



**Nature Conservation (Scotland) Bill
Written Evidence from
Scottish Estates Business Group (SEBG)**

Introduction

The Scottish Estates Business Group promotes the vision and represents the interests of progressive rural estate businesses throughout Scotland. The group advocates a modern business approach to managing Scotland's rural assets in a manner that is economically, socially and environmentally sustainable. SEBG is also committed to investing in and managing these assets in order to stimulate, develop and sustain successful businesses in rural Scotland. We also strive to bring a business focus to land management, create opportunity, maintain and create jobs and provide accessible, high quality rural facilities.

SEBG members play a full and active role in partnerships comprising local interest groups, government or non-government agencies.

In fulfilling this role, SEBG is committed to "best practice " in the management of natural heritage and wider land management and recognises this in the SEBG Code of Practice to which all SEBG members are signatories.

Objectives of the Bill

SEBG recognises the value of having a clear Biodiversity Strategy for Scotland setting out specific biodiversity objectives. This should help the Scottish Executive, its agencies and land managers develop a strategic approach to the designation of nature conservation sites or the conservation of natural heritage interest.

From this, a focused and well-resourced programme of voluntary and statutory arrangements would then secure habitat and species conservation in a more structured way.

The process of designation at the moment is driven by EC directives rather than local needs to preserve sites at risk.

Voluntary management agreements for nature conservation should be used in all but the most extreme cases.

The designation of sites as SSSIs should be used only when there are reasonable grounds to suspect that natural heritage interests may be damaged by land management operations.

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SEBG endorses an approach to Nature Conservation that will safeguard Scotland's natural heritage through a positive approach to land management where there is a balance between environmental, social and economic objectives.

SEBG supports measures to help reduce the incidence of wildlife crime

SSSIs

The process of designating SSSIs has in the past often been an adversarial one. The process is complex, covers a long time-scale and uses scientific language at the heart of the notification and conformation notices. In many ways the process is exclusive to those within the scientific community.

SEBG would like to see a process that is “user friendly” and more inclusive, using language and procedures that encourage wider involvement.

We would be willing to work with the Scottish Executive and its agencies to develop a “layman's guide” and to explore and pilot a more user-friendly procedure. To this end, SEBG would be keen to set up a small project group to explore how this might be achieved.

We recognise the need to follow statutory processes and the value of full scientific data but believe that re-working the forms, notices and conformation orders could do much to promote a wider understanding of the role of SSSIs and to make the process of designation less adversarial.

Information and Scientific Data

The recent round of hen harrier site designations in the South and West of Scotland have highlighted a number of issues around the quality and availability of scientific data and information.

SEBG would like to see a designation process that makes available to land managers on notification of the SSSI, the full scientific case for designation.

This is not made available currently until an objection to the designation is lodged with SNH.

A more open and accessible approach to the provision of data would improve understanding and help to build better relationships between SNH and land managers.

There have been cases where SNH has used data for designation that has been gathered from sites without the land manager's consent.

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Designation of sites as SSSIs should only be based upon scientific data or evidence that is legally gathered and independently verifiable.

A reference to data sources and arrangements for access to them should be included as a document with the notification.

In hearing objections to SSSI notifications, the Advisory Committee or appeal body is only allowed to take evidence based on scientific objections. SEBG would like to see other appropriate grounds include social or economic evidence. While scientific evidence should remain the predominant factor, the inclusion of social and economic factors may create a better balance in the decision-making process without frustrating the designation process unnecessarily.

An appeals body should be wholly independent of SNH.

Nature Conservation Orders and compulsory Purchase

SEBG believes strongly that the use of NCOs or CPO measures to secure conservation interests should be very much a process of last resort and there should be a strong public interest case for their use.

NCOs and CPOs should not be used solely where there has been a breakdown in negotiation on notification between SNH and the land managers.

SEBG would be interested in exploring with the Executive how a “marriage guidance” type of measure might be put in place to restore negotiations or broker an agreement. This need not be as formal as arbitration

Powers of Entry

SEBG is concerned about the extent to which SNH has statutory powers of entry. We would like to see these reserved to the appropriate police force, with which SNH should work closely.

We believe that it is important that SNH is seen as conservation advisors not as “wildlife police”.

Wildlife Crime

Our members recognise the role they have to play in achieving a significant reduction in the incidence of wildlife crime, for example through staff training and liaison with wildlife crime officers.

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We would support the development of a comprehensive information and training programme for all those involved in managing land based businesses. This should help ensure that all countryside professionals are familiar with the law on wildlife and understand their roles and responsibilities.

Summary

SEBG wishes to work with the Scottish Executive on:

- **Development of a layman’s guide to designation of SSSIs and a “user friendly” set of procedures**
- **Setting up a project group to explore how to take forward the above**
- **Inclusion of social and economic evidence in SSI decision-making process**
- **Developing a “marriage guidance” procedure for use in SSSI negotiations**
- **Developing an information and training programme for countryside professionals on wildlife crime and the new Nature Conservation Bill.**