

Quangos and the decline of nature – could Board Members make a difference?

Description

The Scottish Government is currently advertising for six new board members for the Cairngorms National Park Authority (CNPA) ([see here](#)) and a new chair for Scottish Natural Heritage/Nature Scot ([see here](#)). Further changes in the composition of the CNPA Board are pending with Local Member elections due next month and with the Convener, Xander McDade, who is elected by Board Members, announcing two weeks ago he would be stepping down from that role in July ([see here](#)).

Board appointments and membership may sound boring but board members of NatureScot and our two National Parks have played a role in the collapse in nature in Scotland over the last thirty years (and as a Board Member of SNH for 3 years I accept I have some responsibility for that). The reasons for those failures are not just about who has been appointed to Board roles but their freedom to act.

As an illustration of that, when I was on the SNH Board 20 years ago staff were involved in a process which resulted in most of the National Nature Reserve (NNR)s on private land in Scotland being declassified. This included the Cairngorms and Caenlochan NNRs which should have provided the core areas for nature in the Cairngorms National Park. What drove the declassifications was that most private landowners were not prepared to put nature before their sporting interests and reduce grazing levels by red deer. It seems amazing in retrospect but none of us on the SNH Board then thought to call on the Deer Commission for Scotland, which at that time was a separate organisation from SNH, to act and protect nature.

This is not to say Board Members were happy with declassifying NNRs. I recall us being presented with a proposal to declassify the NNR on Rannoch Moor and referring this back to staff to talk to the landowner on the basis that if a small part of the most famous moor in Scotland could not be managed for nature what could? It was clear from the reaction of staff that they felt this was a waste of time but none of us were prepared to tackle the elephant in the room, the power of large private landowners.

This post considers whether this latest round of Ministerial appointments suggests anything is about to change and if so will it be for the better.

The different approach to Ministerial appointments in the LLTNPA and CNPA

Last October Lorna Slater, the Minister and Green MSP responsible for NatureScot and Scotland's two National Parks, re-appointed five existing members to the Loch Lomond and Trossachs National Park Authority (LLTNPA) to the Board for a further four years without the posts being advertised. She took a radically different approach with the CNPA where the "first" term of five board members was also due to finish at the end of October:

	Start of current term	End of current term	Fees £	2021 Expenses £	Fees £	2020 Expenses £
Scottish Government appointees						
Janet Hunter	08 09 15	07 09 23	8,082	-	7,683	1,449
Douglas McAdam	01 11 18	31 10 22	8,082	-	7,845	2,101
Anne Rae MacDonald	01 11 18	31 10 22	7,240	-	7,329	1,133
Dr F McLean	01 11 18	31 10 22	8,082	26	7,846	719
William Munro	01 11 18	31 10 22	8,082	-	7,520	1,281
Dr Gaener Rodger	01 10 18	31 10 22	8,980	-	7,847	823
Judith Webb	01 02 19	31 01 23	8,082	-	7,629	4,491

Those five members were re-appointed but for varying lengths of time ([see here](#)):

- Ms MacDonald and Mr Munro have been reappointed for five months from 1 November 2022 until 31 March 2023
- Mr McAdam and Dr Rodger reappointed for one year from 1 November 2022 until 31 October 2023
- Dr McLean has been reappointed for four years from 1 November 2022 until 31 October 2026.

A vote of confidence then in Fiona McLean, who is also on the Board of Historic Environment Scotland which has been responsible for the closure of both the Radical Rd in Edinburgh ([see here](#)) and historic properties across Scotland, but not in the other four. Something is going on!

One possible explanation is that civil servants were ready to re-appoint all five members automatically, as happened with the LLTNPA, but Lorna Slater, as the Minister responsible, only realised what was going on at the last moment, intervened and was only prepared to endorse Dr McLean. The temporary re-appointments were then necessary to allow the other four positions to be advertised along with those filled by Judith Webb (whose second term ended last month) and Janet Hunter (whose second term ends in September).

Another explanation is that CNPA Board Members have been more independent minded than those on the LLTNPA, have expressed real differences in views and been prepared, for example, to challenge and overturn the recommendations of staff in relation to planning applications. While the failure to extend the term of Doug McAdam, former Chief Executive of Scottish Land and Estates, for another four years (he is in theory free to re-apply for the new posts) may be a sign that Lorna Slater wants to reduce the power of landowners, it could also be an indication that she sees the primary function of Ministerial appointments is to do her bidding.

Seen from this perspective the decision of Xander McDade, who has tried to foster democracy in the CNPA, to step down may not be a coincidence.

Board members – apparatchniks or agents for change?

The issue is encapsulated in the term Quango, quasi-autonomous non-governmental organisation, and concerns the degree to which organisations like NatureScot and our National Park Authorities are autonomous and free to act independently of government.

The advert for the chair of NatureScot starts promisingly (although that for the CNPA Board Members is far more pedestrian):

Appointment of the Chair of NatureScot Appointment commencing in May 2023

Scottish Ministers wish to appoint a dynamic new Chair of the Board of NatureScot for a term of four years. This is time of great challenge and tremendous opportunity for nature. This role will lead Scotland's Nature Agency, protecting and restoring nature, and inspiring everyone to value our natural world. We do this because everyone's future depends. As Chair you could play a pivotal role championing change and building a better and more sustainable Scotland for this generation and the next.

Inspiring spin! However, the rest of the advert suggests that the new chair will have almost no freedom to choose how to do this but will simply have to follow Ministerial instructions, whether they agree with them or not:

About the role

- The Chair will provide effective leadership and guidance to **ensure that NatureScot delivers its functions effectively** in accordance with the aims, policies and priorities of the Scottish Ministers to which the NatureScot is aligned via aligned via [NatureScot Corporate Plan](#).
- The principal role for the Chair is to provide **strategic leadership of the Board** and to ensure that it has the ability to deliver its remit effectively. In particular, the Chair will lead the Board's approach to strategic planning and ensure that, in reaching decisions, it takes full account of guidance issued by Scottish Ministers.

There is nothing in the role description about the statutory duties of NatureScot, as set out in the founding legislation and later amended by the Scottish Parliament ([see here](#)). The obligation of the new chair will be to deliver the priorities of Scottish Ministers whatever they might be. That might not matter if there were sufficient resources for SNH to deliver both ministerial priorities and its statutory duties but there aren't (SNH has been savagely cut). It is predictable that public enjoyment of the natural heritage, one of the two founding duties of SNH, will once again be sidelined.

The same imposition of ministerial control is evident in the role description of Board Members of the CNPA which starts with the following point:

- *"contribute to setting the strategic direction of the National Park Authority in a way which reflects Scottish Ministers' policies and priorities through the production and oversight of the*

strategic Corporate Plan”;

What this effectively says is that new Board Members will have very little autonomy to act and points to a contradiction at the heart of the appointments process.

The limits to diversity?

The adverts for both the chair of NatureScot and the CNPA claim Scottish Ministers want diversity:

“We value very highly the benefits of having different experience and points of view on our Boards. Scottish Ministers particularly welcome applications from people currently under-represented, including women and those with protected characteristics , such as disabled people, LGBTI+ people, those from black and minority ethnic communities and people aged under 50.”

But only apparently if those prospective Board Members ultimately follow Ministerial wishes! “Constructive challenge” of staff may be encouraged but only so long as it does not result in “constructive challenge” to the Minister.

This contradiction helps to explain why the under-representation on Boards of women and “those with protected characteristics” as well as those from a non-professional background, has gone on for years. Members of those groups are generally less likely to talk the talk or agree with the dominant political narratives and as a consequence far less likely to get through the appointments process where they do try to apply. It also explains why there has been so little debate on the LLTNPA Board where locally elected member Willie Nisbet used to declare, with some pride, that he was there to represent Scottish Ministers, not the local electorate.

A good illustration of just how narrow the composition of the LLTNPA Board and the matters it has been prepared to debate has been is provided by Sid Perrie, the new locally elected member for Balloch in the LLTNPA. Since his election last year he has stood out at Board Meeting I am tempted to say like a sore thumb, because he really is different and is prepared to say what he thinks. He was, for example, the only member at the special meeting of the LLTNPA in January to try and speak out against the proposals to revise the Loch Lomond byelaws. From the meetings I have observed the LLTNPA is still not sure whether to try and suppress Sid’s views and arguments or welcome them through gritted teeth.

People like Sid Perrie – who are extremely knowledgeable about both outdoor recreation and the natural heritage – who if it comes to it would criticise the minister rather than do their bidding, have almost no chance of being appointed to the Board of SNH or our National Parks. This is bad for decision making and the adverts for the CNPA board member posts suggest those mistakes are about to continue.

The Scottish Government’s agenda – private finance as a solution to the crisis

The following is an extract from the adverts for the Board Member posts on the CNPA:

“For all six roles, applicants must also demonstrate evidence of one of the following:

- *experience of private investment in nature; and/or*
- *understanding of climate change; and/or*
- *landscape scale change (nature conservation/ecological restoration); and/or*
- *change/organisational development.”*

It appears that Lorna Slater is looking for people to sit on the CNPA Board (and possibly the new chair of NatureScot) who will help turn NatureScot and our National Parks into mechanisms for promoting private investment in nature. That is consistent with the vision for National Parks promulgated in the consultation on new National Parks which took place last year ([see here](#)). As regular readers of Parkswatch will know, all that supposedly green investment in land has achieved so far is to drive up land prices while the new owners use public money to pay for planting trees, often in ways that are extremely damaging to the natural environment, or “restore” peat bogs which will be destroyed again due to the failure to reduce numbers of grazing animals.

If Lorna Slater and the Scottish Government want NatureScot and our National Park Boards to do something for the natural environment, they should just focus on two things. Firstly, reducing the number of red deer in Scotland, which have doubled in the last thirty years, and are responsible for much of the destruction of nature on open hill land. Secondly, abolishing muirburn. There is no mention of either of these challenges in the job descriptions, NatureScot having statutory responsibility and powers to control the number of red deer and no mention of muirburn, despite the massive destruction it has caused to natural habitats in the Cairngorms. Instead it appears that the Scottish Government is about to intensify a new set of problems caused by large areas of land being bought up by business for carbon offsetting, ie greenwashing, purposes.

I would like to be wrong, but if our National Park Boards are to change I think this is more likely to come through elected members, like Sid Perrie, rather than Ministerial appointments; every reason for local people who are committed conservationists and want to see land reform to stand for the CNPA local member elections in March.

Category

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2. Loch Lomond and Trossachs

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