



Scottish
Environment
LINK

Photo: Sandra Graham

Scotland's environmental ambitions From rhetoric to reality: revisited

April 2022

Scotland’s environmental ambitions

From rhetoric to reality: revisited

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Acknowledgements

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There has never been
a more urgent need
to revive damaged
ecosystems than now.

Photo: Sandra Graham

LINK is the forum for Scotland’s voluntary environment community, with 44 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

This goal is achieved in two ways: through members’ direct action to manage land, advise, produce research to inform their work and collaborate with others. It is also achieved through members working together through the LINK network to support and help build effective policy at the international, UK and Scottish levels. Researching, advocating, and campaigning for such public policy has been LINK members’ collective priority for over 30 years.

In 2011, a decade since the setting up of the Scottish Parliament and the devolution of environmental legislation, LINK commissioned a review of public policy in eight key areas. This review informed the network’s advocacy for the following decade. Ten years on, we have commissioned another further review into seven key areas, to assess how far government rhetoric has been achieved in reality.

This reassessment is particularly timely given we are at the start of the United Nation’s Decade for Ecosystem Restoration, with nine more years to restore nature. Based on the IPCC report into biodiversity loss and today’s nature crisis, the UN says ‘there has never been a more urgent need to revive damaged ecosystems than now’. This is as true in Scotland as it is in the rest of the world. Assessing how far we have come in the last ten years in key policy areas sets a crucial context for where we need to get to in the next.

This assessment demonstrates that, in all these areas, public policy objectives are often commendable and are ambitious enough to meet this need. However, outcomes to date do not yet meet aspirations. There are many reasons why this ongoing gap between ‘rhetoric’ and ‘reality’ exists and this report is a contribution to understanding these and working to resolve them.

This review was commissioned in summer 2021, shortly after the last Scottish election and the co-operation agreement between the SNP and Scottish Green Party, which gives a welcome focus to environmental issues. Environmental issues require a long-term view, longer than a decadal view. However, a review every ten years strikes the balance between working towards longer term environmental outcomes within a five-year parliamentary cycle. This is especially important given that the formation of today’s government provides a new context and new opportunities.

This review provides us, our partners and stakeholders, and everyone interested in making real positive change for Scotland environment, with a constructive contribution to ongoing debates about the development and implementation of public policy on the environment in Scotland. It provides food for thought for both LINK members and those in government and parliament now charged with the responsibility.



Deborah Long

Dr Deborah Long
Chief Officer, Scottish Environment LINK

This Report aims to make a constructive contribution to the ongoing work of those charged with implementing, enforcing, or scrutinising environmental legislation and policy: **a manifesto for action.**

Introduction

In 2010, Scottish Environment LINK published a review of how effectively environmental legislation was working to protect Scotland's environment. The report, *Scotland's environmental laws – from rhetoric to reality*, reviewed the implementation of a number of environmental laws and found a significant gap between rhetoric and reality. Since that report, the Scottish Government has declared a climate emergency and declared the nature crisis to be as serious, and both issues have risen up the political agenda, at home and internationally. Now, more than a decade from the first report and at a critical juncture for resolving the nature and climate emergency, LINK is returning to this theme to consider whether the implementations of Scotland's environmental laws and policies has improved.

This report looks at the following **seven areas of public policy** to consider whether delivery has been successful:



Scotland's
Response to the
Climate Emergency



Action on
Scotland's
Biodiversity



Scotland's
Protected
Areas



Land Use
Strategy



Forestry & Tree
Planting in
Scotland



Scotland's
Marine
Environment



Economic
Strategy

For each issue, the assessments begin with a reflection on the context and policy background, especially any objectives set, or aspirations described. They then assess the positive outcomes achieved and the shortcomings, as well as any existing proposals for further policy development. Based on this comparison, they seek to compare the Scottish Government's 'rhetoric' with the 'reality' and to consider, if appropriate, why there are differences. Each assessment seeks to draw lessons and make recommendations, while the final discussion draws this together with any cross-cutting conclusions.

This report on the seven assessments and overall discussion is based on a fuller analysis, also published by Scottish Environment LINK and available at <https://www.scotlink.org/publication/rhetoric-to-reality-full-report/>

It aims to make a constructive contribution to the ongoing work of those charged with implementing, enforcing, or scrutinising environmental legislation and policy: a manifesto for action. While there has been progress in some areas and some rhetoric has become reality, urgent progress is now needed in this Decade for Ecosystem Restoration. It aims to set out what needs to be done if the persistent gap between rhetoric and actions is to be bridged.

1 Scotland's response to the Climate emergency



Photo: Sandra Graham

1

Scotland's response to the Climate emergency



“As First Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it.”

*Rt. Hon. Nicola Sturgeon MSP,
28 April 2019*



In August 2021, the **IPCC** issued the starkest warning yet about human impact on the planet, including more intense heatwaves and more extreme weather events, with some changes now inevitable and irreversible. The IPCC warned that on current trajectories global temperatures will reach the critical 1.5°C threshold within this decade. The UN Secretary General branded the findings a “**code red for humanity**”. The science is now overwhelming: without concerted action we’re headed towards climate catastrophe; with the poorest communities and future generations suffering the most.

In April 2019, the First Minister ‘formally’ **declared** a climate emergency. This language has since become central to Scottish Government policy and statements. In May 2019, the UK Climate Change Committee (CCC) recommended that Scotland could reach a net zero target for greenhouse gases by 2045 (ahead of the UK, which could meet the same target by **2050**). The Scottish Government swiftly accepted these **recommendations** and have now **legislated** to secure net zero emissions by 2045, with an interim target of a 75% reduction by 2030.

These targets have frequently been described as “**world-leading**”. Scotland’s net zero emissions target date of 2045 is ahead of many other global North countries, including the UK whose target is to reach net zero by 2050. Looking wider afield, of 137 countries tracked in **one study**, 124 had set a target of 2050 for reaching carbon neutrality.

However, bearing in mind the differentiation enshrined in the UNFCCC, it can be **argued** this is, in some ways, too simplistic a comparison and that global South countries are generally doing their fair share when it comes to emissions reductions while global North countries are responsible for the emissions gap. On that analysis, Scotland’s targets would still need to be improved.

Setting targets is an admirable start – however, once set, taking actions and meeting targets is equally important. Under the Climate Change (Scotland) Act 2009, as amended, the way that Scotland seeks to meet its targets is set out in the Government’s Climate Change Plan. These plans are important because, while Scotland’s emissions have halved since 1990 and **continue to fall**, Scotland’s credibility is now in significant jeopardy due to it missing annual targets. In June 2021, the Cabinet Secretary confirmed that the annual target for 2019 was **missed**; this was the third of three successive annual targets missed. Further still, Scotland’s consumption emissions have only fallen by nine per cent on 1990 levels with both greenhouse gases and many of the jobs associated with high carbon activities being offshored.



“The world is still on a path to temperature increases of well over 2 degrees – a death sentence for many parts of the world. To keep 1.5 degrees in reach, global emissions must be almost halved by the end of this decade. So, the requirement for countries to come back next year with substantially increased nationally determined contributions is vital.”

Nicola Sturgeon MSP, statement to Scottish Parliament, 16 November 2021

In November 2021, during COP26 in Glasgow, climate issues received considerable attention and led to the agreement of the Glasgow Climate Pact. Although detailed and time-bound commitments to emissions reductions and to climate finance were **inadequate**, agreement on a few important process issues was achieved and this gives some hope to future negotiations. For instance, the move to annual reviews of ‘nationally determined contributions’ may be helpful (although needs to be expanded to include finance).

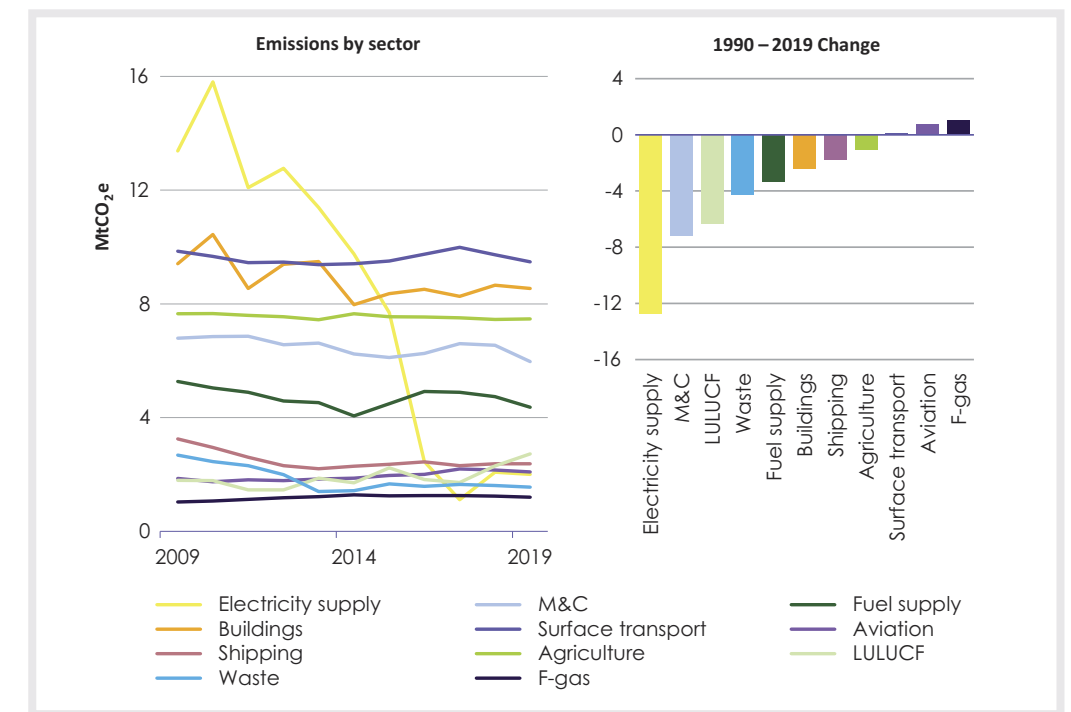
In terms of overall global ambition, it was encouraging to see widespread and strong support to ‘keep 1.5 alive’ and the positive rhetoric and engagement from Parties on this issue. However, this was not matched by firm commitments. One assessment suggests that, if agreed long-term targets were met, the rise in global temperature might be limited to 1.8°C; but this relies on the delivery of plans and policies that are not in place. More realistic assessments suggest that, based on policies that are in place, we are on track for a rise of 2.4°C or more. There therefore remains a substantial climate-action gap to be filled.

In the light of these outcomes, the **First Minister said** that “I absolutely understand why many are angry and frustrated that more progress was not made in Glasgow” and “the Glasgow Climate Pact does provide a basis for further action”. This must include action by the Scottish Government; if the Scottish Government’s good words are to be credible on the world stage, then it is important that – from now on – they are not undermined by a lack of progress at home.

The new Scottish Climate Change Plan – which will be developed through work beginning in early 2022 is a key opportunity to deliver this action. In particular, the new plan will need to heed the recommendations of the CCC, in its December 2021 report, for greater transparency to make clearer how the proposed policies will deliver reductions in emissions, for greater and faster action on, for example, peatland restoration, agriculture and reducing aviation. It must also include a so-called ‘plan B’ by 2023 “if developments on CCS do not provide confidence that they can deliver by 2030”.



Figure 1
Greenhouse gas
emissions by
sector in Scotland
(1990 – 2019)



Source: Climate Change Committee (2021). *Progress in reducing emissions in Scotland: 2021 Report to Parliament*.

To address this gap between rhetoric and reality, the Scottish Government should:

- 55 Ensure that this next Climate Change Plan addresses the need to achieve Scotland’s 75% emissions reduction target by 2030 and sets a clear route map to net zero by 2045. To do this, it is clear that Scotland must accelerate climate action while delivering a just transition for those impacted. This will need an ambitious and detailed long-term strategy to meet targets, without the use of international offsets and with an emphasis on emission reduction at source. This is critical both to meet targets at home, but also to provide credibility to the Scottish Government’s advocacy to others.
- 55 Building on the First Minister’s statement about the appropriateness of developing the Cambo oil field, this year’s new Energy Strategy must underline the move away from ‘maximum economic recovery’ of oil and gas and instead chart a clear and rapid path towards a fossil fuel-free future. In line with the International Energy Agency’s analysis, it should make clear that the transition has to be rapid, and that there is no scope for any further new oil and gas developments.

These actions to address the climate emergency must also be undertaken in a manner that does not cause social or economic injustices. The Scottish Government’s statements about securing a just transition have been positive – but its actions have been mixed. Going forward, it must ensure the full delivery of all the Just Transition Commission’s recommendations and ensure the new Commission can help deliver the full integration of just transition principles into all policy.

2 Action on Scotland's biodiversity



Photo: Sandra Graham

2

Action on Scotland's biodiversity



“The challenges facing biodiversity are as important as the challenge of climate change, and I want Scotland to be leading the way in our response.”

*Rt. Hon. Nicola Sturgeon MSP,
July 2019*

Nature conservation objectives and policy have existed for decades, if not centuries. However, since the Rio Earth Summit in 1992, there has been recognition that nature conservation policy could only be successful if integrated with other public policy. Sitting as a “silo”, where plants, animals and ecosystems were ‘looked after’ separately to wider social and economic policies, was no longer tenable.

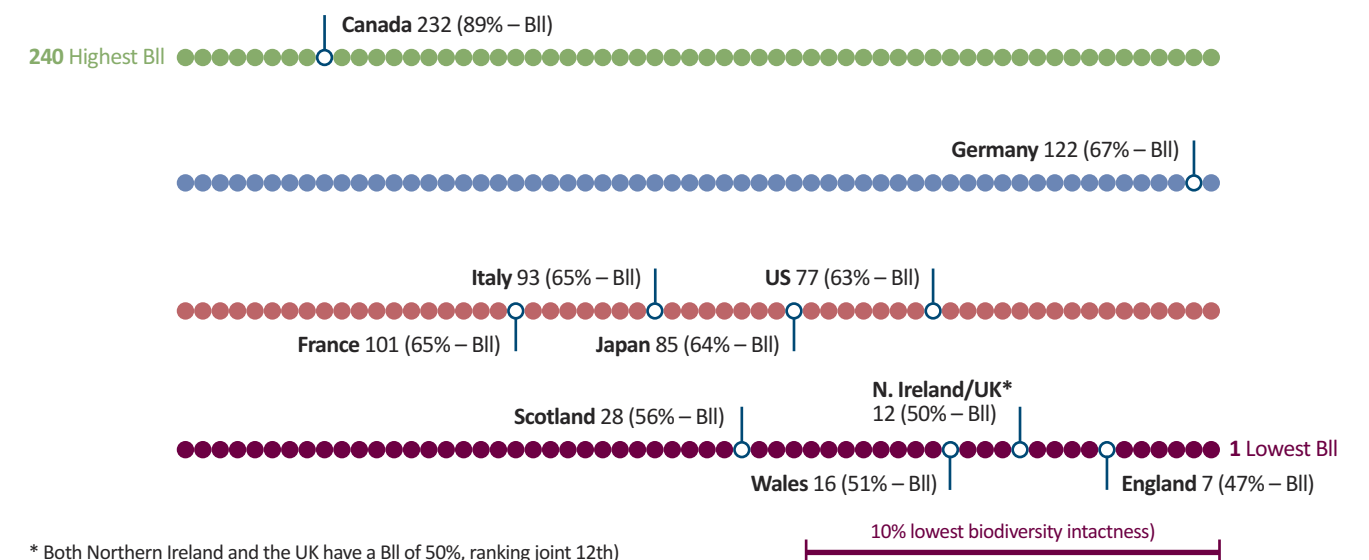
The Scottish Government has been responsible for Scotland's biodiversity since devolution, starting with the publication of its first Scottish Biodiversity Strategy (SBS) in 2004. The most recent update to the SBS, in 2010, incorporated international UN biodiversity targets, known as the **Aichi targets**, and policy to achieve these were set out in the ‘**2020 Challenge**’ document with reporting to Parliament to occur every three years. This reporting requirement was extended to all public bodies in 2011 and the non-statutory guidance has been reviewed and amended on several occasions. The **fifth** (and latest) of these reports covers the period 2017-2019.

The 2019 **State of Nature** report, the **Biodiversity Intactness Index** (BII) and the 2020 **Scottish Marine Assessment** are now treated by NGOs, Government and NatureScot as a “shared evidence-base” of biodiversity outcomes (that is, the abundance and health of species and habitats), and for use in devising strategy. On latest evidence, the BII demonstrates that Scotland is **28th from the bottom** in a ranking of 240 countries and territories.

Figure 2

The four nations of the UK are in the bottom 25% of nations and territories for biodiversity intactness, ranking the lowest of the G7 countries.

1 (lowest Biodiversity Intactness Index, BII) to 240 (highest BII)



Source: <https://spice-spotlight.scot/2021/06/04/how-does-scotlands-biodiversity-measure-up/>



There has been a historic decline in biodiversity, and inadequate recovery in the past 20–30 years. The biodiversity duty and the strategies have, so far, failed to halt loss or generate recovery...

NatureScot's last **interim report** (2017) on progress towards meeting the Aichi targets in Scotland indicated that only seven out of 20 were 'on track' to meet their objective by 2020. Meanwhile, 'insufficient' progress was being made in 12 areas, and in one area (funding for biodiversity), progress was negative. A **final report** on progress to 2020, for submission to COP15, was published in 2021 – this shows targets being met in nine out of 20 areas, with 'insufficient' progress in 11. Moreover, targets have been met for those areas focused on process or publicity, while progress has been generally insufficient where financial drivers or ecological outcomes are concerned.

On the basis of the above, it is clear that there has been a historic decline in biodiversity, and no or inadequate recovery in the past 20–30 years. The biodiversity duty and the strategies have, so far, not halted the loss or generated recovery, and the targets for 2010 and 2020 have, especially as related to ecological outcomes, been missed.

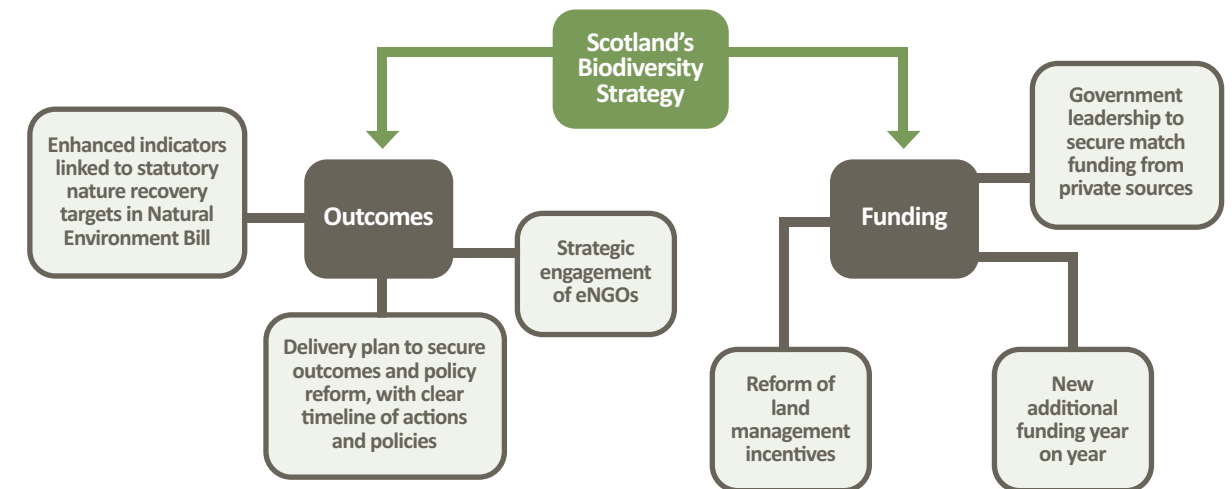
The new post-COP15 framework must rise to the challenge and deliver a step change in action for biodiversity. This reinvigorated policy context must explicitly recognise the current, depleted nature of Scotland's biodiversity. The new strategy and the legally binding targets must ensure that the Government, NatureScot, Marine Scotland and others are focused on improving performance in the areas highlighted above, and elsewhere in this report.



The new Scottish Biodiversity Strategy offers the opportunity to develop and implement targeted action to turn this around and put Scotland on the path to nature recovery. Scotland's eNGOs, with their expertise, land holdings and strong links to communities, will be an integral part of delivering this recovery. LINK has **set out** the key elements which eNGOs believe are essential for success (these are illustrated in figure 3).

Figure 3

The necessary components of a successful biodiversity strategy



Source: based on *Key elements for success 2021*

Only with such a commitment will any new 2030 targets be met. In particular, to address this gap between rhetoric and reality, the Scottish Government should ensure that:

- ✿ Scotland's new Biodiversity Strategy must have a real focus on outcomes (framed around the drivers of biodiversity loss) and with clear objectives to increase species abundance and occupancy and to improve the Biodiversity Intactness Index.
- ✿ This strategic approach will need to be accompanied by sufficient funding. This will need to include new, additional funding (building on the welcome **Nature Restoration Fund**) but also be structured to match and enable private funding and reform of land management incentives. Any additional implementation or delivery plan must be similarly focused on outcomes and policy reform.
- ✿ The Strategy should be accompanied by enhanced indicators (with metrics based on outcomes of both current trend and reversal of historic loss). These should include both the new nature recovery targets and the BII. There are ongoing, and welcome, discussions about reinvigorated governance arrangements, which should result in strategic engagement of eNGOs.
- ✿ The proposed Natural Environment Bill should ensure the nature recovery targets are legally binding (to provide a real incentive to deliver the strategy outcomes). Likewise, the Bill should require the strategy to set out the policies, actions, and timelines required to meet the targets (in the same way that the CCP sets out how net zero carbon targets are to be met), with mechanisms to require reporting and remedy where targets are not met.
- ✿ The Bill process should also review and enhance the biodiversity duty – both the duty itself, and the statutory processes set out for strategy publication, actions to deliver outcomes and reports on implementation.

3 Scotland's Protected Areas



Photo: Sandra Graham

3

Scotland's Protected Areas



“Protected areas have contributed significantly to the safeguarding of nature. Without them nature would be in a much worse state than it is.”

From: “Protected Areas for Nature – Panel Report” – a report for NatureScot by Panel, chaired by (then) SNH Board member and LINK Fellow, Simon Pepper OBE

Protected areas have been a cornerstone of wildlife conservation in the UK for over 60 years. They are the front line of defence against the growing pressures on the natural environment and are vital for halting and reversing declines in biodiversity. Protected areas are not sufficient on their own and must be embedded within Nature Networks and wider land and seascapes well-managed for nature. They thus form one ‘pillar’ of a three-pillar approach consisting of species protection, protected areas, and wider sea- and landscape measures.

In Scotland, the most important protected area networks for biodiversity now consist of:

- **1,422** Sites of Special Scientific Interest (**SSSIs**)
- **243** Special Areas of Conservation (**SACs**) and **164** Special Protection Areas (**SPAs**)
- **245** Marine Protected Areas (**MPAs**), including the marine SPAs and SACs and those SSSIs with intertidal components; **231** of which are for conservation purposes.

These statutorily designated areas complement, and overlap significantly with nature reserves managed by NatureScot, as well as NGOs (and LINK members).

Scotland now has – on the face of it – a comprehensive network of protected areas. However, the extent of Scotland’s protected areas to specifically protect nature is often overstated, as the Scottish Government often include National Parks, with their multiple objectives, in its figures. This raises the extent of land protected for nature from 18% to 22.7%. If National Parks are to be included accurately in such government statements and publications, then both the existing National Parks, and any newly designated areas, must deliver more for nature protection and restoration.

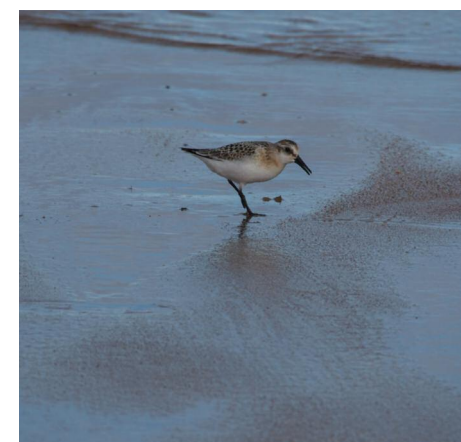
However, the numbers or areas of protected areas do not in themselves, represent a successful protected areas policy. Observers have highlighted issues in four key areas for protected areas on land including site condition, monitoring and management as well as the general approach to this vital tool of conservation policy.

Site condition

Each year, NatureScot publishes its **annual statistics** on the condition of designated features. In **2021**, the proportion of features **reported** as favourable was 78.3%, although the proportion of features currently **assessed** as favourable is 65.1%. This 65.1% favourable result must be considered against the target of 80% in favourable condition by 2016.

The final report on Scotland's progress towards meeting the **Aichi 2020 Targets** was more transparent and reported the Protected Areas Target 11 as ‘insufficient progress’ and noted that condition had dropped below the 80% threshold.

Photos: Sandra Graham





Monitoring

Knowledge of the condition of protected areas is only available because of monitoring. In Scotland, statutory protected areas are monitored through NatureScot's programme of Site Condition Monitoring (SCM) which has suffered consecutive budget cuts and the number of features being monitored has significantly dropped as a result. The budget for SCM dropped from £975,256 in 2013/14 to £641,557 in **2017/18**. As of February 2019, 52% of all designated features on SSSIs in Scotland had no assessments undertaken in the past six years.

It is crucial that NatureScot resolve this issue and ensure that the monitoring of our protected areas is sufficient comprehensive and regular to provide confidence in the condition statistics. Concerns have been raised that the quality of Protected Areas may, in fact, be worse if the lack of monitoring is failing to detect decline.

Management

Protected areas often require the continuation of sensitive management to maintain or re-establish high quality habitats and flourishing wildlife populations. This might include appropriate grazing, removal or control of invasive non-native species, deer management, etc. The primary mechanism for the management of terrestrial sites (other than state or NGO nature reserves) is management by the owners/occupiers, supported by payments, under management agreement, by NatureScot and targeted agri-environment or forestry payments. The poor and declining condition of many sites is often the result of the absence of such a management agreement, either because agreement could not be reached or because insufficient funding was available.

These issues of site condition, monitoring and management, as they arise across the UK, were recently highlighted by a **RSPB Conservation Science paper** which found that only 11.4% of land is primarily protected for nature, and as little as 4.9% of UK land may be *effectively* protected for nature. The implications of these findings were discussed in an **RSPB Scotland blog**, which found that whilst Scotland is performing better than the other UK countries when it comes to both quality and quantity of protected areas; this concluded:

“Progress in improving the management and condition of our important nature sites has stagnated – this must be reversed urgently. This will require political commitment and significant financial investment in our protected nature sites to ensure these places can play their part in halting and reversing the loss of nature.”

General Approach

Scotland's protected areas have also suffered from what might be considered a reputational challenge. Despite their recognised importance as a conservation tool and frequent government support for the principles of protected areas, criticism by stakeholders has been regular and ongoing. This has resulted in a reluctance, by decision-makers, to progress action on protected areas and/or significant delays in designation, e.g. the **recently completed two SPAs in Orkney**. It has also led to the commissioning of regular reviews of protected areas – usually initiated in response to such criticism and often with explicit or implicit suggestions that they should result in a “less burdensome” system. In the event, on examining the evidence, all these reviews have endorsed the systems as appropriate and highlighted the need to improve communications, explanation, and implementation.

In **December 2020**, the Scottish Government, in advance of COP15, set out its broad intentions on the development of a new post-2020 Scottish Biodiversity Strategy. This “statement of intent” included the commitment that:

“We will extend the area protected for nature in Scotland to at least 30% of our land area by 2030, and are commissioning advice on whether we could go even further than this given that we have already achieved 37% protection of Scotland's marine environment.”



This commitment to “30 by 30” was underlined in the Government **press release** marking the publication of the Statement of Intent, as well as being reiterated in September 2021 in an answer to a **Parliamentary Question**, stressing:

“An ambitious commitment to protect 30% of our land for nature by 2030 (this has now been further strengthened with a commitment for 10% of land to be highly protected).”

Environmental NGOs have **welcomed** these commitments and ambition. They have stressed that these commitments must be delivered in a way that leads to the genuine recovery of nature. To achieve this, and to address this gap between rhetoric and reality, the Scottish Government should address:

- 📍 Long-term legal protection for nature from damage such as pollution, over-exploitation, invasive species, habitat destruction and development.
- 📍 Management plans prepared and implemented for all sites, including actions to restore and recover degraded ecosystems
- 📍 Effective monitoring of the important species and habitats in protected areas.
- 📍 Policy support, including relevant expertise to advise on site management and monitoring.
- 📍 Better use of enforcement powers where Protected Areas are at risk
- 📍 Robust new targets for improving the condition of **protected areas**.

These recommendations for protected areas must, of course, be implemented alongside measures for biodiversity in general (see section 2) and, in particular, between and linking protected areas. Thus, the establishment of a Nature Network to embed ecosystem resilience both within and outwith protected areas is a vital complementary measure.

If the recommendations above were adopted, it would mean that our protected areas would be both properly protected in the long term and be well managed, and in good or recovering condition, closing the gap between government rhetoric and reality. Such a revised and reinvigorated approach to protected areas, to meet the “30 by 30” commitment, would be very appropriate in this **UN Decade on Ecosystem Restoration** and ensure Scotland is aligned with the EU Biodiversity Strategy, in line with the Scottish Government's “**keeping pace**” policy.



Photo: Sandra Graham

4 Land Use Strategy



Photo: Finlay Wilson

4

Land Use Strategy



A duty on Scottish Ministers to produce a Land Use Strategy was introduced by s.57 of the **Climate Change (Scotland) Act 2009**[52]. Former MSP, Peter Peacock, lodged an amendment to require a Land Use Strategy and **argued**:

“It is becoming increasingly clear that better strategic consideration of land use is necessary, and that a land use strategy would be an important tool in creating a framework for reconciling the various aspects, amendment 219 seeks to place a duty on ministers to produce, consult on and lay before Parliament such a strategy. It would also require that the strategy contribute to achieving ministers’ wider climate change duties under the bill.”

The (then) SNP Minister, Stewart Stevenson, **commented** that:

“I agree that a comprehensive land use strategy could usefully pull together those and other key strands of strategic land use policy including crofting across the Scottish Government and could helpfully focus them on climate change. I support amendment 219 and commend it to the committee”.

The first **Land Use Strategy** was published in March 2011, with a second following in **March 2016**. In 2021, the **third such strategy** was published; all these documents, as required by the 2009 Act, set out the Scottish government’s vision, objectives, and policies to achieve sustainable land use.

The vision and objectives are commendable, but they are broad and, in many ways, both difficult to measure and achieve. As such, they seem to be more a means of re-stating existing policies’ objectives rather than establishing a process to generate different outcomes, and especially lack any process to generate the spatial expression of the vision.

There is also little or no evidence of any implementation of the Land Use Strategy, or what impact this strategy has had on the development and implementation of policies related to agriculture, forestry, or other land management issues. In 2018, Bruce Wilson, then Acting Head of Policy at the Scottish Wildlife Trust **observed**:

“For whatever reason, the [Land Use] Strategy has suffered from political neglect and has not received the investment needed to make it work for all of Scotland. Given the change to the rural economy that Brexit will surely bring, there is now an urgent need for us to get the Land Use Strategy back on its feet.”

The reasons for this ‘political neglect’ and lack of investment are unclear. However, NGO observers report that it may be a symptom of the “silo phenomenon” in government – that is, it failed to achieve ownership across all of government. The strategy was seen as the responsibility of the environment and climate change teams, while others with linked responsibilities, for example in agriculture or Town and Country Planning, did not share the enthusiasm for this approach.



Photo: Sandra Graham



The one area where some recent activity has begun is in the area of regional land use partnerships. In 2013–15, under the auspices of the first strategy, two regional land use pilots, were completed in **Aberdeenshire** and the **Scottish Borders**. Evidence suggests that these pilots were useful, highlighting key issues and engaging important stakeholders; the pre-existence, in the Borders, of the Tweed Forum that involved all stakeholders was particularly beneficial. One key issue that did arise, however, was engagement from farmers and other land managers – whose focus was, understandably, on national policies that determined funding arrangements (unless these were impacted). These pilots were subject to a formal evaluation, which reported both successes and challenges, but also **concluded**:

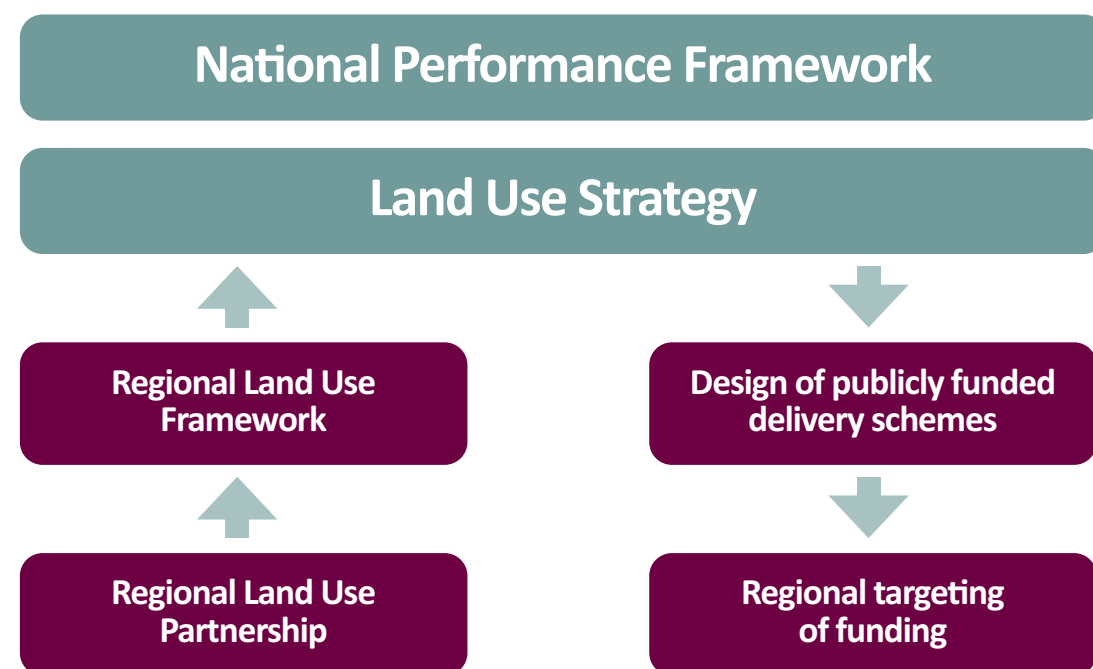
“Stakeholders reported that the pilots represented a useful start but observed that **the future direction of national policy would play a key role in determining future success.**”

In the light of successive Land Use Strategies, and advice from the **Scottish Land Commission**, there are now five **Regional Land Use Partnerships** (RLUPs). These RLUPs are seen as “platforms for change” under the current **Land Use Strategy** though, as they were only announced 12 months ago, they have yet to deliver any outcomes. However, it is still not clear how these local partnerships will influence national funding and policy decisions.

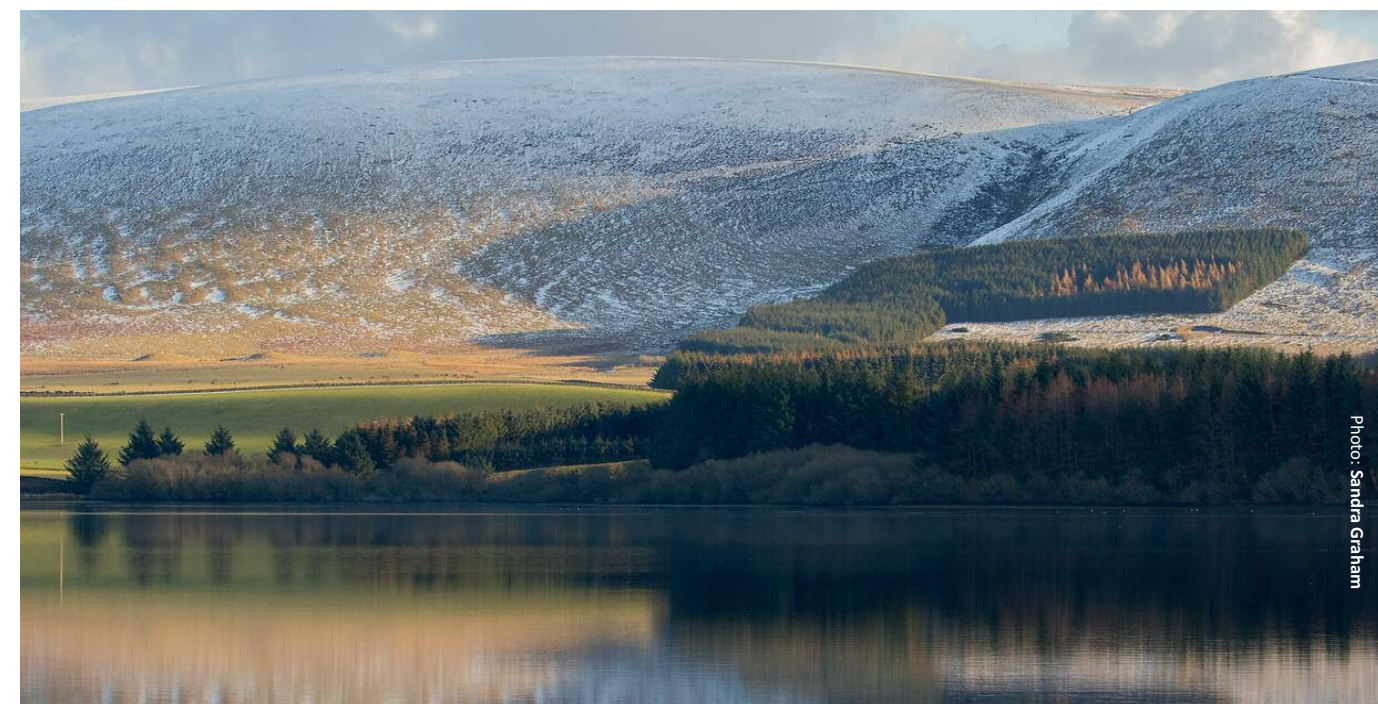
In a briefing on the Land Use Strategy and the development of RLUPs, Scottish Environment LINK highlighted the need for greater clarity on the role, remit, and objectives of the Partnerships. The eNGOs **concluded**:

“The Partnership should use their analysis of the region to create a set of recommendations from the Partnership to the Scottish Government about regional priorities for land use and indicative funding needs. **The government should then use these recommendations in its decisions about the allocation and targeting of public funds to land management and to help inform future policy.**”

Figure 4 A diagrammatic representation of the relationships between regional partnerships, government and delivery.



Source: **LINK Regional Land Use Partnerships briefing 2020**



The ‘relationships’ illustrated in figure 4 is crucial – unless the RLUPs impact national funding and policy decisions that drive land use, they can be no more than ‘talking shops’ providing useful analysis and networking but not effecting change. The timetable to roll-out RLUPs beyond the initial five areas also remains unclear.

The concept of a Land Use Strategy is extremely welcome, and the vision and objectives set out in those published are commendable. However, there is little, if any, evidence that these have led to any clear implementation in policies or funding that drive land use changes that would deliver the vision, despite positive statements from the Scottish Government over the past decade. Considerable effort has been expended on pilots and on the establishment of Regional Land Use Partnerships, but there remains a lack of clarity on the remit and objectives of these leading to doubts about whether they will live up to ministers’ ambitions.

To address this gap between rhetoric and reality, the Scottish Government should:

- Take steps to ensure that the Land Use Strategy is more meaningful and effective. These must include ensuring the national strategy and the regional partnerships are used to influence the key drivers of land use change.
- Ensure that its national funding and policy decisions that drive land use change are built to deliver the vision of the Land Use Strategy (and not vice versa). With agriculture reform on the agenda for 2022–23 as well as new initiatives to encourage tree-planting (see section 5) and peatland restoration, there is a clear opportunity ahead for the Land Use Strategy to influence national funding and policy decisions that drive land use.

5 Forestry and Tree Planting in Scotland

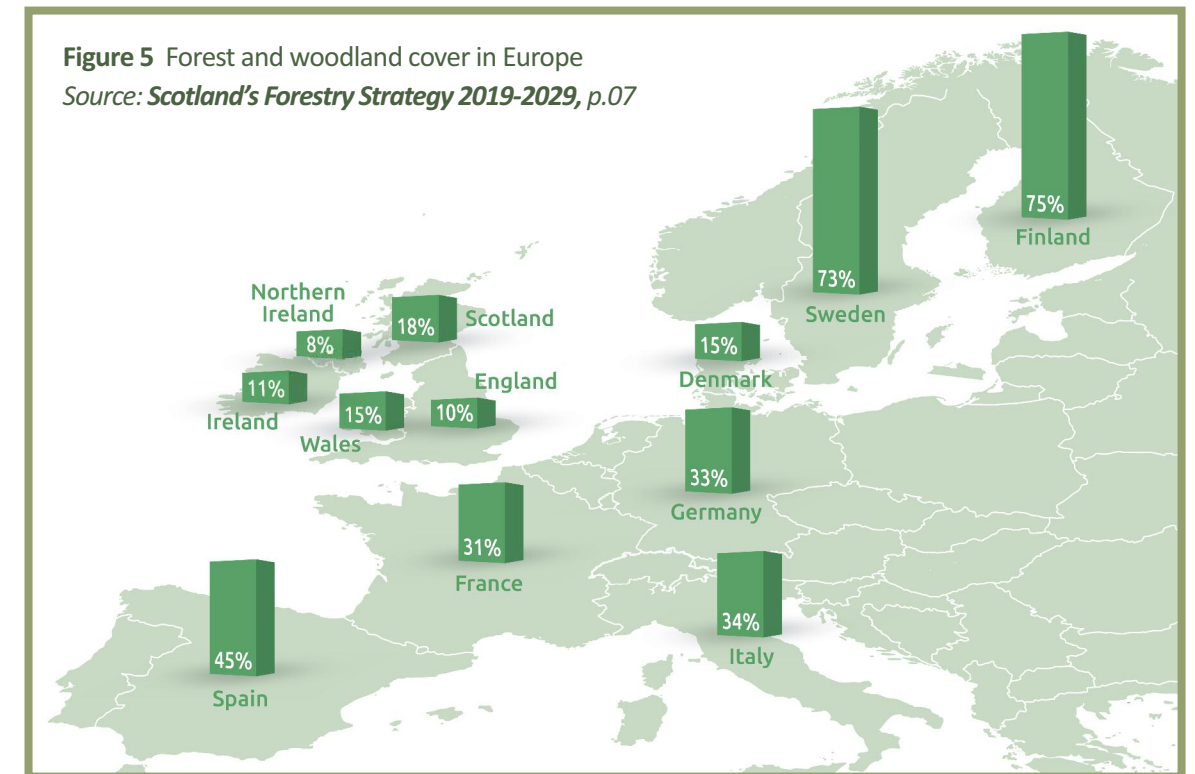


5

Forestry and Tree Planting in Scotland



Today, Scotland's native woodland exists only in fragments and almost all of these remaining fragments have, at some time, been modified by human activities. In the last 100 years, forest and woodland cover in Scotland has increased from around **5% to 19%**. This percentage is higher than the rest of the UK but is still well below the European Union (EU) **average of 38%**.



The high-level guiding document for forestry and woodland policy is **"Scotland's Forestry Strategy 2019–2029"**. The government's stated vision is that, by 2070, "Scotland will have more forests and woodlands, sustainably managed and better integrated with other land uses. These will provide a more resilient, adaptable resource, with greater natural capital value, that supports a strong economy, a thriving environment, and healthy and flourishing communities".

To deliver this vision, the strategy proposes to increase forest and woodland cover to 21% of the total area of Scotland by 2032;

and to achieve this, it set annual planting targets. These targets were 'boosted' in the **Climate Change Plan update**, published in 2020, which proposes 12,000ha of new planting in 2020–21, rising to 18,000ha by 2024–25. Most of this planting is, of course, commercial forestry plantation (usually with non-native tree species), but the strategy does

repeat the current Scottish Biodiversity Strategy target to create 3000–5000ha of new native woodland per year.

A forestry strategy is now a requirement under the terms of the **Forestry and Land Management (Scotland) Act 2018**. This legislation includes a general duty to "promote sustainable forest management" (s.2) and the strategy must set out the Government's "objectives, priorities and policies with respect to the promotion of sustainable forest management" (s.3(2)). The Scottish Government has adopted the definition agreed at the second **Ministerial Conference on the Protection of Forests in Europe** in 1993, which helpfully defines sustainable forest management as:

"The stewardship and use of forest lands that maintains biodiversity, productivity, regeneration capacity, vitality and potential to fulfil now and in the future relevant ecological, economic and social functions at local, national and global levels and that does not cause damage to other ecosystems".



The Scottish and other governments in the UK use the UK Forestry Standard (UKFS) as the reference standard for sustainable forest management in the UK, alongside the UK Woodland Assurance Standard (UKWAS). Both UKFS and UKWAS are currently subject to a review and revision **process**.

Scotland's woodlands now cover 1.5m hectares (74% of which is conifers), representing **19%** of the land area. Planting data suggest that the strategy targets were met in 2019/20, with the figures being **described** as Scotland **"punching well above its weight"**. The **2020/21** figures, however, are around 89% of the strategy target, affected by covid restrictions as well as bad weather. It is not yet clear whether this rate of planting will be continued in and beyond 2021–22.

However, quantity of planting should not be the only measure of success – and, in relation to sustainable forests, the more important issue is the type of forest and how it is managed. Thus, the conclusions of the 2021 State of the UK's Woods and Trees report are concerning, as the **Woodland Trust reports**:

"The UK's woodland cover has more than doubled in the last 100 years, but much of this is non-native trees. Existing native woodlands are isolated, in poor ecological condition and there has been a decline in woodland wildlife."

The latest **Programme for Government** states that it will "increase the annual native woodland creation target to 4,000 hectares". This support is welcome; however, it is unclear how 4000 is an increase on 3000–5000, especially when 4,500 was delivered in 2019/20. Moreover, with targets for all planting rising rapidly, it seems likely that 4000ha, or even 5,000ha, would represent a declining proportion of planting dedicated to native woodland.

Such bare statistics also do not, however, indicate whether such planting is appropriate. Neither do they indicate anything about the management of either the newly established woodland or existing woodland. In terms

of biodiversity objectives, the issue of woodland quality, rather than quantity is crucial. The latest (2017–19) **report** on the implementation of the Scottish Biodiversity Strategy underlines that the 3000-5000ha planting targets for native woodland were met, but that only **"46% of native woodlands were in good condition"**. Using the National Forest Inventory Woodland Ecological Classification data, the Woodland Trust report on the **State of Woods and Trees**, found that only 3% of native woodland in Scotland was in good ecological condition. This should be unacceptable. The report also found that while forest cover was increasing, woodland wildlife is decreasing, so serious questions need to be asked about what quantity-only focussed tree planting targets are actually delivering in reality.

This issue of the poor condition underlines the importance of securing sustainable deer management which should be part and parcel of sustainable forest management. High deer numbers have a negative impact on the condition of existing woodland, prevent natural regeneration of woodlands and have to be managed with any tree planting schemes. This issue is reflected in the 2021–22 Programme for Government, which **stated** *"We will also modernise deer management, implementing the recommendations of the Deer Management Working Group"*. Yet, while the debate and incremental action has been ongoing for 150 years, the latest chapter has seen around a decade of discussion and recognition that further action is needed. While Government is now formally committed to act, there is still no clear legislative timetable for the proposed legal changes.

The primary policy tool for achieving the Scottish Government's forestry objectives is the Forestry Grant Scheme (FGS). This is a complex collection of grant support measures for forestry, covering both afforestation and the management of existing woodland. A forthcoming review of this scheme for LINK shows that of around £274m of approved grant assistance since the start of the current FGS in 2014, £232m went to woodland creation and of this 50% was allocated to the commercial Woodland Creation Conifer option, which is primarily for planting Sitka spruce (source available upon request). This demonstrates that the outcomes described above, of meeting planting targets but with inadequate action on native woodland creation or the management of existing woodlands is a result of public policy and the grants spent.



While commercial conifers can play a role in meeting carbon reduction targets and providing marketable products, there is a clear need to rebalance the allocation of grant to encourage diversity and resilience and ensure that the percentage of woodland expansion that consists of native species is not further reduced. There is also a need for additional funds, or a reallocation of funds, to secure the better management of existing woodlands.

Fortunately, the FGS in Scotland is due to end in its present form in 2024. It will be replaced by a new grant scheme, and this is expected to focus on delivering the Scottish Forestry Strategy's objectives. To achieve this, and to meet the Scottish Government's wider environmental objectives, the 'new FGS' will need to be amended as suggested above.

Forestry in Scotland supported by grant aid must comply with standards set out in the UKFS and/or UKWAS schemes. While the industry is positive about these, and **other schemes**,

LINK and its members consider there is much more to be done to **maximise the benefits** of forestry for biodiversity and ensure that the right trees are in the right place. Whether through these standards, or other means, it is important that, for instance, deer management and the control of invasive non-native species (especially Rhododendron) be better addressed to improve the quality of Scotland's existing woodlands.

To maximise the benefits (and ensure no negative consequences) and thus meet wider environmental goals, there is a need for more definitive action to ensure that new forestry is well-located and of the most appropriate tree species; it should also, perhaps, promote natural regeneration more strongly, especially in areas where this is more likely to deliver net carbon benefits through minimising soil disturbance. In addition, more attention must be focused on ensuring the good management of existing woodlands and forests.

To address this gap between rhetoric and reality, the Scottish Government should:

- 🌱 Review planting targets and policies to deliver the appropriate quality and quantity for addressing the nature and climate emergency. Expanding the proportion to be met from native woodland establishment through planting and natural regeneration should be one objective of that review. The aim should be to secure the doubling of native woodland cover by 2030, and this should be set out as an objective in the upcoming Biodiversity Strategy. This would be consistent with the aspirations of the Scottish Government-Scottish Green Party Co-operation agreement and would need to be delivered by a revised Forestry Grant Scheme.
- 🌱 The new policies and future grant scheme should also invest in action for the management of existing forests and woodlands, alongside expansion. This must include updated sustainable deer management policies through the urgent implementation of the Deer Working Group report recommendations and greater efforts to control invasive non-native species (especially Rhododendron). The forthcoming or ongoing reviews of the UKFS and UKWAS provide opportunities to deliver many of the changes needed in forestry schemes that deliver on the rhetoric set out by the Scottish Government.
- 🌱 Expedite the legislative changes recommended by the independent Deer Working Group and with NatureScot establish a more robust and faster process to implement the non-legislative recommendations of that group.

In addition, Forestry and Land Scotland (FLS) should revisit the 2006 environmental review of its predecessor body, and ensure its recommendations are still being implemented. The new Scottish Biodiversity Strategy and other Government-led initiatives are ideal opportunities for FLS to (re)assess the contribution that Scotland's national forests and land can make to helping achieve government's environmental objectives. This should include committing to restore 100% of its Plantations on Ancient Woodland Sites.

6 Scotland's Marine Environment



Photo: Sandra Graham

6

Scotland's Marine Environment



Scotland's marine area accounts for over 60% of the UK's seas. Our seas cover a surface area that is over six times our terrestrial land mass and host a wide variety of marine species and habitats. With such a vast array of life in Scotland's seas, it might be considered that all is well. However, while our marine life is undoubtedly impressive, looking closely demonstrates that not all is what it seems.

The pressures facing marine life are not yet fully understood but we do know that these ecosystems are fragile and under increasing stress from human activities.

When the **Marine (Scotland) Act 2010** was passed, it was described, by the Scottish Government, as "a major turning point in safeguarding the future of Scotland's seas and laying the foundations for a more simplified marine planning and licensing system". The measures in the 2010 Act were:

- **Marine planning:** a new statutory marine planning system to sustainably manage the increasing, and often conflicting, demands on our seas
- **Marine licensing:** a simpler licensing system, minimising the number of licences required for development in the marine environment to cut bureaucracy and encourage economic investment
- **Marine conservation:** improved marine nature and historic conservation with new powers to protect and manage areas of importance for marine wildlife, habitats, and historic monuments; and a statutory requirement to establish an ecologically coherent network of marine protected areas
- **Seal conservation:** much improved protection for seals and a new comprehensive licence system to ensure appropriate management when necessary
- **Enforcement:** a range of enhanced powers of marine conservation and licensing.

LINK's 2010 report, **Scotland's environmental laws – from rhetoric to reality** concluded that "it is too early to judge implementation of this legislation [the 2010 Act]". Now, a decade on, it is possible to look at results. Overall, on the objective of 'good environmental status', the UK and Scottish Governments show a "mixed picture"; however, it is clear that 11 out of the 15 targets were missed in the last (2019) **assessment**. A similar picture is set out in the **2020 Scottish Marine Assessment**.

Scotland's first **National Marine Plan**, developed under the 2010 Act, was published in March 2015. This was a welcome development – the first time ever that such a comprehensive overview of the use and management of the marine environment had been provided. However, it was also disappointing in that it seemed to maintain the status quo in seeking to accommodate all the uses and aspirations of every marine industry and sector while, at the same time, seeking to protect and enhance the environment. A National Marine Plan is an essential foundation for proper management of the marine environment, and the first iteration, while not perfect, has achieved some positive outcomes so far. In addition, comprehensive spatial planning decisions for such planning were, in effect, deferred to more detailed regional plans (see below). Thus, while a welcome first attempt and a solid foundation, the National Marine Plan has not, yet, begun to resolve the competing interests in Scotland's marine area – as hoped for in LINK's **Avoiding conflicts in the marine environment** report.

Progress is urgently needed to ensure environmental damage arising from large-scale development proposals in the marine environment (for example, offshore wind developments) is tackled via strategic compensation combined with investment in the marine environment.

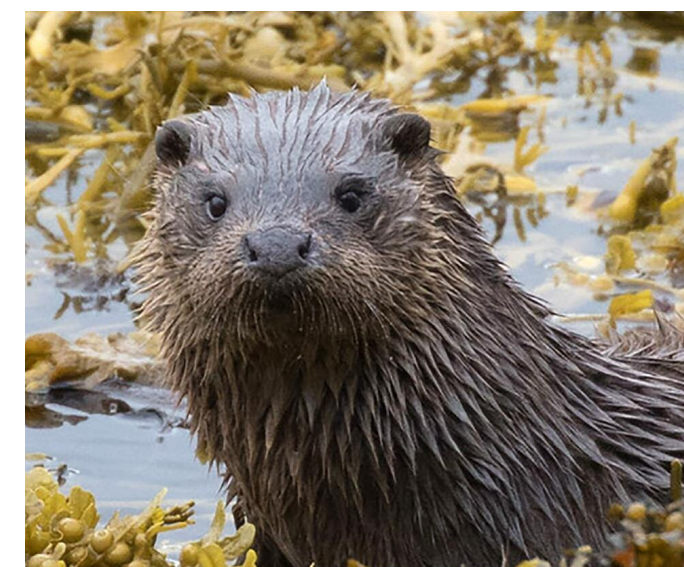
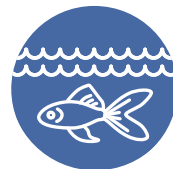


Photo: Sandra Graham



While the 2010 Act expressly provides for regional plans, and the National Plan has, in effect, relied on regional plans for detailed issues, progress on regional marine planning has been glacially slow. To date, a limited number of areas have begun work – in the establishment of three Marine Planning Partnerships in Shetland (2016), Clyde (2017) and Orkney (2020). These Partnerships are developing Regional Marine Plans, but none have advanced to the stage of producing a Regional Plan for **statutory approval**.

In relation to marine protected areas, according to **NatureScot** “Scotland’s network of Marine Protected Areas (MPAs) now consists of 244 sites, with 230 for conservation purposes, providing protection to 37% of our seas”. These figures can now, with the addition of the **Red Rocks and Longay Urgent MPA**, be updated to 245 sites, with 231 for conservation purposes. In addition, **two, long anticipated, SPAs in Orkney** have very recently also been added, and this is very welcome, although management to embed protection remains uncertain.

However, while 37% of Scotland’s waters are indeed designated as MPAs, most of the network still awaits protection from the most damaging activities and it still misses **some key areas deserving of protection**.

While the **addition of the two, long anticipated, SPAs in Orkney** have very recently been added is very welcome, management to embed protection remains uncertain.

In the wider marine environment, commitments to reform fisheries management (especially inshore where the responsibility rests solely with the Scottish Government) have been discussed for years, with very slow progress. Following **advocacy** to highlight fisheries as a sector for climate action, further welcome engagement was carried out in November 2021 on the impact of climate change on fishing and the role fishing can play to help mitigate the impacts of climate change, to inform the roll-out of the Future Fisheries Strategy in 2022 and beyond. This is to be welcomed but is fully six years after the Inshore Fisheries Strategy was published.

The Scottish Government **recognises** the importance of the chronic pollution problem of marine litter, and the need to address this. Notwithstanding the international nature of some of the problem, the Scottish Government has a marine litter strategy and is committed to various actions. One such commendable action was the commitment to a Deposit Return Scheme – first announced in **2017**; this was due to come into effect in 1 July **2022** but is now disappointingly delayed until **August 2023** – despite similarly sized countries, establishing systems in 12–18 months.

Similarly, while there is good progress to ban single use plastics, including the ban on the manufacture and sale of plastic cotton bud sticks in October 2019 and regulations to ban and curtail other single-use plastics like cutlery (coming into effect in **June 2022**), more needs to be done to address products containing plastic that end up in the sea (such as **wet wipes**) and **nurdles**.

The implementation of Scotland’s legislation in relation to the marine environment is, as yet, ineffective at achieving its objectives. Issues that might contribute to this ineffectiveness include:

- **a failure to apply (or apply sufficiently robustly), the general duty to recover the marine environment**
- **a National Marine Plan that is too generic, seeking to be all things to all sectors, and does not seek to address the challenging decisions necessary in managing conflicting pressures and addressing the interlinked climate and nature emergencies, a de facto ocean emergency; and a lack of progress in the development of regional marine plans**
- **a lack of urgency to establish marine protected areas, and to apply management plans and measures to such areas when established**
- **a lack of urgency to reduce the impacts of human activities on the marine environment, such as fisheries, fish farming, plastic litter and the impact of invasive species.**

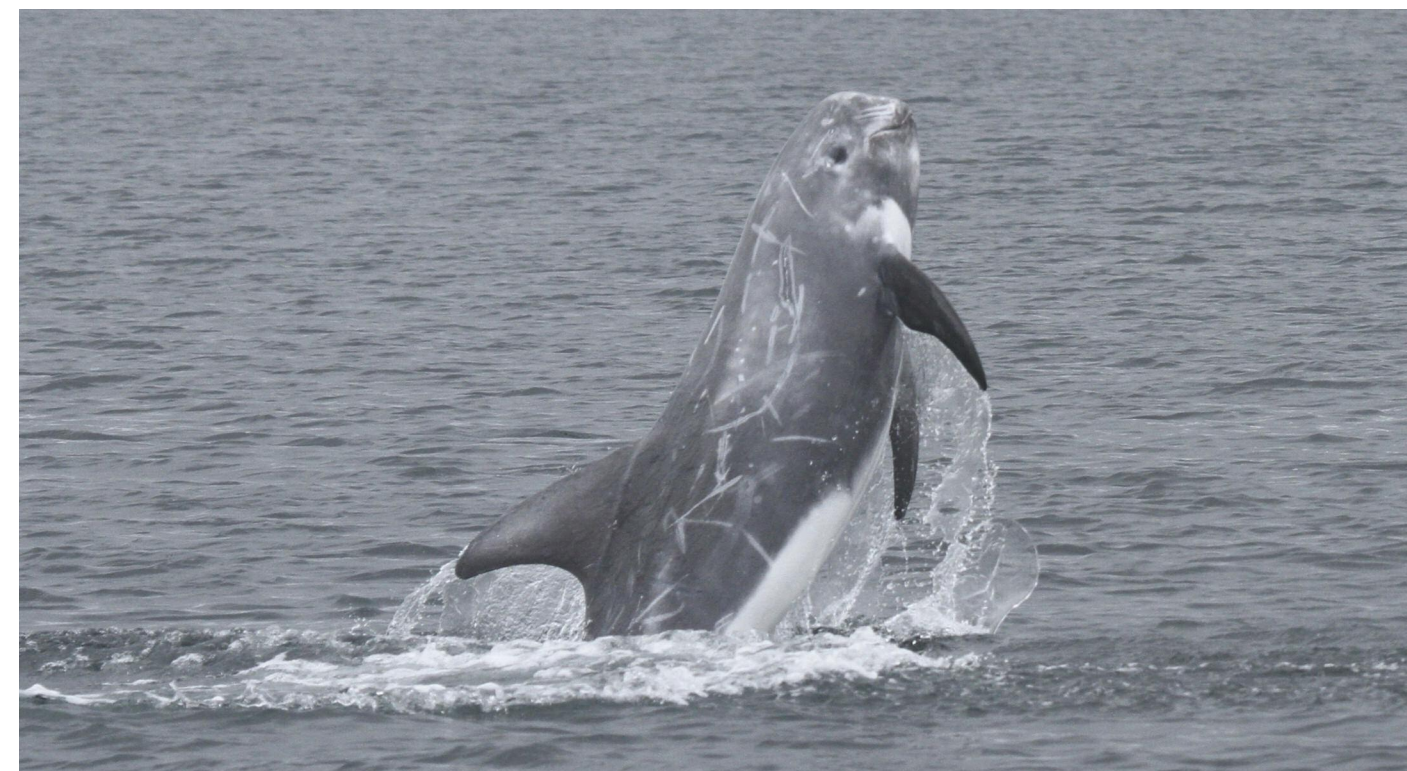


Photo: Nicola Hodgins / WDC

To address this gap between rhetoric and reality, the Scottish Government should:

- Build on the latest review of the National Marine Plan to produce a renewed plan that drives urgent ocean recovery and restoration at scale. This should (a) set out the transformative changes needed in how we manage activities on, under and surrounding Scotland’s marine environment, (b) provide a framework for regional marine planning that proactively contributes to ocean recovery and (c) outline proposals for strategic compensation in the event of damage from large-scale developments.
- Progress action to apply effective management measures in Scotland’s suite of Marine Protected Areas, most importantly for the most widespread pressure of fisheries.
- Progress action to transform Scotland’s fisheries management to ensure that sustainability and the recovery of the marine environment, including of ecosystem services such as blue carbon, are at the heart of a climate and nature smart fisheries management regime.
- Rapidly implement Scotland’s proposed Deposit Return Scheme to contribute to reducing litter in our seas, as well as faster action to phase out the use of unnecessary single-use plastics (for example, in wet wipes) and curb marine pollution by nurdles.

The Scottish Government must also ensure that its new Climate Change Plan (see section 1) better acknowledges and provides for faster progress in the protection and enhancement of “blue carbon”. There is considerable opportunity to use this plan, together with the marine management measures set out above, to provide for faster emissions reduction while also restoring Scotland’s marine environment and transforming fisheries to a genuinely sustainable basis.

7 Economic Strategy



Photo: Sandra Graham

7

Economic Strategy



“Yet the gross national product does not allow for the health of our children, the quality of their education or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country, it **measures everything in short, except that which makes life worthwhile.**”

Robert F. Kennedy, Remarks at University of Kansas, 18 March 1968

The economy is a generic term for all our activities that generate value, such as the buying and selling of goods and services, including labour. These activities allow modern societies to function and for us to enjoy a modern lifestyle. However, it must be recognised that our economy functions within a natural system that is the planet's ecosystem. The value of the goods and services exchanged in our economies, has been based historically on the unlimited use of natural resources and cost-free externalities.

The ultimate expression, or measure, of the generation of 'value' is the growth in the overall cost of goods and services produced – or GDP. This measure has been central to economic thinking for too long, while its shortcomings have been recognised for some time.

This recognition of the complexities of economic impact has led to new ways to approach economic policy which seek to combine economic, social and environmental concerns. For example, sustainable development continues to be an overarching theme of the UN and other international policy, including climate change and biodiversity. Academics, campaigners, and others have also developed new ways of looking at the economy, seeking to steer policy towards more environmentally sustainable and socially just means of ensuring prosperity and well-being. These have included groups such as the **Wellbeing Economy Alliance** and **Scottish Forum on Natural Capital**. The principles advocated by both these groups have been embraced by the **Scottish Government**.

More recently, a UK Government-commissioned report by Professor Sir Partha Dasgupta on “**The Economics of Biodiversity**” has underlined the value and economic benefits of restoring nature. Another approach to the challenges of making economic activity (and its benefits)

compatible with planetary limits and social concerns has been described, by Oxford economist Kate Raworth as “**Doughnut Economics**”.

The challenges for economic policy of these approaches have been brought into sharp focus by climate change and the need to find reliable routes to the achieve emissions reductions. As shown in Section 1, Scotland has missed targets in recent years and there are gaps in the credibility of its climate change plans. Significantly, there has yet to be a comprehensive assessment of the levels of investment needed or an economic strategy which can fill the gaps between these and the current trend levels.

Another issue which all these approaches identify as crucial to a sustainable economy – reducing the depletion of natural resources, by reducing use and, when use is necessary, ensuring re-use, recycling and elimination of waste. This is termed a circular economy and is a concept that the Scottish Government has **adopted**.

Although GDP is only one of the Scottish Government's **National Performance Framework indicators**, and it is no longer presented as the first one, it still routinely publishes **monthly** and **quarterly** GDP data – with the background explaining that GDP “measures the output of the economy in Scotland.” This explanation is wholly unqualified and fails to underline that such “output” includes undesirable outcomes (e.g., the costs of bad health, accidents, pollution) but does not include the positive societal benefits that are not monetised. Yet, when over 800 experts, convened by the **Royal Scottish Geographical Society**, from across Scottish society (including public bodies), discussed how to respond to the climate emergency, one of their top “big 10 climate solutions” was to “adopt an alternative to GDP as a measure of success”.



Meanwhile, progress towards a “circular economy” can only be described as stuttering. Debate about a Circular Economy Bill began **before 2019** and, positively, such a Bill featured in the 2019 Programme for Government. The (new) SNP-Green Scottish Government remain committed in principle to a Circular Economy Bill, but the current **Programme for Government** does not set any timetable referring only to legislation “later in this Parliamentary session”. Likewise, while some good progress has been made on banning single use plastics, the proposed Deposit Return Scheme for bottles has been further delayed. Similarly, while Scotland has a **target for recycling 70% of waste** by 2025, actual performance in **2020** was only 42% – so the new funding, announced in early 2021, was both welcome and necessary.

Finally, notwithstanding the references to natural capital in the **2015 Economic Strategy**, it is unclear how any measures (other than via sectoral environmental policies reviewed elsewhere in this report) have been implemented. There has, it seems, also been no alignment of economic policy, or business sector policies (such as agriculture or aquaculture) to the objective that:

“Investment must also be sustainable, not only in terms of tackling emissions, enhancing our natural capital and supporting the transition to a low carbon economy, but also through ensuring the sustainability of our communities”.

In 2021, First Minister Nicola Sturgeon, said: “within the first six months of the next parliament, [we will] deliver a new ten-year National Strategy for Economic Transformation”. In addition, there have been many references to ensuring a “green recovery” from the covid pandemic and the introduction to the **Programme for Government, 2021–22**, says “our economic recovery must be a green recovery”. These ambitions for a “green recovery” will need to be realised by the new economic strategy. The new **National Strategy for Economic Transformation**, March 2022, sets out its vision of a wellbeing economy for Scotland. While it recognises the importance of environmental and social objectives, it needs robust plans to deliver its ambition.



Photo: Sandra Graham



Photo: Sandra Graham

To address this gap between rhetoric and reality, the Scottish Government should:

- £ The new **10-year National Strategy for Economic Transformation** sets out an ambition of achieving a wellbeing economy for Scotland within the next decade. Although it starts to signal a move away from the use of GDP as a measure of success, it needs a clearer shift towards a circular economy and ensuring that wellbeing is met within planetary limits. This will require robust plans to deliver it.
- £ The Strategy and economic policy must recognise that “the environment is the context” – the space within which the economy happens and upon which the economy depends. This means that the Economic Strategy and policy must be compatible with the Environment Strategy’s vision – not vice versa.
- £ Alongside the Economic Strategy, the Scottish Government should rapidly move forward with an effective Circular Economy Bill, and progress actions to which it is already committed, such as meeting waste recycling targets and introducing the Deposit Return Scheme.

Discussion and Conclusions

The five ‘key issues’ identified by LINK’s 2010 report, **Scotland’s environmental laws – from rhetoric to reality** were:

- **The Parliamentary rhetoric has not yet become reality.**
- **The environment needs a strong voice at the heart of government.**
- **Scotland needs genuine sustainable development – economic growth alone will not bring better lives.**
- **Scotland is failing to protect its most important nature sites.**
- **Scotland needs a more strategic approach to land use.**

These issues remain alive. The Scottish Government has acknowledged the seriousness of the environmental crises we face and Ministers have made significant political commitments to tackling climate change and restoring nature. Yet there remains a significant gap between these good intentions and the outcomes necessary to protect our planet. On the cross-cutting issues of climate, economic transformation and biodiversity, this review has highlighted that progress has been too slow despite the widespread acceptance of the urgency in achieving results.

Notwithstanding the declarations of both climate and nature emergencies, there remains a clear gap between the environmental rhetoric and the delivery of actual outcomes.

Scotland still wants to be seen as a leader in “sustainable development” or a “well-being economy”. However, there remains a widespread concern amongst LINK members that the environment is still seen as one of a number of issues to be “balanced” against economic development, often still measured not through well-being, but in the traditional, and outdated, form of GDP and economic growth. Scotland’s environment is still not yet seen as the context for all policy. As such, environmental protection and conservation of biodiversity are still not integrated into wider policy thinking and the approaches needed for delivery. This undermines effective delivery of the laudable goals which 20 years of environmental legislation set out to achieve since the opening of the Scottish Parliament in 1999.

In assessing this gap between rhetoric and reality, this report makes specific recommendations in relation to the seven areas looked at in detail. However, the assessment reveals a number of cross-cutting issues, that mirror those explored in the 2011 report.

These are:

1 Improved scrutiny, audit and challenge

Parliamentary and policy rhetoric must be matched by Parliamentary (and other) mechanisms to ensure scrutiny and accountability – so that Ministers, officials, and agencies are able to track progress and have increased incentives to ensure that their actions deliver real outcomes.

Alongside these formal structures for audit and scrutiny, all Parliaments, including Scotland’s, benefit from informed challenge. Such challenge helps to ensure strategy is turned into implementation. This will include media and NGO campaigning, to focus public support for greater action. However, it also includes more formal rights for the public, NGOs, and communities to hold Ministers and public bodies to account. Having lost the role of the European Commission and the Court of Justice of the EU as a result of Brexit, the newly established Environmental Standards Scotland (ESS) has a crucial role. ESS has yet to publish its first formal strategy or engage in any significant ‘casework’ but it is to be hoped that it will enable and carry out important scrutiny and challenge roles. The proposed new **Human Right to a Healthy Environment**, and the legal reforms necessary to ensure this is enforceable, will be another important new opportunity.

2 Statutory targets, duties and powers

Targets for nature recovery must be ambitious and be introduced as soon as possible, as well as being accompanied by robust scrutiny to ensure that actions are taken to deliver the desired outcomes. The legislation for the circular economy must include targets that focus on resource use reduction.

3 Political will and a voice for environment

The Government’s Cabinet Sub-Committee on Climate Emergency has a crucial role in delivering reality from rhetoric. The Sub-Committee should be expanded to a climate and nature emergency committee to recognise formally the twin crises. Its effectiveness could also be enhanced by engaging external expertise, whether non-government academics or policy specialists. The expertise in the First Minister’s Environmental Council should have a formal advisory role.

Given the point made above, that Scotland’s environment is, in fact, the context for policy making, the current Environment Strategy and its implementation processes, must be enhanced for it to reach its objectives. Clear ownership of the strategy by government ministers and formal responsibility for delivery would help achieve its laudable objectives.

4 Economic transformation

The new ten-year **National Strategy for Economic Transformation** must embrace the need for transformation – and genuinely recognise the new thinking on the environment, crucially including well-being economy approaches as well as the limitations of GDP as a useful measure, the need to live within environmental limits, to build a circular economy and to enhance natural capital. While the new Strategy, published in March 2022, recognises this, it must be accompanied by policy measures to drive real change in those areas, including the involvement of credible voices on the environment and well-being in economic policy making through the Council of Economic Advisors for example.

5 Funding

Ministers must ensure that the budgets – for government initiatives, for agencies and for local authorities – are adequate. This means reversing significant cuts made over recent years. The decade beginning 2010/11 has seen a “staggering 40% reduction in real terms” for the **budgets** of SEPA, NatureScot and RESAS. Nevertheless, the new 2022/23 budget does set out some very positive developments: it cites “securing a just transition to Net Zero” as one of its three strategic priorities and **proposes** “£53 million to protect and restore nature, and a further £69 million in woodland creation and sustainable management of Scotland’s woodlands”. These are welcome

developments and LINK members look forward to examining how they will be delivered. They must, however, be considered to be a “small, first step” given the £15-27 billion the **Green Finance Institute**, estimate is needed over this decade to achieve the restoration of Scotland’s nature.

The budget does not, however, yet propose any changes to the strategic nature of spending on agriculture – one of the biggest drivers of land use in Scotland. Representing over £800m per year, of which only a small proportion delivers social or environmental benefits, this budget must be reformed urgently, as the new agriculture policy is developed in 2022/23. Re-direction of these funds to enable farmers and crofters to deliver nature and climate friendly land management, while also producing good quality food, is as necessary as increasing funds for direct nature recovery projects.

In addition to increased or re-directed public funding, there is also a need for larger private and charitable investments to be directed at the twin environmental crises. The importance of delivering funding (public, private and charitable) for the recovery of nature is paramount. This is because the **evidence suggests** that, when undertaken, restoration projects demonstrably produce positive changes in biodiversity and ecosystem services. The limiting factor today for action, therefore, is not the lack of knowledge on how to restore nature but rather simply not doing enough because of funding limits.

The current **Programme for Government** notes:

“We know that significant and urgent action is needed to restore the health and vitality of the natural systems that sustain us. Scotland’s Environment Strategy sets out our vision to protect and restore Scotland’s natural environment and to live within the planet’s sustainable limits. Our natural and marine economy will be vital to securing a net zero future – with nature-based solutions accounting for around 30% of the emissions reductions needed – but in turn we must ensure it is protected and enhanced.”

This ambition and these objectives are very welcome and badly needed. However, this report reflects a clear and ongoing gap between the environmental rhetoric, and the delivery of actual outcomes. The discussion of the seven policy areas in this report and the emerging cross-cutting issues is our constructive contribution to the ongoing work of those charged with implementing, enforcing, or scrutinising environmental legislation and policy.



Photo: Sandra Graham



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