body and, more particularly, a significant change in direction and focus of conservation effort in Scotland. Without doubt in my mind the key issue was securing political will, born out of politicians' irritation with the current situation and their spotting of an opportunity from which they could gain

political credit. While much of this was focused within The Scottish Office (a component part of the UK Government), support of all members of the UK Cabinet was necessary and was achieved. Political will was also required to pursue the proposals despite opposition from sectoral interests. While a few concessions had to be made, these were by no means significant nor undermined the overall approach which Government wanted to take.

25. A refocusing of conservation effort cannot take place without a clear strategy. Developing a strategy within a global sustainability context proved to be a winner in the sense that environmental interests could not possibly contest this approach. It also enabled leverage of non-environmental, and especially development and agricultural, interests as they realised that the changes in approach would affect their interests.

26. The framing of the legislation was also critically important. A mere merger of 2 bodies would have not provided the statutory mandate which those who were developing the proposals thought necessary. Espousing in legislation the concept of sustainability, deriving an integrated remit towards the natural heritage and providing the widest possible range of powers and instruments were all vital. A mix of statutory advisory and statutory executive functions was also necessary. Indeed, Ministers made it clear that the statutory advisory role of SNH was vitally important in supporting them.

27. The choice of leadership was also a fundamental factor. No one person can undertake the role and deliver the requirements of politicians and the wider public. In Scotland, the choice of both the Chairman and the Chief Executive was therefore critical. The individuals appointed must be able to work together, share the vision, be determined to implement it whatever constraints might be placed in front of them, be prepared to stand their ground against opposition, and be prepared to engage actively with all interests.

28. Last but by no means least is the provision of requisite resources. The Government accepted the view that one could not have conservation on the cheap. Hence over a 2-3 year period resource increments of 2½ times were applied to natural heritage issues in Scotland. In addition, Ministers placed stress on the role which other bodies could make to deliver the Government's agenda.

### **The Icelandic approach**

29. As an outsider, and with due caution, it does seem to me that many of the ingredients which existed in Scotland in the late 1980s exist in Iceland now. There is clear dissatisfaction with the present Náttúruverndarrád politicians are prepared to take action through reforming legislation. Perhaps a strategy is required for the future which brings together different elements currently the responsibility of different departments and their agencies embracing nature conservation, soil conservation and forestry. Leadership is absolutely vital. Those chosen must have the full support of politicians at the highest level but must be given a mandate to get on and deliver new approaches. Finally, resources for the new approach must be made available to the new body as well as redirecting and refocusing resources of other bodies and departments whose activities impact upon the natural heritage.

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