

Scottish Wildlife Trust

Local Government and Regeneration Committee

Call for Evidence – Community Empowerment (Scotland) Bill



The Scottish Wildlife Trust¹ welcomes the opportunity to submit evidence to the Local Government and Regeneration Committee regarding the Community Empowerment (Scotland) Bill.

We have concentrated our evidence on the questions which could impact on Scotland's natural capital².

Q2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

As stated in explanatory notes: Schedule 1 to the Bill sets out a list of public sector bodies which will be required to participate in community planning. Some of these bodies (including NHS bodies, Scottish Enterprise and Highland and Islands Enterprise) are already statutory community planning partners. Others (including Skills Development Scotland, Scottish Natural Heritage and the Scottish Environmental Protection Agency) are not statutory partners at present but as a matter of practice frequently participate in community planning.

We welcome the inclusion of SNH and SEPA amongst others as statutory partners in community planning. We believe this will help mainstream the environment in community planning and will enable the delivery of better outcome. This accords with the Scottish Biodiversity Strategy which states:

Public bodies are urged to play their part in realising these [2020 Challenge] outcomes, with a more collaborative approach between sectors and connecting single outcome agreements, community planning and health partnerships.

However, we do have concerns regarding present capacity for such government agencies to engage with 32 CPPs. As this will not be cost neutral, will this divert resources away from these agencies performing other functions? This could have a detrimental impact on protecting and enhancing biodiversity and ecosystem services.

That said, there is merit in having such agency expertise in helping influence local outcomes; a high quality environment is essential for a flourishing Scotland and safeguarding Scotland's natural capital will help deliver the Government's national outcomes. Indeed, we believe work still needs to be done to mainstream biodiversity amongst decision makers as demonstrated by the agreed six national priorities³ in Single Outcome Agreements which lack an environmental outcome amongst the six.

¹ The Scottish Wildlife Trust's purpose is to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. With over 36,000 members, several hundred of whom are actively involved in conservation activities locally, the Trust is the largest voluntary body working for all wildlife of Scotland. The Trust owns or manages over 120 wildlife reserves across Scotland and campaigns at local and national levels to ensure wildlife is protected and enhanced for future generations to enjoy.

² Natural Capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things. It is from this Natural Capital that humans derive a wide range of services, often called ecosystem services, which make human life possible

³ •economic recovery and growth; •employment; •early years; •safer and stronger communities, and reducing offending; •health inequalities and physical activity; •outcomes for older people

Q4. Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

Duty on Ministers

We note Part 1 of the Bill places a duty on Ministers to develop, consult on and publish a set of national outcomes for Scotland, which builds on the “Scotland Performs” framework.

The Trust support the statutory consultation process for determining national outcomes as well as the increased transparency regarding reporting progress towards achieving national outcomes.

Abandoned or neglected land

The Trust notes Section 48 inserts a new Part 3A into the Land Reform (Scotland) Act 2003 Act to give communities a right to buy land that is wholly or mainly abandoned or neglected, for the purposes of the sustainable development of that land, where there is no willing seller.⁴

We also note that the new Section 97C of the 2003 Act defines land which is to be classed as eligible for the purposes of Part 3A of the 2003 Act. Subsection (1) provides that eligible land is land which is wholly or mainly abandoned or neglected in the opinion of Ministers.⁵

With regard to Part 3A, the Trust is concerned that there is no definition of what is meant by abandoned or neglected land. A definition would aid the Committee’s scrutiny of the Bill, even if such a definition were not to be included in the Bill.

We believe a definition is important because land which has high biodiversity value and delivers ecosystem services may give the appearance of being abandoned or neglected; indeed some of the land the Trust manages for wildlife across Scotland, including internationally and nationally protected sites, may appear to the ‘uninformed eye’ to be abandoned or neglected when in fact natural processes, which need little intervention, such as woodland and scrub regeneration are being encouraged. Without this clarity, one could also argue that active blanket bog (outwith a protective site – see below) which is delivering public benefits through ecosystem services such as carbon sequestration, increased biodiversity, water retention and filtration, is neglected or abandoned – purely because there is no active management.

For this reason, the Trust would like to seek assurances that land owned, managed or designated for nature conservation purposes or being of value for nature conservation either within itself or as part of the surrounding ecosystem, is excluded from any definition of what constitutes abandoned or neglected land.

The Trust believes that for land that is not included in the above categories, the opinion of Ministers regarding the value and contribution to sustainable development of ‘abandoned or neglected land’ in its current state should be informed, *inter alia*, by consideration of the role the site makes in terms of providing ecosystem services e.g. flood prevention, biodiversity, carbon sequestration, pollination, improved water or air quality.

It should also be borne in mind that previously abandoned or neglected land will naturally become colonised (a process known as succession) and thus has the potential to increase in value, *because of the fact that it has been left unmanaged*. This type of habitat is recognised in the UK Biodiversity Action Plan list of priority habitats e.g. *Open Mosaic Habitats on Previously Developed Land*. Under this priority habitat, notable features present may include:

- increased species richness especially for invertebrates and birds
- an unusual assemblages of plants

In the context of an intensively managed lowland landscape, such habitats may be an oasis for wildlife.

⁴ Extracted from explanatory notes

⁵ *Ibid*

However, the Trust also recognises that 'derelict' land can be blight on local communities. Indeed, the Trust working in partnership⁶ in the Edinburgh Living Landscape initiative has a project aimed at rejuvenating 'stalled sites' in Edinburgh to deliver benefits for local people and wildlife.

For further information please contact:

Dr. Maggie Keegan
Head of Policy and Planning
Scottish Wildlife Trust

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⁶ Edinburgh Living Landscape partnership consists of Scottish Wildlife Trust, City of Edinburgh Council, Royal Botanic Garden Edinburgh, Green Surge and Edinburgh and Lothians Greenspace Trust.