

Response to SNH Consultation on: Assessing impacts on Wild Land Areas – technical guidance

March 2017

Introduction

Community Land Scotland (CLS) is the representative organisation of Scotland's community land owners, some of whom today own, or may in future own, 'wild land' within their land.

Comments on the context for the technical guidance.

CLS recognises that some people perceive significant parts of the Highland and Islands in particular as being 'wild' and 'natural'. CLS further recognises that many people derive satisfaction and pleasure, that they have an emotional response to what they perceive as 'wildness' and 'naturalness', and that they can feel fulfilled by being within and experiencing landscape capable of engendering in them perceptions of 'wildness'. Some CLS members manage and market their area, in part, on the 'wild' qualities they know some others to sense in that landscape, and have no desire to act against the maintenance of the enjoyment and fulfilment people derive from visiting such areas.

However, CLS also increasingly recognise that the notion of 'wildness' is a relatively modern construct, it forms part of the romantic view of landscape that has emerged in relatively recent times, historically. A popular perception of 'wildness' has been developed and has been actively promoted, to the extent that today that particular construct, of parts of our national landscape, has achieved official recognition in the national and local planning system through the Wild Land Areas map. It is, however, a construct likely to be increasingly challenged as the only legitimate construct for the same landscapes.

The technical guidance, on top of the Wild Land Areas map, and the descriptions of each Wild Land Area, will serve to consolidate, and may even in part be aimed at increasing the perceived legitimacy of this construct, over other possible constructs of the same landscape. Yet, this may also be perceived as the imposition of this cultural construct, as one which suits and serves the interests of particular groups, over other groups and interests in society.

The notion of 'wildness' rests on the emotional response that some, even many, derive from their perception of the landscape. That response is felt primarily individually and is shaped by the experience and information at the disposal of that individual, re-enforced no doubt by popular imagery which promotes a particular view of the landscape. 'Wildness' is a cultural creation, not a matter of objective fact.

Other people experiencing the same landscape regarded by many as 'wild', may also derive some of the same emotional responses as those who see it as 'wild', but they may also see it as a forlorn, highly environmentally damaged, a largely unnatural and unpeopled landscape, a managed landscape in consequence of Scotland's anachronistic land-ownership pattern and the specific preferences of landowners, and of notorious historic events permitted by that land-ownership pattern; once the landscape had human vibrancy, a distinct culture, far greater bio-diversity and 'naturalness' than it does today. They may not see that same landscape as being predominantly 'wild' or 'natural', and their view of the matter may be far more historically and environmentally accurate – for all but 2 of the last 50 centuries that same landscape had extensive human presence, for much of that time more than it does today, and was arguably far more 'natural' and bio-diverse than today. Many would like to see that same landscape, to some extent, re-peopled, renewed with humans, renewed environmentally, with far greater species diversity, and they can see the Wild Land Areas having official status within public policy as potentially disadvantaging their construct of the same landscape. It might be said they seek greater landscape justice. **CLS wants to see far greater recognition within policy of other and equally legitimate cultural constructs, to see far greater balance between differing interpretations of landscape understood and represented in decision making processes.**

The consultation references survey work which indicates support from the Scottish people for 'wild' land. CLS would caution against over-reliance of surveys which explored the issue of 'wildness' within an unchallenged acceptance of

the cultural construct that is 'wildness'. Were people in Scotland to be asked if they wished to maintain the effects and emptiness of the Highland clearances, or if they wished to be more fully informed about the historic context for the contemporary landscape and its perceived naturalness before making judgements about it, and if the sample were of people within the areas concerned, rather than predominantly out-with those areas, one might not be surprised if there were different results.

This is the context for the technical guidance and that guidance needs to account for the existence of other perceptions.

Q1. Comments on the technical guidance.

The consultation paper notes that the technical guidance has been produced by "landscape and planning professionals". CLS notes, and the guidance makes clear, the assessments that the technical guidance will support should also be conducted by suitably qualified professionals. In this sense, this whole process appears owned by professionals conforming to the cultural construct of 'wildness' described above. Indeed they may be professionals wedded to its vocabulary and the beliefs inherent in this particular cultural construct. If so, with the encouragement of the technical guidance, the outcome, as may be intended, may serve to re-enforce and offer a greater level of perceived legitimacy to this construct through the very operation of the various official documents emerging.

CLS has no difficulty in the harnessing of the efforts of highly qualified professionals in these matters, but it is a somewhat dated concept, within a public policy environment of greater community empowerment and where the planning system itself is now consulting on communities being empowered to make local plans that may be embedded in formal local development plans, to leave these important assessments to professionals alone.

As a matter of principle, the assessments envisaged by the technical guidance, should contain the informed view of affected communities, preferably with a shared assessment and judgement as the conclusion, or a clear public explanation of any differences in judgement, for decision makers to consider.

Paragraph 9 of the consultation refers to past human occupation and that "the evidence of such is often light and limited in extent". This, however, should not diminish its significance. Some of the "light evidence" is because of historic evictions forced people from the land, the effects of which remain to this day. This may add to the contemporary sense of remoteness, solitude, etc, but it should be understood and explained for what it is. Assessments should recognise that for other people, in addition to these senses of landscape, that same landscape can also evoke responses of sorrow, regret, shame, even some anger at the loss of human vibrancy and culture, of the loss of species and ancient habitats, at the effects of concentrated land ownership patterns. The WLAs play a part in conditioning a wider cultural view of the rural countryside that can see any development as a threat to enjoyment of 'naturalness' or 'wildness'. The WLAs themselves, while having boundaries, can extend their influence to adjacent land. **The wider set of responses that this landscape can evoke by reference to past human occupation ought to be given greater recognition and weight in the whole assessment process.** We return to this further below.

Paragraph 10 of the consultation repeats the physical attributes of WLAs, for example, as follows:

"A high degree of perceived naturalness". However, as some of the descriptions of the WLAs sometimes touch on, although they may be perceived as natural by many, any objective assessment would reveal such perceptions as reflecting a largely mistaken understanding of the landscape. This may be a convenient misunderstanding for the coalition of interests that would like the landscape to stay as it is, despite its essential and heavily compromised naturalness. Little is done to correct misunderstandings of what is perceived 'naturalness' in the discourse about landscape currently. **The technical guidance needs to give much more emphasis to any assessment being candid about the extent of the human interventions that are still shaping that landscape, and what the landscape might be like without those human interventions; these might be from grazing pressure for particular economic uses, for example. The perceived lack of naturalness requires some ongoing challenge if there is to be a more informed public discourse.**

“The lack of modern human artefacts”. The emphasis is on “modern”, which diminishes the importance of historic artefacts, created by abandonment of settlements in some instances, by notorious human actions forcing people from the land that they would still likely be occupying but for those interventions. What is modern, in the context of history, may also be disputed territory, three-hundred years ago may be very modern to many historians.

“Little evidence of contemporary land use”. There is a lot of evidence of contemporary land use within the WLAs, but this may be understated in the descriptions of the WLAs where entire vistas can be shaped by the lack of natural regenerative growth because of historic and current land-uses. Drawing out this evidence carries with it the problem that this might serve to undermine the construct of ‘wildness’ that these attributes seek to re-enforce, but that should not be a reason for the assessments not drawing out evidence of how the landscape would be different if managed differently or not at all. **The technical guidance should stress the need for a very full examination of the impacts of current uses, fuller than would be found in the descriptions of WLAs.**

Box 1 should be extended to include a further step which would set the proposed use within the context of the historic uses that can be evidenced in the landscape, and the fuller description of the current land-uses which affect the landscape (see above); otherwise an incomplete picture will emerge for decision makers to consider.

Step 1 paragraph 15, fourth bullet point. CLS notes that, as feared when CLS gave evidence when the Wild Land Areas map was being considered, the boundary of the WLA is not the full extent of the potentially affected land, as “adjacent” areas can be considered as impacting on the WLAs. Of course the opposite would also be true, the existence of the WLAs can potentially have material effects adjacent areas. **CLS considers that only in wholly exceptional circumstances, where potential developments of very considerable scale were being considered, should there be any consideration of assessments for areas out-with the WLAs. Even in these cases, what is to be considered or not, should not be a judgement made without democratic oversight.**

Step 2. In determining the baseline, as referenced above, **much greater weight should be given to the evidence of historic land-uses and the contemporary land uses which have an impact on how the landscape currently looks**, for example, by virtue of a lack of regeneration in consequence of high density of deer stocking.

Step 3. **Greater emphasis should be given in assessing the sensitivity, to set it in the context of a full description of what historic uses would have meant by way of impact on the landscape.** So, rather recording that there may be present ‘isolated historic features, such as enclosures and cottages’ (taken from one WLA description), the assessment should set out what that place would have looked like at the time of its occupation, the extent of the human activity surrounding the settlement, as well as the impacts of the contemporary uses mentioned above, giving a better set of insights of how development today might impact, against the historic land occupation and use.

Steps 4 and 5. These link the WLA assessments to the GLVIA and the LVIA. **It would be appropriate to re-visit these to examine the extent to which these remain purely professional assessments, or whether they include the assessments of the local community (see earlier references to engaging communities) and the other factors mentioned above.**

Step 5. This emphasises the subjective nature of ‘wildness’ and we welcome the clear recognition of this. This underlines the stated need for judgements that are transparent and understandable, with which we also agree. It is evident from the consultation and from reading a number of the WLA descriptions, that this whole policy territory has a very clear technical vocabulary, re-enforcing, and presumably intending to re-enforce the ability to perceive the landscape as having ‘wild’ qualities, despite its admitted and essential subjectivity. Bestowing the process with such vocabulary helps give the appearance of as much objectivity and legitimacy as possible, helping build the popular perception that proponents of WLAs desire, by giving as much credence as possible to this particular cultural construct. This use of what has become a ‘technical’ vocabulary may be understandable, but it can come across as territory occupied by a professional and/or interest group elite, and can act as a barrier to much greater lay understanding of landscape and informed participation in debate about such. **Transparency and the ability to understand, and indeed accountability, will require more than repeating the already oft repeated technical characterisation of this particular cultural construct.**

It would be an important development to see explicit recognition, required by the technical guidance to be set out in assessments, of the way other cultural constructs, as touched on above, would play out in describing the same landscape, to offer decision makers the widest possible understanding of different perceptions of the landscape.

Further, **the technical guidance should require the explicit referencing of whether the local community share the assessment and the judgement on the issues it offers, as part of the process**, embedding the local view alongside the assessment of the cultural construct that is Wild Land which some might see as a construct created principally in the interest of people who do not live locally.

Q2. Annex 2

These are helpful, if brief, illustrations when understood to operate within the cultural construct of 'wild land' as currently conceived. See comments above to Q1.

Further comment.

Following on from this consultation and as SNH considers more widely the question of 'wild land' and the WLAs, CLS believe SNH should develop a wider and more historically informed view of the landscape generally, including within and adjacent to WLAs, as a basis for wider work on the legitimate place of people in the landscape, of how to renew and re-people the landscape, while maintaining valued characteristics. Our societal view of the landscape, and national policy, looking forward, should not be dominated by one relatively recent and actively promoted cultural construct, but should have the opportunity for a broader approach, embracing other cultural constructs, offering a greater balance of views of landscape. CLS would hope that Scottish Ministers would support this wider exploration of these matters, leading to a more informed and more fully balanced debate than one in which only one cultural construct gains ascendancy.

Community Land Scotland
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