

## COVID Historic Environment Resilience Forum meeting 4: Statutory and policy

### The National Trust for Scotland: a forward look for heritage

Thank you for the opportunity to mull over a few developing areas of public policy and what they might mean for heritage.

There are three areas that I thought it particularly worth considering.

- Exiting the European Union
- Coronavirus recovery plans
- Land reform – Phase 3

### Exiting the European Union

[Framework slide]

We have now technically left the European Union, though we are now in a transition period scheduled to end on the 31<sup>st</sup> of December 2020.

From an environmental point of view, this means we will lose a series of important protections. This includes:

- the oversight of the European Commission and the European Court of Justice, who have been an effective double act;
- the European Union's environmental principles, which are meant to be taken into account in policies and strategies;
- and the binding force of the European Union acquis – or body of legislation.

The current Scottish Government is opposed to Brexit and aspires to re-entering the European Union.

[Continuity bill slide]

As of this month, it has introduced the Continuity Bill which is intended to provide some continuation of these protections. However, the temptation is now there no longer to be as tightly bound to European Union requirements.

[Brexit slide]

The policy memorandum describes the objective of the bill as allowing "Scots law to be able to 'keep pace' with EU law in devolved areas, where appropriate." This falls short of remaining in alignment.

In terms of positives, the draft bill will require Scottish Ministers to have regard to the EU Environmental Principles in making policies – these are the precautionary approach, preventative action, rectification at source, and polluter pays principles.

However, it doesn't currently include the integration principle, which the England and Wales equivalent, the UK Environment Bill, does.

The Scottish bill also creates a replacement body for the European Commission and Court of Justice to provide oversight – to be known as Environmental Standards Scotland.

The ESS is intended to challenge central government and government bodies on how well they are applying environmental protections. But it itself is part of the Scottish Government, rather than

reporting to the Scottish Parliament, as for example the Scottish Information Commissioner, or the Public Service Ombudsman.

It's also rather a small – a staff of 20, and we understand that while it can gather evidence, it cannot take on casework, complaints about specific situations – which has been previously been an important route in improving our environmental protections.

### Coronavirus recovery

[Coronavirus slide]

Secondly, we have the ongoing challenges of the coronavirus control measures – which have been somewhat successful in controlling the virus, but have had enormous knock-on effects on the economy and society.

All governments are thinking about how they can revitalise their economies and ensure that any economic contraction is short-lived.

In Scotland, the advisory group on economic recovery, with its membership drawn from the pre-existing Council of Economic Advisers, has just published their recommendations on the way ahead.

With only three months to carry out the work, the report doesn't contain much that is new. But there is a recurring trope that regulation may be hindering economic development.

[Advisory group slide]

This is not a matter of dropping standards we're told, only of doing things faster. But I'm reminded of the old project manager adage that you can have faster, better, or cheaper, but you can only have two of those.

There is a familiar emphasis on familiar sectors and a belief that if support can only be found, these can unleash their potential.

However, these promises have been made before. For example, both aquaculture and offshore wind are identified as having great potential, and the report recommends streamlining planning for both these sectors to encourage their rapid growth.

[Aquaculture and Offshore wind slide]

In aquaculture, the 2009 industry report identified sector employment of 1,500 people, and that 78% of its members expected to grow their workforce over the next five years.

In fact, almost ten years later, the latest economic report found that employment had only grown to 2,200 people – and with consolidation to the central belt, many smaller companies had closed.

Similarly for offshore wind, the 2010 strategy estimated that employment growth could be up to 28,000 jobs by 2020. According to the Office for National Statistics the actual number this year is 1,900.

So there are risks in trying to pick winning sectors or to shape regulation to suit. Administratively, it is easier for government to pick a sector with a few, large companies to have a conversation with. More diffuse, less well-represented sectors are harder for government to engage with.

It is promising that the same report also identifies that culture and cultural heritage are important to our recovery, and makes specific recommendations on these.

In particular, protecting and adapting cultural infrastructure is seen as a job intensive sector, and with promising skills links to construction and specialist industries.

There is also an emphasis on place-based initiatives, both for economic recovery, and for strengthening social capital.

Government, enterprise agencies, local authorities, and City-Region deals are asked to do more on this.

### Land Reform – Phase 3

Finally, for the next Parliament, we might anticipate further land reform legislation.

[Scottish Land Commission]

Phase 2 of land reform, the Land Reform Act 2016, created the Scottish Land Commission. The Commission has been prolific in producing research and opinion pieces.

[Scottish Land Commission reports]

There does seem to be expectation in that community that the next Parliament will see new legislation on land reform, including around housing and planning.

The Commission doesn't have a single viewpoint, but if I had to try and discern trends in their thinking, I would say:

- A shift in focus from type of owner to type of use – and the process by which decisions are made
- A view that the private housebuilding sector is not delivering desired outcomes, particularly for rural areas
- But that solutions may not lie in tweaking the current speculative housebuilding model, rather that the public sector needs to become more involved
- Some form of sharing the uplift in land value should be found
- And that planning can be unduly restrictive on occasion

The Commission's recent work on affordable housing looked at examples from Switzerland, the Netherlands, and Germany, and at how public authorities there can assemble and make ready land for housing.

The research also recognised that Switzerland, Germany, Netherlands were better at delivering more compact cities.

But there is also the value of agricultural land in these overseas planning systems – which they make a priority to conserve. This links to the Land Use Strategy work that SLC is taking also taking forward – where communities and public authorities identifying the optimal use for each area of land in Scotland.

### Conclusion

[March of the Intellect slide]

So to conclude, we are currently in an unusual period, where older certainties seem to have been challenged, whether on Brexit, our economic models, or how well the market has worked.

There is a sympathetic hearing for place-based approaches, for greater emphasis on sustainability, on wellbeing, and on non-monetary measures of progress.

This is an opportunity for some creative input to public policy making, but it is a crowded space, and the temptation is there to get back quickly to some kind of normal – and perhaps to do so by removing some of the perceived impediments of regulation.

Thank you