

# Policy Summary

## BALANCING DUTIES

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Like most public bodies, SNH is required by statute to take account of a range of other interests when discharging its remit. These duties are referred to as 'balancing duties' and reflect the Government's aim of achieving an integrated approach in which particular objectives are not pursued without reference to other interests.

**SNH views its balancing duties - which require it to be aware of, and take account of a range of other interests - as important in ensuring that natural heritage aims are fulfilled in a way compatible with society's wider needs. SNH will seek to understand the needs of others through liaison, consultation, and working in co-operation with relevant interests as appropriate.**

### Background

As set out in the Natural Heritage (Scotland) Act 1991, SNH's principal aims are to conserve and enhance the natural heritage, to foster its understanding and enjoyment, and to promote its sustainable use. Balancing duties derive from Section 3 of the Act, which states:

'.....it shall be the duty of SNH in exercising its functions to take such account, as may be appropriate in the circumstances, of:

- a) actual or possible ecological and other environmental changes to the natural heritage of Scotland;
- b) the needs of agriculture, fisheries and forestry;
- c) the need for social and economic development in Scotland or any part of Scotland;
- d) the need to conserve sites and landscapes of archaeological or historic interest;
- e) the interest of owners and occupiers of land; and
- f) the interests of local communities.'

### SNH's Position

The balancing duties apply to all of SNH's functions and activities except in three circumstances described below where more specific legislative requirements take precedence. These duties cannot override primary aims and purposes for the organisation as set out in Section 1 of the 1991 Act. However, the duties are designed to ensure that, where appropriate, SNH does not focus upon its primary aims and purposes to the exclusion of all other considerations. The importance, which should be placed on these interests, relative to SNH's aims and purposes, is a matter for SNH's discretion.

SNH seeks to implement the balancing duties through good liaison with, and understanding of, other interests. The mechanisms used include liaison with national

representative organisations, listening to representations, consultation with community and interest groups and participating within partnerships.

The inclusion of balancing duties in its founding legislation ensures that SNH will:

- respect the dynamism of the environment, which results both from natural forces and human intervention thus focusing on conservation rather than preservation;
- take account of the needs of agriculture, fisheries and forestry as reflected in Government and European Union policies;
- seek closer integration of environmental and socio-economic considerations;
- recognise the importance attached to areas of archaeological and historic interest; and
- build good links with land management and community interests.

The three areas of SNH's work to which 'balancing duties' do not apply are:

- the 'special functions', undertaken by the Joint Nature Conservation Committee (JNCC) on SNH's behalf and concerned with GB and international nature conservation matters, which are exempt from all but the first of the balancing duties outlined above;
- the initial notification of SSSIs which, under the terms of the Wildlife and Countryside Act 1981, must be based solely on the degree of scientific interest present; and
- the selection of Natura 2000 sites, which EC Directives require to be based on scientific criteria alone.

### **References:**

(1991). Natural Heritage (Scotland) Act 1991. 1991 c. 28. London : HMSO.  
<http://www.legislation.hmso.gov.uk/acts/acts1991.htm>

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**Date:** July 2000