



Scottish
Environment
LINK

Scotland's environmental ambitions: From rhetoric to reality revisited in detail

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Scottish Environment LINK the voice for Scotland's environment

Preface

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 after 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 Nations' Decade for Ecosystem Restoration, with nine more years to restore nature. Based on the IPBES 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's 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.



Dr Deborah Long

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Executive summary

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, at the start of the UN Decade of Ecosystem Restoration, and a decade on from LINK's first review of environmental laws and implementation, LINK is returning to consider whether the implementations of Scotland's environmental laws and policies has improved.

This report looks at seven selected areas of public policy to consider whether success in delivery has improved: the response to the climate emergency, action on biodiversity, protected areas, Land Use Strategy, forestry and tree planting, the marine environment, and the economic strategy.

On each issue, the report concludes:

1. Climate:

Following COP26, where it played a positive role and its assessment that more remains to be done, **the Scottish Government must now ensure its climate actions match its rhetoric on the world stage**. This will mean ensuring delivery of domestic commitments, especially in relation to land use, blue carbon, transport, and buildings, through faster and stronger activity under the existing Climate Change Plan, and a reinvigorated plan being developed for next year.

2. Biodiversity:

The new post-COP15 biodiversity framework must rise to the challenge and deliver a step change in action for biodiversity. Thus, the new strategy and the legally binding targets must ensure that Government, NatureScot, Marine Scotland and others are focused on improving performance, especially in relation to habitats and species outcomes.

3. Protected areas:

In line with the new post-COP15 framework for biodiversity and the "30 by 30" commitment, the Scottish Government, NatureScot, Marine Scotland and others should **refocus on improving the performance of our protected areas networks**. Only with such a commitment will any new 2030 targets be met. In particular, it is recommended that **action is needed to address the failures to achieve favourable condition** and to adequately monitor their condition, both issues, in part, caused by a lack of resources.

4. Land Use Strategy:

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 evidence that these have led to any clear improvement in the policies or funding that drive land use changes that would deliver the vision. To be meaningful, **the national strategy and the regional partnerships must be used to influence the key drivers of land use change, particularly national funding and policy for agriculture**.

5. Woodlands and tree planting:

Woodland and forestry expansion in Scotland can contribute greatly to helping address the climate and nature emergencies. **The Scottish Government and Scottish Forestry should review their planting targets and policies** to increase the proportion to be met from native woodland establishment and/or natural regeneration. **The aim should be to secure the doubling of native woodland cover by 2030. The new policies and new grant scheme should also encourage action on the management of existing woodlands**. This must include improved legislation and

policy on deer management and greater efforts to control invasive non-native species (especially *Rhododendron ponticum*).

6. Marine environment:

Scotland's legislation in relation to the marine environment is not yet effective at achieving its objectives. To address this, there are a number of actions that should be undertaken. These include **a renewed National Marine Plan that drives urgent ocean recovery and restoration at scale; more effective management measures for Scotland's suite of Marine Protected Areas; action to transform Scotland's fisheries management; and rapid implementation of Scotland's proposed Deposit Return Scheme.** The Climate Change Plan should also better acknowledge and provide for faster progress in the protection and enhancement of "blue carbon".

7. Economic Strategy:

The new 10-year National Strategy for Economic Transformation must deliver **a vision to transform the economy for the better – with people's wellbeing at its heart. To achieve this, a clear move away from the use of GDP as a measure of success is needed, and a move to deliver a circular economy and to ensure that this wellbeing is within planetary limits** and, in particular, meets our obligations to climate and nature. Thus, 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 must be compatible with the environment strategy's vision – not vice versa.

The five 'key issues' identified by LINK's 2010 report 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.

Disappointingly, this review has demonstrated that all these issues remain alive. It clearly remains the case that good intentions of Ministers in policy, their Parliamentary rhetoric, and the intentions of the worthy legislation and policy have not been translated into reality. Moreover, many of the key issues causing this failure to deliver remain the same. On the cross-cutting issues of climate, economic transformation and biodiversity, this review has highlighted that, to a great extent, business as usual continues, despite progressive statements of a new approach.

Notwithstanding the declarations of both climate and nature emergencies, **there remains a clear gap between the environmental rhetoric and the delivery of actual outcomes.** Instead of "sustainable development" or a "well-being economy", there remains a widespread concern that the environment is still seen as one of a number of issues to be "balanced" against economic development (measured usually in the traditional, but outdated, form of economic growth). Neither the Scottish Government nor its agencies have yet integrated environmental protection and conservation of biodiversity into their thinking and how they approach delivery of their wider functions. This undermines effective delivery of the laudable goals which 20 years of environmental legislation set out to achieve.

To address this gap between rhetoric and reality, this report makes specific recommendations in relation to the seven areas looked at in detail. It also reveals a number of cross-cutting issues that also mirror those explored in the 2010 report. These are: -

- Improved scrutiny, audit, and challenge

- Statutory targets, duties, and powers
- Political will and a voice for environment
- Economic transformation
- Funding – public, private, and charitable

Each of these issues is explored in the discussion section of the report. The 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. 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.

Introduction

In 2011, 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*¹, reviewed the implementation of a number of environmental laws, some of them ground-breaking, passed by the Scottish Parliament in the first 10 years of devolution.

Now, more than a decade on, LINK is returning to this theme to consider whether matters have improved. Since that report, the Scottish Government has declared a climate emergency, deemed the nature crisis to be as serious, and both issues have risen up the political agenda, at home and internationally. However, are these crises receiving the kind of response expected of an 'emergency'? As the Scottish Government and Parliament consider how to respond to COP26 on climate and the 2022 COP15 on biodiversity, this report looks at seven areas of policy to consider whether success in delivery has improved.

This time-limited review is based on the views and experiences of Scottish Environment LINK members, with evidence collated by the relevant LINK groups who are the NGO specialists in these policy areas. This was augmented by some desk research into other reviews and academic literature on progress with implementation, where they exist.

The issues considered in this report were selected by LINK collectively to represent a cross-section of issues with which its members are concerned. They include generic, strategic issues, such as the economic strategy and more specific, sectoral matters such as tree planting. They also seek to complement and build on the 2011 report; for instance, that report highlighted the Land Use Strategy and the Marine (Scotland) Act 2010 as too recent to assess but with great potential to improve implementation – this report looks at whether that potential was realised. Thus, the seven areas selected for review are:

1. Scotland's Response to the Climate emergency
2. Action on Scotland's Biodiversity
3. Scotland's Protected Areas
4. Land Use Strategy
5. Forestry and tree planting in Scotland
6. Scotland's Marine environment
7. Economic strategy

All seven issues fall mainly within the responsibilities of the Scottish Parliament and Government, although there are factors associated with climate, marine and the economy that are reserved to Westminster. In the context of the climate and nature emergencies, these cross-cutting issues are addressed first; then, two particularly important tools for addressing the crises are considered: protected areas (a conservation tool with a long pedigree) and the Land Use Strategy (a new mechanism introduced in 2009). The report then considers a 'sectoral' issue, woodland and tree planting, which is crucial to both climate and nature. It concludes with a systemic assessment of the marine environment and the strategic issue of how economic policy underpins (or undermines) all other public policy.

For each issue, the assessments begin with a reflection on the context and policy background, especially any objectives set, or aspirations described. They then seek to assess the positive outcomes achieved and the shortcomings, as well as any existing proposals for further policy

¹ <https://www.scotlink.org/publication/scotlands-environmental-laws-from-rhetoric-to-reality/>

development. Based on this comparison, they seek to compare the '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. 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.

Scotland's Response to the Climate Emergency

Background and policy framework

Global warming of 1.1°C has already taken place since the pre-industrial period, owing to human emissions of greenhouse gases. The impacts are already being felt and further emissions make these increasingly worse. The Paris Agreement requires countries to work to limit warming to well below 2°C and to aim for 1.5°C above pre-industrial levels. The UN's Intergovernmental Panel on Climate Change (IPCC)² special report on 1.5°C, commissioned at the Paris climate talks, shows how the impacts of climate change are very much more severe at 2°C than 1.5°C. It finds, however, that it is still possible to restrict global warming to the critical 1.5°C level (including through pathways that do not overshoot 1.5°C and risk locking in the damaging impacts caused by global heating at that level), but that doing so will require "rapid, far-reaching and unprecedented changes in all aspects of society" and that there are fewer than 12 years to make the necessary changes.

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 irreversible³. It found that, on current trajectories, global temperatures will reach 1.5°C heating within this decade. The UN Secretary General branded the findings a "code red for humanity"⁴. The science is now overwhelming: without concerted action we're headed towards climate catastrophe; with the poorest communities and future generations suffering the most.

The global climate regime, the UN Framework Convention on Climate Change (UNFCCC), recognises that industrialised countries of the global North have done most to cause the climate crisis and therefore bear the greatest responsibility to fix it, through the principle of common but differentiated responsibilities and respective capacities to act. This requires countries like Scotland to cut emissions faster and deeper than the global average, and to provide climate finance to support global South communities on the sharpest end of impacts.

*"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 2019⁵.

In April 2019, the First Minister 'formally' declared a climate emergency⁶. This language was subsequently central to Scottish Government policy and statements – for instance, the (then) Cabinet Secretary's statement in May 2019⁷ and the 2019-20 Programme for Government⁸. It remains a key element of policy with one of the six chapters within the Scottish Government – Scottish Green Party Shared Policy Programme entitled "Responding to the climate emergency"⁹.

² 'IPCC Special Report: Global Warming of 1.5°C', October 2018. <https://www.ipcc.ch/sr15/>

³ <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

⁴ <https://www.bbc.co.uk/news/science-environment-58130705>

⁵ <https://www.ukpol.co.uk/nicola-sturgeon-2019-speech-at-snp-conference/>

⁶ <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-48077802>

⁷ <https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/>

⁸ <https://www.gov.scot/news/protecting-scotlands-future/>

⁹ <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/>

The co-operation agreement also creates a Cabinet Sub-Committee on the Climate Emergency “to provide cross-Government leadership and coordination of efforts to tackle climate change”¹⁰.

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)¹¹. The Scottish Government swiftly accepted these recommendations¹² and have now legislated to secure net zero emissions by 2045, with an interim target of a 75% reduction by 2030¹³.

These targets have frequently been described as “world-leading”¹⁴. 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. This difference is clear, but it is limited – and, in fact, it is action early (in the next decade) that makes the biggest difference.

Looking wider afield, of 137 countries tracked in one study, 124 had set a target of 2050 for reaching carbon neutrality¹⁵. Except for Bhutan and Suriname, who claim to have achieved net zero, Uruguay’s 2030 target is the earliest to try to reach that, followed by Europe’s Finland (2035), Austria (2040), while Iceland, Germany, and Sweden, are all targeting 2045. So, while Scotland is certainly in the ‘leading pack’, it is less ambitious than some very comparable countries, such as Finland and Austria. Indeed, 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 gap¹⁶. On that analysis, Scotland’s targets still need to be improved.

Box 1: Climate Justice: Scotland and the world

Nearly 250 years ago, James Watt invented the steam engine in Glasgow, kick-starting the industrialisation that fuelled the climate crisis. The crisis has, therefore, been created and sustained by the rich, industrialised nations. It is an emergency created by the ‘haves’ which is hitting the ‘have nots’ first and worst: fuelling poverty, hunger, and suffering. Thus, a simple fact lies at the heart of the climate crisis: those who have done the least to cause it are those suffering most. Not only are low-income countries exposed to some of the most severe impacts, but they also have the least financial capacity to adapt and find it hardest to respond to irreversible climate impacts. Without action, future generations will inherit an ever more dangerous climate and increased inequality. This is why campaigners promote the concept of climate justice¹⁷.

In principle, these ideas are acknowledged by governments – with, for instance, \$100bn per annum being pledged, at Paris, to support adaptation and emissions’ reductions in developing countries. However, in practice, progress towards this inadequate target is stalled – and, in Glasgow, the target date for reaching this figure was delayed to 2023, with global North countries blocking global South countries’ proposals for a process to determine a new long-term finance goal based on what is

¹⁰ <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-cooperation-agreement/>

¹¹ <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

¹² <https://www.gov.scot/news/climate-change-action-1/>

¹³ <https://www.legislation.gov.uk/asp/2019/15/enacted>

¹⁴ For example: <https://www.gov.scot/policies/climate-change/> and <https://www.snp.org/scotland-must-continue-to-lead-the-world-on-climate-change/>

¹⁵ <https://www.visualcapitalist.com/race-to-net-zero-carbon-neutral-goals-by-country/>

¹⁶ <https://civilsocietyreview.org/>

¹⁷ <https://www.stopclimatechaos.scot/wp-content/uploads/2021/07/Delivering-climate-justice-at-COP26.pdf>

needed and what is owed. Further, there is no financial mechanism to compensate communities left with irreversible losses and damages caused by climate change – itself caused by others. At COP25, there was a decision to set up the UN ‘Santiago Network on Loss and Damage’¹⁸, which was a positive development and needs to be built upon. Notwithstanding the welcome contribution from the Scottish Government (see below) and much campaigning, there was little progress on Loss & Damage at COP26, beyond recognition that dialogue should continue. Meanwhile communities in the global South are being hit by the double crisis of the pandemic along with climate impacts.

These issues were, however, explored in depth by the Glasgow Climate Dialogues¹⁹, co-hosted by Stop Climate Chaos Scotland and the Scottish Government. The final communiqué summarised the outputs of the four Dialogues, which were specifically designed to amplify the priorities of experts from the global South, covering: Access, Participation and Voice; Adaptation and Resilience; Loss and Damage; and Just Transition. The communiqué contained important messages for all those negotiating at COP26 and was widely commended. The Scottish Government did seek to place the priorities of climate-impacted communities in the Global South at the core of its messaging for COP26 in Glasgow²⁰.

Within the limits of devolved competencies, the Scottish Government is therefore showing strong leadership on international issues. This is demonstrated by the increase in its Climate Justice Fund, and that, while insufficient to the scale of what’s needed and what’s owed, importantly remains additional to wider international development funding. The Scottish Government has also championed and initiated a new finance mechanism on loss and damage.

These initiatives are welcome and commendable – and should be followed by other, especially larger, nations. Scotland’s credibility in advocating these approaches to others, however, rests in part on its domestic performance: it must also be seen to reduce emissions at home.

Setting targets is an admirable start – however, once set, taking actions and meeting targets is as 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. The current plan²¹ was first published in February 2018. With the approval in 2019 of the new, ambitious targets, the Scottish Government agreed to: -

“updat[e] our Climate Change Plan to reflect the increased ambition of the new targets set in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.”²²

This update was published in December 2020²³, and reviewed by Parliament, with the (then) Environment, Climate Change and Land Reform Committee reporting on the proposed update on 4 March 2021²⁴. This report summarised criticism from four Parliamentary Committees calling the update insufficient, over reliant on negative emissions technologies and calling for a credible Plan B

¹⁸ <https://unfccc.int/santiago-network>

¹⁹ <https://www.stopclimatechaos.scot/campaign/glasgow-climate-dialogues/>

²⁰ <https://www.gov.scot/news/climate-justice-essential-at-cop26/> and <https://www.stopclimatechaos.scot/press-release-cop26-delegates-from-global-south-meet-first-minister/>

²¹ Full plan: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/> and summary: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/>

²² <https://www.gov.scot/policies/climate-change/> (accessed, 11 March 2020)

²³ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

²⁴ https://archive2021.parliament.scot/S5_Environment/Reports/ECCLR_2021.03.04_OUT_CS_CCPu_Report.pdf

if these technologies did not deliver. However, the Government response²⁵ indicated that “the December version of the Plan update will be upheld as the basis for progressing fully to the implementation phase” while also noting that “this approach does not, and will not, mean that the Committees recommendations are not being considered and incorporated as part of the wider approach to keeping our package of policies on climate change under review, with a view to outlining further policy action where appropriate in the normal way between Climate Change Plans via Programmes for Government, sector strategies and other announcements.” The “holding” nature of this response, in part because of the timing of the 2021 election, was noted in a debate on the Climate Emergency by the new (current) Scottish Parliament on 9 June 2021²⁶, which concluded by agreeing a motion, as amended, that: -

“note[d] the 166 recommendations made by four parliament committees to improve the Climate Change Plan, including necessary changes to land use, transport, energy and housing policy; ... and call[ed] on the Scottish Government to bring forward a revised Climate Change Plan early in the current parliamentary session, demonstrating a credible pathway to achieving the 2030 target.”

In December 2021, the Scottish Parliament received its latest progress report on emissions’ reductions from the UK Climate Change Committee (UKCCC)²⁷. This report acknowledges the ‘laudable ambitions’ of Scotland’s targets but highlights that *“the focus must now shift to ensuring that rapid emissions reductions are delivered with no further delay to allow Scotland to meet its legislated 2030 target”*. In addition, the report calls for greater transparency (for the CCP, and its update, to make clearer how the proposed policies will deliver reductions in emissions) and for greater and/or faster action on peatland restoration, agriculture/diets and reducing aviation. The report also gives the Scottish Government until 2023 to deliver a plan B on greenhouse gas removals *“if it should turn out that GGR cannot be delivered at scale on the necessary timetable, [the Scottish Government should deliver a plan B] accompanied by a clear date - no later than 2023 - to implement these contingency plans if developments on CCS do not provide confidence that they can deliver by 2030”*.

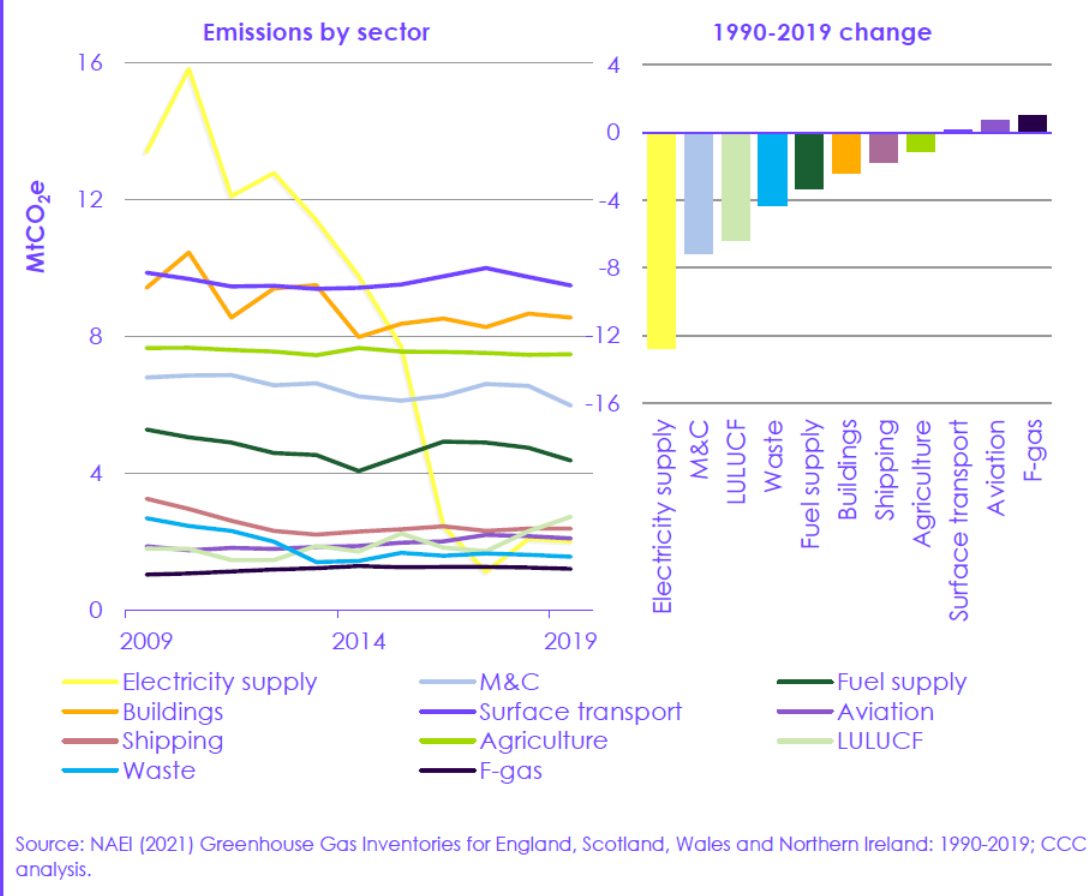
²⁵

https://archive2021.parliament.scot/S5_Environment/General%20Documents/ECCLR_2021.03.24_CCP_IN_CS_Response.pdf

²⁶ <https://www.parliament.scot/chamber-and-committees/what-was-said-and-official-reports/what-was-said-in-parliament/meeting-of-parliament-09-06-2021?meeting=13235&iob=119932>

²⁷ <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

Figure 1.2 Greenhouse gas emissions by sector in Scotland (1990-2019)



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

Outcomes to date

These plans are important because, while Scotland's domestic production emissions have halved since 1990, and continue to fall²⁸, 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 missed²⁹. In the same statement, the Cabinet Secretary also promised "*we will also urgently develop a catch-up report on the missed 2019 target and aim to publish it in six months at the very latest.*" This "catch-up report" was published on 27 October 2021³⁰.

This "catch-up report" seeks to show how the Scottish Government's policies will address the 2.7MtCO₂e of emissions that represent the 'shortfall' on the 2019 target. However, it essentially claims that the CCPu, and policies announced since, will address the issue, and repeats many recent policy announcements from the Programme for Government and elsewhere. These include plans such as committing 10% of the transport budget to active travel, 20% car-km reduction by 2030, free

²⁸ <https://www.gov.scot/news/scottish-greenhouse-gas-emissions-2019/>

²⁹ <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-15-06-2021?meeting=13237&iob=119972>

³⁰ <https://www.gov.scot/publications/report-proposals-policies-reduce-greenhouse-gas-emissions-following-annual-target-2019-not-being-met/pages/3/>

bus travel for young people, homes to EPC C by 2025, and increased energy efficiency budgets. However, while all these new policies are welcome (and may result in the required 2.7MtCO₂e of emissions reduction), the report includes no numbers or calculations to demonstrate that this is the case. Neither does it address the cumulative impact of failing to meet the 2019 (and 2018 and 2017) targets, or the need to accelerate reductions to reach 75% emissions reduction target by 2030, and net zero by 2045.

In June 2021, the Cabinet Secretary also said, *“the next full climate change plan should also be brought forward as soon as possible”*. This is reflected in the Programme for Government which states *“we will set out the process to deliver a draft of the next Climate Change Plan for consideration in the first half of this parliamentary session”*³¹.

While Scotland’s domestic emissions have fallen considerably, our consumption emissions have fallen by only 9% on 1990 levels, demonstrating that we are still using up considerably more than our fair share of remaining atmospheric space. This issue also has important consequences, in relation to a just transition (see box 2) as ‘exporting emissions’ by consuming imports impacts jobs and communities, both here and overseas.

November 2021 saw climate issues receive considerable global attention with COP26 held in Glasgow, and the agreement of the Glasgow Climate Pact. Although detailed and time-bound commitments to emissions reductions and to climate finance were inadequate³², 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) and various agreements on some specific sectoral issues were small ‘steps in the right direction’.

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.

“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 2021³³.

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

³¹ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/>

³² <https://www.stopclimatechaos.scot/press-release-outcome-from-cop26/>

³³ <https://www.gov.scot/publications/first-ministers-statement-cop26/>

does provide a basis for further action”³⁴. This action 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. There has been a trend of not meeting emission reduction targets; it is vital that this is immediately reversed.

Going forward

The new Climate Change Plan – which will be developed through work beginning in early 2022 is a key opportunity to deliver this action – alongside more vigorous actions under the existing plan and policies. In particular, the new plan will need to heed the recommendations of the UKCCC, in its December 2021 report, for greater transparency (to make clearer how the proposed policies will deliver reductions in emissions) and for greater and/or faster action on peatland restoration, agriculture/diets and reducing aviation.

This next full plan will need to address the need to achieve Scotland’s 75% emissions reduction target by 2030 and set 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 these 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. This new plan, will need to address a range of issues, including:

- **Buildings:** The Scottish Government’s Heat in Buildings Strategy suggests that “a large majority of buildings should achieve a good level of energy efficiency by 2030, equivalent to EPC C for homes, with homes meeting at least this standard by 2033, and that all buildings have zero emissions heating systems by 2045”³⁵. This is welcome; however, it is important that the funding, information, and logistics are in place to ensure this is delivered.
- **Transport:** There is a need to switch more capital expenditure from road building to low-carbon infrastructure, as per the sustainable travel hierarchy. The Scottish Government’s commitment to devote at least 10% of the transport budget to active travel is very welcome. However, this does need to be delivered as soon as possible, as well as action to expand concessionary bus travel and disincentivise high-emitting options. There is also a need to provide additional support for local authorities to deliver active travel measures at speed.
- **Protect and enhance our land and seas:** Healthy ecosystems and enhanced biodiversity, including restored peatlands and flourishing native woodlands can lead to reduced carbon emissions and increased adaptive resilience. At sea, urgent progress is needed to establish a spatial management system for fisheries, particularly inshore, to protect and recover habitats, including “blue carbon”. These issues are covered in greater detail in sections 2, 3 and 6.
- **Food, farming and fishing systems:** Increased support is required for regenerative practices and systems that benefit people, communities, and the environment. The forthcoming review of agriculture policies and the roll-out of the Future Fisheries Management strategy, updated following the recent climate change engagement, must ensure that climate and nature are at their heart. This has been recognised by the Cabinet Secretary for Rural Affairs³⁶.
- **Negative Emissions Technologies:** The current Climate Change Plan places considerable reliance on so-called Negative Emissions Technologies (NETs). eNGOs are sceptical about the extent of this reliance as NETs have yet to be proven at the scale needed. The forthcoming

³⁴ <https://www.gov.scot/publications/first-ministers-statement-cop26/>

³⁵ <https://www.gov.scot/publications/heat-buildings-strategy-achieving-net-zero-emissions-scotlands-buildings/>

³⁶ https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-09-12-2021?meeting=13461&iob=122226#orscontributions_M5587E392P728C2363988

review of the CCP must, if NETs are to be relied on, at least provide considerably stronger evidence that this is justified, or include a so-called 'Plan B'.

- **Energy, including oil & gas:** as described below in relation to Energy Strategy.

In all of the above sectors, as changes take place, it is important that the transition is well managed so that any adverse socio-economic impacts are avoided or minimised, and to maximise the benefits of new developments. Such an approach is described as a just transition – a concept that the Scottish Government has embraced in principle (see box 2).

Box 2: Just Transition

The Scottish Government states that “we are committed to ending our contribution to climate change in a way that is fair and leaves no one behind” and “the Climate Change Act 2019 embeds the principles of a just transition”³⁷. To support a Just Transition, the Government established a Just Transition Commission, that met from 2019 to 2021, producing an interim report in February 2020 and a report on a green recovery July 2020³⁸. In March 2021, it published its final report³⁹. A new Commission has been recently appointed⁴⁰.

The Scottish Government often claims that it is implementing all the recommendations of the first Commission⁴¹. However, in practice, its response⁴² dealt with the 18 headline recommendations, leaving out lots of more detailed recommendations and all of those in its Interim Report and Green Recovery Report. Moreover, it waited until September 2021 to respond, addressing only the final report, – despite the Commission saying explicitly in its Interim Report that it definitely should not do this⁴³.

In specific areas of work, claims of delivering a just transition have not matched reality on the ground. For instance, the STUC have criticised the extent to which promised ‘green jobs’ have materialised and called for a more focused industrial strategy to ensure that jobs that support the transition are not offshored⁴⁴.

Secondly, in launching the Green Jobs Workforce Academy, the First Minister said it was to be “an invaluable step in preparing our current and future workforce to seize the opportunities afforded to us as part of that just transition”. However, it was soon criticised for being simply a job posting website, with no wider labour or skills support⁴⁵. It appears that the ‘Academy’ is a page within existing Skills Development Scotland’s “My World of Work”⁴⁶ and includes all jobs that could possibly be described as green from academia to renewables, to care work and sports, and no dedicated support for those who are currently in high-carbon industries seeking to transition.

³⁷ <https://www.gov.scot/policies/climate-change/just-transition/>

³⁸ <https://www.webarchive.org.uk/wayback/archive/20210111123819/https://www.gov.scot/groups/just-transition-commission/>

³⁹ <https://www.gov.scot/publications/transition-commission-national-mission-fairer-greener-scotland/documents/>

⁴⁰ <https://www.gov.scot/groups/just-transition-commission/>

⁴¹ <https://www.gov.scot/news/making-just-transition-a-defining-mission/>

⁴² <https://www.gov.scot/publications/transition-fairer-greener-scotland/>

⁴³ <https://www.webarchive.org.uk/wayback/archive/20210529112742/https://www.gov.scot/publications/transition-commission-interim-report/> (page 14)

⁴⁴ <https://stuc.org.uk/files/Policy/Research/Briefings/Broken%20promises%20and%20offshored%20jobs%20report.pdf>

⁴⁵ <https://www.heraldscotland.com/politics/19542225.nicola-sturgeons-green-jobs-academy-branded-sham/>

⁴⁶ <https://careers.myworldofwork.co.uk/green-jobs-workforce-academy>

Thirdly, referring to the £62 million Energy Transition Fund, the Cabinet Secretary has suggested that this recognises the impact of COVID-19 on the industry, “but also the need to support our energy sector to grow and transition in a fair way”⁴⁷. However, in reality, this fund seems to be a giveaway to private companies, predominantly fossil fuel companies so far, with no conditions requiring the creation or retention of jobs, requirements for decarbonisation or guarantees of community benefit or protection of community assets.

Thus, while the Scottish Government subscribes to Just Transition principles and these are widely referenced in policy documents and the Climate Change Plan, in practice, there appears to be few examples of where these have been turned into tangible action – or actions have been significantly altered as a result of the principles.

These concerns have been shared by the Just Transition Partnership (a group of eNGOs and Trades Unions) who have proposed specific measures that would make a real ‘on-the-ground’ difference in delivering a Just Transition⁴⁸. With the new Just Transition Commission, it is important that the Scottish Government seize the opportunity and ensure that the new Commission is both representative of those communities affected, but also to deliver policies that make a real difference.

In addition to the new Climate Change Plan, the Scottish Government’s Energy Strategy is also due for renewal in 2022. This must cover:

- **Energy:** The Scottish Government should deliver policies that result in 100% renewable electricity generation for a fully decarbonised system by 2032.
- **Oil & gas:** The proposed Government review of the Oil and Gas policy in Scotland needs to address the current contradictions in policy. Post-COP, it was encouraging to hear the First Minister say, in relation to the proposed Cambo oil field, that “the presumption would be that Cambo could not and should not pass any rigorous climate assessment”⁴⁹. The Scottish Government has already stated that it no longer supports ‘maximum economic recovery’ and this must be reflected in the new energy strategy, as well as the findings of the International Energy Agency which has said that to meet global net zero by 2050, there can be “no new oil and gas fields approved for development”.

Conclusion

Following COP26, where it played a positive role and its assessment that more remains to be done, the Scottish Government must now ensure its climate actions match its rhetoric on the world stage.

This will mean ensuring delivery of domestic commitments, especially in relation to land use, blue carbon, transport, and buildings, through faster and stronger activity under the existing Climate Change Plan, and a reinvigorated plan developed next year. The new plan should also link the Government’s work on domestic and international issues, providing a comprehensive policy platform on climate change, as well as recognising the climate impacts of imports and exports. The Scottish Government should also heed the advice of the UKCCC and ensure that its climate policies are more transparent, with clearer indications of how each policy/proposal contributes to emissions’ reductions.

Building on the First Minister’s statement about Cambo, this year’s new Energy Strategy must underline the move away from ‘maximum economic recovery’ of oil and gas and instead chart a

⁴⁷ <https://www.gov.scot/news/delivering-an-energy-transformation/>

⁴⁸ <https://foe.scot/wp-content/uploads/2020/09/JTP-Manifesto-2021-final.pdf>

⁴⁹ <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-59312510>

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.

Action on biodiversity

Background and policy framework

“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 2019⁵⁰

Nature conservation objectives and policy have existed for decades, if not centuries. However, in 1992, following the Earth Summit in Rio, the term biodiversity was adopted into law and policy. This was a 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 Convention on Biological Diversity (CBD)⁵¹, agreed at Rio, entered into force on 29 December 1993 with the UK ratifying the Convention in 1994. One of the key general provisions of the Convention is Article 6 requiring that countries: -

- (a) *“Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity ...; and*
- (b) *Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes, and policies”.*

The UK, then pre-devolution, published its first Biodiversity Action Plan in 1994⁵². This plan was a UK-wide plan, specifically supported by the then Scottish Secretary, with the overall objective set out to include “to conserve and enhance biological diversity within the UK”⁵³. Following devolution in 1998, the four countries of the UK developed their own country strategies for biodiversity and the environment, allowing conservation approaches to vary according to the different priorities of each country. The first Scottish Biodiversity Strategy was published in September 2004⁵⁴, and complemented by an additional “2020 Challenge” in June 2013⁵⁵. In 2015, these documents were complemented by a “Route Map to 2020” setting out “out the priority work needed to meet the international Aichi Targets for biodiversity”⁵⁶.

In 2004, the Nature Conservation (Scotland) Act 2004⁵⁷ added a statutory basis to this approach, establishing a duty to “further the conservation of biodiversity” (having regard to the designated strategies – which became those from 2004 and 2013). The act also required the identification of priority species and habitats (the “Scottish Biodiversity list”) and for Ministers to report every three years, to parliament, on the implementation of the strategy. In addition, the Marine (Scotland) Act

⁵⁰ Letter to Scottish Environment LINK: <https://www.scotlink.org/wp-content/uploads/2019/07/FM-response-to-cross-sector-letter.pdf>

⁵¹ <https://www.cbd.int/doc/legal/cbd-en.pdf>

⁵² <https://hub.jncc.gov.uk/assets/cb0ef1c9-2325-4d17-9f87-a5c84fe400bd>

⁵³ <https://data.jncc.gov.uk/data/cb0ef1c9-2325-4d17-9f87-a5c84fe400bd/UKBAP-BiodiversityActionPlan-1994.pdf> (page 15)

⁵⁴ <https://www.gov.scot/publications/scotlands-biodiversity---its-in-your-hands/>

⁵⁵ <https://www.gov.scot/publications/2020-challenge-scotlands-biodiversity-strategy-conservation-enhancement-biodiversity-scotland/>

⁵⁶ <https://www.gov.scot/publications/scotlands-biodiversity-route-map-2020/>

⁵⁷ <https://www.legislation.gov.uk/asp/2004/6>

2010 also introduced a general duty to “to protect and enhance the marine environment”⁵⁸ (see section 6).

In 2010, the Parties to the CBD adopted a new Strategic Plan for Biodiversity for the period 2011-2020⁵⁹. This included a series of outcome targets, known as the Aichi targets⁶⁰, which were adopted into policy in Scotland within the “2020 Challenge” document. Subsequently, SNH/NatureScot published regular assessments of progress towards these targets in Scotland.

Alongside these progress reports related to the Aichi targets, s.2(7) of the 2004 requires the Government to report to Parliament, every three years, on “the implementation of the strategy”. The fifth (and latest) of these reports covers the period 2017-2019⁶¹. These overlapping reporting requirements and processes illustrate the ‘evolving’ nature of the process, including its governance arrangements, since the 1990s. In that time, the process was underpinned by statute in 2004 (although this was partial), the original strategy has been twice ‘added to’ (by the “2020 Challenge” and then the “Route Map”), the reporting requirement was extended to all public bodies in 2011, and the non-statutory governance has been reviewed and amended on several occasions.

At one stage, a Scottish Biodiversity Committee oversaw the entire process – chaired by a Minister and involving a wide range of stakeholders. This now longer exists and has been replaced by a Biodiversity Programme Board of government and agency officials only. Stakeholders, such as eNGOs and land managers are now involved in subsidiary groups. The exclusion of eNGOs from the strategic decision-making was particularly disappointing, given the critical role of such bodies in delivering biodiversity outcomes⁶².

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 Strategy⁶³. This “statement of intent” included the announcement that it was the Government’s “... *intention to publish a new, high-level, policy-focused Scottish Biodiversity Strategy no later than 12 months after CoP15*”⁶⁴.

Box 3: Nature and carbon

The Scottish Government has formally declared a “climate emergency”, it has clearly stated that the nature crisis is as serious and often refers to the “twin nature and climate crises”. Implicit within many of the Scottish Government’s policies for climate and biodiversity is that addressing one crisis helps address the other – and vice versa.

This is especially true in issues such as peatland restoration, woodland expansion/restoration, or the protection of blue carbon in marine sediments, habitats, and species⁶⁵. All these activities will contribute to the recovery of nature while also reducing carbon emissions and/or increasing sequestration. There are clear and compelling reasons to accelerate all these – both for biodiversity but also for climate⁶⁶. Other improvements to the natural environment, through wetland restoration

⁵⁸ <https://www.gov.scot/publications/marine-scotland-act/>

⁵⁹ <https://www.cbd.int/sp/>

⁶⁰ <https://www.cbd.int/sp/targets/>

⁶¹ <https://www.gov.scot/publications/scottish-biodiversity-strategy-report-parliament-2017-2019/>

⁶² <https://www.scotlink.org/publication/delivering-the-goods/> and <https://www.scotlink.org/publication/still-delivering-the-goods/>

⁶³ <https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/>

⁶⁴ <https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/pages/6/>

⁶⁵ For example: <https://uk.whales.org/wp-content/uploads/sites/6/2021/01/Green-Whale-Scientific-report-2021.pdf>

⁶⁶ <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

or through encouraging more nature-friendly farming will also provide such dual benefits. As such, these approaches are often called “nature-based solutions” to climate change⁶⁷, although it must also be recognised that that term is also disputed due to the misuse of some schemes.

However, as with any policy mechanism, care must also be taken to prevent unintended or counter-productive consequences. For instance, pursuit of tree planting targets as a means of securing woodland expansion must consider the potential for inappropriate planting or planting that secures no net carbon benefit (see section 5). For this reason, it is important that such solutions are promoted and delivered with care – to ensure the right solution in the right place, and that the dual benefits are realised⁶⁸. It must also be recognised that such approaches are not a substitute for the rapid phase-out of fossil fuels and must not delay urgent action to decarbonise our economies. They are, rather, additional to and part of these latter processes. Further, it is important to recognise that nature is more than a carbon store and action to protect and restore natural ecosystems should be pursued for their own sake.

It is therefore important that such schemes recognise and work with internationally developed guidelines⁶⁹ and that these develop to address concerns. In so doing, it is also important to recognise concern that poor use of ecological restoration and expansion for the purposes of carbon sequestration can accord the whole approach a bad name⁷⁰ and this is exacerbated if linked to ineffective or mismanaged offsetting or to carbon markets.

Addressing the twin crises for climate and nature, together, therefore needs both concerted efforts, but also careful and effective policy and planning to ensure efficacy.

Outcomes to date

The 2019 State of Nature report⁷¹, the Biodiversity Intactness Index (BII)⁷² and the 2020 Scottish Marine Assessment⁷³ 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. These are all important measures – but the State of Nature is based on a baseline of the 1970s and therefore is unable to take account of historic declines.

The BII, by contrast, does capture these historic aspects and has also been adopted by the CBD and IPBES for use in measuring global progress. It estimates how much of an area’s natural biodiversity remains⁷⁴ and helps us understand past, current, and future biodiversity changes. On latest evidence, it demonstrates that Scotland is 28th from the bottom in a ranking of 240 countries and territories⁷⁵.

⁶⁷ <https://www.scotlink.org/wp-content/uploads/2020/07/NbS-LINK-briefing-FINAL-8.pdf> and <https://scottishwildlifetrust.org.uk/2021/05/what-is-a-nature-based-solution/>

⁶⁸ <https://www.britishecologicalsociety.org/wp-content/uploads/2021/05/NbS-Report-Final-Designed.pdf>

⁶⁹ <https://nbsguidelines.info/>

⁷⁰ <https://www.foei.org/news/nature-based-solutions-a-wolf-in-sheeps-clothing>

⁷¹ <https://www.rspb.org.uk/our-work/state-of-nature-report/>

⁷² <https://www.rspb.org.uk/globalassets/downloads/about-us/48398rspb-biodiversity-intactness-index-summary-report-v4.pdf>

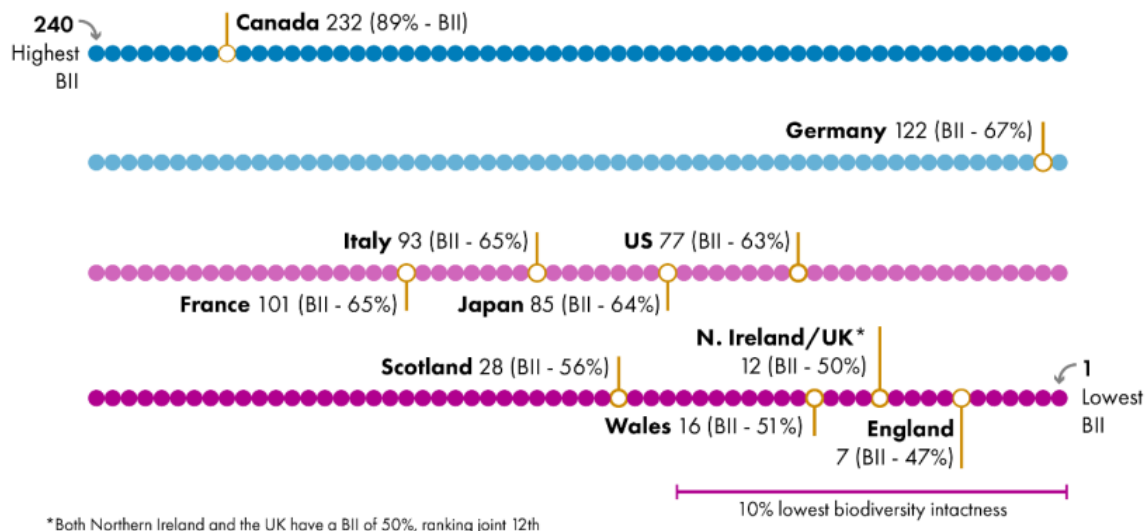
⁷³ <http://marine.gov.scot/sma/>

⁷⁴ https://www.nhm.ac.uk/our-science/data/biodiversity-indicators/biodiversity-intactness-index-data?future-scenario=ssp2_rcp4p5_message_globiom&georegion=001&min-year=1970&max-year=2050&georegion-compare=null&future-scenario-compare=null&show-uncertainty=true

⁷⁵ <https://spice-spotlight.scot/2021/06/04/how-does-scotlands-biodiversity-measure-up/>

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/>

NatureScot's last interim report (2017) on progress towards meeting the Aichi targets in Scotland indicated that only 7 out of 20 were 'on track' to meet their objective by 2020⁷⁶. 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 just 9 out of 20 areas, with "insufficient progress in 11"⁷⁷.

Table 1: Progress against Aichi targets, as reported in 2020 NatureScot report, for those targets easily categorised.

Biodiversity "outcomes"	Financial drivers	Process and publicity
5. Habitat loss halted 6. Sustainable marine management 7. Sustainable land management 9. Control of INNS 11. Protected areas	3. Incentives reformed 20. Funding increased	1. Awareness raised 17. Strategy and plan produced 19. Knowledge sharing
"Insufficient progress"	"Insufficient progress"	Targets met

As shown in the table above, 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.

⁷⁶ <https://www.nature.scot/sites/default/files/2018-05/Aichi%20Report%20Interim%202017.pdf>

⁷⁷ <https://www.nature.scot/doc/scotlands-biodiversity-progress-2020-aichi-targets-final-report#AICHI+TARGET+11+%E2%80%93+PROTECTED+AREAS+INCREASED+AND+IMPROVED>

On the basis of the above, it is clear that **there has been a historic decline in biodiversity, and no/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.

Looking at the reasons behind, we can discern a number of challenges. These can be considered according to the three recognised ‘pillars’ of nature conservation, as well as cross-cutting issues. Those pillars, which are widely recognised⁷⁸, are:

- Species conservation;
- Site conservation; and
- Policies and measures across the wider land/seascape.

The issues of site conservation are described elsewhere in this report: for terrestrial protected areas in section 3 and for marine protected areas in section 6.

In species conservation, wildlife crime remains an issue that blights Scotland’s reputation⁷⁹. Despite regular attempts, by the Scottish Parliament, to tighten the law (the latest being an increase in sentences⁸⁰), wildlife crime, such as the killing of birds of prey or badger baiting, is still regularly recorded. The challenges of investigation, securing evidence and prosecution should not be underestimated but various reviews of the performance of the police service and of COPFS have, to date, failed to achieve significant improvements⁸¹. The Scottish Government’s latest commitment is the use of licensing of grouse shooting to, it is hoped, provide an added (dis)incentive. This was announced in November 2020⁸² but, although reconfirmed in the current Programme for Government for this Parliamentary session, there is as yet no specific timetable set.

Similarly, although well-known as a key driver of biodiversity loss⁸³, there is relative inaction in addressing invasive non-native species. The issue is acknowledged by NatureScot⁸⁴, it is clear that the pressures from such species are increasing⁸⁵, and there are modest control projects underway where funding can be secured⁸⁶. However, as with other parts of the UK (or, in this case, GB), there is a need for greater investment, especially in biosecurity. As INNS need to be addressed on a biogeographical basis, NGOs in Scotland support the Wildlife and Countryside Link position that the Governments, across GB, commit “to the recommendation of the Environmental Audit Committee (October 2019) report on invasive species, tripling the invasive species biosecurity budget to £3 million and providing a further £3 million to form a dedicated invasive species inspectorate”⁸⁷.

⁷⁸ For instance, in Marine Scotland’s Nature Conservation Strategy: <https://www.gov.scot/policies/marine-environment/conservation/>

⁷⁹ For example: <https://raptorpersecutionscotland.wordpress.com/2021/10/27/2020-was-worst-year-on-record-for-persecution-of-birds-of-prey-in-uk-says-new-rspb-report/> and <https://community.rspb.org.uk/ourwork/b/scotland/posts/a-raptor-persecution-cover-2d00-up-exposed>

⁸⁰ <https://www.gov.scot/news/tougher-penalties-for-animal-and-wildlife-crime/>

⁸¹ <https://www.scotlink.org/publication/natural-injustice-paper-1/> and <https://www.scotlink.org/publication/natural-injustice-paper-2/>

⁸² <https://www.gov.scot/publications/werritty/>

⁸³ <https://ipbes.net/models-drivers-biodiversity-ecosystem-change>

⁸⁴ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/invasive-non-native-species/invasive-non-native-plants>

⁸⁵ <https://jncc.gov.uk/our-work/ukbi-b6-invasive-species/>

⁸⁶ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/invasive-non-native-species/invasive-non-native-plants>

⁸⁷ <https://www.wcl.org.uk/docs/Prevention is Better than Cure Report 2020.pdf>

While some re-introductions have progressed well, there was, until recently⁸⁸, an apparent reluctance to actively encourage the spread of beavers with culling or so-called ‘wildlife management’ preferred where issues occur⁸⁹. The change of approach to enable conservation translocations to new release sites in Scotland from July 2022 has been warmly welcomed by NGOs and should be extended to other species.

Biodiversity policies and measures in the wider land/seascape are vital, both in themselves but also to provide an environment for species to thrive and to connect protected areas. Yet, as demonstrated in the marine environment (see section 6), fisheries, development and other policies have not contributed to restoring healthy seas. On land, agriculture policy still needs to reform significantly⁹⁰, while section 5 discusses the failures of forestry policy to address the decline in natural woodland and its biodiversity.

The biodiversity strategy also introduced the concept of a National Ecological Network (NEN), with the route map to 2020 pledging (as part of “Big Step 5”) to: -

“Develop a national ecological network to enable characterisation of the nature of Scotland, and to help with the identification of priority areas for action on habitat restoration, creation and protection”⁹¹.

The plan is also referenced in National Planning Framework 3, which states:

“We will implement the Scottish Biodiversity Strategy, including completing the suite of protected places and improving their connectivity through a national ecological network centred on these sites”⁹².

This is welcome acknowledgement of the potential benefits of such an approach. However, despite considerable discussion and analysis by NGOs, academics, and practitioners⁹³, no delivery mechanism has yet been established. Indeed, a recent workshop of researchers, planners, policy makers, land managers and conservation professionals identified “Policy – incentives and regulations to encourage action on the ground” as the biggest barrier to progress (with an NEN)⁹⁴. Rather, work has progressed, to the limited extent possible in the absence of any national leadership, on an *ad hoc* and local level – either at a Local Authority level⁹⁵ or in ‘project areas’⁹⁶.

Indeed, this *ad hoc* approach appears to be that adopted by the latest, draft National Planning Framework 4⁹⁷ which has dropped the term “National Ecological Network” in favour of the less well defined, but oft-repeated “local nature networks”. Indeed, while NPF4 acknowledges and supports

⁸⁸ <https://www.gov.scot/news/protecting-scotlands-beaver-population/>

⁸⁹ <https://treesforlife.org.uk/savebeavers/>

⁹⁰ For example: <https://www.scotlink.org/where-is-the-future-for-scotlands-food-and-farming-sectors/> and <https://www.scotlink.org/let-the-scottish-government-hear-your-voice-on-farming-and-the-environment/>

⁹¹ <https://www.gov.scot/publications/scotlands-biodiversity-route-map-2020/documents/>

⁹² <https://www.gov.scot/publications/national-planning-framework-3/> (page 68)

⁹³ For example: <https://www.scotlink.org/wp-content/uploads/2019/11/Scotlands-NEN-LSC-Working-Group-Paper-Oct-2019.pdf> and <https://www.forestresearch.gov.uk/research/escom-2020-workshop-scotlands-national-ecological-network-progress-and-practicalities/>

⁹⁴ <https://oppla.eu/sites/default/files/uploads/escomnenworkshop2020reportandpresentations.pdf>

⁹⁵ For example: <https://www.pkc.gov.uk/media/48707/PlanningForNatureDRAFT/pdf/PlanningForNatureDRAFT.pdf?m=637674924213230000>

⁹⁶ For example: https://www.ecocolife.scot/sites/default/files/The%20Inner%20Forth%20Habitat%20Network%20Pilot_Report%20for%20EcoCo_FINAL.PDF

⁹⁷ <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/documents/>

the potential role of Green Belts in contributing to the recovery of nature, it fails to suggest that such areas might form part of a nature network (or indeed that these local nature networks should be interlinked into a national network).

This lack of progress, over at least six years, is a considerable missed opportunity. However, its significance is magnified at a time when the Covid-19 pandemic has demonstrated the value of greenspace to individuals and communities, and such a network might have identified key areas to invest for a genuinely green recovery.

The missed opportunity will again be obvious as COP15 takes place and a possible success story is unavailable to Scotland's representatives – and yet, the concept of a national Nature Network will need to be central to the new Biodiversity Strategy.

By contrast, the Scottish Government commitment to peatland conservation and restoration in the wider countryside is stronger. The 5-year commitment to invest £250m on peatland restoration⁹⁸ is very welcome. It is also clear that this funding is needs to be increased significantly, if Scotland is to restore to good health sufficient peatland to meet climate and biodiversity targets⁹⁹. This is because there are around 1.9m hectares of peatland in Scotland and 70% (or 1.4m hectares) are degraded to some degree. £250m will fund the restoration of just 250,000ha but cannot address the scale of the problem.

We also know that climate change will itself have an impact on peatlands. Some research suggests that, by 2050, more than half of the carbon currently stored in Scottish blanket bogs will be at risk of loss. It is vital that peatlands are restored as much as is possible to increase their resilience to change. Instead of aiming to restore 250,000ha by 2030, we should be aiming to restore all our peatlands to good health. This ambition of restoring 100% of our peatlands is, according to the UKCCC¹⁰⁰, necessary to meet net zero targets. RSPB Scotland has estimated that it would cost £51m a year to restore all of Scotland's blanket bogs and an additional £2.9m a year to restore all of Scotland's lowland raised bogs, over 10 years, and that this would create 770 FTE direct and 770 FTE indirect jobs¹⁰¹.

The peatland funding issue highlights a key cross-cutting issue: that being, of course, **funding**. Those agencies with responsibility to deliver the objectives set out in, for instance, the biodiversity strategy, must be adequately resourced to deliver. However, in practice, funding for statutory environment agencies has been cut, in real terms, by 40% over 10 years to 2019¹⁰². Although a modest above inflation increase was secured for 2021/22, this far from made up for previous cuts and has yet to have an impact on delivery. This insufficient funding for positive action is, of course, exacerbated by the lack of reform of incentives related to drivers of biodiversity loss, such as agriculture, forestry, and fisheries (see Aichi target 3, section 5 on woodlands, and section 6 on the marine environment).

The 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

⁹⁸ <https://www.gov.scot/news/funding-to-restore-scotlands-iconic-peatlands/>

⁹⁹ For instance, see CCC targets: <https://www.theccc.org.uk/publication/land-use-policies-for-a-net-zero-uk/>

¹⁰⁰ <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

¹⁰¹ https://community.rspb.org.uk/cfs-file/_key/telligent-evolution-components-attachments/01-103180-00-00-00-79-23-48/Nature-Recovery-Plan-2D00-Nature-Jobs-Briefing.pdf

¹⁰² <https://www.scotlink.org/funding-the-nature-and-climate-emergency-reversing-a-decade-of-austerity-for-the-environment/>

and restore nature¹⁰³, and a further £69 million in woodland creation and sustainable management of Scotland's woodlands"¹⁰⁴. These are welcome developments and NGOs look forward to examining how they will be delivered. They must, however, be considered to be a "small, first step" given the £15-27billion, estimated to be needed, over this decade to achieve the restoration of nature¹⁰⁵.

Other cross-cutting issues that have been highlighted as contributing to the lack of progress in delivering biodiversity objectives include:-

- Poor national coordination, illustrated by the failures with the NEN and the constantly evolving governance arrangements, that, until recently, have excluded eNGOs from any strategic role.
- A broadening of NatureScot's responsibilities to include people-focussed nature and access to nature, in addition to their statutory responsibilities towards species, habitats and protected areas, without any associated budget increase. Various implementation failures outlined in this report suggest that this has had a negative impact on NatureScot's ability to deliver on those statutory functions.

Going forward

As indicated in the Scottish Government's Statement of Intent¹⁰⁶, the new global framework following COP15 will need to be delivered through the new Scottish Biodiversity Strategy, despite timetabling issues related to the delays to COP15. The Statement of Intent indicated that the Scottish Government would:

"Publish a new, high-level, policy-focused strategy within a year of CoP15 which will take account of the new global biodiversity framework, goals and targets and also the emerging EU biodiversity strategy."

This commitment was confirmed in the 2021-22 Programme for Government, which also indicated the introduction of legally binding nature recovery targets in Scotland, via a Natural Environment Bill¹⁰⁷. While very welcome, the proposed timescale for this bill, and the targets it will set, is disappointing because by the time the bill is passed and implemented, it is likely that we will already be halfway through the decade to 2030.

There is speculation that the Scottish Government intends to adopt the approach taken by New Zealand in its latest biodiversity strategy. *Te Mana o te Taiao* (launched in August 2020) sets out a strategic framework for the protection, restoration and sustainable use of biodiversity, particularly indigenous biodiversity, in Aotearoa New Zealand, from 2020 to 2050¹⁰⁸. Learning from elsewhere is absolutely to be encouraged, with the challenges experienced, and criticisms received about other approaches built in as well as the positives. In this regard, it was welcome that New Zealand's new strategy was developed after an independent review of progress under its previous strategy¹⁰⁹.

In response to Scotland's ranking in the BII, Ministers have said they are: -

"Pleased to say that of the four UK nations, Scotland is highest in the list. However, our Statement of Intent on biodiversity published in December 2020 acknowledges that more

¹⁰³ On the face of it, additional to and separate to the budget for NatureScot.

¹⁰⁴ <https://www.gov.scot/publications/scottish-budget-2022-23/pages/1/>

¹⁰⁵ <https://www.greenfinanceinstitute.co.uk/wp-content/uploads/2021/10/The-Finance-Gap-for-UK-Nature-13102021.pdf>

¹⁰⁶ <https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/>

¹⁰⁷ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/> (page 65)

¹⁰⁸ <https://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/>

¹⁰⁹ <https://www.beehive.govt.nz/release/independent-review-nz-biodiversity-strategy-launched>

needs to be done and sets out our ambition and our commitment to tackling the twin crises of climate change and biodiversity loss.”¹¹⁰

This ambition includes commitment “to protect at least 30% of Scotland’s land for nature by 2030”¹¹¹ (see section 3). The Programme for Government also commits to introducing: -

“a Natural Environment Bill in Year 3 of this Parliament, to ... put in place key legislative changes to restore and protect nature, including, but not restricted to, targets for nature restoration that cover land and sea, and an effective, statutory, target-setting monitoring, enforcing, and reporting framework”¹¹².

A revised and reinvigorated approach to biodiversity and nature recovery is appropriate in this UN Decade on Ecological restoration. In line with the Scottish Government’s “keeping pace” policy¹¹³, the new strategy will, as indicated in the Statement of Intent¹¹⁴, also need to align with the EU Biodiversity Strategy. The nature recovery commitments of the EU Strategy are illustrated in the figure below.



Restore Nature

EU Restoration Plan with 2030 commitments (1):

- ✓ Legally binding targets to be proposed in 2021
- ✓ No deterioration of any protected habitats and species by 2030: trend to be positive for at least 30%
- ✓ Agroecology: Organic farming >25%
- ✓ Biodiverse landscape features >10%
- ✓ 50% reduction of use and risk of pesticides
- ✓ Reduction of pollution from fertilisers by 50% and by 20% their use
- ✓ Plant 3 billion additional trees respecting ecological principles
- ✓ Reverse decline in pollinators

Source: BirdLife Europe

Conclusion

Despite the First Minister’s statement in 2019, that “the challenges facing biodiversity are as important as the challenge of climate change, and I want Scotland to be leading the way in our response¹¹⁵”, insufficient progress is being made. Furthermore, when provided with an opportunity to formally declare a nature emergency, alongside the climate emergency, the Scottish Government declined¹¹⁶. Moreover, unlike the climate response, where the recognition of an emergency led to new net zero targets, the nature recovery targets will take another 2-3 years.

¹¹⁰ <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-02765>

¹¹¹ <https://www.gov.scot/news/30-percent-of-scotlands-land-to-be-protected-for-nature/>

¹¹² <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/> (page 65)

¹¹³ <https://www.gov.scot/news/parliament-asked-to-back-european-union-continuity-bill/>

¹¹⁴ <https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/>

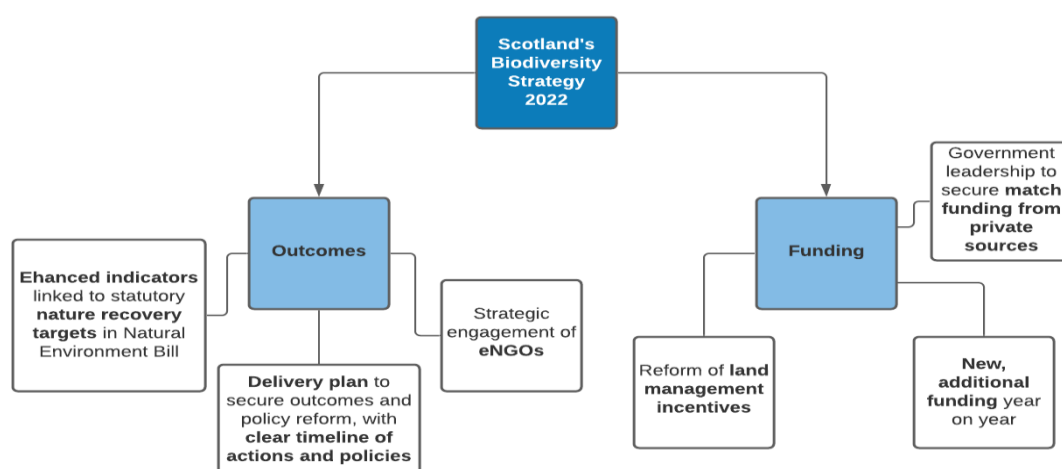
¹¹⁵ Letter to Scottish Environment LINK: <https://www.scotlink.org/wp-content/uploads/2019/07/FM-response-to-cross-sector-letter.pdf>

¹¹⁶ <https://www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/nature-emergency-scotland/>

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 success¹¹⁷(these are illustrated in figure 3).

Figure 3 The necessary components of a successful biodiversity strategy



Only with such a commitment will any new 2030 targets be met. In particular, it is recommended 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 Fund¹¹⁸) 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 existing reporting arrangements should be de-duplicated, focused on the outcomes/new metrics and subject to improved scrutiny to ensure those responsible for delivery maintain their focus.

¹¹⁷ <https://www.scotlink.org/wp-content/uploads/2021/12/LINK-elements-of-success-for-Scottish-Biodiversity-Strategy-2022.pdf>

¹¹⁸ <https://www.gov.scot/news/expanded-funding-to-restore-and-protect-nature/>

- 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.

In the interim, the draft NPF4 must reinstate the concept of an NEN and/or require the Scottish Government to provide leadership and a national framework for the “nature networks”. This, together with appropriate funding, via NatureScot and/or local authorities, would ensure acceleration of delivery.

Protected Areas

Background and policy framework

Protected areas have been a cornerstone of wildlife conservation in the UK for over 60 years. The IUCN defines a protected area as ‘a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means to achieve the long-term conservation of nature with associated ecosystem services and cultural value’¹¹⁹. Such areas may be primarily managed for nature, such as nature reserves, or where nature is cared for alongside management for productive interests, such as designated sites.

“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 OBE¹²⁰.

Protected areas 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 measures¹²¹.

Protected areas must form a central part of efforts to address the nature and climate emergency. In Scotland, the protected area networks for biodiversity now consists of: -

- **1,422 Sites of Special Scientific Interest (SSSIs)**, covering around 1,011,000 hectares or 12.6% of Scotland’s land and intertidal areas¹²² which “contain the best of our flora, fauna, geology, geomorphology or a mix of these features”¹²³. These are notified by NatureScot under the Nature Conservation (Scotland) Act 2004, or its predecessor legislation.
- **243 Special Areas of Conservation (SACs)**¹²⁴ and **164 Special Protection Areas (SPAs)**¹²⁵ are sites of European importance. Originally designated by Scottish Ministers under the EU Habitats and Birds Directives, respectively, and known as “Natura 2000 sites”, they are now Scotland’s “European sites” and form part of a Europe-wide network known as the Emerald network. There should be no change to the standard of protection as a result of EU Exit, as although the relevant regulations have been amended to take account of EU exit, the

¹¹⁹ Dudley, N. (Ed) (2008). Guidelines for Applying Protected Area Management Categories. Gland, Switzerland: IUCN. <https://portals.iucn.org/library/sites/library/files/documents/pag-021.pdf>

¹²⁰ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/protected-areas-nature-review>

¹²¹ Such an approach is clearly adopted in the Scottish Government’s Marine Conservation Strategy (<https://www.gov.scot/policies/marine-environment/conservation/>) but also applies, implicitly, in all conservation policy.

¹²² <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/national-designations/sites-special-scientific-interest-sssis>

¹²³ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/national-designations>

¹²⁴ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/international-designations/european-sites/special-areas-conservation-sacs>

¹²⁵ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/international-designations/european-sites/special-protection-areas-spas>

protection/approach has not altered¹²⁶. These SACs and SPAs do, in places, overlap and these numbers include marine sites. These internationally important sites also overlap, in places, with the **51 Ramsar sites** (see box 4).

- **245 Marine Protected Areas** (MPAs), including the marine SPAs and SACs and those SSSIs with intertidal components; 231 of which are for conservation purposes¹²⁷ (see section 6 for more detailed discussion of MPAs and the marine environment in general).

Box 4: Ramsar sites in Scotland

The Ramsar Convention¹²⁸ is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. It is so named as it was agreed and signed in Ramsar, Iran in 1971. A key element of the Convention requires Contracting Parties (Governments) to identify, designate and protect Wetlands of International Importance or 'Ramsar sites'. There are 51 such sites in Scotland, most of which are also either an SPA or SAC, and/or underpinned by SSSI designations¹²⁹.

The JNCC report that "Government and the devolved administrations have also issued policy statements relating to Ramsar sites which extend to them the same protection at a policy level as Special Areas of Conservation and Special Protection Areas" [emphasis added]¹³⁰. The Scottish Government have, as a result of this issue being raised during a planning case (Coul Links), issued a clarification that appeared to confirm this approach, stating:

*"It is Scottish Government policy to apply the same level of protection for Ramsar sites as is applied for Special Protection Areas classified under the EU Birds Directive"*¹³¹.

Yet, a new Scottish Government policy (dated January 2019 and website accessed September 2021) indicates that: -

"Where Ramsar interests coincide with Natura qualifying interests protected under an SPA or an SAC, as the case may be, the interests are thereby given the same level of (legal) protection as Natura sites.

*Where Ramsar interests are not the same as Natura qualifying interests but instead match SSSI features, these receive protection under the SSSI regime"*¹³².

At first sight, these two policies appear inconsistent, with the latter approach appearing to reduce the level (strength) of protection applied to wetland habitats and species within Ramsar sites unless they coincide with the relevant Natura qualifying interest. This illustrates the potential for the

¹²⁶ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/international-designations/european-sites>

¹²⁷ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/marine-protected-areas-mpas>

¹²⁸ <https://www.ramsar.org/about-the-convention-on-wetlands-0>

¹²⁹ <https://www.nature.scot/professional-advice/protected-areas-and-species/international-designations/ramsar-sites>

¹³⁰ <https://jncc.gov.uk/our-work/ramsar-convention/>

¹³¹ <https://www.nature.scot/sites/default/files/2018-09/Planning%20e-bulletin%20-%20Scottish%20Government%20policy%20on%20protection%20of%20Ramsar%20sites%20-%20September%202018.pdf>

¹³² <https://www.gov.scot/publications/implementation-of-scottish-government-policy-on-protecting-ramsar-sites/>

Government's rhetoric ("same protection as international sites") to differ from reality ("protection under SSSI regime").

These statutorily designated areas complement, and overlap significantly with nature reserves managed by NatureScot, as well as NGOs (and LINK members) such as RSPB Scotland, Scottish Wildlife Trust, National Trust for Scotland, Woodland Trust Scotland and others. These are complemented by the contributions to biodiversity made by protected landscapes whose purpose is not exclusively nature conservation, such as National Parks (see box 5).

Box 5: National Parks in Scotland

Although 10 parks were designated in England and Wales between 1951 and 1957, the relevant parts of the National Parks and Access to the Countryside Act 1949 were not extended to Scotland. It wasn't until 1999, after devolution, that Scotland's new Parliament created the National Parks (Scotland) Act 2000. Our first two National Parks were soon designated, under this Act – the Loch Lomond and the Trossachs, in 2002, and the Cairngorms, in 2003.¹³³

Since then, there has been much debate about whether, when and where any further National Parks should be established. This included discussion, including a government consultation, of a coastal and marine national park in 2006-7¹³⁴; this idea was not taken forward at that point.

NGOs, especially APRS and SCNP, have continued to make the case for further National Parks¹³⁵. Recently, the agreement between the Scottish Government and the Scottish Green Party has opened the door to a new national park for Scotland; this indicates that "at least one" could be designated by the end of this parliamentary session¹³⁶. This commitment is repeated in the current Programme for Government which states the government will "*designate at least one new National Park by the end of this Parliament, provided relevant legal conditions can be met.*"¹³⁷

In considering National Parks in Scotland (and, indeed, elsewhere in the UK) as a form of protected area, it must be remembered that they are not "National Parks" in the international sense, as, often state-owned, and protected to IUCN Category II status¹³⁸. Rather, they are a landscape/planning mechanism, albeit where conservation is a priority – as such, they are often considered to be IUCN Category V¹³⁹, and not comparable to the European sites, SSSIs and MPAs.

Thus, while National Parks could, and indeed should, contribute more to the protection and recovery of Scotland's nature, not least because there are many European sites and SSSIs within their boundaries, this is not their sole purpose in Scotland.

Outcomes to date

As illustrated above, Scotland now has – on the face of it - a comprehensive network of protected areas. That said, the extent of Scotland's protected areas for nature is often overstated, as the

¹³³ <https://aprs.scot/wp-content/uploads/2016/01/National-Parks-Towards-a-Strategy-for-Scotland.pdf>

¹³⁴ <https://aprs.scot/wp-content/uploads/2016/01/Scotlands-First-Coastal-and-Marine-National-Park.pdf> and <https://www.scotlink.org/publication/scotlands-first-coastal-and-marine-national-park/>

¹³⁵ For example: <https://aprs.scot/wp-content/uploads/2016/01/Unfinished-Business-March-2013.pdf>

¹³⁶ <https://www.bbc.co.uk/news/uk-scotland-south-scotland-58400051>

¹³⁷ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/> (page 11)

¹³⁸ <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>

¹³⁹ *ibid*

Scottish Government often includes National Parks in the figure. This raises the extent of land protected for nature from 18% to 22.7%. If National Parks are to be considered in this way, then both the existing Parks, and any new areas, must deliver more for nature protection and restoration. The potential for the forthcoming Cairngorms National Park Plan to turn its commendable ambitions on woodland restoration for example, into delivery is very welcome.

However, these bare numbers/areas do not, in themselves, represent a coherent and successful protected areas policy. Issues that have been highlighted by observers include: -

- General slowness of progress (e.g., upland/raptor SPAs and marine SPAs) - or, even, historically, a reluctance to act at all;
- At the time of writing, the failure to date to implement the recommendations of the 2016 SPA Review to address existing gaps in the network;
- A reduction in monitoring of terrestrial protected areas of the past decade: as of February 2019, 52% of all designated features on SSSIs in Scotland had no assessments undertaken in the past six years (though some were subject to the Site Check Process) and 21% of SSSI features had no assessment at all within that period¹⁴⁰.
- Insufficient progress in bringing the terrestrial protected area network into favourable condition/FCS.¹⁴¹ Improvements to site condition have stagnated and begun to drop in recent years¹⁴² and the apparent lack of use of powers to address this (such as Land Management Orders or Nature Conservation Orders), and no prosecutions for offences and thus no use of Restoration Orders; and
- The delay to introducing management interventions, particularly for fisheries, in marine sites other than the tranche of inshore fisheries measures in 2016 and the Darwin Mounds SAC offshore, leading to accusations that most remain “paper parks”¹⁴³.

The issues with marine sites are discussed in more detail in section 6. For terrestrial sites, these issues are discussed below under a number of headings: condition, monitoring, management, and general approach.

Site condition

Each year, NatureScot publishes its annual statistics on the condition of designated features¹⁴⁴. This also forms the ‘condition of protected nature sites’ indicator under the Scottish Government’s National Performance Framework¹⁴⁵. The way that data is reported under these indicators is, however, opaque and has masked the lack of progress.

Designated features are assessed and placed into a number of different categories:

- Favourable (condition targets are being met);
- Unfavourable recovering (monitoring has detected signs of recovery but favourable condition has not been reached);

¹⁴⁰ <https://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-21208&ResultsPerPage=10>

¹⁴¹ <https://www.rspb.org.uk/globalassets/downloads/documents/positions/safeguarding-sites/pressures-affecting-conservation-status-of-designated-natural-features-in-scotland.pdf>

¹⁴² <https://www.nature.scot/doc/proportion-scotlands-protected-sites-favourable-condition-2021>

¹⁴³ <https://europe.oceana.org/en/press-center/press-releases/all-two-scotlands-offshore-marine-protected-areas-are-paper-parks#>

¹⁴⁴ <https://www.nature.scot/doc/official-statistics-protected-sites>

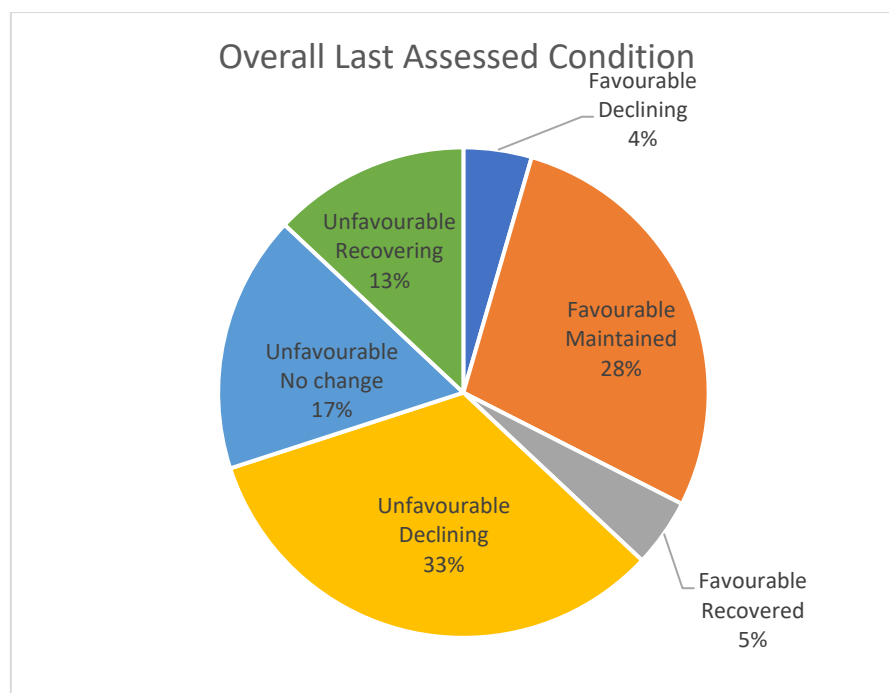
¹⁴⁵ <https://nationalperformance.gov.scot/measuring-progress/national-indicator-performance>

- Unfavourable recovering due to management change (URDTM) (positive management is in place that is expected to improve the condition of the site, but this has not yet been assessed on the ground); or
- Unfavourable.

However, for the purposes of reporting, three categories are combined to constitute the proportion of features in favourable condition (*favourable condition, unfavourable recovering and unfavourable recovering due to management change (URDTM)*). For example, in 2021, the proportion of features **reported** as *favourable* was 78.3%, however the proportion of features **currently assessed** as *favourable* is 65.1%. This has, in fact, slightly declined since 2007 (67.5%) the first year where there is comparable data. This breakdown is confirmed in the small print of the NatureScot press release¹⁴⁶.

LINK has consistently raised concerns about the lack of transparency in the way that Site Condition Monitoring (SCM) data is reported as it is not guaranteed that features in the category *unfavourable recovering* will reach favourable condition or that URDTM measures are having a positive impact on the condition of unfavourable features, as that has not been assessed. This could all mean that features that are, and have been stuck in, a poor condition for some time, are being reported as favourable. Whilst the reporting technique and disaggregated data is provided alongside the main statistics, at a first glance, an untrained eye would consider Scotland's protected areas to be in a better condition than they probably are (particularly given the age of some condition data – see below). Moreover, in some especially important habitats, such as Scotland's rainforest sites, the situation is worse than the national average suggests (see figure 4).

Figure 4: An analysis of the condition of protected areas within Scotland's rainforest, by Plantlife Scotland, shows that 50% of features are in unfavourable condition. This is worse than the national average – and shows that data based on national averages are hiding even worse statistics for some of our most important habitats.¹⁴⁷



Source: Plantlife (see footnote 147)

¹⁴⁶ <https://www.nature.scot/majority-natural-features-good-condition>

¹⁴⁷ <https://www.plantlife.org.uk/uk/our-work/publications/scotlands-rainforest-sssi-data-analysis>

In order to provide decision-makers and the public with an accurate picture of feature condition, **only features currently assessed as being in favourable condition should be reported as favourable** and for **any features reported as recovering there should be evidence of ecological recovery**. An approach could be developed to ensure that landowners and managers are not penalised for an 'unfavourable' assessment on sites where they have taken all possible steps to ensure recovery, without affecting the transparency and integrity of data reported.

This 65.1% favourable result must be considered against the target in the Biodiversity Route Map to 2020 of 80% in favourable condition by 2016¹⁴⁸. This was ostensibly met but only by virtue of the approach above of assuming 'unfavourable recovering' and 'URDTM' were 'favourable'. Even then, since 2016 the figure has fallen below 80% again¹⁴⁹ – but is, of course, in reality, still around 65%.

The final report on Scotland's progress towards meeting the Aichi 2020 Targets¹⁵⁰ was more transparent on the overall progress on protected areas and reported the Protected Areas Target 11 as 'insufficient progress' and noted that condition had dropped below the 80% threshold. This transparency is welcome, and preferable to the above approach. It allows the Scottish Government, NatureScot and stakeholders to work together to create a robust plan for delivering on the "30 by 30" commitment.

Monitoring

Knowledge of the condition of protected areas is only available because of monitoring. Monitoring of protected areas provides data on the drivers and pressures affecting the condition of these natural features; the state or condition of natural features; the type and effectiveness of on-site management; and whether any off-site measures are needed. This in turn should inform decision-making about the protection and management of protected areas and helps lead to better outcomes for nature.

In Scotland, statutory protected areas are monitored through NatureScot's programme of Site Condition Monitoring (SCM). SCM has been carried out in 3 six-year cycles, beginning in 1999 but the number of features monitored has decreased in each cycle. Due to the decreasing levels of full SCM assessments being carried out, in 2012, NatureScot introduced a 'site check' method, which helps to pick up changes to features in the periods between official SCM assessments. Site check aims to quickly collect enough data to determine whether a feature is improving or declining, or subject to pressures or management measures which could influence its condition. A full SCM assessment may be commissioned as a result of a site check.

Site Condition Monitoring has suffered consecutive budget cuts and the number of features being monitored within each cycle has significantly dropped as a result. The budget for SCM dropped from £975,256 in 2013/14 to £641,557 in 2017/18.¹⁵¹ As of February 2019, 52% of all designated features

¹⁴⁸ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2015/06/scotlands-biodiversity-route-map-2020/documents/00480289-pdf/00480289-pdf/govscot%3Adocument/00480289.pdf> (page 23)

¹⁴⁹ <https://nationalperformance.gov.scot/measuring-progress/national-indicator-performance>

¹⁵⁰ <https://www.nature.scot/doc/scotlands-biodiversity-progress-2020-aichi-targets-final-report#AICHI+TARGET+11+%E2%80%93+PROTECTED+AREAS+INCREASED+AND+IMPROVED>

¹⁵¹ <https://www.parliament.scot/chamber-and-committees/debates-and-questions/questions/2019/01/23/s5w21209?qry=S5W-21209>

on SSSIs in Scotland had no assessments undertaken in the past six years, though some were subject to the Site Check Process. 21% of SSSI features had no assessment at all within that period.¹⁵²

In 2019, SCM was officially suspended, in order for a new 'Monitoring and Surveillance Strategy' for Scotland to be developed. It is understood that limited monitoring began again in 2021 and that a new 'three-tiered' approach to monitoring is currently being piloted. In 2020, NatureScot's Scientific Advisory Committee published an initial report setting out proposals for the new strategy¹⁵³.

It is crucial that NatureScot resolve this issue and ensure that the monitoring of our protected areas is sufficiently comprehensive and regular to provide confidence in the condition statistics. At present, as well as the condition reports (see above) being of concern in themselves, there is also a worry that they may, in fact, be worse if the lack of monitoring is failing to detect decline.

Management

Nature, especially in a human-changed land- and seascape such as Scotland, cannot be protected and enhanced without management. Protected areas often require the continuation of sensitive management (often by traditional owners/managers) to maintain or re-establish their condition. This might include appropriate grazing, removal or control of invasive non-native species or deer management. Legislation on protected areas (e.g., the 2004 Act, the Habitats Regulations and the Marine (Scotland) Act 2010) all provide mechanisms for the government and/or NatureScot to ensure the delivery of effective management measures.

Issues related to the management of marine sites are discussed in section 6. 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/or targeted agri-environment or forestry grants. 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 no/insufficient funding was available).

Where such management agreements are offered but cannot be agreed, the legislation provides for NatureScot to seek a Land Management Order (LMO) to require the management and/or, in extremis, to enter the land and carry out the management¹⁵⁴. NatureScot report that "there are currently no LMOs in force (as of October 2017)"¹⁵⁵ – although that webpage also indicates it was updated on 30/06/2021, suggesting that there have also been none made subsequent to October 2017.

Such LMOs are available, however, only when a management agreement has been offered but declined (see s.29 of 2004 Act). This means that NatureScot is required to have sufficient funds to offer a management agreement before an order can be made – thus making, in effect, the ability to make an Order dependent on the availability of public funds. In some cases, this is appropriate – if the owner/occupier is not responsible for the condition of the site, or its unfavourable condition is the result of actions encouraged (and funded) by Government (e.g., agricultural issues). However, if

¹⁵² <https://www.parliament.scot/chamber-and-committees/debates-and-questions/questions/2019/01/23/s5w21208?qry=S5W-21208>

¹⁵³ <https://www.nature.scot/sites/default/files/2020-12/SAC%20meeting%20-%202020%20-%20Monitoring%20and%20Surveillance%20Group%20report.pdf>

¹⁵⁴ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/conservation-orders/land-management-order>

¹⁵⁵ *Ibid*

the condition of the site is unfavourable due to the deliberate action/inaction of the owner/occupier, this is inconsistent with the ‘polluter pays’ principle, and an enforcement approach is more appropriate.

These issues of site condition, monitoring and management, as they arise across the UK, were recently highlighted by a RSPB Conservation Science paper, published in the peer-reviewed journal *Global Ecology and Conservation*. This 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 nature¹⁵⁶. 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 reinvestment in our protected nature sites to ensure these places can play their part in halting and reversing the loss of nature.”¹⁵⁷

General approach

As well as the technical issues of site condition, monitoring and management, discussed above, 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 is frequently from land managers and/or sea users who perceive such areas as a “threat” to business as usual, rather as an opportunity for sustainable and nature-friendly business to be supported. This has sometimes been accompanied by ill-conceived criticism from conservationists who, in the face of a failure to reverse the decline in nature overall, have made sweeping statements about the need for a new approach, risking damage to the credibility of vital processes that need to be enhanced, rather than thrown out. Such ill-conceived criticism is then used to support opposition from others.

This has resulted in a reluctance, by decision-makers, to progress action on protected areas. 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 Orkney¹⁵⁸ and probably contributes to the delays/inaction regarding management measures needed. 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 address the “bad press” – that is, to improve communications, explanation, and implementation.

In 2017, an unpublished RSPB study¹⁵⁹ identified at least seven different “reviews of the protected areas”, at Scotland, UK, or EU level, undertaken between 1996 and 2016, concluding that: -

- “Various reviews of protected areas have been carried out over the past 20 years that can shed light on how protected areas are perceived in Scotland, both by policymakers and other key stakeholders.

¹⁵⁶ <https://www.sciencedirect.com/science/article/pii/S235198942100295X?via%3Dihub>

¹⁵⁷ <https://community.rspb.org.uk/ourwork/b/scotland/posts/how-much-of-scotland-is-protected-for-nature>

¹⁵⁸ <https://www.gov.scot/news/conserving-scotlands-marine-environment/>

¹⁵⁹ RSPB Scotland (2017) An analysis of protected area reviews in Scotland. Unpublished report.

- Stakeholder criticism of protected areas was a prevalent theme and was cited by 5 out of 7 reviews as a motivation for completing an assessment of protected sites. The reviews provide useful insights into the divergence between protected areas in practice and in perception.
- Communication of the benefits of protected sites by policymakers can be identified as a barrier to the full implementation of the protected areas network. This communication gap has potentially exacerbated stakeholder criticism of protected areas, in turn leading to weakening political commitment towards designated sites.
- Overall, the reviews confirmed that protected areas are vital for conserving Scotland's biodiversity but there is an urgent need to integrate designated sites into the wider landscape, and into wider public policy and strategy."

It is notable that reviews of the Protected Area systems have tended to find that the legislation and regulations protecting these sites are "fit for purpose" and, rather than requiring significant reform, recommend improved implementation, including communications and funding, should be the priority. This was a prominent finding, for example, of the European Commission's 'Fitness Check' of the Birds and Habitats Directives¹⁶⁰.

One of the reviews in the RSPB's 2017 study was carried out for SNH (as NatureScot was then known), who invited a panel to review how the role and purpose of Scotland's network of protected areas for nature might be developed¹⁶¹. In addition to underlining the value of protected areas and their key contribution to nature conservation, the Panel made a number of recommendations; they suggested that a number of initiatives were required, including: -

- "a new vision for protected areas, to explain, inspire, engage and galvanise action - and to position the role of protected areas in a wider strategic context (paras 38-43);
- a high-level commitment to continue and extend current efforts to make the wider policy framework more supportive and coherent, with an emphasis on adaptive management in response to emerging challenges, and eliminating the competing effects of policy silos (paras 44-49);
- a fresh focus on outcomes for protected areas, highlighting their role in the bigger picture of halting the loss of biodiversity, securing sustainable use and multiple benefits from use of the land, and adapting to a changing environment (paras 50-56);
- promotion of an integrated vision for natural resource use which guides the application of 'sticks and carrots' more appropriately to achieve these wider goals and avoid conflicting incentives (paras 57-60);
- exploring all opportunities to involve people in decisions about the establishment and management of protected areas and natural resource management more generally, encouraging their innate support for nature and enlisting them in its stewardship (paras 61-65)"¹⁶².

Notwithstanding these conclusions and those of other reviews (see above), NatureScot "has during 2020 instigated [another] review of protected areas"¹⁶³. Fortunately, despite the potential breadth of such a review, this has "the aim of gathering experience and examples of good practice to

¹⁶⁰ https://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

¹⁶¹ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/protected-areas-nature-review>

¹⁶² <https://www.nature.scot/sites/default/files/2018-10/Protected%20Areas%20for%20Nature%20Review%20-%20Panel%20Report%202014.pdf>

¹⁶³ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/protected-areas-nature-review>

consider how best to deliver maximum value from Scotland's protected area network in line with NatureScot's statutory responsibilities and within budgetary constraints."

Going forward

As noted in section 2, 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 Strategy¹⁶⁴. 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 release¹⁶⁵ 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)."*¹⁶⁶

Environmental NGOs have welcomed these commitments and ambition¹⁶⁷. They have stressed that these commitments must be delivered in a way that leads to the genuine recovery of nature. To achieve this, a number of conditions must be met, especially: -

- 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.
- Long-term funding and commitment to sustain restored ecosystems.
- Policy support, including relevant expertise to advise on site management and monitoring.
- Better use of enforcement powers.
- Robust new targets for improving the condition of protected areas.¹⁶⁸

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. Such a revised and reinvigorated approach to protected areas, to meet this "30 by 30" commitment, would be very appropriate in this UN Decade on Ecosystem Restoration¹⁶⁹. In line with the Scottish Government's "keeping pace" policy¹⁷⁰, this will also need to align with the EU Biodiversity Strategy which also adopts a "30 by 30" approach. The protected area commitments of the EU Strategy are illustrated in the figure below.

¹⁶⁴ <https://www.gov.scot/publications/scottish-biodiversity-strategy-post-2020-statement-intent/>

¹⁶⁵ <https://www.gov.scot/news/30-percent-of-scotlands-land-to-be-protected-for-nature/>

¹⁶⁶ <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-02765>

¹⁶⁷ <https://www.scotlink.org/publication/30-by-30-scotland-briefing/>

¹⁶⁸ <https://www.scotlink.org/wp-content/uploads/2021/07/LINK-30x30-position-1.pdf>

¹⁶⁹ <https://www.decadeonrestoration.org/>

¹⁷⁰ <https://www.gov.scot/news/parliament-asked-to-back-european-union-continuity-bill/>

Protect Nature



Protect 30% of EU land and sea

- Based on Natura 2000 and nationally designated areas
- EU wide target, take into account specific situation in MS
- Integrate ecological corridors to build coherent network



Strictly protect a third of these areas

- Covering areas of very high biodiversity value & important for mitigation and adaptation to climate change, including all primary and old growth forest

Source: BirdLife Europe

Conclusion

Protected areas are, and have been for decades, a vital ‘pillar’ of any coherent policy for nature conservation and recovery. As concluded by a (then) SNH Panel in 2014, “Protected areas have contributed significantly to the safeguarding of nature. Without them nature would be in a much worse state than it is.”¹⁷¹.

Notwithstanding the above, however, the existing protected areas network is not delivering as it should. There remain some (now limited) gaps in extent – although some expansion will be necessary to fulfil the new “30 by 30” commitments. More seriously, however, there remains much more to be done to ensure that these areas achieve favourable condition and contribute their full potential to the recovery of Scotland’s nature.

In the light of the anticipated new post-COP15 framework, the Scottish Government, NatureScot, Marine Scotland and others must rise to the challenge and deliver a step change in action for biodiversity (see section 2) and the “30 by 30” commitment. This must include a refocus on improving the performance of our protected areas networks. Only with such a commitment will any new 2030 targets be met. In particular, it is recommended that action is needed to address:

- The lack, at times/places, of appropriate and speedy identification, and designation/classification of such areas;
- The failures to achieve favourable condition of those sites that are designated/classified and/or to adequately monitor their condition;
- The lack of resources to monitor protected areas and fund management works deemed necessary;
- The lack of use of available powers to achieve favourable condition of those sites that are designated/classified; and/or
- The “reputational challenge” that seems to have contributed to the above issues with both clearer commitments to deliver and improved communications of the benefits.

Finally, while most of the above can be achieved under the existing statutory framework, the Scottish Government should consider, given the commitment to a Natural Environment Bill, in this Parliament, whether any improvements to that framework would be beneficial, particularly in the

¹⁷¹ From: “Protected Areas for Nature – Panel report” – a report for SNH by Panel Chaired by (then) SNH Board member and LINK Fellow, Simon Pepper OBE (<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/protected-areas-nature-review>)

face of climate change which might require additional flexibility to be built into the existing protected area network. If so, consultations with key stakeholders, including eNGOs, should commence as soon as possible.

Land Use Strategy

Background and policy framework

A duty on Scottish Ministers to produce a Land Use Strategy was introduced by s.57 of the Climate Change (Scotland) Act 2009¹⁷². Subsection (2) specifies that: -

“The strategy must, in particular, set out—

- (a) the Scottish Ministers' objectives in relation to sustainable land use;
- (b) their proposals and policies for meeting those objectives; and
- (c) the timescales over which those proposals and policies are expected to take effect”¹⁷³.

Section 57 originated as amendment 219 proposed by then Labour MSP, Peter Peacock and backed by Liberal Democrat, Liam McArthur, to the (then) Climate Change (Scotland) Bill. This amendment was debated and supported in Committee on 2 June 2009; when, in introducing the amendment, Peter Peacock said: -

“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”¹⁷⁴.

The (then) SNP Minister, Stewart Stevenson, commented that “I am entirely content to support amendment 219” and: -

“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”¹⁷⁵.

Continuing the cross-party support, the then Conservative spokesperson, Nanette Milne, said, during the stage 3 debate: -

“We are pleased that the bill now requires ministers to lay a land use strategy before the Parliament by March 2011. ... It is extremely important that Scotland has a proper plan to use its land in the most appropriate and sustainable way”¹⁷⁶.

Following the passage of the 2009 Act, LINK published in December of that year a report *Living with the Land* that set out: -

“LINK's proposals for the vision, principles and definitions which should underpin this Strategy, its suggestions regarding its status and scope, and its views on the principal issues which it must address”¹⁷⁷.

One of the key issues addressed was “conflict resolution” (or the ‘reconciliation’ discussed by MSPs). It was observed that: -

¹⁷² <https://www.legislation.gov.uk/asp/2009/12/part/5/chapter/2/crossheading/land-use-strategy/2020-05-27>

¹⁷³ <https://www.legislation.gov.uk/asp/2009/12/part/5/chapter/2/crossheading/land-use-strategy>

¹⁷⁴ <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=4121&mode=html>

¹⁷⁵ <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=4121&mode=html>

¹⁷⁶ <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=4878&mode=html>

¹⁷⁷ <https://www.scotlink.org/publication/living-with-the-land/>

“The history of debate over land use in Scotland has been marked by frequent conflicts between apparently opposing uses, such as forestry versus moorland or landscape protection versus energy generation. Some of these debates are subject to the town and country planning system, whilst others take place in the arena of public subsidy. The SLUS needs to put in place mechanisms for resolving any future conflicts in line with its sustainable development principles. It should establish the relative responsibilities of landowners, tenants and planning authorities with respect to land use planning, and what level of community involvement is realistically possible in land use decision-making.”¹⁷⁸

The report also discussed spatial implementation, suggesting: -

“It [the Land Use Strategy] could set out the benefits of a strategic planning approach to land use, in which areas suitable or unsuitable for particular uses can be mapped and integrated with local plans, as has been done for example by indicative forestry strategies (IFSs) or wind farm sensitivity mapping. It might even be possible, after careful consideration and capacity building, to extend the IFS approach to produce indicative land use strategies, perhaps integrated with the new Local Development Plans introduced by the Planning etc (Scotland) Act 2006.”¹⁷⁹

Outcomes to date

The first Land Use Strategy was published in March 2011¹⁸⁰, with a second following in March 2016¹⁸¹. In 2021, the third such strategy was published¹⁸²; all these documents, as required by the 2009 Act, purport to set out the Scottish Government’s vision, objectives, and policies to achieve sustainable land use.

In accordance with s.57(2), the latest iteration of the Land Use Strategy states that the Scottish Government’s vision and objectives for land are: -

“2050 Vision:

A Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decisions about land use will deliver improved and enduring benefits, enhancing the wellbeing of our nation.

Land Use Objectives

- Land based businesses working with nature to contribute more to Scotland's prosperity.
- Responsible stewardship of Scotland's natural resources delivering more benefits to Scotland's people.
- Urban and rural communities better connected to the land, with more people enjoying the land and positively influencing land use”¹⁸³.

While these vision and objectives are commendable, they are broad and, in many ways, both unmeasurable and uncontroversial. As such, they seem to be more of a means of re-stating existing policies’ objectives rather than establishing a process to generate different outcomes, and especially lacks any process to generate the spatial expression of the vision. This is illustrated, in part, by annex

¹⁷⁸ <https://www.scotlink.org/files/publication/LINKReports/LINKReportLivingwithLand.pdf> (page 13)

¹⁷⁹ <https://www.scotlink.org/files/publication/LINKReports/LINKReportLivingwithLand.pdf> (page 14)

¹⁸⁰ <https://www.gov.scot/publications/getting-best-land-land-use-strategy-scotland/>

¹⁸¹ <https://www.gov.scot/publications/getting-best-land-land-use-strategy-scotland-2016-2021/>

¹⁸² <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/>

¹⁸³ <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/pages/3/>

C of the current strategy¹⁸⁴, which sets out a long list of “policy actions” and how these deliver one or all of the three objectives of the strategy. However, there is no indication of if, or how, these actions have been initiated or improved to deliver these objectives or whether, as must be suspected, they are unchanged, and the objectives are sufficiently vague to fit with existing policy.

There is also little or no evidence of any implementation, 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 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.”

“Unfortunately, and at exactly the wrong time, momentum on the LUS has been lost. Currently there are no dedicated staff within the Scottish Government really leading the delivery of the Land Use Strategy, and little dedicated funding”¹⁸⁵.

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. It was seen as the responsibility of the environment and/or climate change teams (originating as it did in the 2009 Act), while others with linked responsibilities (in, for example, agriculture or Town and Country Planning) did not share the enthusiasm for this approach.

The one area where there has been activity (albeit limited and slow, with few discernible outcomes) 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 Aberdeenshire¹⁸⁶ and the Scottish Borders¹⁸⁷. 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 relevant 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**” (emphasis added)¹⁸⁸.*

Going forward

In the light of successive Land Use Strategies, and advice from the Scottish Land Commission¹⁸⁹, there are now five regional Land Use Partnerships (RLUPs), covering: -

- Cairngorms National Park;

¹⁸⁴ <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/pages/8/>

¹⁸⁵ <https://scottishwildlifetrust.org.uk/2018/04/what-ever-happened-to-scotlands-land-use-strategy/>

¹⁸⁶ <http://publications.aberdeenshire.gov.uk/dataset/aberdeenshire-land-use-strategy-pilot>

¹⁸⁷ <https://www.scotborders.gov.uk/info/20013/environment/723/biodiversity/4>

¹⁸⁸ <https://www.gov.scot/publications/evaluation-regional-land-use-framework-pilots/>

¹⁸⁹

https://www.landcommission.gov.scot/downloads/5fa129aedca82_20201103%20Advice%20to%20Scottish%20Government%20Regional%20Land%20Use%20Partnerships.pdf

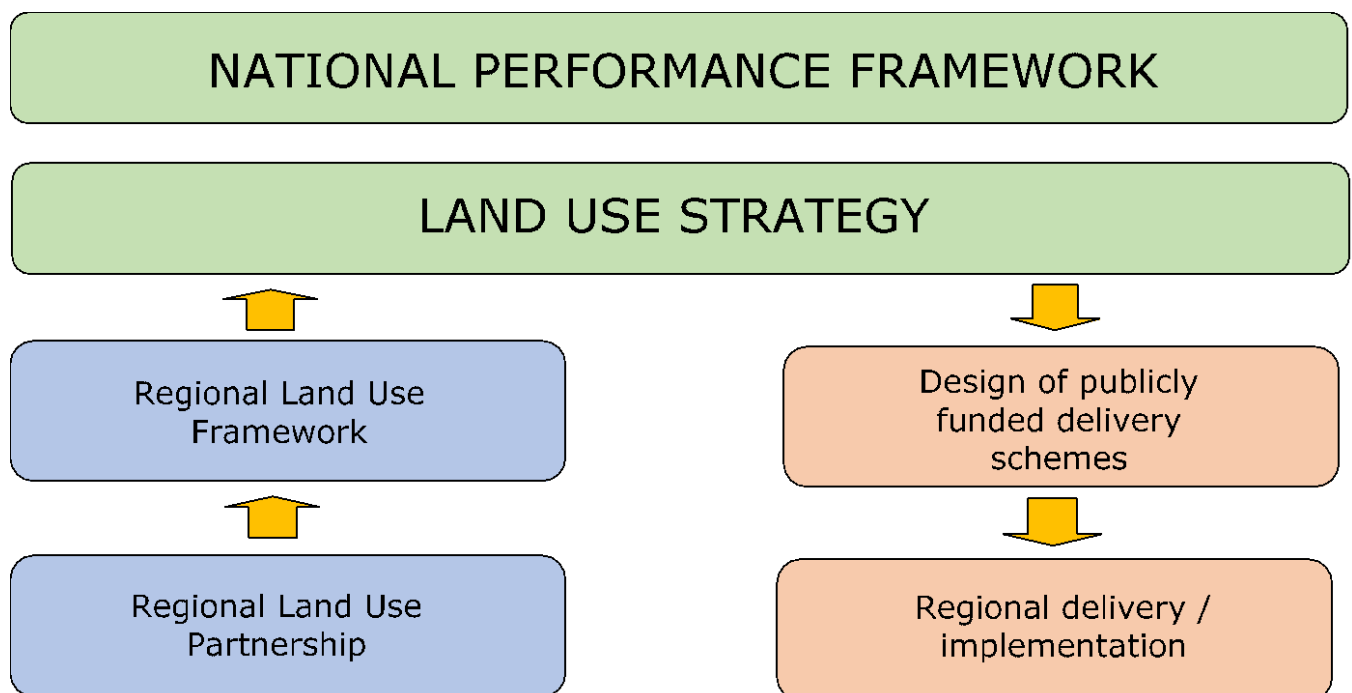
- Highland Council Region;
- Loch Lomond and the Trossachs National Park;
- North-East Region (Aberdeenshire and Aberdeen City Councils); and
- South of Scotland (Dumfries and Galloway and Scottish Borders Councils)¹⁹⁰.

Alongside the National Planning Framework, these RLUPs are seen as “platforms for change” under the current Land Use Strategy¹⁹¹. Announced in February 2021, these five partnerships are still in their first year and are 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**”* (emphasis added)¹⁹².

Figure 5: A diagrammatic representation of the relationships between regional partnerships, government and delivery¹⁹³.



¹⁹⁰ <https://blogs.gov.scot/rural-environment/2021/02/05/working-together-to-maximise-the-potential-of-our-land/>

¹⁹¹ <https://www.gov.scot/publications/scotlands-third-land-use-strategy-2021-2026-getting-best-land/pages/4/>

¹⁹² <https://www.scotlink.org/wp-content/uploads/2020/02/Regional-Land-Use-Partnerships-LINK-Briefing-Feb-2020.pdf>

¹⁹³ <https://www.scotlink.org/wp-content/uploads/2020/02/Regional-Land-Use-Partnerships-LINK-Briefing-Feb-2020.pdf>

These relationships, illustrated in figure 5, are 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.

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. The Scottish Government must ensure that its land use policies, going forward, are based on the vision and objectives of the Land Use Strategy and are informed by the RLUPs.

Conclusion

The concept of a Land Use Strategy is extremely welcome, and indeed, was proposed by eNGOs, and the vision and objectives set out in those published are commendable. However, there is little, if any, evidence that these have yet led to any clear implementation in policies or funding that drive land use changes that would deliver the vision. 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 RLUPs.

To be meaningful, the national strategy and the regional partnerships must be used to influence the key drivers of land use change, especially national funding and policy for agriculture. The Scottish Government should 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.

Forestry and Tree Planting in Scotland

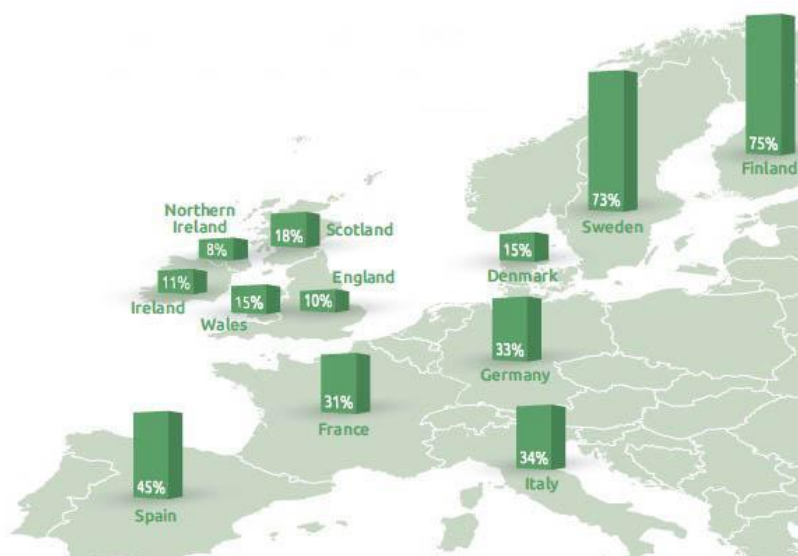
Background and policy framework

Woodland is probably the climax vegetation type over much of Scotland's land area, existing at many different densities, including some that is sparse and/or scattered. These woodland species arrived after the retreat of the ice some 11,000 years ago, when Britain was colonised first by boreal species and later by more temperate vegetation. Birch was the first dominant tree, followed by hazel, pine and oak. Woodland cover around 5,000 years ago reached Shetland and the Western Isles¹⁹⁴.

The history of this woodland cover and deforestation in Scotland is well researched, although there are still arguments about the detail¹⁹⁵. Today, native woodland exists only in fragments and almost all of these remaining fragments have, at some time, been modified by human activities. Traces of all these actions can be viewed in the surviving woodland. These fragments are accompanied by extensive tracts of planted, commercial forestry – the majority of which are composed of non-native tree species.

The history of plantation in Scotland goes back to the 18th century, though there was little real development until the 20th century. In 1919, Lloyd George said that Britain “had more nearly lost the war for want of timber than of anything else”. The Forestry Commission was created the same year, with the main aim of preventing such a strategic weakness ever arising again. The Forestry Commission set to work in Scotland over the next 40 years to create a home timber supply. In 1900, only about 5% of Scotland's land area was wooded. In the last 100 years, forest and woodland cover in Scotland has increased from around 5% to 18.5%. This percentage is higher than the rest of the UK but is still well below the European Union (EU) average of 38%¹⁹⁶ (see figure 6).

Figure 6: Forest and woodland cover in Scotland, and similar European countries by % land area



¹⁹⁴ <https://www.nature.scot/professional-advice/land-and-sea-management/managing-land/forests-and-woodlands/history-scotlands-woodlands>

¹⁹⁵ For example: <https://www.historyscotland.com/history/a-history-of-scotlands-forests/> and <https://treesforlife.org.uk/into-the-forest/habitats-and-ecology/human-impacts/deforestation/>

¹⁹⁶ <https://www.nature.scot/professional-advice/land-and-sea-management/managing-land/forests-and-woodlands/history-scotlands-woodlands> and <https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/pages/4/>

Source: Scotland's Forestry Strategy 2019-2029, p.07

Scotland's forest and woodland area now covers more than 1.4m ha, one third of which is owned by Scottish Ministers, on behalf of the nation, as part of the National Forest Estate (see box 6, below). Over 975,000 ha is privately or community owned.

The high-level guiding document for forestry and woodland policy is "Scotland's Forestry Strategy 2019–2029", published in February 2019¹⁹⁷. The stated vision, objectives and priorities of this strategy are: -

Vision

In 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.

Objectives

- Increase the contribution of forests and woodlands to Scotland's sustainable and inclusive economic growth
- Improve the resilience of Scotland's forests and woodlands and increase their contribution to a healthy and high-quality environment
- Increase the use of Scotland's forest and woodland resources to enable more people to improve their health, well-being, and life chances

Priorities

1. Ensuring forests and woodlands are sustainably managed
2. Expanding the area of forests and woodlands, recognising wider land-use objectives
3. Improving efficiency and productivity, and developing markets
4. Increasing the adaptability and resilience of forests and woodlands
5. Enhancing the environmental benefits provided by forests and woodlands
6. Engaging more people, communities and businesses in the creation, management and use of forests and woodlands

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 update¹⁹⁸, published in 2020, and are now: -

<u>Year</u>	<u>hectares new planting</u>
2020-21	12,000
2021-22	13,500
2022-23	15,000
2023-24	16,500
2024-25	18,000

Most of this planting is, of course, commercial forestry plantation (usually with non-native tree species), but the strategy does repeat the Scottish Biodiversity Strategy target to create 3000–5000ha of new native woodland per year.

¹⁹⁷ <https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/pages/1/>

¹⁹⁸ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/pages/12/> (para 3.6.29)

The above strategy replaced a previous strategy, published in 2006¹⁹⁹. This was built around seven themes, including: -

- Protecting the **environmental quality** of our natural resources (water, soil, and air), contributing to, and improving our scenery, and helping to make the most of our unique historic environment.
- Helping to **restore, maintain and enhance Scotland's biodiversity**, and increasing awareness and enjoyment of it.

Arguably, the environmental, and especially the biodiversity, objectives were clearer and more robust in the 2006 strategy. However, it is clear that these have always been a central concern of government forestry policy.

A forestry strategy is now a requirement under the terms of the Forestry and Land Management (Scotland) Act 2018²⁰⁰. 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)). Although widely used in the Act (in the sections quoted, but also with regard to the national forest estate and other forestry functions), the term “sustainable forest management” is not defined. The Scottish Government has, instead, adopted the definition agreed at the second Ministerial Conference on the Protection of Forests in Europe in 1993, which helpfully defined 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”²⁰¹.

The Scottish and other governments in the UK have both adopted this definition and uses the UK Forestry Standard (UKFS) as the reference standard for sustainable forest management in the UK. It outlines the context for forestry, sets out the approach of the UK governments to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring, including national and international reporting²⁰². Compliance with the UKFS is said to be a prior condition for getting grant support and permission to fell and plant trees in Scotland²⁰³. In parallel to UKFS, the UK Woodland Assurance Standard (UKWAS) is an independent certification standard for verifying sustainable woodland management in the UK. UKWAS is a multi-stakeholder (governments, agencies industry and NGOs) partnership and is used, internationally, for both Forest Stewardship Council and the Programme for the Endorsement of Forest Certification²⁰⁴. UKWAS is currently subject to a review and revision process²⁰⁵.

Scotland has also signed up to the international “Bonn challenge” that aims to regenerate 150m hectares of deforested and degraded landscapes across the world by 2020, and 350m by 2030²⁰⁶. Proportionately, Scotland’s contribution, or pledge, is therefore 170,000ha, of which none has yet been delivered (or, at least, reported)²⁰⁷.

¹⁹⁹ <http://extwprlegs1.fao.org/docs/pdf/gbr148198.pdf>

²⁰⁰ <https://www.legislation.gov.uk/asp/2018/8/contents/enacted>

²⁰¹ <https://www.gov.scot/publications/scotlands-forestry-strategy-20192029/pages/4/>

²⁰² https://www.forestresearch.gov.uk/documents/7105/FCFC001_Y3KHNAW.pdf

²⁰³ <https://forestry.gov.scot/sustainable-forestry>

²⁰⁴ <https://ukwas.org.uk/>

²⁰⁵ <https://ukwas.org.uk/latest-news/>

²⁰⁶ <https://www.bonnchallenge.org/>

²⁰⁷ <https://www.bonnchallenge.org/pledges/scotland>

Box 6: Scotland's national forest and land

Scotland's national forest estate consists of land owned by the Scottish Government and managed by Forestry and Land Scotland (FLS)²⁰⁸. The estate covers 6,400km², being roughly 9% of the land area of Scotland. Around two-thirds of this land (4,700km²) is forested, with the remaining land consisting of a mixture of agricultural land and open areas such as moorland. FLS says that it *"will look after national forests and land to enhance biodiversity, support tourism and increase access to the green spaces that will help improve Scotland's physical and mental health and well-being. We will also continue to provide vital timber supplies to support the rural economy"*²⁰⁹.

Both by virtue of being public land, managed on behalf of the Scottish Government, but also due to the requirements of the 2018 Act²¹⁰, Scotland's National Forest Estate should be an exemplar of best practice. In some instances, this is the case – for instance, NGOs are very complimentary of FLS' work on deer management. Some parts of the estate are also closely engaged in projects for the wider public benefit, including nature recovery²¹¹. Elsewhere, however, the FLS estate management focuses on commercial timber production and is indistinguishable (except in ownership) from other commercial forests.

In 2006, the (then) Forest Enterprise commissioned an environmental review to consider the delivery of the Government's "environmental agenda on the national forest estate; to examine the effectiveness of past and current action and to make recommendations on what additional or more ambitious steps FC Scotland should be taking". Chaired by Simon Pepper (then a Forestry Commissioner) and involving government, agency and NGO representatives, this review (no longer online) made 100 recommendations. All but one of the recommendations were accepted, and initially led to a significant uplift in effort resources for biodiversity and other environmental initiatives. In 2015, Forest Enterprise Scotland published a report on five years of work to improve the environmental outcomes on its estate, that highlighted its role in delivering against the objectives of the Scottish Biodiversity Strategy²¹².

Evidence such as the 2015 report is hard to find today, and it is unclear whether FLS still considers itself to be implementing the recommendations of the 2006 review. It may be that this has become "business as usual" and FLS is, as described above, engaged in a number of positive actions. However, beyond those projects, there are concerns amongst NGOs that FLS appears to have taken a step back with biodiversity-related projects and staff in decline.

Outcomes to date

Scotland's woodlands now cover 1.5m hectares (74% of which is conifers²¹³), representing 19% of the land area²¹⁴. New plantings, over the past five years, have been (in thousand hectares)²¹⁵: -

²⁰⁸ FLS is the new agency, under the 2018 Act, responsible for the management of Scotland's National Forest Estate (<https://forestryandland.gov.scot/>). It replaced the role of Forestry Enterprise, which was part of the former Forestry Commission.

²⁰⁹ <https://forestryandland.gov.scot/what-we-do/who-we-are>

²¹⁰ <https://www.legislation.gov.uk/asp/2018/8/part/3/enacted>

²¹¹ For instance, Cairngorms Connect, see <http://cairngormsconnect.org.uk/about/who-we-are>

²¹² <https://www.forestresearch.gov.uk/documents/7064/FCMS129.pdf>

²¹³ No distinction is made in the forestry statistics between non-native conifers, and native Scots Pine.

²¹⁴ https://www.forestresearch.gov.uk/documents/8205/Complete_FS2021_JvYjBWA.pdf

²¹⁵ https://www.forestresearch.gov.uk/documents/8205/Complete_FS2021_JvYjBWA.pdf (table 1.13a)

● 2016-17	4.76
● 2017-18	7.14
● 2018-19	11.21
● 2019-20	11.05
● 2020-21	10.66

These data suggest that that the strategy targets were met in 2019/20, with the figures being described as Scotland “*punching well above its weight*”²¹⁶. The 2020/21 figures, however, are around 89% of the strategy target, affected by Covid restrictions as well as bad weather²¹⁷. Whether this rate of planting will be continued in 2021/22 and beyond is yet to be seen.

Of course, quantity of planting is not 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. Such a conclusion has long been known with a 2011 report from Plantlife highlighting that “*More woodland is a well-intentioned aim but what we really need is better woodland*”²¹⁸. This means that the conclusions of the 2021 State of the UK’s Woods and Trees report are concerning, as the Woodland Trust reports that: -

*“The trends for the UKs woods and trees are concerning. 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”*²¹⁹.

Although it is difficult to ascertain the total area of native woodland planted (as Forest Research statistics do not distinguish between Scots Pine and other conifer species), it seems likely that such planting has, over the last 2-3 years, been in the range of 3000-5000ha, set in the strategy. This is because broadleaved planting alone has exceeded 3000ha²²⁰, and grant scheme data suggests that 4,500ha of native woodland planting received funding in 2019/20 and 3,000ha in 2020/21. The latest Programme for Government states that it will “increase the annual native woodland creation target to 4,000 hectares”²²¹. This support is welcome, however why 4000 is an increase on 3000-5000, especially when 4,500 was delivered in 2019/20, is unclear²²². 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. Thus, as the overall target increases, native woodland expansion could be falling behind, relatively, at a time when it should in fact be boosted.

Such bare statistics also do not, however, indicate whether such planting is appropriate – or whether the most appropriate species have been planted in the most appropriate places. Indeed, as well as the biodiversity and landscape implications of potentially inappropriate planting, it should be recognised that tree planting, in itself, does not necessarily contribute to carbon sequestration²²³.

Neither do they indicate anything about the management of either the newly established woodland or long-established woodland. In terms of biodiversity objectives, the issue of woodland quality,

²¹⁶ <https://forestry.gov.scot/news-releases/scots-tree-planting-punching-well-above-its-weight-says-ewing>

²¹⁷ <https://forestry.gov.scot/news-releases/positive-progress-on-tree-planting>

²¹⁸ <https://www.plantlife.org.uk/uk/our-work/publications/quality-and-quantity-revitalising-scotlands-woodlands>

²¹⁹ <https://www.woodlandtrust.org.uk/state-of-uk-woods-and-trees/>

²²⁰ https://www.forestresearch.gov.uk/documents/8205/Complete_FS2021_JvYjBWA.pdf (table 1.13a)

²²¹ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/> (page 65).

²²² Although it should be noted that, if 4,000 is a “minimum”, this is an increase on 3,000-5,000 – see <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-02843>

²²³ <https://onlinelibrary.wiley.com/doi/full/10.1111/gcb.15229>

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” and that, in relation to woodland on protected areas: -

“An overall decline in woodland condition between 2017 and 2020, with 33% of features now assessed as unfavourable, an increase of 2%. Evidence from Site Condition Monitoring (SCM) shows that herbivores are at least partially the cause for 63 of the 82 declining woodland features. Invasive non-native species, either in combination with pressures such as over-grazing or individually, account for 42 out of the 82 declining woodland features”²²⁴.

Native woodland continues to be in poor condition, with the Woodland Trust report on the State of Woods and Trees²²⁵, which used the National Forest Inventory Woodland Ecological Classification data, finding 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 of woodlands was also highlighted in relation to Scotland’s rainforest (see figure 3 in section 3). It also underlines the importance of securing improved deer management (see box 7) and better control of non-native species (see also section 2).

Box 7: Deer management

With few, if any, natural predators, wild deer populations in Scotland are managed by people, and this management has, historically, been primarily directed towards maximising opportunities for sport shooting. Yet, 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. Commercial forestry operations have, traditionally, addressed the issue by excluding deer by fencing and/or by increased culling.

Deer management issues are not new phenomena in Scotland. It has been a topical public policy issue for 150 years²²⁶. The issue has been addressed by a series of Deer Acts and public agencies devoted to their implementation. The current legislation is the Deer (Scotland) Act 1996²²⁷, as amended²²⁸, and as well as the Scottish Government itself, the lead public body is NatureScot (formally Scottish Natural Heritage).

Almost as soon as the last legislative changes were enacted, a public debate has been underway about further changes that were needed. This has included:

- In 2013, a Parliamentary inquiry into deer management issues²²⁹.

²²⁴ <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2020/06/scottish-biodiversity-strategy-report-parliament-2017-2019/documents/scottish-biodiversity-strategy-report-parliament-2017-2019/scottish-biodiversity-strategy-report-parliament-2017-2019/govscot%3Adocument/scottish-biodiversity-strategy-report-parliament-2017-2019.pdf>

²²⁵ <https://www.woodlandtrust.org.uk/media/49731/state-of-the-uks-woods-and-trees-2021-the-woodland-trust.pdf>

²²⁶ <http://www.forestpolicygroup.org/blog/a-brief-history-of-the-deer-problem-in-scotland/>

²²⁷ <https://www.legislation.gov.uk/ukpga/1996/58/contents>

²²⁸ Most significantly by the Wildlife and Natural Environment (Scotland) Act 2011.

²²⁹ <https://archive2021.parliament.scot/parliamentarybusiness/CurrentCommittees/72729.aspx>

- Prompted by the above inquiry, the Scottish Government asked SNH (now NatureScot) to conduct a review into the effectiveness of deer management in Scotland. This reported in 2016²³⁰.
- In 2017, this review was subject to further Parliamentary consideration²³¹ and recommendations in a report, published April 2017²³², and a Parliamentary debate in May 2017²³³.
- In October 2017, the Scottish Government established a Deer Working Group “to recommend changes to ensure effective deer management in Scotland that safeguards public interests and promotes the sustainable management of wild deer”²³⁴.
- In January 2020, LINK sought to influence the debate with the publication of a report on managing deer and the public interest²³⁵.
- On 5 Feb 2020, the final report of the Deer Working Group was published²³⁶. In March 2021, the Scottish Government formally responded report from the Deer Working Group, accepting the vast majority of the recommendations both legislative and policy²³⁷.

This acceptance was 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. While an iconic Scottish species, wild deer populations have been steadily increasing, and high numbers and population densities have a devastating impact on the environment. It is vital we protect tree-planting, woodland regeneration and peatland restoration from further damage if we are to meet our climate change and biodiversity commitments. We will introduce a new cull return system, to ensure proportionate deer management plans, modernise existing legislation, including deer close seasons and use of specialist equipment when managing deer”*²³⁸.

Thus, while the debate and incremental action has been ongoing for 150 years, the latest chapter has been 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. Meanwhile, LINK has expressed concern that the Scottish Government and NatureScot have made little, if any, progress on the non-legislative recommendations.

The 2017-2019 progress report²³⁹ goes on to highlight that *“focused sustained effort is required [to]:*

- *Increase the amount of native woodland in good condition (upwards of 46% as identified in the Native Woodland Survey of Scotland).*
- *Restore approximately 10,000 ha of native woodland into satisfactory condition in partnership with private woodland owners through deer management plans.*
- *Development of nature networks which support and link our most important nature sites.”*

²³⁰ <https://www.nature.scot/deer-management-scotland-report-scottish-government-naturescot-2016>

²³¹ <https://archive2021.parliament.scot/parliamentarybusiness/CurrentCommittees/102641.aspx>

²³² https://archive2021.parliament.scot/S5_Environment/Inquiries/ReportDeerManagementScotlandSNHtoSG2016.pdf

²³³ <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=10920&i=99872>

²³⁴ <https://www.gov.scot/groups/deer-working-group/>

²³⁵ <https://www.scotlink.org/wp-content/uploads/2020/01/Managing-Deer-for-climate-communities-and-conservation-2.pdf>

²³⁶ <https://www.gov.scot/publications/management-wild-deer-scotland/>

²³⁷ <https://www.gov.scot/publications/deer-working-group-recommendations-scottish-government-response/pages/1/>

²³⁸ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/pages/7/>

²³⁹ <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2020/06/scottish-biodiversity-strategy-report-parliament-2017-2019/documents/scottish-biodiversity-strategy-report-parliament-2017-2019/scottish-biodiversity-strategy-report-parliament-2017-2019/govscot%3Adocument/scottish-biodiversity-strategy-report-parliament-2017-2019.pdf>

Going forward

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 review of this scheme (available from LINK on request) 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. 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 ensure that the total percentage of native woodland in Scotland is not further reduced. There is also a need for additional funds, or a reallocation of funds, to secure the 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 (or, at least, grant-aided forestry) in Scotland is subject to compliance with the UKFS and/or UKWAS schemes. These are positive measures, and the latter is currently being reviewed. While the industry is positive about these, and other schemes²⁴⁰, 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 place²⁴¹. Whether through these certification schemes, or other means, it is important that, for instance, deer management and the control of invasive non-native species (especially *Rhododendron ponticum*) be better addressed to improve the quality of Scotland's existing woodlands.

Conclusion

Woodland and forestry expansion in Scotland can contribute greatly to helping address the climate and nature emergencies. This is recognised and encouraged by Scottish Government policy and the actions of its agencies. The high-level targets are commendable, and progress appears, on paper, to be meeting these targets. However, these are simple non-qualitative numerical targets for new planting.

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. In addition, more attention must be focused on ensuring the good management of existing woodlands and forests.

In particular, the following actions are necessary:

²⁴⁰ <https://www.confor.org.uk/media/247794/confor-biodiversity-forestry-report.pdf>

²⁴¹ For example: <https://www.rspb.org.uk/globalassets/downloads/documents/rspb-scotland-woodland-expansion-policy-briefing/rspb-scotland-policy-briefing-on-woodland-expansion-in-scotland-september-2020.pdf>

- The Scottish Government and Scottish Forestry should review their planting targets and policies to achieve these – not to increase the overall area but to increase the proportion to be met from native woodland establishment and/or natural regeneration. The aim should be that 50% of new planting should consist of native species – this should be delivered by a revised Forestry Grant Scheme after the current scheme ends in 2024.
- The new policies and new grant scheme should also encourage action on the management of existing forests and woodlands. This must include improved deer management policies and greater efforts to control invasive non-native species (especially *Rhododendron ponticum*).
- The forthcoming or ongoing reviews of the UKFS and/or UKWAS provide opportunities to deliver many of the improvements needed.
- Forestry and Land Scotland should revisit the 2006 environmental review of its predecessor body, and ensure its recommendations are still being implemented. As the post-COP15 new Scottish Biodiversity Strategy and other Government-led initiatives are developed and implemented FLS should also consider a further systemic review to ensure that the National Forest Estate is contributing as much as possible to government environmental objectives.
- The Scottish Government should expedite the legislative changes recommended by the independent Deer Working Group.
- The Scottish Government and NatureScot should establish a more robust and faster process to implement the non-legislative recommendations of the independent Deer Working Group.

Scotland's Marine Environment

Background and policy framework

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. Current estimates suggest there are around 39,200 species of plants and animals in the seas around Scotland.

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.

The EU's Marine Strategy Framework Directive (MSFD)²⁴², adopted in 2008, aims to improve the state of Europe's marine environment. It includes an ambition to achieve "Good Environmental Status" of the seas – and member states and the EU Commission have developed a set of indicators to measure the achievement (or not) of that status. In the context of the state of the marine environment, the need for improvement and the MSFD, the Marine (Scotland) Act 2010 was passed²⁴³. This is 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;" it also introduced "a duty to protect and enhance the marine environment"²⁴⁴.

The main measures introduced by 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; and
- **Enforcement:** a range of enhanced powers of marine conservation and licensing.

LINK's 2010 report, *Scotland's environmental laws – from rhetoric to reality*²⁴⁵ 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.

Outcomes to date

Overall, on the MSFD's objective of 'good environmental status', the UK and Scottish Governments claim a "mixed picture"; however, it is clear that 11 out of the 15 targets were missed in the last

²⁴² https://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm

²⁴³ <https://www.legislation.gov.uk/asp/2010/5/contents>

²⁴⁴ <https://www.gov.scot/publications/marine-scotland-act/>

²⁴⁵ <https://www.scotlink.org/publication/scotlands-environmental-laws-from-rhetoric-to-reality/>

(2019) assessment²⁴⁶. A similar picture of failure to achieve environmental ambition is set out in the 2020 Scottish Marine Assessment²⁴⁷.

Scotland's first [National Marine Plan](#), developed under the 2010 Act, was published in March 2015²⁴⁸. 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/aspirations of every marine industry/sector while, at the same time, seeking to protect and enhance the environment. In addition, comprehensive spatial planning and choices/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 address (let alone resolve) the competing interests in Scotland's marine area – as hoped for in *LINK's Avoiding conflicts in the marine environment report*²⁴⁹. Notwithstanding these criticisms, a National Marine Plan remains an essential feature of proper management of the marine environment, and the first iteration, while imperfect, has achieved a number of positives. For instance, the application of general policy 9(b) contributed to moves to make the urgent MPA for outer Loch Carron permanent and the much-delayed work package to improve priority marine features beyond the MPA network.

The National Plan is close to six years old and has been subject to two three-year reviews²⁵⁰. The latest review does not conclude whether the plan should be amended or replaced – this, it says, is a matter “for Ministers” to decide, after receiving advice based on the findings of the review²⁵¹. However, the review does note, without comment, the findings of the 2020 Scottish Marine Assessment²⁵². It undertakes the obligation under s.11 of the 2010 Act to review “relevant matters” and concludes that: -

“Our assessment found that there is a clear need to begin work to replace it, in order to ensure that it is fully orientated to meet some significant emerging challenges:

- *It is clear that in the 6 years since the National Marine Plan was adopted, significant external developments have arisen that are impacting on our marine environment and sectors.*
- *The exit of the UK from the European Union means that the legislative context for the plan has changed. Sectors such as the seafood industry face massive challenges in exporting their produce to market.*
- *The Global Climate Emergency is changing our seas and impacting the sectors which rely on its resources.*
- *The Covid-19 pandemic has affected every aspect of our society and economy. It is vital that our major policy frameworks, including the National Marine Plan, are orientated towards delivering a green recovery from COVID-19.*
- *It is clear there is a rapid pace of change and interest in the marine sphere, combined with changes in technology, new emerging industries and a greater recognition of the benefits that can come from our marine environment. This will mean a significant increase in activity and new sectors that will look to be active in the marine environment to deliver key economic, social and environmental outcomes.*

²⁴⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921262/marine-strategy-part1-october19.pdf

²⁴⁷ <http://marine.gov.scot/sma/>

²⁴⁸ <https://www.gov.scot/publications/scotlands-national-marine-plan/>

²⁴⁹ https://www.scotlink.org/files/publication/LINKReports/LINK_ACME_Report0610web.pdf

²⁵⁰ <https://marine.gov.scot/data/national-marine-plan-review-2021>

²⁵¹ https://marine.gov.scot/sites/default/files/national_marine_plan_review_2021.pdf

²⁵² <http://marine.gov.scot/sma/>

- *In the developing Blue Economy Action Plan the ambition is to deliver the best possible enabling environment to unlock the potential of the Blue Economy while providing support for business and encouraging innovation.*
- *This will put more focus on the transformational impact of our legal commitment to achieve net zero by 2045, and the challenge of effectively managing increasing competition for space and resources in the marine environment. The National Marine Plan will need to evolve if it is to be optimised to ensure we have a framework in place that can enable governance and management of these significant challenges.”*

This assessment reflects LINK’s response that: -

“In the context of the intertwined climate and nature crises, the urgent need for a green recovery from the Coronavirus pandemic and the concerns and declines in species and seabed status set out in Scotland’s Marine Assessment 2020, LINK members believe that transformative change is urgently needed in how we manage activities on, under and surrounding Scotland’s marine environment. A renewed National Marine Plan must drive urgent ocean recovery and restoration at scale, providing an excellent opportunity for Scotland to lead the world”²⁵³.

It appears, likely, therefore, that this review process should lead to work to amend/update the National Marine Plan – work that is both necessary to address the challenges now faced by the marine environment and to build on the foundations of the first plan.

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 a producing a Regional Plan for statutory approval²⁵⁴. In 2019-20, the Scottish Parliament’s then Environment, Climate Change and Land Reform Committee conducted an inquiry into regional marine planning²⁵⁵ to which LINK responded in detail²⁵⁶. This called for “a renewed vision statement” and “new national guidance for regional marine planning” and concluded that: -

“In its 2021 review of the Nation Marine Plan and development of a ‘Blue Economy Action Plan’, the Committee recommends that the Scottish Government sets clear aims and objectives for regional marine planning in tackling key environmental and socioeconomic issues facing coastal regions. This should demonstrate how the latest scientific evidence on the health of Scotland’s marine environment has informed alignment with wider policy ambitions such as the Climate Change Plan and ambition for a ‘Green Recovery’”²⁵⁷.

The Government response to this inquiry was submitted prior to the 2021 election and indicated that it had “asked officials to ensure that a full response to the inquiry findings is provided to the relevant successor Committee”²⁵⁸. At the time of writing, no such response could be located. The

²⁵³ <https://www.scotlink.org/wp-content/uploads/2021/06/Scotlink-Response-National-Marine-Plan-Review-2021-VF.pdf>

²⁵⁴ <https://www.gov.scot/policies/marine-planning/regional-marine-planning/>

²⁵⁵ <https://archive2021.parliament.scot/parliamentarybusiness/currentcommittees/111990.aspx>

²⁵⁶ https://www.scotlink.org/files/documents/ECCLR_MRP_Submissions_template_and_data_protection_form_SELINK-1.pdf

²⁵⁷ <https://sp-bpr-en-prod-cdnep.azureedge.net/published/ECCLR/2020/12/17/152ae6aa-f2a1-4881-ae8b-f17044fc262e-1/ECCLRS0520R15.pdf>

²⁵⁸ https://archive2021.parliament.scot/S5_Environment/General%20Documents/ECCLR_2021.03.23_RMP_IN_MinRANE_Response_to_report.pdf

Scottish Government now appears to be committed to respond as part of an announcement about marine planning "in spring 2022"²⁵⁹.

In relation to [marine protected areas](#), NatureScot claim that: -

*"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. This means Scotland is providing a significant contribution to the Global Ocean Alliance²⁶⁰ ambition and the expected Convention on Biodiversity target of reaching **30%** global ocean protection by 2030 – often known as 30 by 30"²⁶¹.*

The above figures can now, with the addition of the Red Rocks and Longay Urgent MPA, be updated to 245 sites, with 231 for conservation purposes²⁶². In addition, two, long anticipated, SPAs in Orkney²⁶³ have very recently also been added, and this is very welcome, although management to embed protection remains uncertain.

The Scottish Government has also used the figure of 37% of Scotland's seas being protected²⁶⁴. 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 protection²⁶⁵. While the recent addition of the two, long anticipated, SPAs in Orkney²⁶⁶ is very welcome, management to embed protection remains uncertain. Issues with the MPA network include: -

- Within the existing MPA network, less than 1% of the area of inshore seabed historically fished by trawlers and dredgers has subsequently been protected from those heavy industrial activities. In fact, there is only one small fisheries no-take zone, pioneered by the Community of Arran Seabed Trust in north Lamlash Bay on the Isle of Arran, in the whole of Scotland.
- Despite welcome initiatives such as the first tranche of inshore fisheries management measures in 2016, the decisive emergency protection for Loch Carron, now permanent, the recent Red Rocks and Longay urgent MPA, and the MarPAMM project, many MPAs still do not have management plans or measures in place, particularly for fishing, calling into serious doubt the claim that over 30% of Scotland's seas are already 'protected.' Other sectors are also a concern, with for example new salmon farms still being proposed in existing MPAs, such as in Wester Ross to which LINK members have objected.
- The first tranche of fisheries management measures for Scotland's most vulnerable inshore Marine Protected Areas (MPAs) has been held up as a good example of applying as near to a "whole-site" approach to management, with over 2,200km² of inshore sites off limits to trawling and dredging. This is positive – although there is still an issue in relation to the 'feature-led' approach leading to a somewhat fragmented view of site management in the offshore sites and remaining inshore sites awaiting fisheries management measures. This

²⁵⁹ <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-05655>

²⁶⁰ <https://www.gov.uk/government/news/uk-creates-global-alliance-to-help-protect-the-worlds-ocean>

²⁶¹ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/marine-protected-areas-mpas>

²⁶² <https://www.gov.scot/policies/marine-environment/marine-protected-areas/>

²⁶³ <https://www.gov.scot/news/conserving-scotlands-marine-environment/>

²⁶⁴ <https://www.gov.scot/news/safeguarding-scotlands-marine-environment/>

²⁶⁵ <https://www.heraldscotland.com/news/18918580.marine-protected-areas-campaigners-say-dont-go-far-enough/>

²⁶⁶ <https://www.gov.scot/news/conserving-scotlands-marine-environment/>

“feature-led” approach can ensure specific habitats are, for instance, protected from trawling or dredging, but does not factor in the impact on species of bycatch in static gear.

- More importantly, there is a clear issue of capacity to enforce compliance. There have been a number of reported possible intrusions by fishing vessels into MPAs, many of which cannot be pursued due to lack of evidence. It is vital that monitoring systems are on vessels to identify those not complying, and that there are transparent and sufficient measures in place to pursue compliance. The Scottish Government committed to rolling out Remote Electronic Monitoring on the whole scallop fleet in 2015, currently only larger vessels have Vessel Monitoring Systems (VMS), and this has been repeatedly delayed. Current proposals are subject to an ongoing consultation²⁶⁷.

The Programme for Government 2021-22 commits to “deliver fisheries management measures for existing Marine Protected Areas (MPAs) where these are not already in place, as well as key coastal biodiversity locations outside of these sites, by March 2024 at the latest”²⁶⁸. This is, of course, welcome – but it comes over a decade after the Marine (Scotland) Act and the details/effectiveness of the measure are yet to be assessed.

Meanwhile, campaigners concerned over the impact of scallop dredging on the marine environment, and especially on MPAs, have catalogued the delays that have occurred in the introduction of vessel tracking, a key tool to enforce any fishing restrictions²⁶⁹. Such fishing restrictions are, of course, often opposed – yet evidence suggests that, if put in place, they can, in time, result in improved fishing. One example being the “windsock area”²⁷⁰; in Parliamentary evidence, LINK’s Marine Group Convener explained: -

“Although the cod recovery plan was not much loved, it seemed successful, and part of that was the closure of the windsock area west of Shetland and Orkney. Scientific surveys in the closure found that cod catch was 78 per cent higher than outside. The site is coterminous with a marine protected area, which has now been designated. However, the sunset clause on the closure came into effect and a new voluntary arrangement was put in place that allowed more of the area to be trawled. Obviously, I welcome the fact that a voluntary arrangement was put in place to leave some alone, to have some for trawling and to have some for static gear. That is an interesting example of a situation whereby the ecosystem benefit of the closure of an area, which also happened to be made into an MPA, was not recognised. The fishing effort there is higher now that it is an MPA than it was when it was part of a fisheries management measure”²⁷¹.

In the wider marine environment, the interactions between fisheries policy and wider conservation objectives are illustrated by the issue of sandeel fisheries²⁷². Sandeels are highly nutritious and are therefore the preferred prey item for many other species of fish, seabirds, seals, whales, and dolphins. As they feed on plankton and are eaten by larger marine predators, sandeels represent an important link between the lower and upper levels of the marine food web²⁷³. As such, the

²⁶⁷ <https://www.gov.scot/publications/ensuring-long-term-sustainability-scotlands-marine-resources-remote-electronic-monitoring-rem-consultation/>

²⁶⁸ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/> (page 67)

²⁶⁹ <https://www.openseas.org.uk/news/secretive-scallop-dredge-working-group-documents-disclosed/>

²⁷⁰ https://scotlink.org/files/documents/LINK_FoS_cod_article.pdf

²⁷¹ https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-15-09-2021?meeting=13305&iob=120696#orscontributions_C2342968

²⁷² <https://marine.gov.scot/sma/assessment/case-study-sandeels-scottish-waters>

²⁷³ <https://www.nature.scot/plants-animals-and-fungi/fish/sea-fish/sandeel>

management of sandeel fisheries is vital for the conservation of these other species²⁷⁴ as well as the health of many other fisheries and sandeels are also a key feature of many MPAs.

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 on paper and very limited proposals on the water. Welcome and progressive commitments were made in September 2016, when the then Programme for Government indicated plans to develop a new Inshore Fisheries Bill, in response to which specific proposals from campaigners were published²⁷⁵. This commitment was, to some extent, superseded by the circumstances arising from EU exit and the subsequent Fisheries Act 2020 (including legal sustainability, ecosystem, and climate change objectives) and the Scottish Government's Future Fisheries Management discussion process and resulting strategy, published December 2020²⁷⁶.

Following advocacy to highlight fisheries as a sector for climate action²⁷⁷, 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 and twelve years since a report was produced for NatureScot and others to recommend improvements to the scallop dredge fishery²⁷⁸.

The Scottish Government rightly recognises the importance of the chronic pollution problem of marine litter, and the need to address this²⁷⁹. Notwithstanding the international nature of some of the problems, 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 1st July 2022 (already a delay on earlier plans) but is now disappointingly delayed until August 2023 (see also section 7)²⁸⁰ - despite similarly sized countries, for instance Lithuania and Latvia, 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 2022²⁸¹), more needs to be done to address products containing plastic that end up in the sea (such as wet wipes²⁸²) and nurdles²⁸³.

In addition to capture fisheries and marine litter, commercial aquaculture is another activity, which is reliant on the marine environment, but with huge potential to cause harm to that environment. The Scottish Government supports the growth of this industry, and the National Marine Plan states

²⁷⁴ <https://www.rspb.org.uk/our-work/policy-insight/england-westminster/policy-briefings/sandeel-fisheries-in-uk-waters/>

²⁷⁵ <https://sift.scot/wp-content/uploads/2019/01/Sift-position-paper-inshore-fisheries-reform-2017.pdf>

²⁷⁶ <https://www.gov.scot/publications/scotlands-future-fisheries-management-strategy-2020-2030/>

²⁷⁷ https://media.mcsuk.org/documents/Climate_Smart_Fishing_Report_FINAL.pdf

²⁷⁸ https://eprints.whiterose.ac.uk/105473/1/Beukers_Stewart_Beukers_Stewart_2009_Scallop_Fisheries_Management.pdf

²⁷⁹ <https://www.gov.scot/policies/marine-environment/marine-litter/>

²⁸⁰ <https://www.mcsuk.org/news/delays-in-scotland-are-damaging-our-ocean/>, <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-48198098> and

<https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13473&i=122285>

²⁸¹ <https://www.gov.scot/news/action-on-single-use-plastic/>

²⁸² <https://www.mcsuk.org/news/our-seas-are-swimming-in-wet-wipes-its-time-to-take-action/> and <https://www.mcsuk.org/what-you-can-do/join-a-beach-clean/great-british-beach-clean/great-british-beach-clean-2021-results/great-british-beach-clean-scotland/>

²⁸³ <https://www.nurdlehunt.org.uk/the-problem.html>

“support for the industry's target to grow”²⁸⁴. Such support is, of course, subject to environmental considerations and an overall objective that the industry should be sustainable. The extent to which the industry's impact on the environment, and particularly the wild salmon population, is however the subject of much heated debate and Parliamentary inquiries²⁸⁵.

The 2018 Parliamentary inquiries concluded with the Rural Economy and Connectivity Committee's final set of recommendations, which included the Committee's view that *“if the industry is to grow, the “status quo” in terms of regulation and enforcement is not acceptable. It is of the view that urgent and meaningful action needs to be taken to address regulatory deficiencies as well as fish health and environmental issues before the industry can expand”* (Recommendation 2)²⁸⁶.

Although the speed of response has been criticised, the Scottish Government established a Salmon Interactions Working Group, which reported in May 2020²⁸⁷, and has now recognised the need for further action²⁸⁸. It was supportive of the recommendations and identified SEPA as the lead body responsible for managing the risk to wild salmonids from sea lice from salmon farms. In December 2021, SEPA opened a consultation for a risk-based framework for managing the interactions between sea lice from fish farms and wild Atlantic salmon, which was developed with input from the SIWG members. LINK members believe it is crucial that all these recommendations of the SIWG report are acted upon swiftly to provide much-needed protection for wild salmon *and* sea trout populations in Scotland.

The 2021-22 Programme for Government highlights that *“the environmental concerns [in relation to aquaculture] are recognised, and we must ensure an economically, socially and environmentally sustainable future for the sector. We will deliver a Scottish Government led vision for sustainable aquaculture which places an enhanced emphasis on environmental protection and community benefits”*. The Scottish Government has now *“appointed Professor Russell Griggs to lead an independent review of fish farming regulatory processes, as a first step to reform and streamline regulatory processes so that development is more responsive, transparent and efficient”*.

NGOs believe it is crucial that these recommendations of the Interactions Working Group are acted upon swiftly to provide much-needed protection for wild salmon and sea trout populations in Scotland. The Griggs review is a reaffirmation of recommendations arising from the Scottish Parliamentary inquiry and must not delay action on improving regulation of the industry's environmental impact.

Going forward

In light of the at times welcome, but often intermittent, progress to date, and the need for urgent action to achieve the recovery of Scotland's seas, LINK's Ocean Recovery Plan²⁸⁹ sets out the key policy recommendations from now until 2030. These are built around four themes: -

- **Create legally binding targets for ocean recovery:** Place environmental health at the core of decision-making by enshrining ambitious targets for recovering the health of Scotland's seas into law.

²⁸⁴ <https://www.gov.scot/publications/scotlands-national-marine-plan/pages/8/>

²⁸⁵ For instance: <https://archive2021.parliament.scot/parliamentarybusiness/currentcommittees/107588.aspx> and <https://salmon-trout.org/2021/09/01/scotland-salmon-farming/>

²⁸⁶ <https://digitalpublications.parliament.scot/Committees/Report/REC/2018/11/27/Salmon-farming-in-Scotland#Summary-of-conclusions-and-recommendations>

²⁸⁷ <https://www.gov.scot/publications/report-salmon-interactions-working-group/>

²⁸⁸ <https://www.gov.scot/publications/salmon-interactions-working-group-report-scottish-government-response/>

²⁸⁹ https://www.scotlink.org/wp-content/uploads/2020/12/OceanRecoveryPlan_spreads-2.pdf

- **Strengthen the MPA network for ocean recovery:** Commit to at least 30% of Scotland's seas being highly protected, at least a third of which are fully protected (therefore 10% of Scotland's seas), from destructive and extractive activities by 2030 (meeting the ambition of international benchmarks).
- **Reform fisheries for resilience:** Introduce new policies and where necessary legislation to support a just transition to a modern, world-leading climate and nature friendly fishing industry.
- **Invest for our future:** Provide and incentivise investment in marine conservation and sustainability to match the scale of the nature and climate emergencies.

New Government commitments, in the 2021-22 Programme for Government, are promising. The Scottish Government states that it will:

"Deliver a step change in marine protection, with new measures to make Scotland an international leader, including beginning this year the process of designating 10% of our seas as highly protected." They continue: -

*"We will deliver fisheries management measures for existing Marine Protected Areas (MPAs) where these are not already in place, as well as key coastal biodiversity locations outside of these sites, by March 2024 at the latest; starting this year, add to the existing MPA network by designating a world-leading suite of Highly Protected Marine Areas (HPMAs) covering at least 10% of our seas, providing additional environmental protection over and above the existing MPA network by establishing sites which will provide protection from all extractive, destructive or depositional activities while allowing other activities at non-damaging levels; and, take specific, evidence-based measures to protect the inshore seabed in areas outwith MPAs and HPMAs"*²⁹⁰.

LINK members look forward to contributing to, and welcoming, the delivery of these commitments. If they are delivered in full, and as part of a wider "step change" in marine protection, including fisheries reform, the reality by 2024/25 may be closer to the rhetoric of today than we have seen over the past ten years.

In addition to the roll-out of the Future Fisheries strategy (which must begin to deliver the more sustainable and resilient fisheries required), the Scottish Government is also committed, in the current Programme for Government, to: -

"Consult on applying a cap to fishing activity in inshore waters that will limit activity to current levels and set a ceiling from which activities that disrupt the seabed can be reduced in the light of evidence as it becomes available".

NGOs await this consultation with interest, noting that consideration of the cap should integrate with fisheries management measures needed for "key coastal biodiversity locations outside of these sites" (the much-delayed commitment to improve protection of vulnerable Priority Marine Features beyond the MPA network following damage to Loch Carron) and will participate in the discussion it stimulates. Like the strategy, this will need to lead to changes that contribute to a just transition to a climate and nature friendly fishing industry, including a presumption against trawling and dredging in a significant part of the inshore area²⁹¹.

²⁹⁰ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/> (pages 11 and 67)

²⁹¹ https://media.mcsuk.org/documents/Climate_Smart_Fishing_Report_FINAL.pdf

Conclusion

These assessments demonstrate that 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; and/or
- A lack of urgency to reduce the impacts of human activities on the marine environment, such as fisheries, fish farming, plastic litter, the impact of invasive species.

To address these issues, there are a number of actions that should be undertaken by the Scottish Government, and/or Marine Scotland and NatureScot. These include:

- Building 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.
- Progressing action to apply effective management measures in Scotland's suite of Marine Protected Areas, most importantly for the most widespread pressure of fisheries.
- Progressing 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.
- Rapid implementation of 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' reductions while also restoring Scotland's marine environment and transforming fisheries to a genuinely sustainable basis.

Economic Strategy

Background and policy framework

The economy is a generic term for all our activities that generate value, such as the buying/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 this economy functions within a natural system that is the planet's ecosystem. The value of the goods and services exchanged in our economies has, historically, been based on the unlimited use of natural resources, both renewable and non-renewable, and cost-free externalities.

In prehistoric societies this use of resources and any externalities were limited; but as societies developed these grew to such an extent that they have become unsustainable, and the planet's ecosystem is at risk. Climate change and the deterioration of nature are the result. Unsustainable economies have also resulted in significantly unfair societies. It is for these reasons that governments adopt economic policies, seeking to manage the economy to maximise benefit while minimising adverse consequences to the public interest, in social and environmental aspects.

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.

*"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**"*
[emphasis added]

Robert F Kennedy, Remarks at University of Kansas, March 18, 1968²⁹².

Critiques of an economic policy focused on GDP (or Gross Domestic Product, or Gross National Product as used in the US, see above) have been around for decades. US senator and Presidential candidate, Robert F Kennedy, was highlighting the problems of GDP/GNP as long ago as 1968. Such criticism has continued unabated in both academic circles²⁹³ and in some media²⁹⁴.

Yet, GDP or "economic growth" retains its magic as a shorthand for "how well an economy is doing"²⁹⁵ and quarterly GDP data are routinely and widely reported²⁹⁶. Few, if any, such reports refer to or explain the limitations of, or critiques of, GDP type data. Readers, listeners and viewers must, if they wish and can do so, find those reports separately.

²⁹² <https://www.jfklibrary.org/learn/about-jfk/the-kennedy-family/robert-f-kennedy/robert-f-kennedy-speeches/remarks-at-the-university-of-kansas-march-18-1968>

²⁹³ For example: <https://hbr.org/2019/10/gdp-is-not-a-measure-of-human-well-being> or <https://www.khanacademy.org/economics-finance-domain/ap-macroeconomics/economic-indicators-and-the-business-cycle/limitations-of-gdp/a/lesson-summary-the-limitations-of-gdp>

²⁹⁴ For example: <https://www.theguardian.com/news/2019/jun/17/is-time-to-end-our-fixation-with-gdp-and-growth>

²⁹⁵ For example: <https://www.bbc.co.uk/news/uk-scotland-scotland-business-56526742>

²⁹⁶ For example: <https://www.bbc.co.uk/news/uk-scotland-scotland-business-57502840>

It must, of course, be acknowledged that GDP does have some useful purpose. It is a useful measure of 'pure' economic activity and, in 'developing economies', growth in GDP does translate into improvements in well-being. In developed economies this link is far weaker, and GDP growth can lead to increased environmental and societal harm with fewer benefits²⁹⁷.

This recognition of the complexities of economic impact has led, over the years, to new ways to approach economic policy – and, in particular, to seek to combine economic, social and environmental concerns. These new approaches first achieved international momentum in the 1970s with the publications of "The limits to Growth"²⁹⁸ by the Club of Rome²⁹⁹. In 1972, the UN Conference on the Environment in Stockholm was the first global conference to make the environment a major issue³⁰⁰. The Stockholm Declaration placed environmental issues at the forefront of international concerns and marked the start of a dialogue between industrialised and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world.

Ten years later, these issues were again at the forefront of global politics with the formation of the UN World Commission on Environment and Development. This led, in 1987, to the publication of "Our Common Future" or the Brundtland report³⁰¹, which popularised the term 'sustainable development'. Brundtland defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" – and sought to reconcile economic development with the protection of social and environmental balance³⁰².

Sustainable development continues to be an overarching theme of UN, and other international, policy and gathered further momentum with the Rio agreements, including on climate change and biodiversity (see sections 1 and 2). The five principles of sustainable development, first expressed, in the UK, by the then Sustainable Development Commission are:

- Living within environmental limits;
- Ensuring a strong, healthy, and just society;
- Achieving a sustainable economy;
- Using sound science responsibly; and
- Promoting good governance³⁰³.

These principles were adopted by the (then) Scottish Executive in the UK-wide Shared Framework for Sustainable Development – and widely used for a number of years (for instance, the 2014 National Marine Plan utilises this framework³⁰⁴). Today, these ideas are expressed through the UN's Sustainable Development Goals³⁰⁵ - goals that the Scottish Government shares and has linked to its National Performance Framework³⁰⁶ and built into its Environment Strategy³⁰⁷.

²⁹⁷ For example: <https://econreview.berkeley.edu/beyond-gdp-economics-and-happiness/> and <https://www.consultancy.eu/news/1527/norway-is-globes-best-country-for-turning-prosperity-into-citizen-wellbeing>

²⁹⁸ <https://www.clubofrome.org/publication/the-limits-to-growth/>

²⁹⁹ https://en.wikipedia.org/wiki/Club_of_Rome

³⁰⁰ <https://www.un.org/en/conferences/environment/stockholm1972>

³⁰¹ <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

³⁰² https://eur-lex.europa.eu/summary/glossary/sustainable_development.html

³⁰³ http://www.sd-commission.org.uk/pages/the_principles.html

³⁰⁴ <https://www.gov.scot/publications/scotlands-national-marine-plan-9781784128555/pages/3/>

³⁰⁵ <https://sdgs.un.org/goals>

³⁰⁶ <https://nationalperformance.gov.scot/sustainable-development-goals>

³⁰⁷ <https://www.gov.scot/publications/developing-environment-strategy-scotland-discussion-paper/>

In parallel to the formal UN processes, 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 Alliance³⁰⁸ and Scottish Forum on Natural Capital³⁰⁹ - the principles of both initiatives being embraced by the Scottish Government³¹⁰. The Just Transition Partnership³¹¹, who promote and campaign in the issues related to just transition (see box 2) similarly highlight social and environmental outcomes as key measures of an economy.

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 nature³¹². The Scottish Government has welcomed the key messages of the Dasgupta Review, indicating that it is highly relevant and demonstrates the central importance of biodiversity and environmental sustainability to economic policy³¹³. They have also stated that its findings “will inform the development of our National Strategy for Economic Transformation, to be published later this year, and our new biodiversity strategy, to be published in 2022”³¹⁴.

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”³¹⁵.

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 achievement of 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, and an economic strategy which can fill the gaps between these and the current trend levels. As the Just Transition Commission has proposed, this needs to be elevated to a ‘National Mission’ and requires that both all of government spending and private sector investment contribute to the mission.

Another issue which all these approaches identify as crucial to a sustainable economy is reducing the depletion of natural resources, by reducing use and, when use is necessary, ensuring reuse/recycling and eliminating waste. This is termed a circular economy and is a concept that the Scottish Government has adopted³¹⁶. It proposed legislation in 2017 and, in 2019, published a draft bill. This was welcome, in principle, but criticised for not including any targets for resource use reductions. Although much delayed, it remains within the Programme for Government for “later in this Parliamentary session”³¹⁷, now expected in May 2022. Meanwhile, although recent action has been taken to ban the use of single use plastics from June 2022³¹⁸, efforts to introduce a deposit return scheme for bottles have been further delayed (see box 8).

³⁰⁸ <https://weall.org/>

³⁰⁹ <https://naturalcapitalscotland.com/>

³¹⁰ <https://www.gov.scot/groups/wellbeing-economy-governments-wego/> and <https://nationalperformance.gov.scot/natural-capital>

³¹¹ <https://foe.scot/resource/joint-statement-just-transition/>

³¹² <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

³¹³ <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-01610>

³¹⁴ <https://www.parliament.scot/chamber-and-committees/written-questions-and-answers/question?ref=S6W-01611>

³¹⁵ <https://www.kateraworth.com/doughnut/>

³¹⁶ For instance, <https://www.gov.scot/news/towards-a-circular-economy/>

³¹⁷ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/pages/6/>

³¹⁸ <https://www.gov.scot/news/action-on-single-use-plastic/>

Box 8: Deposit Return Scheme

The Scottish Government was enabled to introduce a Deposit Return Scheme (DRS) by the Climate Change (Scotland) Act 2009³¹⁹.

The First Minister then announced the intention to introduce DRS in the September 2017 Programme for Government speech, although full business was not published until May 2019³²⁰. The secondary legislation required to bring in the DRS was passed by Parliament in May 2020, establishing 1 July 2022 as the statutory start date³²¹.

The day after the 2017 Programme for Government speech, campaigners were obviously pleased – but, speaking to a leading international expert on DRS, they were told, based on his many years of experience, what was likely to happen next – his comment was "delay, delay, delay", which has turned out to be highly accurate.

However, in November 2021, Ministers indicated that a further delay – blamed on Brexit, Covid and tax issues – would be likely, although there was no indication of the length of the latest delay³²². A new timeline for introduction of the scheme was not then set but the Minister said, "The government is committed to the scheme being operational as soon as practically possible." Subsequently, the target implementation date was announced as August 2023³²³.

These delays, in Scotland, contrast with progress elsewhere in similarly sized countries. In Lithuania, for instance, a system was set up in 18 months and, in Latvia, a scheme is due to start in February 2022 following a commitment in December 2020.

In contrast to these urgent requirements, the Scottish Government's earlier (published 2015) Economic Strategy is headlined with the statement that success will be achieved "through increasing sustainable economic growth"³²⁴. There was no explanation of what sustainable means in this context, while elsewhere in the strategy the term became "inclusive growth". Meanwhile, the economic policy pages on the Scottish Government's website, at the time of writing, were headlined "Growing the Economy" – and, here, 'sustainable economic growth' is referred to as "steady and long-lasting"³²⁵. This latter explanation seems to contradict any assertion that "sustainable economic growth" has an environmental component and is comparable to the concept of sustainable development.

Nevertheless, it could be welcome that the detailed text of the strategy itself did seem to acknowledge the importance of natural capital and the ideas of sustainable development, with a commitment that: -.

³¹⁹ Sections 84-87: <https://www.legislation.gov.uk/asp/2009/12/part/5/chapter/5/crossheading/deposit-and-return>

³²⁰ <https://www.gov.scot/publications/deposit-return-scheme-scotland-full-business-case-stage-1/>

³²¹ <https://www.legislation.gov.uk/sdsi/2020/9780111044681/contents>

³²² <https://www.holyrood.com/news/view/scottish-government-delays-implementation-of-deposit-return-scheme>

³²³ <https://archive2021.parliament.scot/parliamentarybusiness/report.aspx?r=13473&i=122285>

³²⁴ <https://www.webarchive.org.uk/wayback/archive/20190214193635/https://www.gov.scot/publications/scotlands-economic-strategy/>

³²⁵ <https://www.gov.scot/policies/economic-growth/>

“We will also protect and enhance our natural capital, our brand and reputation as a country of outstanding natural beauty, our commitment to low carbon and the opportunities our resources and assets provide for our economy and future generations”³²⁶.

and that it stated: *“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”³²⁷.*

However, the means of achieving these aspirations were lacking from the delivery sections of the Strategy, with the result that decarbonisation of the economy has been far too gradual and the sought-for improvements in biodiversity have not materialised.

Outcomes to date

Although GDP is only one of the Scottish Government’s National Performance Framework indicators³²⁸, and it is no longer presented as the first one, it still routinely publishes monthly and quarterly GDP data³²⁹ - 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”³³⁰.

The National Performance Framework outcomes are also ‘mapped against’ the UN Sustainable Development Goals³³¹. However, this linkage is lost when examining the indicators³³². Performance against the UN SDGs is, rather, reported separately – most recently in 2020³³³ - and, in relation to SDG14 and SDG15, related to life below water³³⁴ and life on land³³⁵, it simply rehearses the various policy processes (e.g., biodiversity strategy, forestry policy, fisheries policy) that seek to achieve the goals. As other sections of this report show, success in these areas has been, at best, mixed.

At a more specific level, the SDGs also have complex and detailed ‘sub-goals’. For instance, SDG15.9 is “by 2020, [to] integrate ecosystem and biodiversity values into national and local planning, development processes, poverty reduction strategies and accounts”. For this the 2020 report, simply asserts that the Government’s planning policies, together with environmental legislation, such as the Nature Conservation (Scotland) Act 2004 and the EIA regulations, serve to achieve such integration. The legislation quoted, however, predates the SDGs and does not refer to ecosystem values or

³²⁶ <https://www.gov.scot/publications/scotlands-economic-strategy/pages/2/>

³²⁷ <https://www.gov.scot/publications/scotlands-economic-strategy/documents/> (page 37)

³²⁸ <https://nationalperformance.gov.scot/measuring-progress/national-indicator-performance>

³²⁹ For instance: <https://www.gov.scot/news/monthly-gdp-estimates-for-september-1/> and <https://www.gov.scot/news/latest-monthly-and-quarterly-gdp-statistics/>

³³⁰ <https://www.rsgs.org/Handlers/Download.ashx?IDMF=5e3faf95-d414-4ea9-af5c-09b83ef1f112>

³³¹ For instance: <https://nationalperformance.gov.scot/national-outcomes/economy> and <https://nationalperformance.gov.scot/national-outcomes/environment>

³³² <https://nationalperformance.gov.scot/measuring-progress/national-indicator-performance>

³³³ <https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/>

³³⁴ <https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/pages/17/>

³³⁵ <https://www.gov.scot/publications/scotland-sustainable-development-goals-national-review-drive-action/pages/18/>

integration, while the references in planning policy, while unclear, must refer to the National Planning Framework – which, in the version applicable in 2020, only referred to ecosystems by cross-referencing the Land Use Strategy pilots (see section 4), and to the Central Scotland Green Network, Metropolitan Glasgow Strategic Drainage Partnership, and A National Long Distance Cycling and Walking Network. Taken together, it is hard to see how these assertions constitute evidence of integrating ecosystems into planning as per Target 15.9. It is hoped that the National Planning Framework 4, in the final stages of development in May 2022, will address this shortcoming.

Meanwhile, progress towards a “circular economy”³³⁶ can only be described as stuttering. Debate about a Circular Economy Bill began before 2019³³⁷ and, positively, such a Bill featured in the 2019 Programme for Government. Later in 2019, the Scottish Government held a consultation on such a Bill, which received positive responses³³⁸. However, any further progress on this Bill was halted by the Covid pandemic, and the 2021 election. The (new) 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”³³⁹, although expectations are to see such a Bill put to Parliament in early summer 2022.

Likewise, while some good progress has been made on banning single use plastics, the proposed Deposit return Scheme for bottles has been further delayed (see box 8 above). Similarly, while Scotland has a target for recycling 70% of waste by 2025³⁴⁰, actual performance in 2019 was only 44.9% - so the new funding, announced in early 2021, was both welcome and necessary³⁴¹. In comparison, recycling rates in Wales are already over 65%³⁴².

Finally, notwithstanding the references to natural capital in the 2015 Economic Strategy, it is unclear if/how any measures (other than via sectoral environmental policies reviewed elsewhere in this report) any action has been taken. 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”³⁴³.

Of course, one concern expressed is that change to a more sustainable (net zero and nature friendly) economy will, inevitably, mean different jobs and different ways to make a living. It is vital, therefore, that these new jobs and opportunities are created as, or before, the old ones are phased out. This is the concept of “Just Transition” embraced and supported by the Scottish Government, in principle – but with few clear examples of how the concept has been turned into tangible action, or actions significantly altered to further the concept (see box 2).

Going forward

Launching the SNP manifesto, in 2021, Nicola Sturgeon, the Party Leader and now, once again, First Minister, said: “*within the first six months of the next parliament, [we will] deliver a new 10-year*

³³⁶ <https://www.scotlink.org/circular-economy-is-the-way-forward-for-scotland/>

³³⁷ For instance: <https://www.scotlink.org/wp-content/uploads/2019/06/CE-Bill-call-for-Aug-19-logos.pdf>

³³⁸ For instance: <https://www.scotlink.org/wp-content/uploads/2019/12/LINK-CE-consultation-response-Dec-2019-1.pdf>

³³⁹ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/pages/6/>

³⁴⁰ <https://www.gov.scot/publications/scotlands-zero-waste-plan/pages/3/>

³⁴¹ <https://www.gov.scot/news/gbp-70-million-fund-to-improve-recycling/>

³⁴² <https://resource.co/article/welsh-recycling-rates-reach-record-high-654-cent>

³⁴³ <https://www.gov.scot/publications/scotlands-economic-strategy/documents/> (page 37)

*National Strategy for Economic Transformation*³⁴⁴. In addition, there have been many references to ensuring a “green recovery” from the Covid pandemic. For instance, in the First Minister’s Priorities of Government statement, on 26 May 2021, she said “*We will also ensure that our recovery is a green one*”³⁴⁵; while the Scottish Government – Scottish Green Party Shared Policy Programme states “*the Scottish Government and the Scottish Green Party are committed to securing a green economic recovery from Covid*”³⁴⁶; and the introduction to Programme for Government, 2021-22, says “*our economic recovery must be a green recovery*”³⁴⁷.

These ambitions for a “green recovery” have yet to be realised and must be reflected in the new economic strategy. Published on 1 March 2022, the new 10 year National strategy for Economic Transformation, shaped with the help of the Advisory Council for Economic Transformation, created in July 2021, and made up of business leaders, academics, and economists. This new strategy aims to drive Scotland’s economic transformation as the country recovers from the Covid pandemic and transitions to a well being economy. 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.

“Transformation” can be defined as “a complete change in the appearance or character of something or someone”³⁴⁸, and as discussed above, if our economy is going to become genuinely sustainable, such a “complete change” in approach will be needed. Yet, 18 members of the advisory council³⁴⁹ are, in general, responsible for the current economy and economic policies. They have been criticised for lacking anyone with a clear climate or environmental background, or a track record of integrating environmental and well-being concerns to economic policy³⁵⁰. Meanwhile, a separate First Minister’s Environment Council³⁵¹ has been established with little clarity as to how the two groups of advisors interact or ensure the integration/compatibility of their recommendations.

The new National Strategy for Economic Transformation³⁵² has 5 new policy programmes of action. These will:

- *establish Scotland as a world-class entrepreneurial nation founded on a culture that encourages, promotes and celebrates entrepreneurial activity in every sector of our economy;*
- *strengthen Scotland’s position in new markets and industries, generating new, well-paid jobs from a just transition to net zero;*
- *make Scotland’s businesses, industries, regions, communities and public services more productive and innovative;*
- *ensure that people have the skills they need at every stage of life to have rewarding careers and meet the demands of an ever-changing economy and society, and that employers invest in the skilled employees they need to grow their businesses;*

³⁴⁴ <https://www.snp.org/snp-2021-manifesto-launch-nicola-sturgeons-speech/>

³⁴⁵ <https://www.gov.scot/publications/priorities-government-statement-26-2021/>

³⁴⁶ <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/pages/economic-recovery-and-infrastructure/>

³⁴⁷ <https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/pages/1/>

³⁴⁸ <https://dictionary.cambridge.org/dictionary/english/transformation>

³⁴⁹ <https://www.gov.scot/groups/advisory-council-for-economic-transformation/>

³⁵⁰ <https://www.heraldsotland.com/politics/19517406.snps-advisory-group-net-zero-economy-missing-anyone-climate-background/>

³⁵¹ <https://www.gov.scot/groups/first-ministers-environmental-council/>

³⁵² <https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/documents/>

- *reorient our economy towards wellbeing and fair work, to deliver higher rates of employment and wage growth, to significantly reduce structural poverty, particularly child poverty, and improve health, cultural and social outcomes for disadvantaged families and communities.*

However, in light of past experience the question is how this will be delivered. While the reference to 'net zero' is welcome, and there is an ambition to "build an economy for everyone by delivering greater, greener and fairer prosperity", there is little depth to what is meant by "greener" and the need to address the nature crisis alongside the climate emergency. While there are many references to "transformation", there is little clarity as to what the Government seeks to transform other than 'net zero' and 'greener'.

The Wellbeing Alliance and a number of eNGOs have set out ten points needed for a transformative economic strategy³⁵³. Central to this, these bodies suggest that: -

"The core goal of the Strategy must be to show how to achieve wellbeing for all while living within environmental limits, focusing on delivering fairness, equality, dignity, connection, participation and regenerating nature. The economy should be a means to these ends and the policy hierarchy should reflect this. The focus should be principally on the composition and direction of development, not the rate of GDP increase."

As well as a new approach to the economy itself, the new strategy will – to be truly transformational - also need to revise the relative importance accorded to purely economic outcomes. Rather than the Scottish Government's environment strategy being viewed as separate from (and often subsidiary to) the economic strategy, they should be viewed as of equal weight and importance. Indeed, as the economy and wider society is dependent on the environment, both strategies should recognise that, as LINK's former President, Fred Edwards³⁵⁴, often said "the environment is the context".

In this regard, the 2045 vision for the environment strategy already aims to be transformational and provide for well-being, stating that:

*"By restoring nature and ending Scotland's contribution to climate change, our country is **transformed for the better - helping to secure the wellbeing of our people and planet for generations to come**"*³⁵⁵.

The vision of the new strategy, as stated, is the level of ambition needed:

"Our vision is to create a wellbeing economy: a society that is thriving across economic, social and environmental dimensions, and that delivers prosperity for all Scotland's people and places."

Whether this ambition will be reached in reality, remains to be seen. After all, economics should be about people's wellbeing, not purely monetary outcomes.

Conclusion

The Scottish Government has published a new 10-year strategy for economic transformation, including moves towards a well economy as well as promised a "green recovery" from the Covid pandemic.

³⁵³ <https://www.scotlink.org/publication/ten-points-for-a-transformative-economic-strategy/>

³⁵⁴ https://www.heraldsotland.com/default_content/12373311.fred-edwards/

³⁵⁵ <https://www.gov.scot/publications/environment-strategy-scotland-vision-outcomes/pages/2/>

This new 10-year National Strategy for Economic Transformation³⁵⁶ 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.

³⁵⁶ <https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation/documents/>

Discussion and conclusions

The five ‘key issues’ identified by LINK’s 2010 report, *Scotland’s environmental laws – from rhetoric to reality Rhetoric to Reality*³⁵⁷ 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, especially the first three broad generic issues. Meanwhile, section 3 on protected areas and section 6, covering marine protected areas, demonstrate that the fourth conclusion remains true. Finally, although the Land Use Strategy was in preparation in 2011 and it was hoped that it might provide the “strategic approach” sought, section 4 shows that it is yet to have a significant impact.

It clearly remains the case that good intentions of Ministers in policy, their parliamentary rhetoric, and the intentions of the worthy legislation and policy are not yet being fully translated into reality. Moreover, many of the key drivers remain the same. On the cross-cutting issues of climate, economic transformation and biodiversity, this review has highlighted that, to a great extent, business as usual continues, despite welcome progressive statements of a new approach and a much more urgent timeline. On specific policies such as native woodland expansion or the Land Use Strategy, positive words have not been sufficiently translated into action. In 2010, it was concluded that it was “too early to judge the implementation” of the Marine (Scotland) Act 2010. However, ten years later, it is clear that, in the marine environment, results on the water have been disappointing in relation to the ambition.

Notwithstanding the declarations of both climate and nature emergencies, **there remains a clear gap between the environmental rhetoric and the delivery of actual outcomes.** Instead of “sustainable development” or a “well-being economy”, there remains a widespread concern that the environment is still seen as one of a number of issues to be “balanced” against economic development, measured usually in the traditional, but outdated, form of economic growth.

Neither the Scottish Government nor its executive agencies or non-departmental public bodies have yet integrated environmental protection and conservation of biodiversity into their thinking and how they approach delivery of their wider functions. This undermines effective delivery of the laudable goals which 20 years of environmental legislation set out to achieve.

Issues revisited

The issues above relate to both ‘hard’ legal matters such as statutory targets, duties, powers and government or agency structures. However, they also relate to ‘softer’ policy issues such as strategy and values or culture that determine the priorities of decision-makers. If this gap between rhetoric and reality is to be closed all these issues need to be addressed.

³⁵⁷ <https://www.scotlink.org/publication/scotlands-environmental-laws-from-rhetoric-to-reality/>

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 Environment³⁵⁸, and the legal reforms necessary to ensure this is enforceable, will be another important new opportunity.

In addition to the formal audit and scrutiny functions of Audit Scotland and ESS, informal challenge and advice is provided by "critical friends" in the government's environment agencies, especially NatureScot and SEPA. In recent times, however, this critical challenge has been reduced by a trend to consider agencies as "as another branch of government", rather than independent bodies established by Parliament. This trend should be reversed, and the agencies permitted to provide expert advice transparently. This advice and informal challenge would be enhanced by a greater level of environmental expertise on their Boards.

Statutory targets, duties, and powers

Scotland has statutory targets for reducing emissions that cause climate change. These, to some extent, have driven action – albeit that action has, to date, been insufficient and needs to be accelerated³⁵⁹. Nevertheless, the existence of targets and the processes for scrutiny and reporting that go with them increases pressure for action. The same is needed for nature (now promised in a Natural Environment Bill) and for the circular economy.

These 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 targets for the circular economy must focus on the outcome of resource use reduction.

Alongside new targets, it would also be appropriate to review the general duties that apply to Ministers and agencies. To date, the various duties to protect and enhance the environment or to further the achievement of sustainable development appear well-meaning but ineffective. This is because they are all too-often caveated with "get out clauses" such as "so far as is consistent with the proper exercise of those functions." While such a clause may be necessary to ensure that bodies do not exceed their powers, "the proper exercise" must not be interpreted (as it often seems to be)

³⁵⁸ <https://www.ercs.scot/wp/wp-content/uploads/2021/12/Advocacy-Manifesto-Dec-2021.pdf>

³⁵⁹ <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

as continuing with ‘business as usual’. Clearer guidance and interpretation at least of these duties is needed.

Political will and a voice for environment

While political and policy rhetoric is, as demonstrated in the seven areas looked at in this report, essentially positive, there does appear to be a lack of political will to ensure that this rhetoric is turned into reality. To address this, LINK’s previous report called for a “a strong voice at the heart of government”. This is still needed.

To provide this voice and to give ‘backbone’ to the political rhetoric, thus enabling action, a number of measures might be worth considering:

- The proposed cabinet sub-committee on the climate emergency could be enhanced. First, it must be expanded to a climate and nature emergencies committee, to formally recognise the twin crises. Secondly, its work must be transparent with the agendas and minutes published. Thirdly, as with earlier such committees, it would also benefit from external expertise; so non-government academics or policy specialists must be invited to participate and/or advise. This might become a formal role for the First Minister’s Environment Council. Finally, the audit and scrutiny processes above must take an interest in its work and review its effectiveness.
- The status of the current Environment Strategy, and its implementation processes, must be enhanced. Clear ownership of the strategy by government ministers and formal responsibility for delivery would help achieve its laudable objectives.

Economic transformation

As discussed in section 7, it is widely recognised that the environment, and the resources it provides, both materially and spiritually, is the context of the economy. Furthermore, there is recognition that environmental and wellbeing objectives will not be met without a transformation of economic management.;The current approach has not just failed to meet them but may have actually damaged them.

The Scottish Government published a new 10-year National Strategy for Economic Transformation. This must embrace the need for, and delivery of, transformation – and genuinely recognise new thinking on the environment, such as the limitations of GDP as a useful measure, the need to live within environmental limits, the need to drive a circular economy and to value and enhance natural capital. While the new Strategy recognises this, it must be accompanied by credible policy measures to drive change in those areas will require a new all-government and all-economy approach in which the government will take the lead in ensuring that the economy as a whole, including the private sector, drives towards objectives of sustainability and wellbeing.

As well as policies that Ministers can implement immediately, this new approach might also need new economic duties for all public bodies that reflect the requirement for sustainable development, a well-being-based economy, and their environmental responsibilities.

Funding

A common theme across the issues considered in this report is the lack of funding for environmental initiatives. This is one issue that, sometimes, prevents good rhetoric being turned into positive reality.

The changes described above will result, in the long term, to improved decision-making and a more sustainable economy, and will as a consequence, improve funding. However, that will also take some time to have effect and the crises need addressing urgently. Ministers must, therefore, ensure that the budgets – for government initiatives, for agencies and for local authorities – are adequate.

This will need 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, SNH/NatureScot and RESAS³⁶⁰. While these areas benefited from small increases, in 2020/21 or 2021/22, this did not undo previous reductions and plans in the new 2022/23 budget³⁶¹ propose a generally ‘standstill’ level of funding for these areas.

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 nature³⁶², and a further £69 million in woodland creation and sustainable management of Scotland’s woodlands”³⁶³. 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 £15-27billion, estimated to be needed, over this decade to achieve the restoration of nature³⁶⁴.

One significant stream of public funding, and one of the biggest drivers of land use in Scotland, is support for agriculture which represents over £800m per year³⁶⁵ and of which only a small proportion delivers social or environmental benefits. The development of a new system of agricultural support will allow the redirection 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. One positive initiative is the Scottish Marine Environmental Enhancement Fund (SMEEF) – billed as “a new and exciting approach to funding”³⁶⁶. This should be encouraged and, subject to evaluation, similar schemes established for other issues. For charitable funders, work by the Environmental Funders Network has assessed where resources are directed and sought to identify gaps and issues that need to be addressed³⁶⁷.

The importance of delivering funding for the recovery of nature is paramount. This is because the evidence suggests that, when undertaken, restoration projects demonstrably produce increases in

³⁶⁰ <https://www.scotlink.org/funding-the-nature-and-climate-emergency-reversing-a-decade-of-austerity-for-the-environment/>

³⁶¹ <https://www.gov.scot/publications/scottish-budget-2022-23/pages/10/>

³⁶² On the face of it, additional to and separate to the budget for NatureScot.

³⁶³ <https://www.gov.scot/publications/scottish-budget-2022-23/pages/1/>

³⁶⁴ <https://www.greenfinanceinstitute.co.uk/wp-content/uploads/2021/10/The-Finance-Gap-for-UK-Nature-13102021.pdf>

³⁶⁵ <https://www.gov.scot/publications/scottish-budget-2022-23/pages/11/>

³⁶⁶ <https://www.nature.scot/SMEEF>

³⁶⁷ <https://www.greenfunders.org/where-the-green-grants-went-scotland/>

biodiversity and ecosystem services³⁶⁸. The limiting factor, therefore, isn't not knowing how to restore nature but simply not doing enough because of funding limits.

Finally, the current Programme for Government rightly 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"*³⁶⁹.

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.

A note on terminology: SNH/NatureScot

The Scottish Government's official nature conservation agency is Scottish Natural Heritage (SNH), established by the Natural Heritage (Scotland) Act 1991. Since 2020, however, it has adopted a new branding, leading it to be known as "NatureScot" although its legal name (in section 1 of the 1991 Act) is unchanged. In this report, both the historical/legal and current name are used, as appropriate, to reflect the name in use at the time being referenced or, where appropriate, we have used NatureScot to refer to current/future activities.

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³⁶⁸

https://www.researchgate.net/publication/26706725_Enhancement_of_Biodiversity_and_Ecosystem_Services_by_Ecological_Restoration_A_Meta-Analysis?enri=

³⁶⁹ <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/> (page 64)