

Briefing for the Citizen Participation and Public Petitions Committee on PE1895: Mandatory accountability for Nature Scotland's decision making procedures, lodged by Gary Wall

Background – NatureScot

NatureScot (previously known as Scottish Natural Heritage or SNH) is Scotland's lead advisory body on nature, wildlife management, and landscape management across Scotland. NatureScot was established as an executive non-departmental public body (NDPB) under the provisions of [the Natural Heritage \(Scotland\) Act 1991](#). NDPBs are not part of the Scottish Government. They carry out administrative, commercial, executive or regulatory functions on behalf of Government; and operate within a framework of governance set by Ministers. The Scottish Government provides annual funding to NatureScot in the form of Grant in Aid to deliver its functions.

NatureScot's purpose is set out in [Section 1 of the Natural Heritage \(Scotland\) Act 1991](#) (as amended), as follows:

- To secure the conservation and enhancement of nature and landscapes;
- To foster their understanding and facilitate their enjoyment;
- To promote their sustainable use and management; and
- To further the conservation, control and sustainable management of deer in Scotland, and keep under review all matters, including their welfare, relating to deer.

NatureScot's [Corporate Plan for 2018 – 2022](#) sets out outcomes and priorities for the organisation for that period as well as indicators for success.

The Scottish Regulators Strategic Code of Practice

PE1895 calls on the Scottish Parliament to urge the Scottish Government to make it mandatory for Nature Scotland (taken to

mean NatureScot) “to explain its conservation objectives in decision making within the framework of the Scottish Regulators Strategic Code of Practice and Scottish Governments guidance, 'Right First Time'.”

[The Scottish Regulators Strategic Code of Practice](#) was made under section 5 of [the Regulatory Reform \(Scotland\) Act 2014](#) which contains provisions for Scottish Ministers to issue a Code of Practice in relation to the exercise of regulatory functions by a regulator. The Code requires regulatory functions to be exercised in accordance with the principles of better regulation (see paragraph 2 of the Code). Regulatory functions include advice, guidance, licensing, permissions, monitoring and enforcement. The Code promotes an approach whereby regulators seek to understand those they regulate, including taking into account economic and business factors appropriately.

This Code applies to the devolved regulatory functions of regulators listed in Schedule 1 of the 2014 Act. This includes NatureScot (Scottish Natural Heritage as set out in the Act). NatureScot refers to requirements to take other interests into account i.e. wider social and economic interests, including through the Code, as its “balancing duties”. There is [detailed information on how NatureScot interprets and applies its balancing duties](#) on its website. The Code is also referenced in [NatureScot’s Corporate Plan](#) which states:

“Our work is also driven by legislation and Scottish Government strategies, including Scotland’s Economic Strategy, the Scottish Regulators’ Strategic Code of Practice, the Climate Change Plan, the National Marine Plan, the Land Use Strategy, the Scottish Forestry Strategy, the National Planning Framework, the Mental Health Strategy and the National Physical Activity Strategy.”

Right First Time

[Right First Time, published by the Scottish Government in January 2021](#) (updated from a previous version from 2010), is described as “a user guide intended to help people responsible for making, or advising on, decisions of public authorities”. It is essentially a tool to support good practice in public administration, collating existing statutory duties and setting out suggested steps and checks in relation to decision-making processes e.g. checking for compliance

with human rights and equality legislation, checking environmental duties and considering financial implications.

Key Organisations and relevant links

[NatureScot](#)

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