

SCOTTISH NATURAL HERITAGE

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Scottish Natural Heritage is a Government Agency, which came into existence on 1 April 1992 following the Natural Heritage (Scotland) Act 1991, by the amalgamation of the Countryside Commission for Scotland and the Nature Conservancy Council of Scotland. Its general aims as laid down in the founding legislation are two-fold, namely, to secure the conservation and enhancement of, and to foster the understanding and facilitate the enjoyment of the natural heritage in Scotland. This article will expand on those aims and objectives to try and give an impression of what SNH actually does, with particular reference to land management.

SNH's name is a very good guide to its identity; it is Scottish in the sense that it is a Scottish body acting for the people of Scotland and reporting to the Secretary of State for Scotland but working within an international framework. It is 'natural' in the sense of deriving from nature whereas it is recognised that most of Scotland has been, to a greater or lesser extent, influenced by man for many a millenium, so the term 'natural' embraces the whole concept of people in the environment. 'Heritage' emphasises a crucial time dimension; it is not just what individuals and society inherits but also what it passes on to future generations either by way of maintaining and enhancing the existing heritage or creating future heritage, provided in so doing the inherited environment is not damaged.

SNH is the first UK Governmental organisation with the statutory responsibility to have regard to the desirability of ensuring that its own activities and those of others in relation to the natural heritage are undertaken in a way which is sustainable. Sustainability was defined by the then Secretary of State for Scotland in the House of Commons in 1991;

'Sustainability is a concept which has been developed over a number of years and is at the centre of the Government's environmental policy. The concept is that the environment should be so regarded and maintained that it does not erode or degrade, and is handed on to future generations in the same condition or possibly enhanced or developed. Therefore, no operation should be allowed to take place which would damage the environment without restoring or replenishing the damage.'

SNH safeguards and enhances Scotland's natural heritage in two ways; namely by influencing others and by occupying land itself. SNH has a statutory duty under the Wildlife and Countryside Act 1981 to notify sites of special scientific interest, where they are of the opinion that any area of land is of special interest by reason of its flora, fauna, geological or physiographical features. There are detailed scientific criteria for determining whether or not an area of land should be notified as an SSSI. The notification is sent to the owner and/or occupier of the land and various statutory agencies, and includes

the reasons why the site has been notified, a map identifying the site and a list of what are called 'potentially damaging operations'. In general, the owner or occupier of any land which has been notified as an SSSI can not carry out, on the site, any of the potentially damaging operations unless they have served written notice on SNH detailing the proposed activities, so that SNH can assess the likely impact of those activities on the SSSI. When SNH receives notice of a potentially damaging operation, it considers the effect of the activities on the land and decides whether or not it is prepared to consent to the activity. There are, of course, many land management activities that have to be undertaken on SSSIs for which SNH will not object. For example, the maintenance of existing drains and ditches, pest control, field sports and, in some cases, changes to the grazing regime. There are other operations which if undertaken on an SSSI would damage the interest for which the site was notified. If SNH is of the opinion that the proposed activities fall into this category, it may offer the occupier a management agreement under which they will be financially compensated for not undertaking the proposed activity. The calculation of the compensation is beyond the scope of this paper, suffice to say that the objective is for the occupier to be in a similar financial position as if they had undertaken the proposed improvement. When considering any notice and subsequent management agreement SNH will consider whether the activities proposed are economically viable i.e. whether the farmer would make a profit out of them, before deciding whether or not to proceed to a management agreement. Obviously if the farmer was not going to make any money out of the activities there would be no compensation payable!

A management agreement is a legally binding contract between SNH and the owner or occupier of the land and may vary in length between 3 and 99 years, the majority being less than 21 years. The agreement includes details of the agreed management of the site including scientific interest, management objectives, e.g. enhance existing grassland, management prescriptions e.g. the land will be grazed by a given number and type of stock together with details of permitted activities such as field sports and pest control. The agreement also covers a whole range of technical and contractual issues.

SNH is aware that attempts are sometimes made to prompt it into giving compensation for work which would not, save in an attempt to get compensation, otherwise proceed. There are several instances where SNH has declined to enter a management agreement as it considered the proposed activities of questionable economic viability and the activity did not proceed.

The relationship between SNH and land occupiers, although governed by statute, is based on the voluntary principle. Thus, although SNH has reserve powers the view has been taken that, in the long term, there will be a more fruitful relationship between the statutory conservation agencies and the land occupying community if, in so far as possible, occupiers are encouraged and rewarded for co-operating with SNH rather than there be

undue statutory control. The success of the voluntary principle can be judged by the effect that in 1995/96 only some 20 SSSIs were damaged (about 1.5% of the total) and the majority of that damage was assessed to be of a short-term nature.

In Scotland there are currently some 1397 SSSIs, covering an area of some 892678 hectares and some 619 management agreements over parts of SSSIs covering some 158,116 hectares.

SNH also enters management agreements with the occupiers of SSSIs to enhance the interest of the site rather than reactively to protect it as discussed above. There are some occasions where the natural heritage interest of an SSSI can be improved by habitat management, be that an adjustment in the grazing regime, the exclusion of grazing or the creation of new features such as pools and lagoons. SNH has and hopes to continue to approach owners seeking their co-operation and will enter agreements accordingly. In addition the majority of Scotland is not an SSSI and there is much of natural heritage interest outwith such sites. Accordingly, SNH has the power to enter management agreements on land that is not an SSSI to improve the natural heritage interest of that area. Under such agreements SNH would normally pay for or contribute to the positive management works to be undertaken, and the farmer may or may not receive compensation, depending on the details of the case.

SNH directly manages land by occupying 70 National Nature Reserves extending to some 113,238 hectares either by owning them outright, leasing them or, through management agreements with owners which by their very nature have sometimes involved compromise over ways in which the land is managed. All NNRs are SSSIs, but are considered to be of outstanding national importance to the natural heritage in Scotland. The suite of NNR provides a representative of cross-section of diverse habitat types; from the seabird islands of the St Kildan archipelago in the west to the estuarine habitats of the Sands of Forvie in the east to the heather grass and spagnum dominated moor of Hermaness in the North and the salt marshes foreshore and mud flats of Caerlaverock in the south. The vast area of the Cairngorms is also an NNR.

The objectives of management of the NNRs obviously varies very considerably from site to site depending on the underlying habitat. One of the NNRs owned by SNH is Creag Meagaidh National Nature Reserve extending to some 4,000 hectares. It is managed for its natural heritage value and important recreational interest. The reserve rises from the side of Loch Laggan across a range of habitats including semi-natural woodland, moorland and the montane high top to the summit of Creag Meagaidh at 1,130m. In the past grazing had restricted the development of woodland on the reserve but, following acquisition in 1985, SNH has reduced the grazing pressure which has resulted in considerable natural regeneration of the native woodland including birch, rowan and willow. Above the treeline, moorland heather

dominates before grading into the montane habitat of the high tops, being the breeding ground of dotterel and ptarmigan.

The designation of land in the SSSI does not remove it from the planning system. If an owner or occupier wishes to undertake an activity on an SSSI that requires planning permission they apply to the local planning authority. The authority will statutorily consult SNH regarding the application. SNH will make its views known and if the local planning authority is minded to grant the application, has reserve powers in which to request the involvement of the Secretary of State for Scotland to determine the issue. There have been instances where SNH has not been consulted on planning applications on SSSIs and it has successfully obtained interdicts preventing works proceeding, and compelling local authorities to take into account SNH views.

SNH's other primary objective is to facilitate the enjoyment of the natural heritage and has inherited the powers and duties previously held by the Countryside Commission for Scotland.

SNH is primarily concerned with informal recreational activities which depend on the qualities of the natural heritage. Sport, physical recreation and field sports are in the bailiwick of other organisations although they touch on SNH's remit where they use the resources and qualities of the natural heritage. SNH is keen to, and does promote co-operation between land managers and those recreating in the countryside. For example, by grant aiding the provision of facilities such as rangers services, working with tourists boards, local enterprise companies and local authorities with a view to improving the provision of access to the countryside. In addition, SNH has invested considerable sums of money in an extensive programme of footpath restoration in several areas of Scotland, and it co-operates with the representative bodies of recreational interest users such as the Mountaineering Council of Scotland and the Ramblers Association. These have resulted in greater co-operation between various interests and, in particular, the publication of various codes of practice. These include SNH providing secretariat support to enable a number of representative bodies for land management, open-air recreation and public access in the Access Forum to produce a concordat on access which aims to establish better understanding among all countryside users, promote tolerance and good practice in the enjoyment of open-air recreation.

In striving to achieve its objectives of safeguarding and enhancing the natural heritage of Scotland and promoting the enjoyment of and responsible access to the natural heritage, SNH has a statutory role in advising local planning authorities, particularly with reference to planning applications, and central government. SNH also attempts to foster the understanding of the natural heritage through environmental education. This obviously includes schoolchildren but also anyone with an interest in the rural environment, be that the urban population, owners or managers of land together with representative and professional organisations. SNH has also taken the initiative

of starting a thinking process in respect of many issues affecting the natural heritage and has produced substantial policy papers including 'Red Deer and The Natural Heritage' and 'Access'.

SNH is also charged in undertaking its duties to balance other interests such as the needs of agriculture, forestry and fisheries, social and economic development and sites and landscapes of archaeological interests. It should be appreciated that while SNH has a duty to take account of these various elements, its statutory responsibilities are not overridden by them.

SNH has within its statutory functions an extremely wide remit and strives to work with all sectors of the community involved in natural heritage matters, making sometimes controversial decisions, but always with the well-being of the natural heritage as the central objective.

Editor's note: Paul is regional land agent with the North East Region of Scottish Natural Heritage. He points out that this article has given a very brief resumé of some of the activities of SNH and is not a definitive statement on any matter.

