Tackling the Nature Emergency - Strategic Framework for Biodiversity

Consultation Response

December 2023

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

Section 2 – Scottish Biodiversity Delivery Plan

Question 2a: Have we captured the key actions needed to deliver the objective: accelerate restoration and regeneration?

- Yes
- ✓ No
- Unsure

Please explain the reasons for your response:

The draft framework represents a step change in the Scottish Government's ambition on tackling the nature emergency. All of the policies included in the framework are vital elements of Scotland's response to the nature crisis, and many are things that environmental NGOs have been calling for over many years – this is a significant moment that we really welcome. LINK therefore supports the direction of travel in the overall framework and many of the individual policies – it is in the detail that we see room for improvement.

LINK welcomes the significant amount of work that has gone into developing the actions in the delivery plan. We support the priority objectives that have been used to group the actions and feel

that these have largely captured the direct and indirect drivers of biodiversity loss. However, the delivery plan in its current form will not be sufficient to halt and reverse the loss of biodiversity and we hope that our response provides constructive feedback about how to address some of the issues and ensure the Delivery Plan in particular is a collective success.

LINK welcomes the outcome which commits to accelerating the restoration and regeneration of ecosystems. However, the actions as written will not ensure that the outcome will be delivered. We would like to see the key ecosystems, included in the footnote on Page 16, clearly set out in the main text of the Delivery Plan. We think this is a comprehensive list of ecosystems.
Many of the actions are not 'SMART', that is specific, measurable, achievable, relevant and time specific. Who will be doing what by when needs to be specified.

There also seems to be significant overlap with commitments set out elsewhere and it is not clear where the added value is. Actions appear to be lifted from other plans, policies and strategies. We have a concern that the Delivery Plan is largely a re-framing of actions that are already happening or are already planned to happen, irrespective of the Biodiversity Framework. There is a major risk that the rhetoric of step changes etc. in the strategy itself will not be matched by sufficient new action in the Delivery Plan to have the required effect on nature losses.

At this stage, there is no confidence that if all these actions are added up, including their timescales, will this framework take us to the 2030 and 2045 milestones.

It is not clear where the responsibility for delivering the actions lies. Some actions have timescales set against them, while others do not, they need to be set for each action. Links to other policies and sectors need to be strengthened.

The public is almost entirely absent from this plan until objective 6, with just a couple of references to raising public awareness or public engagement in the preceding action plans. We welcome the recognition in Objective 6 of the need for a new approach to raising awareness of the importance of nature and engaging with society. However, we believe that separating Objective 6 out from the other objectives is simply setting the government up to continue existing patterns which have led to the situation we now find ourselves in relating to the biodiversity crisis and nature depletedness in Scotland. Actions to re-connect people with nature and ensure the success of this delivery plan need to be embedded with all the actions set out in previous objectives to protect, restore and enhance nature at every level. Currently public participation feels like an added extra not a fundamental element of every other action.

There is almost no reference to engagement with local communities or the public, beyond an action within the INNS action plan to "raise public awareness", and a brief mention in coastal adaptation plans of "public engagement".

The rainforest needs clear invasive non-native species eradication strategies including removing *Rhododendron ponticum* from the west coast focussing on the core rainforest sites. A buffer zone around these woodland areas, and surrounding habitats is required to ensure catchment scale eradication, with follow-up over at least a decade.

A commitment to a sustainable deer management regime in the rainforest zone to allow the

rainforest to regenerate naturally, which will enable it to sequester more carbon and ensure the long-term survival of its biodiversity.

Expansion and connection of existing areas of core rainforest to double its area, through restoration and natural regeneration, providing greater resilience to other threats such as climate change, tree disease and nitrogen pollution.

There is nothing in here about restoring natural flows in rivers and streams. We should have a programme of river restoration which includes the removal of redundant weirs and dams. There is nothing about restoring standing freshwater bodies, lakes, ponds, ditches etc. Habitats should be widened to heathlands and grasslands. This framework should align to the River Basin Management Plan (RBMP) 2021-2027. In 2020, 87% were in good or better quality for water quality and 90% for physical condition, therefore including a target of 90% of waterbodies achieving Good status by 2030 is not a stretch target and doesn't align to RBMP categories. As well as linking to the RBMP, additional aspects don't add up e.g. nature network actions, riparian tree planting targets. https://www.sepa.org.uk/media/594088/211222-final-rbmp3-scotland.pdf

Question 2b: Are the key actions, to support the objective: accelerate restoration and regeneration, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

- Yes
- No
- ✓ Unsure

Please explain the reasons for your response:

Action: Introduce Statutory Nature Restoration Targets

The delivery plan should specify the elements that the targets will cover - at a minimum reiterating the commitment in the Bute House Agreement. More clarity is needed on how gaps will be covered by actions in the delivery plan once targets are developed.

We would also expect some mechanism for updating the delivery plan to ensure it is coherent with the Natural Environment Act when it comes into force i.e. so the delivery strategies deliver against the statutory targets. The Bill should outline how targets will be monitored and evaluated, including dates.

The full report (https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/_and summary report (https://www.scotlink.org/publication/summary-report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/), prepared for Scottish Environment LINK by our Honorary Fellow, Lloyd Austin, explores the background to the concept of such targets, considers the global and regional context into which they will fit, seeks to further the debate about their nature and operation, and makes initial proposals for how such targets might be delivered through forthcoming legislation. As is clear from its content, it does not seek to provide an answer to every question but is offered for wider review and discussion by all relevant stakeholders, and as a contribution to the debate ahead of the formal consultation on this issue. It seeks to explore the

legislative options that might be available to implement this commitment, and the policy development that will be necessary to support and implement such a change in the law.

Action: Introduce a Programme of Ecosystem Restoration

LINK strongly supports this action. We would like to see the key ecosystems, included in the footnote on Page 16, clearly set out in the main text of the Delivery Plan. We think this is a comprehensive list of those ecosystems that would benefit from restoration. However, this comment is made in the context of the existing Priority Marine Feature list and would log a concern that any review of the PMF list should not lead to its reduction but rather its expansion.

We would like to see specific reference to the Riverwoods project and reference to FLS Project 100 would be helpful. We note that species-rich grasslands, whilst listed in the footnote in the introductory text, are not featured in the delivery table. Grassland covers more than a third of Scotland's land cover, yet there are no actions within the Delivery Plan that are specific to grasslands. This is a missed opportunity to make the most of Scotland's grasslands as a national asset for climate, nature, and people.

We would like to see recognition of beavers as key facilitators of ecosystem restoration. The Programme of Ecosystem Restoration should include an action to support the implementation of Scotland's Beaver Strategy by increasing the number of statutory agency-led translocations to publicly owned sites and enacting policy which facilitates landowner acceptance of beavers (e.g. properly incentivising river buffers and floodplains on prime agricultural land; increasing investment in NatureScot's Beaver Mitigation Scheme; prioritising research into beavers and migratory fish).

All ecosystem restoration efforts need quantitative based indicators of success. A selection of indicators/ umbrella/keystone and/or flagship species should be identified to assist with the evaluation of recovery. This is effectively the approach currently being taken by the Cairngorms National Park Authority.

Action: Publish a plan for marine and coastal ecosystem restoration, including prioritising habitats and locations suitable for restoration by 2025.

We support this action, but we are concerned that the action is just focused on drafting a plan, rather than including a robust execution and implementation. We suggest emphasising improved licensing for restoration to make the process more straightforward and securing funding as fundamental aspects. Additionally, we suggest that the selection of ecosystems for restoration should be based on criteria such as the status of biodiversity and ecosystems and their potential for climate change mitigation (i.e. blue carbon ecosystems should be prioritised) and their importance for supporting other ecosystem services such as critical fish and shellfish habitat, which is also a requirement of the Future Fisheries Management strategy.

Action: Deliver additional protection for spawning and juvenile congregation areas, and species which are integral components of the marine food web, such as sandeels by 2028.

We welcome this action; this should be linked with the ongoing closure of commercial sandeel fishing in all Scottish water. This action also overlaps with the marine ecosystem restoration action,

since many habitats in need of restoration can also provide important areas for juvenile fish and shellfish. This is also a requirement of the Future of Fisheries Management strategy 12-Point Action Plan (Point 11). In this context it is important to emphasise the importance of Priority Marine Features for supporting other ecosystem services such as provision of critical fish and shellfish habitat. For example, maerl gravel beds are preferentially settled on by juvenile scallops and, through research by the University of Glasgow in the South Arran MPA, have also been shown to be important for juvenile cod. Similarly, burrowed mud habitat is a PMF that is also the only home for the commercially valuable langoustine (*Nephrops norvegicus*) and must be protected and managed strategically to enable the wider recovery of the burrowed mud PMF in order to meet General Policy 9(b) of the National Marine Plan for instance. All fisheries and shellfisheries management should be with the grain of the ecosystem and be planned strategically and spatially based on the distribution of seabed habitats.

Action: Develop a new approach to marine biodiversity monitoring, including testing through pilots, covering both state and pressure work. This includes a review of the Scottish MPA Monitoring Strategy (2028)

We welcome the development of a new approach to marine biodiversity monitoring, including testing through pilots and updating the Scottish MPA Monitoring Strategy by 2028. This is vital and must incorporate the growth of the MPA network since 2017, the last time the strategy was updated. It's crucial to focus on monitoring to update the data on the status of protected features, given that much of it is over a decade old. We strongly believe this is a key piece for measuring progress on the effectiveness of conservation measures. The revised Monitoring Strategy should outline priorities for the next six years, leading to the release of the statutory MPA network report in 2030.

The intention to cover monitoring of both state and pressures is key and we welcome the intention to address bycatch and effective monitoring and tracking. However, in relation to bycatch and entanglement surveillance schemes (including for sensitive species of seabird, cetaceans and elasmobranchs) we believe that there is a clear need to roll out Remote Electronic Monitoring with cameras beyond the current application of scallop and pelagic fisheries across vessels operating in Scottish waters, initially prioritising those with high risk for biodiversity impacts such as gill nets, long lines and demersal trawls. Only by taking this action will we start to understand the true impact of fisheries bycatch and support the mitigation measures needed to minimise it. There are clear links across to the recently closed consultation on the use of iVMS and REM with cameras in inshore waters - please see LINK's response to the consultation here: LINK-Consultation-Response_Inshore-fisheries-fleet-Consultation-on-requiring-electronic-tracking-and-monitoring-technology-on-under-12-metre-commercial-fishing-vessels.pdf (scotlink.org) in which we call for comprehensive documentation of fisheries where "in time we would then like to see roll-out across the entire inshore fleet" of REM with cameras.

Action: Identify and facilitate partnership projects for six large scale landscape restoration areas with significant woodland components by 2025 and establish management structures with restoration work progressing by 2030.

This action is welcomed. However, it could be SMARTer (E = evaluation, R = revise) by including a list of specific restoration projects. Commitment to e.g. one rainforest restoration, one montane woodland and one Caledonian Pinewood etc. We would like to see this take a broader approach; landscape scale restoration needs to consider more than woodland - arctic alpine habitats for example would benefit hugely from landscape scale restoration support.

It will be important to see recognition of the need to consider grey squirrel management as part of the management planning of any woodland component in a restoration area where grey squirrels are present, both due to the risk to young trees from bark stripping, and the potential for newly created woodland habitats to enhance the ability of the grey squirrel population to expand into new areas.

It would be helpful if the strategy could provide greater clarity on the spatial and governing hierarchy/interaction of the 6 landscape scale projects, 30x30, nature network and the new national park as presumably there will be overlap. The lack of narrative around this makes it rather confusing.

Scotland is already host to several innovative large landscape scale restoration projects including Affric Highlands, Cairngorms Connect, Findhorn Watershed Initiative, Dee Catchment Partnership etc. Given the ongoing progress of these projects in delivering on nature and climate goals for Scotland support should be provided and any new landscape restoration areas ought to be additional to these.

We would also recommend that the six restoration landscapes are based upon the list of important habitats and ecosystems found on page 16, with significant woodland components prioritising threatened Caledonian Pinewoods, Scotland's Rainforest, and montane scrub.

Additionally, we feel there should be inclusion of Riverwoods in the ecosystems list given the importance of riparian woodland in providing not only important habitat for a range of wildlife including critically threatened Atlantic Salmon, but they also provide a host of ecosystem services at landscape scale as highlighted in NatureScot's recent research report "Source to Sea".

Action: Implement Scottish Plan for INNS Surveillance, Prevention and Control.

Landscape-wide efforts to control established INNS should be centrally coordinated, with delivery shared among a variety of landscape partners. INNS control should be embedded in the operations of all organisations that own and manage land, particularly the statutory agencies and local authorities. INNS surveillance, prevention and control should be central to the management of every landscape element included in the Scottish Strategic Biodiversity Framework (SSBF) - Nature Networks, 30 by 30 protected areas, nature restoration areas, National Parks and National Nature Reserves will all require INNS management strategies to be successful in 'showcasing the best in nature restoration' and 'acting as exemplars of biodiversity protection and recovery'. The emphasis in the SSBF on habitat connectivity is highly positive, however, connecting habitats will also enhance the ability of INNS to spread (e.g. native woodland expansion and grey squirrel), making a landscape-wide, coordinated, sustainable, multi-stakeholder approach to INNS management even more crucial.

Mammal predators on seabird islands - needing a national programme of island restoration and biosecurity (including maintaining the legacy of Biosecurity for LIFE). This should be a core action to respond and build resilience to HPAI. The urgent need for such measures has become all the more

evident with the recent publication of the latest seabird census revealing that of the 20 species of breeding seabird for which we have confidence in their Scottish trends, 14 (70%) have declined.

A pipeline of strategic INNS projects must include a programme of biosecurity for islands.

Recognition and emphasis on the rapidly growing problem of non-native commercial tree species seeding out and becoming invasive in important ecosystems like peatlands and native woodlands is needed, or much of the good work above will be undermined. Moreover, limited conservation budgets will be consumed by commercial tree species removal. An action to tackle this issue, with the 'polluter pays' principle applying (as in the articles of the EU IAS Regulation) is needed here.

This focused INNS programme should look at specific issues rather than just at the target species - so, for example, the priority for Rhododendron should be restoring, protecting and expanding Scotland's Rainforest; the priority for grey squirrel should be to establish in perpetuity a legacy for the Saving Scotland's Red Squirrel project, with special focus on maintaining the current cordon sanitaire that protects the Highlands from grey squirrel invasion, and completing the Aberdeen eradication for the same purpose.

It also needs to include something about "micro INNS" i.e. plant pests and pathogens which can cause huge damage not only to native host plants but also to their associated biodiversity. Need to include a new action for this. Specifically, as all the planned new restoration is a potential source of introduction of plant pests and pathogens. This links to a paper taken to NatureScots science advisory committee on March 23 - https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2023-09/phc2020_03_plant_health_the_natural_environment_fellowship_final_report.pdf

Biosecurity Guidance should be referred to: https://www.planthealthcentre.scot/sites/www.planthealthcentre.scot/files/2023-09/biosecurity_best_practice_for_conservation_web.pdf

We would like to see the grey squirrel recognised as a priority INNS and grey squirrel control programmes like Saving Scotland's Red Squirrels included as part of the proposed 'pipeline' of strategic INNS projects.

We believe that local authorities and biodiversity partnerships with red squirrels as a priority species in their LBAP have a duty to have some involvement in grey squirrel control and/or monitoring on council-owned land.

We would also encourage Scottish Government to investigate the possibility of bringing grey squirrel control into the remit of deer managers. Scottish Government should consider creating a role of 'Wildlife Management Ranger' in priority areas, e.g. Landscape Restoration Areas, National Parks, NNRs and any other protected areas created as part of 30 by 30, whose species control focus would change depending on the time of year and location.

Action: Improve Resilience in Coastal and Marine Systems by reducing pressures and increase and safeguard space for coastal habitat change

Proposed action needs to lead quickly to effective outcomes on the ground. The wording focuses on coastal only, when the SBS Priority Action includes mention of Marine systems, so the actions listed

must be extended and/or better and more clearly linked to the marine ecosystem to be comprehensive.

It would be good to take a source to sea approach (https://www.nature.scot/doc/naturescot-research-report-1343-source-sea-enabling-coherent-efficient-and-synergistic-outcomes). There's a risk that actions in the marine environment are not backed up by actions on land and in freshwaters where much of the plastic and chemical pollution that makes its way to the sea originates from. Where plans are identified, timescales for implementing the plans/ guidelines are needed. For example, a marine and coastal ecosystem restoration plan is to be published by 2025, but what will be the timescales for implementation?

Overall, this section is not focused enough on the biodiversity elements of sea level rise and improving the resilience of coastal and marine ecosystems. This section does not address threats to coastal species, either from predation or habitat loss. Additionally, we suggest that actions within this section should not be limited to resilience but also to the recovery of coastal and marine ecosystems to maximise the gains for biodiversity and ecosystem services.

Much more thought should be given about how marine and coastal ecosystems can be integrated within the strategic national programme of ecosystem restoration and the programme for species recovery, and the actions to achieve that. We would, for example, expect this section to consider:

- Strict protection or another tool for enhancing protection to make sure important ecosystems are protected and are allowed to recover.
- Climate change and its cumulative effects in the marine environment - identifying their key impacts and pressures and actions to minimise or mitigate them.
- Impacts from different sectors and activities (eg. commercial fisheries, oil and gas and offshore renewables).
- Actions to link holistic marine spatial planning and recovery of coastal and marine systems.
- Supporting diversification of the aquaculture industry and promoting its role in climate change mitigation and adaptation.
- Further exploring the potential of shellfish and seaweed aquaculture as a means of providing beneficial environmental services.
- Accelerating the adoption of approaches which minimise, reduce or remove the discharge of medicine residues and increase the use of effective non-medicinal treatments, waste recovery and preventative measures.

Action: Reducing deer densities & sustainable management of grazing by sheep

It would be helpful to consider how different breeds of sheep (especially local breeds) could help achieve this aim. Increase Ancient Woodland protection and restoration, especially through buffer zones (buffer zone can be determined case by case but can be around 100m) for natural colonisation around Ancient Woodlands.

Action: Enhance water and air quality. Undertake water management measures to enhance biodiversity.

Scot Gov must continue to invest in improvements to the wastewater service. Ambition for dealing with problem sewage discharges is poor here. There are many more than 24 problem discharges -

how/when are they going to be tackled? Also, this action is for completion by 2027 (i.e. end of current RBMP) - what happens after that? What action will be undertaken on sewage discharges in 2028-2030?

Long term monitoring must be maintained. There's an opportunity for citizen science actions here e.g. riverfly monitoring to extend the reach of the SEPA monitoring programmes and the Marine Conservation Society Beachwatch project.

A particular focus is needed on the presence and impacts of persistent chemicals in water. Because of the irreversibility of their pollution, their impacts will be felt for generations, therefore their presence in the environment needs to be minimised.

We need to see thinking and action around other pollution sources such as road runoff and the impact it could be having on the marine environment. We need to see additional measures undertaken to ensure this concentration pollution source doesn't impact our waters, particularly around marine protected areas.

Smaller water bodies, such as ponds, are at risk from pollution, climate change (water scarcity) and land use practices (according to a SEPA report in 2000, 50% of Scottish ponds were lost in the last century). This is another opportunity to engage citizen scientists, land managers, eNGOs, and promote sustainable communities to monitor and improve/create ponds - to reduce pollution and climate change impacts further impacting on freshwater species.

Action: Ensure Grouse Moor management sustains healthy biodiversity

Detail on restoring plant diversity and maintaining habitat connectivity and reissince should be added to this section.

Action: Following consultation in early 2023, continue on-going work towards implementing a ban on the sale of peat in Scotland.

LINK supports the ban on sale of peat in Scotland. The delivery plan should also set a clear timescale for a ban on the extraction of peat for horticultural use. This must also include a ban on sales so we don't continue to import peat from abroad.

Action:

Develop the new Register of Ancient Woodlands, to include locational data, a definition of the required 'protected and restored' condition of ancient woodlands, and a process for recording ancient woodlands that reach the required standard.

Support landowners to protect and restore priority ancient woodlands by 2030, where the initial priority list is those protected/designated woodlands that are currently in unfavourable condition.

Develop best practice guidance on measures for upland restoration to regenerate peatlands, increase native woodland cover, manage grazing, protect certain target species and priority habitats, and increase habitat heterogeneity.

This is welcome and should provide a foundational tool to reprioritise natural regeneration of woodland across the landscape.

Our Ancient Woodlands are our richest stores of biodiversity, with soils and webs of life that have evolved and become increasingly intricate over thousands of years. So, the commitment to register, protect and restore these special habitats is extremely welcome, not least because they can act as rich wellsprings for biodiversity to regenerate into the wider landscape. Clarity will be essential to achieving these goals and we recommend that robust definitions are applied to the terms 'Ancient Woodland', 'restored condition' and 'priority woodland'.

Ancient woodland

Development of a new register of ancient woodlands needs to include a rigorous remapping exercise, using up to date satellite imagery and with reference to unenclosed woodland on original 1st edition OS maps. Currently there are many instances where ancient woodland presence or extent is not accurately mapped and included on the register. We also think that ancient woodlands should not encompass woodland of long-established plantation (LEPO) origin as these typically do not have the same ecological value as wild, non-planted populations of ancient woodland. The latter display continuity from trees that recolonised Scotland following the end of the last ice age. However, LEPO should be retained as a concept and still recorded as they have the potential for increased diversity and ecological value. Importantly, plantation on ancient woodland sites (PAWS) should be included here and a leadership role to their recovery taken by Forestry and Land Scotland on the National Forest Estate.

The register should also be an open register that can be routinely updated if new unmapped areas of ancient woodland are discovered. Classification of ancient woodland should be based upon historical or ecological evidence of continuity from wild populations. To maximise future continuity of ecological and genetic diversity from refugia, no minimum stems/hectare should be applied in the classification of woodland.

We would also like to see the inclusion of montane woodland (e.g., *Salix spp., Betula spp.)* in the ancient woodland registry, especially given the vital ecosystem services they can provide. These rare and rich refugia are in desperate need of intervention to protect and restore them at scale across the landscape.

Protected and restored condition

Protected and restored condition for ancient woodland should be defined including measures of four key traits of ecological health and resilience:

- Diversity – describes the diversity of and within (e.g., genetic variation, age structure) species that make up the woodland ecosystems including, trees, ground flora, lichens, liverworts, and bryophytes. This also includes the spatial structure of the woodland such as variation in stem density, fallen deadwood etc.
- Continuity – describes the maintenance of diversity over time through the process of natural regeneration of all the component woodland ecosystem species.

- Mobility – describes the ability of woodland to be dynamic across the landscape by naturally regenerating outside present day woodland boundaries. This is a critically important feature required to respond to a changing climate and select appropriate micro-climate niches.
- Connectivity – describes how connected woodland ecosystems across the landscape are. Increased connectivity increases woodland ecosystem scale. High connectivity in woodland ecosystems increases their ability to absorb and respond to negative environmental impacts by regenerating from unaffected refugia when and where mobility, continuity, and diversity are present.

These traits can be measured and scored individually but should also be combined in a collective score to demonstrate the potential contribution toward landscape-scale ecosystem recovery.

Priority woodland

Priority woodland is ancient woodland (as defined above) that:

- Is in unfavourable condition regardless of protection or designation status e.g., SSSI, SAC
- Includes a regeneration buffer zone around current woodland boundary e.g., 100-500m
- Displays high potential for landscape-scale connectivity
- Is under-represented in Scottish woodland ecosystems e.g., riparian, and montane woodland.

We believe that prioritisation of restoration efforts should focus on all ancient woodlands that are in unfavourable condition regardless of protection or designation status, particularly those woodlands where condition assessment has not recently been completed.

Importantly, with reference to the four key traits of woodland ecosystem health and resilience, priority woodland should be defined with the inclusion of a regeneration or buffer zone e.g., 100-500m, which reflects natural woodland dynamics. This will also help to maximise the potential for woodland expansion to contribute to landscape-scale ecosystem restoration and reach nature and net zero targets.

Prioritisation should also consider woodland types of high ecological importance that are under-represented in the Scottish landscape e.g., montane woodland, riparian woodland.

Given the historical and ecological complexity of woodland ecosystems in Scotland an appropriate level of expertise should be applied to the development of prioritisation processes, and we feel this could be best delivered by woodland specialists within NatureScot.

Woodland restoration prioritisation tool

Considering the totality of the above points around ancient woodland, restored condition, and priority woodland, we would like to propose the development of a prioritisation tool or metric for landscape-scale woodland restoration in Scotland.

We would like to propose that NatureScot be tasked with the development of this tool for public use.

Using current and future geospatial mapping datasets of Scottish woodlands, such as the Ancient Woodland Inventory, Native Woodland Survey of Scotland, Native Woodland Model of Scotland, Caledonian Pinewood Inventory etc., the following is a rough outline of a potential approach:

- Map ancient woodland as defined above
- Prioritise using condition status i.e., unfavourable is prioritised
- Create regeneration buffer zones using a range of buffer zone sizes
- Merge adjacent/contiguous polygons
- Cluster woodland areas/polygons using appropriate methodology
- Resulting clusters can be used to inform prioritisation of landscape-scale woodland restoration efforts.

The above tool would also be useful in helping to plan landscape-scale deer management priorities and efforts and used as an engagement tool in processes such as the common ground form for deer, as well as 30x30 targets, and local authority restoration initiatives in the Nature Network framework.

Increase native woodland cover

Native woodland expansion should prioritise the identification of existing wild ancient woodland refuges and prioritise expansion from these ecologically and genetically diverse sites via natural regeneration. Woodland tree and ground layer species composition and abundance should be baselined and browsing impacts assessed e.g., WHIA. To enable effective natural regeneration from wild tree refuges, we recommend undertaking a programme of landscape-scale deer management to ensure that habitat restoration targets are met, adopting a presumption against deer fencing.

Planting of native woodland should be secondary to natural regeneration from wild tree refuges and prioritisation should be given to rare and dispersal limited species using source material of local provenance e.g., *Salix spp., Populus tremula, Juniperus communis*. Additionally, planting should be prioritised in locations distant from native woodland seed sources where natural colonisation would be slow, thereby facilitating woodland connectivity. Tree planting should be distributed in as naturalistic a manner as possible to help create structural diversity of the woodland, meaning no regimented spacing of planting.

Fine-scale peat depth surveys should be conducted prior to planting, avoiding planting on deep peat (>30cm), and using methods with minimal soil disturbance e.g., hand slot planting.

Question 2c: Which actions do you think will have most impact?

Please state the actions and explain the reasons for your response:

Large scale ecosystem restoration across land and sea with committed funding and support not only in terms of the delivery but also as case studies for driving change and sharing knowledge. A key element of ecosystem restoration is reducing deer numbers and the actions on deer management represent the most “SMART” set of objectives in the Delivery Plans.

Question 2d: Have we captured the key actions needed to deliver the objective: protect nature on land and at sea across and beyond protected areas?

- Yes
- ✓ No
- Unsure

Please explain the reasons for your response:

We support the key actions that have been listed but suggest the following need to also be considered for the successful implementation of NPF4:

- Local Planning Authorities are adequately resourced to enforce the implementation of commitments made in Habitat Management Plans (which are often a condition of a development's consent) in addition to commitments in biodiversity enhancement plans, species protection plans, peat management plans, breeding bird protection plans and any off-site peat restoration plans.
- Where Local Planning Authorities lack enforcement resources, they must ensure, through planning conditions attached to consent of any development, that the developer pays for a Planning Monitoring Officer to be employed during the construction and post construction phases, whose role is to independently monitor planning compliance and environmental protections at development sites for the protection of nature.
- Every Planning Authority needs to ensure it has adequate processes in place for prioritising compliance with planning conditions.
- Remote sensing technologies could be deployed to support monitoring of offsite peatland restoration to check whether carbon is being sequestered (a measure of whether the restoration has been successful or not).
- An improved evidence based approach is needed to inform where large scale developments are sited. There is a critical need for carbon emissions data for development proposed on habitats that are natural carbon stores. Consider a new natural carbon designation for peatlands that are not protected already by a nature designation.

All actions should be made 'SMART' to ensure it is clear who is responsible for delivery and in what timescale.

There is no mention of the public in actions related to 30 by 30, national parks, expanding nature networks, new measures for protecting biodiversity, or biodiversity in green and blue spaces (except a mention of "homeowners"). The best way to engage the public would be through promoting public access and outdoor recreation and supporting ranger services.

Action: Ensure that at least 30% of both land and sea is protected or conserved and effectively managed to support nature in good health by 2030 (30 by 30)

LINK supports the actions to deliver on the commitment to protect at least 30% of Scotland's land and sea for nature by 2030 and improve protected areas. However, the actions in this section need to be made SMART and some key actions are missing.

The overarching action and the first action in this section are the same, with slightly different wording. Clarity should be given as to whether the header actions are in fact overarching objectives under which all the actions sit. We suggest that the wording of the '30 by 30' target used in the first action in the list (rather than the overarching action) is clearer and more specific. There is also no mention in the section of the outcome relating to protected areas in the section, which is 'protected areas will be larger, better connected and in good condition'. Even if the outcome itself isn't referenced then the individual components of the section need to be addressed in the actions, which they are not.

We would expect this section to refer to the framework for 30x30 in this section, but it is not mentioned. It would make sense to pull out some of the key actions outlined in the 30 by 30 framework and duplicate them here for consistency and clarity – for example:

- By Spring 2024 finalise the criteria and framework for 30 by 30
- By the end of 2024 establish the governance and pipeline system for 30 by 30
- By the end of 2024 collaboratively develop and publish the criteria, means of long-term assurance and route for identification and recognition of OECMs in Scotland that aligns with international standards and best practice (e.g. CBD)
- By the end of 2024 include provisions in the Natural Environment Bill for strengthening and improving existing protected area designations and creating new area-based conservation measures.

The action on monitoring needs to be made SMART. We suggest:

"By the end of 2024 NatureScot will develop, consult on and begin to implement a new monitoring strategy to ensure that Protected Areas are appropriately managed to deliver their objectives by assessing on-site and off-site pressures."

Monitoring is vital for informing effective management of sites, however budgets for site monitoring have declined and as a result so has the frequency and depth of monitoring. NatureScot are going to have more to deliver in this area going forward. Monitoring is a vital element of plans to deliver the 30x30 target and it is therefore essential that the Scottish Government find ways to secure long-term funding for monitoring protected land and sea.

The action on establishing a programme to bring protected woodlands into favourable condition is too narrow and should apply across all protected sites, we suggest:

By the end of 2024 set new targets for improving the condition of protected areas on land and at sea, establish a strategic programme for delivering favourable conditions across the protected area network including statutory targets for protected area condition in the Natural Environment Bill. Establish a protected area owner/manager group to drive forward collaborative action on terrestrial sites and a strategic programme for improving the condition of protected sites across Scotland.

All Plantations on Ancient Woodland Sites (PAWS) to be under active restoration to Ancient Semi-Natural Woodland (ASNW) status.

All Ancient Woodlands (ASNW + PAWS) to be in active management to improve ecological condition (according to National Woodland Inventory indicators).

All species rich grasslands that could be Irreplaceable Habitats to be in active management to improve ecological condition.

We believe that for the existing MPA network to contribute toward the 30 x 30 target, only the proportion of the network that is protected from the most damaging activities should be considered as contributing toward the target. At present many of the sites in the MPA network remain "paper parks" until such time as long-awaited fisheries management measures are put in place. We would prefer management options that extend fisheries management measures for the most damaging forms of fishing across the entirety of seabed MPAs, a "whole-site approach". Given adequate consideration of Other Effective Area-Based Conservation Measures in line with international recommendations, these could potentially also be considered as contributing toward the figure, although at present OECMs are not adequately assessed or monitored to be considered part of the network. We would like the Scottish Government to formulate a formal policy regarding the incorporation of Other Effective Area-Based Conservation Measures (OEACMs) and their potential contribution to the Scottish Marine Protected Area (MPA) Network. This policy should be consistent with the international guidance established by the CBD COP while considering and integrating the most successful practices observed in other regions.

<u>Missing actions:</u>

- There should be an action on improving the connectivity of protected areas, to align with the overall outcome on protected areas. This should describe how the actions on nature networks will be aligned with actions to improve protected areas and deliver 30x30.
- There should be an action on establishing the potential impacts of climate change on protected areas and the actions required to improve the resilience of protected areas to climate change and increase flexibility across our protected area network, in a way that safeguards nationally and internationally important species and habitats.

Action: Put in place fisheries management measures for those sites in the MPA network that require them by 2025.

We welcome the fisheries management measures to protect the most vulnerable inshore MPAs that were put in place in 2016 , however, LINK members of the marine group are deeply disappointed by the ongoing delay in establishing fisheries management measures for the remaining inshore sites and all the offshore sites and believe they must be established urgently and without further delay.

New fisheries management measures should be established based on a review of the existing measures that are in place in other MPAs to evaluate their effectiveness in protecting or enhancing the status of designated features. We believe that only measures that have helped secure Favourable Condition for designated features should be counted as positive measures.

As noted above in answer to 2b there are clear links across to the recently closed consultation on the use of iVMS and REM in inshore waters. REM with cameras is essential for effectively monitoring fishing activities to ensure adequate protection of Scotland's MPAs, particularly in the context of independent reports of fishing activity within restricted zones of existing MPAs. - Please see LINK's response to the consultation here: https://www.scotlink.org/wp-content/uploads/2023/11/LINK-Consultation-Response_Inshore-fisheries-fleet-Consultation-on-requiring-electronic-tracking-and-monitoring-technology-on-under-12-metre-commercial-fishing-vessels.pdf

Moreover, new management measures should reflect the current socio-economic status of the fisheries and be linked with the appropriate monitoring, enforcement and financing mechanisms.

We suggest a rewording of this action to make it SMART: "Put in place fisheries management measures for those sites in the MPA network that require them and review Priority Marine Features within MPA network by 2025, increasing the level of protection to secure the recovery and resilience of Scotland's Seas."

Action: Develop and implement an adaptive management framework for the MPA network by 2028

This action needs a clear definition or further development of what adaptative management means for MPAs. In our view, adaptive management frameworks should consider how local and global stressors interact in the marine environment (i.e. synergistic interactions between marine developments, fisheries and climate change). It is crucial to incorporate a long-term monitoring scheme into the design.

In light of much of the misunderstanding surrounding the purpose and potential local socio-economic benefits of HPMAs, the scope for inclusion of strictly protected areas or zones within the MPA network that can help boost shellfish and fish populations locally and benefit local low impact fishermen in static-only buffer zones, should be considered as part of this adaptive approach and wider consideration of what "enhanced marine protection" entails. Many of the issues arising in recent years are a result of a false dichotomy between conservation and fisheries management with separate conversations happening about the same area of seabed in different forums. Whilst this is improving, it is our view that much of the unfortunate polarisation is an artefact of non-integrated management of fisheries and conservation. More work needs to be done to understand, quantify and communicate the wider socio-economic benefits of the MPA measures that have been put in place to date.

Finally, we suggest integrating this process with the continuous development of the Adaptive Management framework for offshore MPAs led by JNCC.

Action: Expand the role of National Parks and ensure they act as exemplars of biodiversity protection and recovery

We support this action and note section seven of the consultation covers National Parks reform, where we have provided more detailed comments on the legislative changes which will support this action.

We suggest also adding an action for the Scottish Government to publish a National Vision for all National Parks. This was recommended by NatureScot in their 2023 advice to ministers on the topic

and would provide a clear policy direction for National Parks and further details about how the new purpose and aims are to be achieved.

The action to 'ensure National Parks, National Nature Reserves and protected areas are exemplars in better delivery of biodiversity outcomes by 2030' is vague and unclear - we suggest that the intent of this action is covered by the other actions on protected areas, 30x30, National Parks and National Nature Reserves, and recommend removing this action.

Action: Fulfil the potential of National Nature Reserves (NNRs) for nature recovery

We support the intention to improve National Nature Reserves and expand the NNR suite. New NNRs should be underpinned by other statutory designations to ensure effective protection from damage and to contribute to 30 by 30. We suggest that the first action on putting in place 5 demonstration sites should clarify the organisation(s) responsible for delivering this action. The third action on climate adaptation is welcome and should include work to collect data on the impacts of climate change across the NNR suite and to implement the RAD – Resist, Accept, Direct – framework within the refreshed management plans.

Action: Identify, expand and enhance Nature Networks and ecological connectivity

Scottish Environment Link is very supportive of Nature Networks, has advocated for them for many years and welcomes commitments in the Delivery Plan to see them implemented. However, real action is needed to ensure they happen on the ground.

The first action in the delivery Plan, 'Ensure nature networks are implemented in every local authority area' would seem to depend on the implementation of a number of the other actions in this section. Overall, it is key that the themes of the Framework for Nature Networks are reflected in the Delivery Plan. The Framework would seem to be the main way in which it is proposed to deliver nature networks, but it is not mentioned in this section. The themes and next steps in the final Framework for Nature Networks should be set out clearly as SMART actions in this section or others in the Delivery Plan. Or one action should be included which states that the Framework for Nature Networks will be delivered as set out in that document.

The action on mapping does not make it clear who will be responsible for this but it seems like that would be essential to the delivery of what is proposed. The action as written does not recognise the mapping that will be needed to record what exists now and which will inform the basis of nature networks.

A SMART action could be:

'By 2025 Scottish Government and Nature Scot will have developed and made available a national mapping system which is free to use for all local authorities to map existing habitats and opportunities in their area, thereby allowing a consistent and cross boundary expression of nature networks'

It would be helpful to understand where and what the blue/green infrastructure is, and what potential ecosystem services it could provide in different spatial contexts. It is important that the

primary ecological function of nature networks is not forgotten and not confused with wider environmental aims. Although there will inevitably be overlap, green and blue infrastructure is not primarily about ecological restoration and connectivity. These distinctions should be clear.

There needs to be more clarity throughout about a) who is responsible for undertaking mapping b) what level mapping is being undertaken e.g. local/regional/national and how coherence and join up ensured between different levels.

Although it is positive to see RLUPs referenced, it is not clear how they will be properly supported and financed. Although LDPs will need to reflect nature networks, it must be recognised that they have a 10 year cycle and many will not be adopted for a number of years, therefore cannot be used as the place where nature networks primarily sit. This is not an achievable target within the 2030 timeframe. Nature networks will not be static, but an evolving process that is added to over time and must exist in a way which allows this change to be reflected.

Actions 2 and 4 appear to overlap. The action in relation to the toolbox, also set out in the Framework, needs to be much clearer. It needs to be SMART, setting out what NatureScot will produce for local authorities by 2025.

The targets are largely focussed on mapping rather than implementation. The emphasis is on LPAs however, there needs to be regional planning and a National Nature Network as networks otherwise will be limited largely by LA boundaries rather than making ecological sense at landscape scale.

It is essential that a national approach is taken to nature networks and the onus is on Scottish Government to implement a national network by 2030, made up of regional and local networks. Local Authorities need to be supported to deliver what is being asked of them and guidance and tools produced to help them deliver. Nature networks will look very different in the varied parts of Scotland, but there must be consistency and clarity in what is being asked of LAs and the tools they have to use.

Action: Establish a programme to enable protected woodlands to be brought into favourable condition with clear targets and a clear framework for decision making

We support this action, and recognise that, although starting with protected woodlands in unfavourable condition is sensible, many of the pressures acting on these woodlands (e.g. grazing, INNS) operate at the landscape scale and must be tackled at this scale.

At the same time, it's good that condition, targets, and framework are included to guard against 'paper parks' - this is needed if the 2030 target is to be meaningful. LINK suggests that this methodology should be rolled out across non-woodland protected areas too, including but not limited to peatlands, grasslands, and heathlands. We suggest 'protected woodlands' should be replaced with 'protected habitats'.

Action: Champion new planning and development measures for protecting and enhancing biodiversity

New development measures offer an opportunity to mandate green roofs and other green infrastructure on new buildings.

A consistent approach should be developed to assess existing and potential biodiversity value of green and blue spaces - This assessment should include priority habitats such as Open Mosaic Habitats on Previously Developed Land (i.e. brownfields).

Explore options for developing a biodiversity metric or related tool, specifically for use in Scotland. Raise awareness and promote the Developing with Nature guidance to support delivery of NPF4 policy 3c and develop a user-friendly version of the guidance.

Publish new guidance to support delivery of NPF4 (policy 3) biodiversity policy and to support wider work on building skills and capacity on biodiversity and nature across the planning system.

Include a requirement within the development management process (under NPF4) for management and maintenance plans for blue/green infrastructure to be routinely submitted (and finance secured) demonstrating how the design and maintenance of these areas will contribute to lasting positive effects for biodiversity.

Develop a consistent approach to assessing existing and potential biodiversity value of green and blue spaces and measuring, monitoring and demonstrating long-term positive effects for biodiversity and agreed approach to standardised monitoring has been provided to Local Authorities by 2030.

Ensure that information on soil health is considered in planning decisions, to support development proposals that protect soil from damage, and that minimise soil sealing and enhance soil quality. Provide guidance for Scottish Planning Authorities on sustainable use and management of soil in planning processes (2030).

Ensure that development relating to renewables and essential infrastructure provides positive effects for upland biodiversity and peatland habitats, by developing clear guidance on NPF4 requirements for delivering positive effects for biodiversity.

Positive effects for biodiversity measures included as a condition for consent need to be monitored and enforced to determine their effectiveness. In the survey on ecological capacity and expertise in Local Planning Authorities two thirds of respondents rated lack of enforcement staff to ensure compliance as a high or very high risk to their LPA's ability to implement the NPF4 and Positive Effects for Biodiversity. Scottish Local Planning Authority Ecological Expertise and Capacity Survey Report https://cieem.net/survey-of-scottish-local-planning-authority-capacity-highlights-risk-to-delivery-of-npf4

Action: Enhance biodiversity in Scotland's green and blue spaces

LINK supports the overall intention to enhance green and blue spaces, but the actions in this section lack ambition and need to be SMART to ensure it is clear who is responsible, and what they have to do within a specific timeframe.

It is important to be clear about the ways in which green and blue infrastructure may contribute to, but are not the same as, nature networks. The draft Nature Networks Framework states that , 'The primary purpose of a Nature Network is ecological connectivity'. While there will be inevitable overlap, the main aims of each need to be kept clear.

Local authorities should do more than just "consider the need" for a vision for surface water management – climate change will make sustainable surface water management a necessity. Local authorities should be required as part of their local development plan to develop sustainable surface water management plans that provide biodiverse habitat areas that are properly informed by ecologists.

There should be a tightening up of planning restrictions on paving gardens and artificial grass in new housing developments so going forward there is a focus on permeable ground as part of climate adaptation measures and biodiversity enhancement.

Blue and green infrastructure should be an integrated requirement for future planning and development. Considering blue and green infrastructure, biodiversity and nature networks in the design and planning of 20-minute neighbourhoods is fundamental as part of a nature-based approach to planning. This could also include easing the process by which beaches secure bathing water status, and the attendant investment in sewerage infrastructure upgrade that can flow from that. Absentee owners and lack of clarity of ownership of the beach and foreshore can hamper local community efforts to improve the management and enjoyment of their beach and adjoining waters for example. The Government should focus closely on how lack of clarity on coastal and intertidal land management and ownership issues can be a barrier to enhancing blue spaces. This is supported by the finding of a recent set of recommendations from Environmental Standards Scotland following a complaint by the Environment Rights Centre for Scotland: Case-Summary-Report-Bathing-Waters-IESS.23.005.pdf (environmentalstandards.scot).

For many of the actions it is not clear whether it should be implemented as part of NPF4 or the Biodiversity Strategy.

It is not clear why nature-positive management strategies for the public estate in towns and cities should only cover amenity grassland. It is suggested that such strategies are extended to cover the public estate in its entirety and the timescale for this action is brought forward to 2025.

It is not immediately clear how useful the second action would be or whether it would be better to support local authorities to deliver green and blue places.

The third action should be mandatory (i.e. remove the words 'consider the need to') and should relate to the first action.

It is not clear how the fourth action relates to requirements for development to deliver biodiversity enhancement, and guidance may be necessary to clarify requirements, referencing any biodiversity metric as necessary.

The fifth action does not reference a timeframe for preparation or implementation nor is it clear who this action belongs to, e.g. Scottish Government.

Although the sixth action, to promote and share good practice for residential gardens to better support biodiversity by 2030, is generally a positive action, this is an unambitious timeframe especially given the guidance that is already available and the good practice that is already being undertaken. NatureScot has published guidance in relation to the delivery of biodiversity enhancement for local developments, 'Developing with Nature'. This has a large focus on small scale and domestic measures and an adapted version of this could be developed to reference residential gardens. The review of this guidance is commented on above. The action does not reference how the implementation of good practice might be encouraged or incentivised. A more specific and measurable action should be included, or the action should be removed.

Question 2e: Are the key actions, to support the objective: protect nature on land and at sea across and beyond protected areas, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

- Yes
- No
- ✓ Unsure

Please explain the reasons for your response:

We welcome all the key actions listed but it is difficult to know whether they will be enough to protect nature on land and at sea across and beyond protected areas and end biodiversity loss. To protect nature on land and sea requires managing an area of land or sea in the long term in the interests of nature and people. Due to the loss of natural abundance and diversity of nature in Scotland, protection must also mean restoration, with long term management planning by landowners, regulators, land managers and developers/industries, for nature's restoration. Protection is not therefore only about prohibiting some activities through regulations, planning policies and standards (where the evidence supports that these activities harm nature), it is about land use and land management policies, which ensure co-habitation for the long term between human activities and nature's ability to thrive. The National Parks could be exemplary in demonstrating what management for the protection and restoration of nature looks like. However, we need exemplary land management for nature across all of Scotland and this ties into the responsibilities of landowners and managers everywhere, to be managing land with approaches that allow nature to recover, rather than approaches that seek to contain or restrict nature, extract from nature without putting back or which directly destroy or harm nature.

Marine Actions (Vote No)

Management of activities in the marine environment for the recovery of nature is lagging significantly behind action being taken on land. While the key actions in this plan are welcome, they need to be implemented more strategically/holistically to achieve the long-term vision for ecological recovery. We are still awaiting long-delayed effective, inshore regional marine planning and of particular concern given the nomadic nature of this pressure, there is a lack of ecosystem-based spatial management for fishing. Scotland's Marine Assessment (2020) highlights bottom-contacting

fishing as the most widespread pressure on seabed ecosystems, and Marine Scotland Science (as was) modelling concluded that less than 1% of historic trawled area is currently protected inshore within the current MPA network. The Future Fisheries Management strategy action plan committed to the delivery of "an ecosystem-based approach to management, including considering additional protections for spawning and juvenile congregation areas" and this remains urgently needed.

We welcome the commitment to nature friendly fishing as being essential for helping reverse the decline of nature at sea but are unable to say the commitment to "Implement an ecosystem approach to management of sea fisheries, based on the best available scientific advice, and minimising adverse impacts on non-target species and habitats" is sufficient without further detail of what that looks like (see also answer to 2g).

Proposed fisheries management measures for offshore MPAs and the remaining inshore MPAs were designed before the now widely acknowledged climate and nature crises - these measures must be implemented without delay to halt biodiversity decline. The programme to implement fisheries management measures for protection of PMFs outside MPAs is limited in scope (targeted feature-based measures for 11 Priority Marine Features) and, whilst welcome, risks safeguarding only remnant patches rather than enabling PMF enhancement and wider ecosystem recovery. Management plans are also needed for the four nature conservation MPAs designated in 2020 (Shiant East Bank, Southern Trench, Sea of the Hebrides and Northeast Lewis) as well as the Inner Hebrides and Minches SAC, in particular for the protection of important habitat and feeding areas for marine megafauna.

Following the HPMA consultation process, the Scottish Government emphasised its commitment to "enhanced marine protection" and most recently in its response to the consultation outcomes stated that "The Scottish Government will instead continue to work to enhance marine protection in line with our draft Biodiversity Strategy ambition for Scotland to be nature-positive by 2030 and will recognise the EU Biodiversity Strategy for 2030 targets over the same timescale." We would welcome clarity on how the Scottish Government would apply the actions listed in practice to meet and be equivalent to these EU targets. The EU Biodiversity Strategy recommends that at least 10% of EU seas are "strictly" protected. It is important that the Scottish Government provides clarity on developing a transformative, credible pathway to reversing the decline of nature at sea by 2030 that at least aligns with the EU aspirations that the Government aspires to at least track, including this target of at least 10% of sea being strictly protected by 2030, and how to achieve that. In our Ocean Recovery Plan for example, we recommended establishment of a commission that could help find common ground and set out the steps needed to meet the 2030 target. That might be one option, but if the Government weren't minded taking that forward, some mediated process to enable a shared understanding of the diminished baseline from where we are starting at sea and how the measures needed to improve ocean health can also help support sustainable coastal communities into the future would be very valuable.

To meet delayed and yet-to-be-clarified actions and targets it is important that there is deeper and broader engagement with communities of place and interest to support coastal and marine enhancement and restoration aspirations. Several LINK members have extensive experience of community engagement that could help advise on such an approach.

Question 2f: Which actions do you think will have most impact?

Please state the actions and explain the reasons for your response:

If rolled out widely, (adequately funded) programmes to set targets and monitor the condition of biodiversity, providing targets are SMART - this ensures the strategy doesn't just look good on paper and that management for nature is informed by the best available information.

At sea, implementing "an ecosystem approach to management of sea fisheries, based on the best available scientific advice, and minimising adverse impacts on non-target species and habitats" is essential and, if done right, working with the grain of the ecosystem, could be incredibly beneficial for nature at sea.

Question 2g: Have we captured the key actions needed to deliver the objective: embed nature positive farming, fishing and forestry?

- Yes
- ✓ No
- Unsure

Please explain the reasons for your response:

The role of land managers and fisheries management is recognised, but not the role that the rest of the population can play in supporting nature positive farming, fishing and forestry. For example, the public has a huge influence through consumer choice which could be harnessed to make more sustainable choices. Also, the role of the marine environment, farming and forestry in supporting outdoor recreation and helping to connect people with nature is not mentioned. People will not value nature if they don't experience it first hand. In addition, land managers have a role in educating the public in the way land is managed. This includes education in relation to the need for people to change their behaviour in response to pests and diseases, such as avoiding areas of forests where disease control is taking place.

Action: Ensure increased uptake of high diversity, nature-rich, high soil-carbon, low intensity farming methods while sustaining high quality food production

Forest management plans should state: *'New forests must not be established on soils with peat exceeding 30 cm in depth and on sites that would compromise the hydrology of adjacent bog or wetland habitats. Note: Woodland creation on certain sites where deep peat soils (i.e. >30 cm) have historically been highly modified may be considered. The decision of whether to restore or restock after felling on soils with peat exceeding 30 cm should be carefully considered, taking into account the balance of benefits for biodiversity, carbon sequestration, timber supply and other ecosystem services. Restoration rather than restocking must be the priority on soils with peat exceeding 50 cm.'*

There would be value in this section, or elsewhere in the document, specifying what types of soil in farming systems are meant under this action (and others). For example, there will be different management approaches between e.g. species-rich grassland and arable land which will result in the

same soil health benefits outlined here. In addition, there needs to be more specifics around what exactly is meant by 'controlling nitrogen cycling' agriculture accounted for 92% of Scotland's emissions in 2018 which was mainly the result of manure management and use.

The Scotland Soil Framework needs to be revised and the actions/implementation plan needs to be SMARTer.

With regards to ensuring farm and forestry machinery contractors are engaged in ensuring appropriate use of equipment, we need to know how the enforcement will be strengthened and what measures will be put in place to ensure enforcement. There is scope to include and strengthen soil protection requirements as part of existing cross compliance requirements on farmers and through revised Tier 1 requirements as part of new rural support.

Assessing soil erosion risks and implementing measures to avoid erosion. There is extensive data from James Hutton Institute on soils including soil maps and the issue of disseminating it and making it accessible to farmers. NatureScot Sharing Good Practice events had an important role in information exchange.

This section should include not only increasing the uptake of integrated pest management but also reducing reliance on pesticides. We also need to make sure that the assessment of the risk from pesticides is undertaken for a broader suite of species and habitats (e.g. freshwater invertebrates). For example, amphibians have porous skins that make them very susceptible to pesticides.

Action: Introduce an agricultural support framework which delivers for nature restoration and biodiversity alongside climate and food production outcomes

More detail is required on what the biodiversity audits will consider and how they will be used.

It is good to see alignment between the policy areas of environment and agriculture, and the emphasis on soil. However, the strategy doesn't include targets or numbers.

It is not enough to undertake biodiversity audits, or even to "Ensure increased uptake of high diversity, nature-rich, high soil-carbon, low intensity farming methods while sustaining high quality food production".

The strategy should have clear metrics and targets in terms of arresting and reversing the decline of nature on farms; on soil carbon sequestration; on pesticide reduction; on reduction in nitrogen loss and waste.

These targets can only be delivered with a combination of **both** stronger conditionality for any base payment **and** significant budgetary shift away from base payments to specific pro-nature schemes - including organic farming, agroforestry, other agroecological practices and habitat-specific and species-specific measures, including at landscape level.

Farmers/assessors should be provided with regional species lists so they can see what they should have in terms of common and rare species. Farmers should also be supported to use wildlife recording apps/other software, e.g. Iceni Earth.

Audits need to be repeated every 5-10 years to monitor effectiveness of actions.

When designing an agri-environment scheme, the balance of payment rates, incentives, and advisory support should not prejudice decision-making that favours one habitat over another. For example, in England's Environmental Land Management Scheme (ELM), the Sustainable Farming Incentive (SFI) payment rates for managing species-rich grasslands are so low in comparison to other options, such as herbal leys, that farmers are considering ploughing, re-seeding, or fertilising their species-rich grasslands in order to enter them into options they perceive to be more lucrative. This risks facilitating further driving losses of species-rich grasslands.

Improving the ability and willingness of land managers to accommodate beavers is crucial to embedding nature positive farming, fishing and forestry. Grant schemes and agricultural subsidies should properly incentivise planting of riparian buffers on PAL with the expansion of the beaver population being a key motivation for this. Increasing investment in NatureScot's Beaver Mitigation Scheme and making compensation available for farmers who have incurred significant financial costs as a result of beaver damage would help more farmers to tolerate beavers on their land. Research into beaver impacts on migratory fish in a Scottish context should be prioritised.

Should be an action to ensure management of priority INNS and deer is embedded in forestry operations, particularly native woodland creation and restoration projects.

Action: Implement further fisheries measures in vulnerable marine ecosystems and to protect Priority Marine Features outside MPAs

We welcome this section, however, the fisheries management measures and PMF section needs to be more ambitious, by establishing targets for the recovery of marine biodiversity, including status and extent of vulnerable seabed habitats. Current data is outdated (most surveys were undertaken almost a decade ago) and so effective monitoring and resourcing for that should also be included in the actions. We question the need for revising the PMF list, particularly considering the ongoing delay in establishing protection of vulnerable benthic PMFs beyond the MPA network. We presume that this review will not impact the process to protect the 11 PMFs identified and does not lead to the omission of any vulnerable species and habitats requiring improved protection.

Scotland's Marine Atlas (2011) and updated Marine Assessment (2020) both identified commercial mobile demersal fishing as the most widespread pressure impacting seabed habitats, and certain fish and shellfish stocks continue to be depleted due to historic over-exploitation. Fisheries management measures to protect designated features within MPAs that were designated nearly 10 years ago must be established urgently and without further delays. Proposals developed for the management of fishing activities inside and outside MPAs must contribute to ecological improvement in the context of the many concerns raised in Scotland's Marine Assessment 2020 and the interlinked global climate and biodiversity crises.

Fisheries management approaches should be ecosystem-based and should incentivise and benefit low impact fisheries. This is necessary to meet Fisheries Act 2020 objectives, including the sustainability, precautionary, ecosystem and climate change objectives and the actions of the Future Fisheries Management strategy.

Further attention should be paid to activities happening close to or at MPA boundaries as impacts could be extended to designated features within protected sites. To address this, we recommend the EIA regime for marine activities within NCMPAs and offshore MPAs should be extended to activities happening close to or at MPA boundaries.

A key missing action is for the Scottish Government making a time-bound commitment to set out a climate-smart fisheries strategy, which seeks to halt damaging activities in offshore MPAs where protected features are impacted, reduce damage to carbon stores beyond the MPA network, reduce UK dependence on bottom towed fishing gears and promote low impact, low-carbon fisheries.

Action: Deliver further fisheries management measures for Priority Marine Features identified as most at risk from bottom-contacting mobile fishing gear out with MPAs by 2025.

This welcome action is in urgent need of delivery, what will be fully eight years since the scallop dredge damage to flameshell beds in outer Loch Carron that triggered the proposed work package. We advocated for the testing of an approach which protected that part of the inshore area where 96% of the remaining known Priority Marine Feature records for the 11 PMFs deemed most at-risk to bottom contacting gear were located, namely within 0.5 nautical miles of the shore (and with a 0.5nm buffer around PMF records outside of 0.5nm from shore), and also an option of a 1 nautical mile limit which included derogations in the outer half nautical mile. See LINKMarine_writtencomment_PMF_SEA_Aug2018_FINAL.pdf (scotlink.org). We await to see what proposals will be brought forward to consultation and will appraise those at that time.

Action: Introduce fisheries closures to protect Vulnerable Marine Ecosystems in offshore waters between 400-800m depth by 2027

We welcome the proposal to introduce fisheries closures to Protect Vulnerable Marine Ecosystems in offshores waters between 400-800 m depth by 2027. Deep sea habitats at 600-800m depth show high levels of productivity, have significant potential to sequester carbon, and contain a high diversity of fish species and benthic habitats, such as deep-sea sponges, coral gardens, and cold-water reefs. Scientific evidence (https://www.sciencedirect.com/science/article/pii/S0960982215009380) suggests a depth limit of 600m for all mobile demersal fishing gear is most appropriate, as beyond this depth ecological damage increases significantly while the commercial gain per unit effort decreases. We suggest that a 600m depth limit on the use of mobile demersal gear would enable the recovery and expansion of remnant vulnerable marine ecosystems and a 'whole site approach', where fisheries management measures are applied across the seabed for the entire site, should be considered for offshore MPAs designated to protect seabed features. We would also welcome fisheries closures to protect further VMEs located between 400m and 600m, in the scenario of the deep-sea access regime depth limit being moved to 600m.

Action: Identify high-risk areas and/or gear types for bycatch and entanglement of sensitive marine species.

We believe the current action isn't enough to address the serious problem of bycatch and entanglement of sensitive species in Scottish waters. The UK Fisheries Act (2020) through the

bycatch objective, provides legislation to address this issue, identifying high-risk gears and areas, such as longlines and gillnets for seabirds, and gillnets and creel lines for species like cetaceans. We, therefore, suggest making this action secondary to the target of developing and rolling out mitigation measures, as outlined in the fourth bullet point of the same section in the consultation. This reframing places it under the surveillance action, focusing on improving monitoring of bycatch rates, mitigation use, and understanding bycatch risks.

We suggest merging this action with the next, and rewording as follows:
"Develop and implement a clear timetable to roll out the suite of actions needed to mitigate, minimise and eliminate where possible, bycatch and entanglement of sensitive marine species by 2024 prioritising high-risk areas and gear types such as gillnetting, long lining and demersal trawling, accompanied by the roll out of Remote Electronic monitoring with cameras in in order to evidence and guide management."

The application of REM with cameras will fully support the action to implement a sustainable approach to sea fisheries, using best available scientific advice, and minimising adverse impacts on non-target species and habitats as it will provide the much-needed data for monitoring and mitigating bycatch as well as addressing the issue of discarding activities.

Action: Implement a sustainable approach to sea fisheries management, using best available scientific advice and minimising adverse impacts on non-target species and habitats

Our goal for sustainable fisheries by 2030, inshore and offshore, reflected in our collective Ocean Recovery Plan OceanRecoveryPlan_singlePages.pdf (scotlink.org) is: Low impact, demonstrably by-catch free, high-value nature and climate positive fisheries, with healthy and resilient stocks, supporting sustainable fishing opportunities, coastal communities and a growing domestic seafood market.

As set out in more detail in response to the Future Catching Policy consultation supported by LINK members FFA-response-to-Scotlands-FCP-Consultation-updated.pdf (scotlink.org), in order to help deliver this just transition we would like to see:

1. A mechanism to improve inshore fisheries governance and transition to a new spatial management regime, which includes a presumption against trawling and dredging in a significant part of Scotland's inshore waters
2. Binding targets to end over-fishing and eliminate the bycatch and entanglement of non-target and protected species
3. A requirement for fully documented fisheries delivered through Remote Electronic Monitoring with cameras to improve data collection and help to end Illegal, Unreported and Unregulated (IUU) fishing
4. A new vessel licensing system that allocates fishing opportunities according to transparent and objective environmental, social and economic criteria to incentivise the most sustainable low impact fishing practices
5. Fisheries Management Plans developed for all commercially targeted stocks and species and which explicitly deliver on the Fisheries Objectives within the Fisheries Act 2020.
6. A comprehensive and transparent review undertaken of Scotland's fishing capacity, inshore and offshore, in relation to fishing opportunities.

(Further information on the route to a climate friendly, low impact fishing industry is also set out in a report commissioned by our members Marine Conservation Society, RSPB and WWF as part of the Future Fisheries Alliance wwf.org.uk/sites/default/files/2021-08/Pact_Media_WWF_Climate_Smart_Fisheries_Report_2021_Aug_16_V2.pdf.)

We have long advocated for spatial management of fishing, including an inshore low impact zone, No-Take Zones, static-gear only zones, mobile-gear only zones and areas for nature conservation and recovery. We therefore welcomed the Bute House Agreement commitment to completing all Marine Protected Area (MPA) designations; completing fisheries management measures for the existing MPA network; improving protection for Priority Marine Features beyond the MPA network; implementing new Highly Protected Marine Areas (HPMAs) for at least 10% of Scotland's seas and to introducing a cap on inshore fishing activity (to three nautical miles) as a "ceiling from which activities that disrupt the seabed can be reduced". We also welcome Point 11 of the Future Fisheries Management strategy action plan to deliver "an ecosystem-based approach to management, including considering additional protections for spawning and juvenile congregation areas". We know that the commitment to protect at least 10% of Scotland's seas in HPMAs by 2026 will no longer be progressed, but we remain of the view that at least 10% of Scotland's seas, and the coastal communities they support, need to benefit from strict protection in line with the EU Biodiversity strategy and the principles of the Convention on Biological Diversity. Whether all these commitments together will be enough to deliver ecosystem-based climate and nature smart fisheries management, particularly for the inshore area, as legally required hinges upon how they are implemented and what the Scottish Government proposes as "enhanced marine protection".

We think 6 is particularly important as we should be looking at the carrying capacity of Scotland's seas, and seabed in particular about which Scotland's Marine Assessment 2020 raises continued concerns, and the mix of gear type and effort that can operate within environmental limits, what that mix of gear-type and effort is and how it should be spatially distributed and how to develop and deliver a credible, transformative and most importantly socially just and equitable pathway to get there.

In line with our recent consultation response LINK-Consultation-Response_Inshore-fisheries-fleet-Consultation-on-requiring-electronic-tracking-and-monitoring-technology-on-under-12-metre-commercial-fishing-vessels.pdf (scotlink.org), we believe a key recommendation to support this action is that of rolling out Remote Electronic Monitoring with cameras (REM) beyond scallop and pelagic fisheries across all vessels operating in Scottish waters, initially prioritising those with high risk for biodiversity impacts such as gill nets, long lines and demersal trawls. This will provide the data needed to sustainably manage the fisheries and address their environmental impacts as well as evidence best practice in support of potential supply chain access. It will also help support delivery of the FMPs providing a feedback loop for managers and help ensure legal objectives under the Fisheries Act 2020 are met.

Action: Consult on implementing the inshore cap and options for other sustainable fishing management controls

We welcome this action, however, we believe it does not provide additional information on the process for implementing the inshore cap, as we understand the consultation process is already in

progress or on the crucial second part of the Bute House Agreement commitment which was "as a ceiling from which activities that disrupt the seabed can be reduced". We suggest the action should provide more detail on the implementation of the inshore cap and establish a timeline for its completion. Therefore, we suggest rewording the first action to: "Consult on implementing the inshore cap, including on reducing activities that disrupt the seabed, and options for other sustainable management controls, by 2024."

This consultation could be a good opportunity to consider "A comprehensive and transparent review undertaken of Scotland's fishing capacity, inshore and offshore, in relation to fishing opportunities." at least for the inshore.

Action: Develop 21 Fisheries Management Plans (as set out in the Joint Fisheries Statement) to increase or maintain sustainability of fish stocks.

We welcome this action, however, given that the success of FMP's outcomes relies on their content, we believe it is essential to emphasise the importance of the incorporation of nature-friendly fisheries measures and incorporating spatial elements into the plans.

The FMPs for *Nephrops* are critical and must support increased sustainability for this fishery, including spatial management, Functional Unit (FU) management, gear separation for trawling and creeling and a presumption against trawling within a significant part of Scotland's inshore waters. This is crucially important since the *Nephrops* fishery operates exclusively on burrowed mud habitat, a Priority Marine Feature, a fact we have repeatedly raised in relation to the Fisheries Improvement Project (FIP) for *Nephrops* with which there have also been significant delays. Due to the intrinsic overlap of the *Nephrops* fishery and the "Burrowed Mud" PMF we have previously called for a Burrowed Mud Strategy, but the requirements of such a strategy could be met by the FMPs provided that they are ecosystem-based plans that provide sufficient spatial protection allowing for the recovery in extent of the most sensitive burrowed mud features, such as tall sea pens, phosphorescent sea-pens and fireworks anemones and for Good Environmental Status to be met. The latest OSPAR Quality Status Report identified burrowed mud to be the most sensitive of the continental shelf seabed habitats and for this habitat to be in "poor" condition: Sea-pen and Burrowing Megafauna Communities (ospar.org)

A FMP for the king scallop dredge fishery is urgently needed, as this is a high risk fishery in particular for seabed habitats. This must include spatial management with a presumption against scallop dredging within a significant part of Scotland's inshore waters with no take zones for stock recovery and zones for scallop diving only, in line with longstanding recommendations to all UK administrations on managing the scallop industry: Principles for management of inshore scallop fisheries around the United Kingdom (whiterose.ac.uk). The principles for management of inshore scallop fisheries around the United Kingdom report suggests that "a reasonable fisheries management regime... would seem to be:

- Up to 3 miles: Limit dredging (and trawling) as much as possible, to create a zone with low impact users only. The zonation scheme should include some completely protected areas alongside areas for scallop divers and static gear fisheries.

- 3-6 miles inshore: Medium impact zone to include ownership system (spatial or catch based) for scallop dredgers, trawl fisheries, crab potters, other static gear types and completely protected areas...".

FMPs are also needed in the inshore area for the crab and lobster fisheries. Measures to eliminate bycatch of megafauna should also be required within the FMPs, such as weighted creel lines.

Therefore, we suggest rewording the second action to: "Develop 21 Fisheries Management Plans by 2024 as set out in the Joint Fisheries Statement to increase or maintain sustainability of fish stocks." We also call for a commitment to developing FMPs for inshore king scallop dredge, crab and lobster fisheries. We think a large-scale spatial trial could help to inform the way forward for inshore fisheries management in particular in Scotland.

Action: Implement Scotland's vision for sustainable aquaculture to minimise negative impacts on biodiversity

LINK welcomed the vision for sustainable aquaculture. The aim in our Ocean Recovery Plan is: All salmon farms in Scotland are ASC certified, well sited, and operate in harmony with the marine environment, through the avoidance of sea lice hotspots, sensitive habitats, seal haul-outs and wild salmonid interactions, and the adoption of a range of technologies, including offshore, semi-closed and closed systems.

Aquaculture is of course not just about salmon farming. We believe in order to make a significant contribution toward sustainability across the aquaculture sector, the Vision and attendant processes must:

- Deliver ecosystem-based management for aquaculture alongside other marine users.
- Consider restorative aquaculture including understanding baseline levels for restoration targets.
- Support diversification of the aquaculture industry and promote the role of diversified aquaculture in climate change mitigation and adaptation.
- Further explore the potential of shellfish and seaweed aquaculture as a means of providing beneficial environmental services, such as climate change mitigation and adaptation.
- Accelerate the adoption of approaches which minimise, reduce or remove the discharge of medicine residues and increase the use of effective non-medicinal treatments, waste recovery and preventative measures.
- Prioritise non-lethal means of mitigating predator interactions that avoid disturbing protected species or entangling birds.
- Improve spatial planning tools including our understanding of and effective management of cumulative risk and impacts to be fed into NMP2 and regional marine plans. Areas deemed unsuitable for use should have industry relocated and consider being returned to nature.

What will be crucial for the transformative change needed within the industry to minimise the impact on and support the recovery of nature at sea is the degree to which the above actions are delivered. Of critical importance is an understanding of the industry's contribution to cumulative impacts and an effective application of a truly ecosystem-based approach to management and regulation.

Question 2h: Are the key actions, to support the objective: embed nature positive farming, fishing and forestry, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

- Yes
- ✓ No
- Unsure

Please explain the reasons for your response:

Unlikely - see points above.

Without further detail of many of the actions and policies, particularly around what "enhanced marine protection" actually entails in lieu of the HPMAs by 2026 commitment, what the inshore cap consultation and other options for sustainable fisheries management controls actually include, the nature of the proposals for protecting PMFs beyond the MPA network and what is in the proposed FMPs, and in the absence of detail on "enhanced marine protection" and of a commitment to scallop dredge FMPs and more, we can only answer "No" to the question, welcome though many of the overarching actions are. Urgency on implementation of fisheries management measures for offshore and inshore MPAs, including the four large inshore MPAs and harbour porpoise SAC, and for protection of PMFs outside the MPA network is crucial. MPA management measures should also be reviewed against the latest scientific evidence and footprint of marine industries to ensure they are still fit for purpose to help tackle the climate and nature crises.

Question 2j: Have we captured the key actions needed to deliver the objective: protect and support the recovery of vulnerable and important species and habitats?

- Yes
- No
- ✓ Unsure

Please explain the reasons for your response:

Action: Revise Scotland's list of priority species and habitats for biodiversity conservation

Who will be involved in the development process of the Scottish Biodiversity List? What will the List be used for? It should become the centre of this whole species theme, forming the backbone of a national programme of species recovery, and helping target action towards the species with the highest conservation needs. This is one of the most important actions in the whole theme. We suggest that it is made clear and that it is placed right at the beginning of this section. However, we strongly support the need for this as it will be the foundation for measuring success at both species and ecosystem levels.

What evidence will be used to determine which species and habitats will be considered? This should include data deficient species and geographical context (e.g. don't use data for Europe to draw conclusions for Scottish bat species which are at the edge of their range).

The List needs to include widespread decliners, not just endangered species.

There should be an emphasis on adding more species to this List than are taken from it to avoid species being arbitrarily downgraded to keep the List at an overall similar length. There also seems to be a gap in the development of more targeted actions for conservation of these species (beyond beavers and salmon etc).

There needs to be a clear timescale for Scottish Biodiversity List if that is the focus or Species at Risk. Also, the link to LBAPs.

There are two actions in this section - revise the SBL, and develop the Species at Risk database - which require clarity on whether they are part of the same process or different actions. The SBL has a statutory function (LA due regard etc), whereas the Species at Risk process appears to be much more about prioritising species for conservation action. These are not necessarily the same thing. Clarity on use of each, plus timescales, essential.

Action: Adopt a revised Priority Marine Feature list at the end of 2025 to align with National Marine Plan 2.

We are not sure what the purpose of the review is for, particularly in relation to the long-delayed workstream to improve the protection of PMFs from mobile bottom-contact gear out with the MPA network arising from General Policy 9(b) of the National Marine Plan. Any review must lead to strengthening of conservation measures, consideration of features to add to the list (e.g. seabirds) rather than any being removed, and improved consideration of impact on PMFs when issuing any kind of marine licence including for fisheries, and not hinder the delivery of the delayed consultation to protect the remaining inshore MPAs and those PMFs out with the MPA network. We also suggest that this update should consider links and references to the current and planned sectoral marine plans. Additionally, we emphasise the need for this action to be progressed simultaneously with the ongoing Fisheries Management measures for MPAs and PMF consultation process to avoid any further delays in these processes and to support the completion of National Marine Plan 2, which must include an equivalent of General Policy 9, which may also need to be strengthened in the context of the nature and climate emergency.

Action: Manage existing and emerging pressures to improve the conservation status of seabirds, marine mammals and elasmobranchs

This section should be combined with a recent assessment and updated findings from SMA2020. In the case of seabirds, emerging pressures such as Highly Pathogenic Avian Influenza (HPAI)I and its impact on seabirds and the wider marine environment must be included. It should also include the findings of the most recent seabird census published on November 16th, 2023. At the same time, the development of a new National Marine Plan should be used as an opportunity to provide more specific guidance on the spatial policies that might be needed at the regional level to support the MPA network.

We welcome the commitment to develop and publish a Scottish Seabird Conservation Strategy (SSCS). However, given the information revealed by the latest seabird census which notes that of the 20 species for which we have confidence in their Scottish trends, 14 (70%) have declined there is clearly a need for immediate action to address these declines. In parallel there is a need for urgent prioritisation of the SSCS to be in place before the end of 2024 which will form the context and timelines for action. We also suggest a rewording of this action to make it SMART: "Introduce urgent measures to address the significant declines in Scottish seabirds and develop and publish a Scottish Seabird Conservation Strategy by the end of 2024 with robust, ambitious and timebound actions to conserve and increase the resilience seabird populations."

Actions to protect seabirds are urgently needed and must not wait for the conclusion of the strategy. The strategy should be developed alongside ongoing actions to protect seabirds such as the closure of Scottish waters to sandeel fisheries and when completed provide the context and source document for the actions needed.

Following consultation in early 2021, we are concerned about the much-delayed launch of the UK Dolphin and Porpoise Conservation Strategy (DPCS). It must be a priority that the strategy covers all cetacean species, including humpback whales and deep-water species, such as beaked and sperm whales, since all cetaceans face similar threats in UK waters.

The DPCS should also reflect the urgent need to address the current climate and biodiversity crises and place a much greater emphasis (than was present in the draft strategy) on conservation management measures and actions. The DPCS should not be a substitute for specific site-based protections and management measures in designated protected areas. Assessment of impacts must occur at appropriate regional and local levels, as opposed to adopting a UK-wide approach, to reflect accurate vulnerability scores for certain impacts, populations and regions.

We are also very concerned about the status of elasmobranchs in Scottish waters. Given the vulnerability of sharks, skates and rays due to their reproductive strategy (few offspring), measures should be in place within all Fisheries Management Plans to minimise bycatch and areas of sea that are known or discovered to be important for critical life history stages, such as nursery, courtship and mating areas, should be strictly protected. This should also include zones within existing MPAs such as for basking shark, where there are known hotspots for aggregation within the Sea of the Hebrides MPA, and flapper skate.

Action: Develop effective species recovery, reintroduction and reinforcement programmes

"The development of a prioritised list of species conservation, recovery, reintroduction and reinforcement programmes including support for surveillance and monitoring" should be 'The development and implementation of… a programme of work similar to the Species Action Framework'.

NatureScot/RBGE are also developing the Scottish Plant Biodiversity Strategy (a ministerial commitment in 2020). This Plant Strategy, its targets, actions and implementation mechanisms must sit within the SBS delivery plan to be effective, but there is no mention of the Plant Strategy in this consultation. We also need a national strategy for other species (e.g. animals and fungi). Habitat

restoration efforts should include species-based measures of success e.g. the selection of indicator/ umbrella and or flagship species. This is essentially the approach of the Cairngorms National Park Authority.

“Develop and implement national plans for conserving species groups for which Scotland holds internationally important populations such as lichens, bryophytes…” - how does this action fit with the prioritised list of species for conservation, and with the plant strategy?

We need to not only map genetic risks but also climate change and INNS risks across Protected Areas and OECMs.

Question 2m: Have we captured the key actions needed to deliver the objective: invest in nature?

- Yes
- ✓ No
- Unsure

Please explain the reasons for your response:

There is no mention of wider public education and awareness raising, yet public funds are being invested here and people need to be aware of what their taxes are being spent on, to ensure they support this work more widely.

Action: Drive increased investment in Biodiversity and Nature Restoration

Maintain and seek to increase investment in nature restoration - To include funding for habitat restoration and species restoration.

There needs to be a review of Nature Restoration fund allocation to date. Has it been fairly distributed geographically and across a variety of sizes of organisations?

For NRF to be transformational it needs longer delivery periods for projects to really have an impact. NatureScot must stick to the timeframes and not constantly shift the dates making the delivery period even shorter. Employed staff must have a good understanding of nature conservation and biodiversity priorities.

A large part of this plan and its actions is around development and provision of advice and guidance. Best practice guidance must be accompanied by well-resourced advisory programmes to support land managers, as well as funding programmes (such as Peatland Action Fund). The Nature Restoration Fund is well-placed to deliver significant on-the-groundwork. However, it is not in its current form designed to fund advisory work. Restructuring the NRF to allow it to fund advisory work would enable eNGOs to deliver targeted, expert advice to land managers and to support land managers in the implementation of best practice guidance.

The Resource Spending Review identified tackling the climate crisis and building a greener economy as priorities for Scottish Government spending. However, funding for Scotland's environmental agencies has been significantly eroded since 2010. NatureScot has seen a cut in funding from £69 million in 2010-11 to £61.1 million in 2023-24, which equates to real terms cut of 40%. SEPA has had a real terms funding cut of 26% over the same period. The proportion of spending on our environmental agencies is very small.

Our environmental agencies are being asked to do more. The Scottish Government is rightly committed to setting ambitious targets for environmental action. But as the impacts of climate change and nature loss become more strongly felt, simply maintaining current environmental standards will become harder. The longer we do not act, the more expensive and less palatable it will become. While we recognise that the Scottish Government faces difficult fiscal circumstances, we also expect that the priority given to the environment is reflected in funding decisions. Investing in nature brings many benefits, from fiscal to social and environmental. The proportion of spending on our environmental agencies is very small. In recognition of the vital importance of the work of these agencies, we ask that the upcoming budget is used to protect and increase the funding given to these bodies as the first step in reversing over a decade of real terms cuts. LINK wrote to the Deputy First Minister to highlight this: https://www.scotlink.org/publication/15111/

Restoring Scotland's rainforest is an ambitious undertaking, with an estimated cost of £500m. Spread over a minimum 10-year period, directly targeting major risks to rainforest zones, and focusing on areas that can best contribute to the broader ecosystem restoration, this investment in Scotland's future will deliver long-term benefits to the rainforest zone and the communities that live there. Current funding and funding mentioned in the consultation document focuses primarily on short term funding and full ecosystem restoration requires long term funding commitments. While other sources of funding will no doubt be needed, funding from the Scottish Government is essential to blend with other kinds of funding and provide incentive to other funders.

Action: Establish a values-led, high-integrity market for responsible private investment in natural capital

It would also be useful to explore other sources of finance from levies or taxes that both encourage good practice and raise finance.

We urgently need to see the development of a Grassland Carbon Code, alongside Woodland and Peatland. The carbon sequestration potential for grasslands is huge. The development of such a good would not only provide an additional incentive for land managers to protect and restore grasslands, it would bring more attention to them as a habitat.

We support the commitment to establish a values-led, high-integrity market for responsible private investment in natural capital. As part of this, we recommend that the Scottish Government invest in developing a Grassland Carbon Code, to complement the existing Peatland and Woodland Carbon Codes. This would enable private funding to be directed towards appropriate species-rich grassland management and restoration. The carbon storage potential of species-rich grassland is often undervalued in common carbon accounting methodologies, as they only measure up to 15 cm soil depths in grasslands, despite 60% of soil organic carbon in grasslands being at depths between 30 – 100cm. Species-rich grassland can store more soil organic carbon per hectare than arable land or

agriculturally improved grassland . There is evidence of a positive correlation between species-richness and soil organic carbon storage; the diverse plant and legume communities have deep and complex rooting structures, allowing them to access different nutrients and draw down more carbon into the soil. Their healthy soils support a greater activity of microorganisms, ecosystem engineers, and mycorrhizal fungi, which all facilitate carbon storage. Grasslands must be recognised as a Nature-based Solution for climate change mitigation and adaptation, and therefore attracting public and private funding.

Action: Increase investment in Scotland's coastal and marine environments

The Nature Restoration Fund and SMEEF have criteria for coastal and marine initiatives that focus on restoration, recovery, and enhancement. However, it currently restricts projects to those with biodiversity and conservation outcomes (i.e. restoration) and excludes those focused on achieving social outcomes. We argue that addressing social outcomes in coastal and marine environments is crucial to create the enabling conditions essential for delivering conservation outcomes on the ground.

Investing in activities to help restore Scotland coasts and seas by 2028 is good. However, these investments should also focus on increasing enforcement and monitoring. For example, The Marine Directorate of the Scottish Government should carry out a strategic review of its enforcement assets with a view to determining what further equipment or resources may be required to ensure an effective deterrence to illegal activities.

Action: Provide direction on, and investment in, green skills and local economic opportunities supporting nature-based education, nature restoration skills and volunteering

https://cieem.net/resource/opening-up-vocational-pathways-into-nature-based-green-jobs/

Key findings are that:

1. There is a capacity crisis and skills gap in the sector
2. There is an overreliance on volunteering
3. Jobs in ecology are unappealing compared to other sectors
4. There is confusion about vocational qualifications
5. The capacity crisis in the sector is unquantified
6. The sector is looking for leadership

The report looks at how we can improve pathways into ecology jobs for young people with vocational qualifications and mid-career changers and tackle the above challenges. There is a lack of expertise and capacity is a real risk for delivery of the framework.

Question 2p: Have we captured the key actions needed to deliver the objective: take action on the indirect drivers of biodiversity loss?

- Yes
- No
- ✓ Unsure

Please explain the reasons for your response:

There needs to be great policy coherence in general and specifically when it comes to the fiscal measures that influence land use. There should be no tax breaks or subsidies for land use that does not align with biodiversity recovery.

There should be 'biodiversity impact' screening for any recipient of public funds, including in their supply chains.

Circular economy must be embedded across our economy and lead to a reduction in the consumption of raw materials. The reduction of food waste should be an immediate priority with statutory targets introduced.

The document states:

Across all of what we do – we need a new approach for building society's awareness of the importance of Nature, strengthening the systems and mechanisms we have for valuing Nature and engaging communities and society in the identification and implementation of solutions – all fundamental for a Just Transition.

This is a laudable aim, yet there is little of a new approach in the (welcome) actions below this paragraph. The overall action to "provide more opportunities for people to experience and care for nature" is not specific enough. The main route for people to engage with nature is through enjoyment of the outdoors, primarily through outdoor recreation, and the only reference to this is via SOAC – education on responsibilities related to making space for nature. The word "enjoyment" doesn't appear at all in this part of the document. Enjoyment of nature is the first step towards caring and valuing nature, which is the fundamental basis on which to build for people to learn about the need for restoration and protection of biodiversity.

None of the actions sets out specific supporting activities which would enable people to get outdoors more regularly and more easily. These could include the need to improve access management, which would ensure that public access is promoted and not obstructed, and that land managers and communities are supported where visitor pressures cause concern. Local authorities are crucial delivery partners and are responsible for delivering on both access and biodiversity actions.

It's welcome to see an aspiration to insert nature connectedness into the national curriculum, but there is no suggestion that this should be linked to outdoor education in terms of visits to residential outdoor learning settings. Evidence on the life-changing benefits of such trips is clear and it should be a legal requirement for all pupils. The ranger service is crucial to the delivery of much of this educational work and again is not mentioned. For example, many rangers are the main route for young people to learn about nature through school visits or visits to local greenspaces and yet their role is hugely threatened by local authority budget constraints. It is unlikely that the biodiversity strategy can be fully delivered without a functioning ranger service.

Fundamentally we believe that actions to ensure that the public and local communities are engaged and informed on every aspect of the biodiversity strategy are crucial. It's no accident that Scotland is one of the most nature-depleted countries in the world, and to rectify this situation it's important to ensure that an aspiration to make a reconnection with nature at a population level is rooted in the delivery of this strategy.

Many of the actions set out in the delivery plan require changes in attitude, understanding and behaviour both by land and fisheries managers, by communities and by the public. Many of these stakeholders are ready to change but must be fully engaged and listened to for co-design of activities to happen where possible.

Action: Develop a decision-making framework within NMP2 that supports marine ecosystem recovery through appropriate management of other supported marine activities by 2026.

Action: Develop policies and objectives within NMP2 that support the mitigation of and adaptation to the impacts of climate change by 2026.

We welcome these actions; however we strongly believe it is crucial to delve further into aspects such as scale, location, ambitions and specific percentages for restoration. Emphasising the target of actively restoring a percentage of degraded marine areas outlined from the EU biodiversity strategy should be a focal point in the development of the marine ecosystem recovery plan.

Question 2q: Are the key actions, to support the objective: take action on the indirect drivers of biodiversity loss, sufficient to put Scotland on track to ending the loss of biodiversity by 2030?

- Yes
- No
- Unsure

Please explain the reasons for your response:

No, the actions are not yet developed/defined or explained how they will be implemented. They are vague or voluntary and there is no effective change visible in some areas of government policy, particularly forestry policy. Most of the actions in this objective are not SMART. This can be seen particularly under the action/goal 'Engage and strengthen the connection between people and communities with Nature', where almost none of the secondary level actions are measurable. For example, how will 'increased public connection' in action 2 or 'more community ownership of NNRs' be measured?

Section Three – Nature Networks Policy Framework

Question 3a: Do you have any comments on the Nature Networks Framework?

Please provide any comments:

LINK has advocated for a national nature network for many years and welcomes the commitments to secure them. We strongly welcome the statement that, *'The primary purpose of a Nature Network is ecological connectivity.'*

However, we have a number of concerns about the themes and next steps. We need an overall aspiration for a coherent Scotland Wide Nature Network in line with LINK policy. We do not believe that all of the proposed actions, commitments and principles come together to deliver on the Nature Networks vision. They don't represent the step change required to meet the 2030 target of reversing declines in nature and implementing Nature Networks.

A good example of this would be the vision's aspiration to have Nature Networks in place by 2030 but a delivery plan aspiration to only have mapping in place and Nature Networks embedded in policy by 2030. We would not be successful in achieving the vision without either mapping or policy embedment – these things don't add up to delivery. The Delivery Plan Actions need to tally with the Framework and vice versa.

The vision in the draft framework refers to local authorities only and places the burden of delivery onto them. Although they will play a key part this approach does not reflect the 'top down, bottom up' approach stated in the document. We suggest a vision with the following wording would be more detailed and ensure that the whole of Scotland is covered:

"By 2030 Scotland will have an evolving, flexible and resilient national Nature Network, joining up local and regional networks. This will be made up of ecologically connected areas, which together support nature recovery, habitat restoration and resilience in wildlife and natural processes. In addition to its primary ecological purpose, the Scottish Nature Network will help build people's connection to nature, providing biodiversity-rich places that deliver local and regional benefits for communities."

We are concerned that the responsibility is placed almost wholly on local authorities to deliver nature networks. They will need to be properly resourced and supported if nature networks are to be delivered effectively. There are inconsistencies in resources and Local Biodiversity Actions Plans (LBAPs) across LAs. Delivery will not be easy when local authorities are facing extremely difficult resourcing issues.

Although we agree that Local Development Plans (LDPs) should reflect and support nature networks, and this is set out in NPF4 which they must take account of, many are at an early stage and work on nature networks cannot wait for their adoption. There are potential opportunities for evidence reports to support and reflect the formation of nature networks. Local Place Plans (LPPs) could also play a constructive role and valuable role in nature networks by reflecting the vision, knowledge and priorities of local communities, but these are not mentioned in the Framework. We suggest that further consideration is given to the role LPPs could play in the Framework and that this is reflected in the final document.

The way in which the 'top down' is related to the 'bottom up' is not clear. It is essential that the delivery of nature networks does not become an exercise in process. It is our view that strong leadership is needed at a national level from NatureScot. A national picture is needed to ensure that all the elements of this wider national network come together, as there is potential for a very fragmented and inconsistent approach.

We appreciate the recognition that nature networks will need to be facilitated across administrative boundaries, at a regional and national level. Regional Network Groups need to be useful in delivering something additional and not just a process stage. At a national level, the Governance and Decision-Making theme suggests that this will support coherence of regional approaches. It is not clear how this will mesh with the design of networks at a local level or individual projects.

The role of environmental NGOs and other stakeholders is not set out or commented on and it is not clear how projects might feed into nature networks. Community participation is crucial to achieving the aim of connecting people to nature and of ensuring buy-in to the long-term future of such projects.

Theme 2 is 'Participation, Engagement, and communication'. This section could also include greater support for communities to deliver projects and support nature networks, for instance Local Place Plans.

One of the next steps includes reviewing landholdings. Although this will be useful, it is important that a baseline for the whole country is taken, and not just land within public ownership. It must be clear to local authorities what they need to gather as evidence of what is existing, or whether this will be done at a national or regional level. Mapping protected sites will be informed by data that is already available, but decisions will have to be made about what else should be included and how this data should be gathered and mapped.

Although there are significant challenges, there are also significant opportunities. There are opportunities to support a range of long-term jobs in the environmental sector and help deliver a just transition. It would be welcome if this aspect of the role out of nature networks could be explained and emphasised as this may help to highlight wider benefits of the framework.

Why are Nature Networks needed in Scotland?

The section in the draft framework 'Why are Nature Networks needed in Scotland?' seeks to address how nature networks function and why they are needed to address the climate and nature crises. However, to be effective, an additional section should be included, setting out how nature networks are expected to be used in policy and decision making. NPF4 policy refers to nature networks and this wording should be reflected in the Framework.

A key aspect of a national nature network will be to guide the location and design of biodiversity enhancement measures. Policy 3 of NPF4 requires development to deliver biodiversity enhancement and nature networks can help identify where the most effective interventions and opportunities could be.

In theme 3 'Knowledge and Skills' next steps include continuing to improve Nature Network linkages with NPF4 policy guidance such as the Developing with Nature Guidance, which relates to biodiversity enhancement from local developments. We support greater linkages with this policy and Scottish Government biodiversity guidance, issued in draft in November.

Theme 6, Policy and Mainstreaming, states that *'Policy and planning levers will be used to safeguard Nature Networks and provide long term assurance'*. It will be key to set out what status nature networks have in the planning system and elsewhere to ensure the public, developers and decision-making bodies are clear about their function. Public trust must be established that nature networks will provide a positive feature for people and nature.

A fundamental aspect which is missing from the draft Framework is guidance for local authorities on how nature networks should be designed. There needs to be significant further support and guidance for local authorities on what should be included in a nature network in their area or when they are working with other authorities at a regional scale. For instance, describing the key tests of a nature network and what they look like.

The draft Framework states that,

> *'Nature Networks will ensure that sites contributing to 30x30, and other important areas for biodiversity, are well-connected and so provide maximum benefits to biodiversity.'* (https://portals.iucn.org/library/node/49061)

Although it is correct that nature networks must work alongside protected sites it should be clear that they are not required to physically connect defined areas. They are strengthening ecological connectivity and ecological resilience across Scotland. Therefore, a large-scale restoration project may have significant ecological benefit even if it does not directly link specific protected sites. The underlying point of nature networks is to support restoration and recovery of nature and this needs to be reflected in the Framework.

There is no mention of the word "enjoyment" in this section. Enjoyment of nature is a recognised policy objective, as set out in the founding legislation of NatureScot, which states among its core functions "to foster understanding and facilitate the enjoyment of, the natural heritage of Scotland;

We suggest amending the shared vision as follows:

'By 2030 Scotland will have evolving, flexible and resilient Nature Networks connecting nature-rich areas allowing wildlife and natural processes to move and adapt to land use and climate change pressures. The networks will help build people's ***enjoyment and*** *connection to nature, providing biodiversity-rich spaces that deliver local benefits, and meet the priorities of local communities for nature.'*

The reason for this is to recognise that public support is gained when people experience the wonder of nature themselves, whether through actively taking part in outdoor recreation or simply recognising the benefits they feel from sitting quietly in a green space or woodland and listening to birdsong.

Nature Networks Toolbox

As the Nature Toolbox is still to be developed it is not possible to comment on it in detail. Overall, the toolbox is more of a reflection of the barriers raised at the earlier stakeholder meetings rather than practical steps to build a local Nature Network; this needs to be addressed urgently as more and more Local Authorities seek to develop new LDPs. RSPB Scotland and Scottish Wildlife Trust are keen to contribute to its development. Although the toolbox could provide valuable assistance to other stakeholders, especially local authorities, it is not clear who, if anyone, will check if a nature network has met certain tests or if the toolbox has been followed. Clarity should be given about whether there will be a minimum standard before it can be considered as contributing to the national network. It is important that the other requirements that local authorities may be seeking to deliver, for instance in terms of green and blue infrastructure, are not confused with the primary function of nature networks, although there may be some overlap.

The toolbox must reflect the variations in habitat, populations and priorities across Scotland. For instance, the concept of a 'nature network' in Shetland will look very different to that in the City of

Glasgow. There is a danger that the concept of nature networks become overly focussed on urban areas and do not recognise the role other sectors, such as farming and forestry have in their success. They must apply across areas, including the Highlands and Islands, in a place-specific way which respects local knowledge and circumstances.

The way that mapping is delivered will be important and should not put additional financial burdens on local authorities. The mapping tool developed by NatureScot should be free for all local authorities to use and training provided on its use.

Measure of Success

It is essential that the measure of success should not just be the number of individual spaces that have been 'joined up' but the ecological outputs from the networks. It is important to consider where habitat is needed to deliver the aims of resilience for species and natural processes.

In the monitoring section the draft Framework states:

'Local Authority success will be measured – each local authority will have a defined number of important areas for nature and settlements that must be incorporated into their Nature Networks and so an easily counted number of connections to be made. Measures will need to be put in place to report against progress to having each of these connections mapped in a meaningful way'.

We strongly disagree with this approach and proposed way of measuring success, and this should be removed. The success of a Scottish Nature Network is not about counting the number of physical connections by administrative boundary but will be knowing how it has delivered nature restoration, recovery, and ecological functionality. The 'tick-box' approach to monitoring success across 32 varied and diverse local authorities which are all joined and should be encouraged to work together for the overall benefit of biodiversity is concerning and needs to be altered.

We would suggest the wording of the delivery plan objectives on Nature Networks are amended to:

Place a duty on Scottish Ministers within the Environment Bill to have an ecologically coherent Scotland wide Nature Network, made up of locally developed bottom up Nature Networks by 2030.

Create a specific Nature network reporting requirement for Local Authorities to update Scottish Ministers on 5 yearly progress and extent to help the Scottish Government fulfil its duty.

Enact regulations to create an infrastructure levy, payable to local authorities to help fund creation and delivery of networks and blue and green infrastructure.

Ensure nature networks are implemented in every Local Authority, **within Local Delivery Plans**, to provide connectivity between important places for biodiversity, deliver local priorities and contribute to strategic priorities at regional and national scales by 2030.

Provide a centralised resource within Nature Scot to help Local Authorities create opportunity maps to build nature networks by 2027, this should include resources for use of the Ecological Coherence Protocol.

Use opportunity maps created by Local Authorities as the default route for delivering future net-gain or "positive effects for biodiversity" if these cannot be delivered on site and once the mitigation hierarchy has been adhered to.

In order to further ensure Just Transition, the Government's Principles for Responsible Investment in Natural Capital should be made more robust and should direct those looking to invest in Scotland Natura Capital to use Nature Network opportunity mapping to work with local communities to identify suitable sites, this links strongly to the use of the Ecological Coherence Protocol.

Section Four – 30 by 30 Policy Framework

Question 4a: Do you have any comments on the 30 by 30 Framework?

Please provide any comments:

LINK welcomes the co-design process run by NatureScot in 2022 to develop this framework and many LINK members participated in that process.
In general the points highlighted in the framework are welcome. Scottish Environment LINK produced a 2022 report 'Making 30 by 30 meaningful for nature'. This proposes some key high level principles for delivering 30 by 30:

- Sites counting towards 30 by 30 are identified as being important areas for biodiversity;
- Sites must meet two criteria to count towards the 30% target:
    - Be protected for nature in the long-term: the entirety of the 30% should be afforded robust protection against damaging development, land and sea use.
    - Be well managed and in good or recovery condition, with appropriate monitoring to determine this.
- A real focus on quality as well as quantity of sites, with significant action and funding to improve our existing protected areas and ensure all new sites are maximising their contribution to nature's recovery.
-

We are pleased to see that the draft 30 by 30 framework aligns with many of the high-level principles recommended by the report.

Positives:

- The focus on effective protection and management.
- We also agree that 30 by 30 is an opportunity for Scotland to refresh its approach to area-based conservation, improving our existing protected areas and learning from successes and experience, for example by taking a more strategic, landscape-scale approach to addressing condition of protected areas.
- The transparent and disaggregated reporting of the condition of designated features in the framework, which is something that LINK has advocated for many years.
-

The vision for 30x30 and high-level principles for identifying sites, is welcome, in particular:

- That sites must be important areas for biodiversity and ecosystem services;
- That large areas within National Parks do not meet the criteria of the CBD Target 3 and therefore National Parks do not currently count in their entirety;
- That National Scenic Areas do not count towards the 30%;

- That sites of local importance for biodiversity and land under restoration for nature should not automatically count;
- The proposals for a pipeline approach
- Recognition that Other Effective Area-Based Conservation Measures (OECMs) provide a key opportunity for a more bottom-up approach to site protection, allowing for inclusion of a much greater group of stakeholders to contribute towards the target. We agree this is a distinct advantage of OECMs if, clear and robust criteria are created for OECMs to ensure long-term protection from damage and effective management and monitoring, and if combined with efforts to complete the existing suite of statutory protected areas to ensure ecological representativeness.
- Recognition of the importance of community participation in the process and need to commit adequate resources to this.

Negatives:
The framework fails to propose substantive solutions and actions to address the challenges set out and lacks urgency to immediately kickstart delivery, given that the 2030 deadline is only 7 years away. We urge the Scottish Government and NatureScot to work with stakeholders to identify some initial priority actions for 30 by 30 delivery that can progress immediately, whilst more detailed plans are being consulted on and finalised For example:

- Setting up **governance structures** for 30 by 30 to engage stakeholders in further co-design on development and delivery of 30x30. We suggest this could include a landowner/occupier/practitioner group to focus on protected area management and a more policy focused group.
- Set **new targets to improve the condition of protected land** and **progress a strategic programme** to deliver this, working with the above stakeholder groups.
- Undertake a light-touch review to collate known sites that meet existing designations criteria that could then be prioritised for 30 by 30 inclusion, involving Scottish Environment LINK members, research institutions and other key stakeholders in the review.

We agree with the intention to improve the system of protected areas through the Natural Environment Bill. We are cautious about any proposals to amend or simplify the designations system, as any weakening of protections for designated sites would represent a significant regression in environmental standards and would undermine the vision and objectives of the SBS. However, we are reassured by the proposal for Environmental Standards Scotland to oversee the process and ensure there is no weakening of protections. LINK members are developing further views on what improvements could be made to the protected areas systems and would appreciate the chance to feed our views into this process.

We are disappointed that there is no proposal in the framework to set new condition targets for protected areas. We strongly urge the Scottish Government to set new targets for protected area condition in the Natural Environment Bill.

We are disappointed to see no mention of proposals for identifying sites that would complete our existing networks of nationally and internationally important sites. Identifying and protecting sites that already meet the selection criteria for SSSI, SPA and SAC, particularly for habitats or species that are irreplaceable and/or currently under-represented in Scotland's protected areas would be a

logical first step for the Scottish Government's delivery of 30 by 30 and would help to ensure the network is coherent and ecologically representative.

We are concerned that the new approach to monitoring will not be finalised until 2025/26. Sites monitoring in Scotland was suspended four years ago, in 2019. We are concerned at the rate of progress in developing the new system. Whilst monitoring has restarted, we understand that it has been significantly reduced in terms of frequency. There is a risk of more sites falling into poor condition due to lack of data about feature condition and therefore no trigger for action to be taken.

We welcome that the draft framework has tried to look at the issue of funding and finance for 30 by 30 – we agree that this is integral to achieving this target. Budgets for monitoring and management of protected areas have substantially declined in Scotland over the past 15 years and this has had a detrimental effect on core responsibilities relating to sites being carried out by NatureScot and other stakeholders. Monitoring levels have significantly reduced, decreasing the amount of up-to-date data on site condition that is available to inform management of these sites and to inform important casework decisions. Whilst we agree with the analysis presented on funding in the draft framework and support further work to explore how to draw in more private finance to help deliver 30 by 30, we are concerned that long-term core functions will get lost in these discussions and must instead be front and centre. We suggest that NatureScot carry out a comprehensive review to determine the minimum levels of public resource required over the long-term to ensure that this target delivers for nature. The Scottish Government must find ways to ensure sufficiency of resources given the international commitments to deliver 30 by 30.

Section Six – Statutory Targets for Nature Restoration

Question 6a: Do you agree with this approach to placing targets on a statutory footing?

- ✓ Yes
- No
- Unsure

Please explain the reasons for your response:

LINK's Fight for Scotland's Nature pressed for action to protect and improve our natural environment, including making the case for statutory nature recovery targets across land and sea.

The recovery of nature is essential to safeguard the future of our societies and economies, as well as of the wildlife itself. This must now be acted on as an urgent priority. As a collective of environmental organisations, we believe that there is a fundamental and moral Imperative to save nature for its own sake. However, naturally diverse ecosystems support all life and without them, life on earth simply cannot survive. The pressures of climate change mean that our ecosystems need to be even more robust and resilient. The fact is they are neither.

There is an urgent need for decision makers and the public to commit to effective action to halt this loss and restore nature. Setting targets is one way to measure progress towards that goal, and better understand both our complete reliance on the natural world and the jeopardy facing our society and economy if we do not act.

Targets are essential for driving change across all parts of Government and the economy. Whilst we know much more needs to be done to tackle the climate emergency, we have seen how the Net Zero targets have led to climate change being mainstreamed into the consciousness of governments and sectors and seen as a priority. Without a similar approach for nature, we run the risk of a fragmented and insufficient,rather than unified and effective,response to the nature emergency.

The full report (https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/ and summary report (https://www.scotlink.org/publication/summary-report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/), prepared for Scottish Environment LINK by our Honorary Fellow, Lloyd Austin, explores the background to the concept of such targets, considers the global and regional context into which they will fit, seeks to further the debate about their nature and operation, and makes initial proposals for how such targets might be delivered through forthcoming legislation. As is clear from its content, it does not seek to provide an answer to every question but is offered for wider review and discussion by all relevant stakeholders, and as a contribution to the debate ahead of the formal consultation on this issue. It seeks to explore the legislative options that might be available to implement this commitment, and the policy development that will be necessary to support and implement such a change in the law.

In its report, LINK and its members bodies have set out the features of such targets that should:

- Incorporate a clear date for achievement, and milestones leading to that date;
- Achieve both a reversal of current negative trends and an effective regeneration of biodiversity in relation to past and historic losses;
- Be relevant and specific to the outcome to be achieved;
- Be measurable – to allow clear monitoring and reporting of progress; and
- Be achievable and realistic – especially in relation to means/interim targets to underline and demonstrate the viability of the ultimate objective.

They have also sought to describe the content of such targets, addressing:

- Species abundance;
- Species distribution;
- Species extinction risk;
- Habitat quality and extent;
- Drivers of biodiversity decline; and
- Overall integrity, connectivity and resilience of ecosystems.

Key features of these target areas are set out in the table in the summary report and are discussed in greater detail in the full report. The report also describes how such targets might be framed in legislation and the enabling framework of monitoring, reporting, accountability, funding and finance that is necessary to successfully deliver against these targets. The statutory framework, provided in the forthcoming Natural Environment (Scotland) Bill must, therefore, provide for an appropriate ‘action planning cycle’ (via amendments to the existing provisions for the Scottish Biodiversity Strategy, and its monitoring/reporting) as well as the allocation of new advisory functions to Environmental Standards Scotland.

LINK agrees that the Bill should establish the framework and high-level topics but set the quantitative detail in the secondary legislation - this is what the LINK targets report recommends too.

However, the report notes on striking the appropriate balance between primary and secondary legislation, the Natural Environment Bill should include a more detailed framework than the approach taken in the 2021 UK Environment Act, which set biodiversity targets for England, where the majority of the detail was included in subsequent regulations. The report notes that this meant the detail of targets was largely a matter for the UK Government, and that stakeholders and the parliament had less input and scrutiny than would have been afforded by the process for primary legislation. The report sets out an initial blueprint targets framework in Annex 3, that provides a good starting point.

It is important that, as well as establishing a framework as above, the Bill should also establish a process for implementation. This should include the reviewing and reporting issues addressed in 6h and 6i, below, but also amend the current biodiversity duty and provisions related to the strategy to ensure that the strategy and delivery plan set out actions intended to meet the targets, and that the duty is interpreted, by relevant bodies, as meaning a duty to take those actions. Proposals for how this might be achieved are included in LINK's report - as the setting of targets, while positive, is of limited value unless the mechanisms to deliver on those targets are also specified in law.

Question 6b: Do you agree with the criteria set out for the selection of targets?

- ✓ Yes
- No
- Unsure

Please explain the reasons for your response:

We agree with the criteria set out for the selection of targets, this is a sensible and comprehensive list of criteria and mirror the approach largely adopted in LINK's report.

Question 6c: Do you agree statutory targets should include a combination of outcome targets and output targets?

- ✓ Yes
- No
- Unsure

Please explain the reasons for your response:

This aligns with the recommendations in the LINK report that targets should be a mixture of ends and means targets in order to drive the change needed to recover nature.
https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/

Question 6d: Is the list of potential target topics sufficiently comprehensive in terms of the focus of proposed target areas and overall scope?

- ✓ Yes
- No
- Unsure

Question 6e: Do you have any other comments on the list of potential target topics?

- ✓ Yes
- No

If you answered "Yes", please provide your comments below.

The list set out above is a mix of "outcome" targets (the first 10) and "output or means" targets (the final 9). This mirrors the approach set out in LINK's report and accordingly LINK is supportive of this approach. However, the distinction between, and need for both, outcome and output targets should be explicitly recognised by the framework to be set out in the Bill.

Question 6f: Do you agree with the proposal to have the smallest feasible number of targets which reflects the complexity of nature restoration?

- Yes
- No
- ✓ Unsure

Please explain the reasons for your response:

Summary of LINK's proposed targets for the recovery of nature (as set out in the report: https://www.scotlink.org/publication/report-nature-recovery-targets-statutory-targets-to-drive-the-recovery-of-nature-in-scotland/)

Direct species and habitats targets ("ends")

Species abundance

- Overall species abundance;
- Abundance of species at risk;
- (Optional) abundance of other particularly important species or species group – e.g., seabird abundance.
- (Additional 'means' target on increasing the number of species for which data is available/decreasing number that are 'data deficient')

Species distribution

- Overall species distribution;

- Distribution of species at risk.

Species extinction risk

- Targets to reduce number of species at risk of local extinction to zero in the long-term.

Habitat quality and extent

- Extent and quality of priority habitats
- Protected area targets (area covered, and site condition, for both terrestrial and marine sites).

Targets related to conservation action ("means")

Changing use of land and sea

- Targets related to the integration ("mainstreaming") of nature protection/recovery into agriculture, forestry, game/deer and upland management, and fisheries (fresh and marine).

Direct exploitation of organisms

- Targets for population level of species subject to legal killing/capture.
- Targets to reduce the indirect impact on species & habitats (including legal/illegal predator control) as a result of management to increase the numbers of (or access to) target species.
- Targets for the prevention of bycatch.

Climate change

- For mitigation, adopt/cross-refer to targets set by the Climate Change (Scotland) Act 2009, as amended;
- Adaptation/resilience targets (e.g., potentially riparian woodlands/planting, and/or link to seabirds re marine resilience).

Pollution

- Targets to reduce chemical/pesticide use and increase freshwater, seawater and air quality.
- Invasive non-native species (INNS)
- Targets to reduce the rate of introduction and establishment of INNS.
- Targets for the eradication/control of INNS, with a priority for islands, and ongoing biosecurity.

Overall integrity, connectivity and resilience of ecosystems

Overall ecological condition

- To further our understanding of and develop a route map to improve BII, leading to the adoption later of BII as a target (as below).
- To improve Scotland's Biodiversity Intactness Index (BII), either in absolute or relative terms.

Question 6g: Do you agree statutory targets should align with the 2030 and 2045 timescales set out in the Strategy?

- ✓ Yes

- No
- Unsure

Question 6h: Do you agree the Bill should allow for the review of statutory targets?

- ✓ Yes
- No
- Unsure

Yes, it is important that the Bill includes provisions for the review of the statutory targets. This will ensure that the targets remain relevant and evidence-based. It will allow for emerging science to be taken into account and for the impacts of monitoring to inform the targets where necessary. We strongly agree with the proposed approach that Scottish Ministers will be required to seek public external expert advice, with input from an Independent Review Body, before any adjustments to targets are made.

We suggest additional provisions to ensure that the review and adjustment mechanism is proportionate and does not result in an undue weakening of the targets:

- Scottish Ministers should undertake a public consultation on draft regulations to make amendments to the targets.
- When publishing proposed regulations to amend targets, the Scottish Ministers must publish the advice received from the Independent Review Body or other experts, along with a statement of how they have considered the advice received.

See Annex 3 s.4 of the LINK report for further information.

Question 6i: Do you agree that reporting on targets should align with existing Biodiversity reporting requirements?

- ✓ Yes
- No
- Unsure

Please explain the reasons for your response:

Yes, we agree that it is sensible and important to align the reporting requirements for the targets with existing biodiversity reporting requirements. This will ensure consistency and alignment between the targets and the Biodiversity Strategy and provide clarity and avoid disproportionate reporting requirements for public bodies with legal duties.

In addition, the existing statutory framework for the Biodiversity Strategy, which was set out in the 2004 Nature Conservation (Scotland) Act, is inadequate. The Act fails to set out actions to be taken for the delivery of the strategy or for the reporting mechanisms to include reports on how or if those actions were taken and their success. There is also no statutory requirement to adapt or amend actions if progress is insufficient.

The Natural Environment Bill and the proposal to align reporting requirements between the strategy and the targets provides an opportunity to revisit and improve the existing statutory framework. This could include amending sections 1,2 and 2A of the 2004 Act to ensure that, once enacted, future strategies and delivery plans for biodiversity are (like that Climate Change Plan) built around the principle of an 'action planning cycle'. It could also be an opportunity to link the existing biodiversity duty on public bodies to their contribution to the nature restoration targets and the strategy actions.

Question 6j: Do you agree that an Independent Review Body is needed to report on Government's progress in meeting the statutory targets?

- ✓ Yes
- No
- Unsure

Please explain the reasons for your response:

Yes, we agree that an Independent Review Body (IRB) will be essential for providing oversight on Scottish Government's progress to achieving the statutory nature targets. The UK Committee on Climate Change has provided a vital role in tracking progress across the UK on meeting Net Zero targets and providing robust, science-based advice on how to achieve the targets – a similar set up is required for these nature restoration targets.

ScotLINK's report on targets provides an assessment of different options for this IRB, examining three options: NatureScot, the UK Committee on Climate Change and Environmental Standards Scotland. We agree with the recommendation that, on assessment of these three options, the most sensible approach would be to expand ESS' remit and functions to enable it to provide the independent advice and monitoring progress functions necessary for the implementation of the statutory nature recovery targets. ESS is already an oversight/advisory body with a degree of statutory independence from the Scottish Government. It already concentrates on devolved matters and Scottish environmental law and is developing significant in-house relevant expertise to perform this role.

If ESS remit is expanded along these lines, it will require additional capacity and expertise to adequately resource this role.

Section Seven – National Parks

Question 7a: Do you agree that the purpose of National Park authorities should be amended in order to emphasise the important leadership role that National Park authorities need to play in restoring nature and in mitigating and adapting to climate change?

- Agree

- ✓ Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

LINK supports having an additional overarching purpose around tackling the nature and climate emergency. This will help provide direction about the collective achievement of the aims.

We welcome that the wording of *"to ensure that the National Park aims are collectively achieved in relation to the National Park in a coordinated way"* is being retained. We recognise the urgency of the biodiversity and climate crises and are supportive of leadership on nature recovery and a just transition to net zero being part of the remit of National Parks. We feel that the approach set out of amending the purpose of National Park authorities is both preferable and more workable than the earlier suggestion (in NatureScot's consultation report 2023) of introducing an overarching purpose above the statutory NP aims.

We are concerned that proposed wording has not been included in the consultation, which means it is not made clear how this addition to the purpose would be balanced with the existing or amended aims, the collective achievement of them and the functioning of the National Park principle.

Secondly, given that the designation of National Parks is the highest level of protection for Scotland's iconic landscapes and that the value of these landscapes to people's wellbeing and to the economy is well recognised, the inclusion of climate in the NPA purpose needs further clarification.

Question 7b: Do you agree with these suggested changes to the first National Park aim?

- Agree
- ✓ Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We understand and support the reasons behind the proposal to give more weight to the natural heritage and specifically biodiversity recovery - i.e. the urgency of the biodiversity crisis - by splitting the existing first aim into two, with the "National Park principle" then applying just to the new first aim. We feel that this gives a clarity of purpose that in some instances might be more helpful to decision makers than the current wording i.e. in rare cases where conserving the natural and the cultural heritage might work against each other. This revised arrangement of two aims aligns with the revised NPA purpose and reflects the intention that nature is expected to recover within National Parks.

We would question whether the split between the two new aims adequately reflects the importance of landscape quality in National Parks and the combinations of the many facets of natural and cultural heritage that, over time, have contributed to it. We would prefer 'natural heritage' is retained rather than be revised to 'natural assets'. Natural heritage is associated with the founding of Scotland's nature agency, it has a timeless quality that 'assets' does not have and it is also wording used in nature legislation. The word 'asset' by contrast to 'heritage' implies a commodity, something that exists for some at the exclusion of others. 'Heritage' is something that lasts, something that evolves, something that is shared and ought to be available to everyone.

We are not suggesting that landscape character and quality should be set in aspic, rather that we recognise that aspects of our landscape are set to be changed by the impacts of climate change and more extreme weather events however we respond to it, and that biodiversity recovery and encouraging climate resilience and will also bring changes to ecosystems and vegetation cover and thus to the landscape.

We have some more detailed comments on the wording used in the two proposed aims:-

<u>First new aim</u>

Whilst happy with the inclusion of biodiversity and ecosystems for further emphasis, we are not comfortable with the use of 'natural assets' in place of natural heritage without seeing a definition of the new term - is the implication that there is a measurable or monetary value attached to the asset? We are unsure how the scenic beauty/landscape quality is encompassed in this term.

What is the difference between 'natural assets' in this aim and 'natural resources' in the new third aim? Using 'natural assets' could cause confusion.

We strongly support the proposal to update the aim to include 'protect and restore'.

<u>Second new aim</u>

What is the difference here between 'cultural heritage' and 'historic environment assets'? We would like to see these terms defined.

The harmonious interplay between natural and cultural heritage in beautiful landscapes has not been captured in this wording.

Question 7c: do you agree with the suggested change to the second National Park aim?

- Agree
- ✓ Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We have said we partially agree because we think this aim could be more clearly written.

We welcome the phrase “Sustainable management”.

Intensive forestry and agriculture have persisted in National Parks and whilst the resources- timber and livestock can be managed sustainably in an economic sense (with significant public subsidy) there has often been little effective regard to the impact this had on nature, communities and visitors as evidenced by the poor state of nature within some managed landscapes in National Parks.

We are doubtful about the word ‘maximise’ being deliverable for all four of ‘environment, climate, economy and people’. There is inherent tension between each of these based on present day lifestyles and economies which makes an aim to ‘maximise’ each of these unrealistic. Furthermore, which ‘people’ are the intended beneficiaries? We suggest replacing the proposal with wording along the lines of ‘promote the sustainable management of the area’s natural resources for the benefit of future generations’ or ‘to promote the sustainable management of the natural resources of the area and ensure that they are left to future generations in better condition’.

The wellbeing of future generations relies on public health, climate change, nature recovery, a robust economy so the aspiration to invest in each of these is incorporated in the meaning. We further suggest that adding wording about future generations to this aim makes the use of the word ‘sustainable’ more meaningful.

Question 7d: Do you agree with the suggested change to the third National Park aim?

- Agree
- ✓ Partially agree
- Partially disagree
- Disagree
- Don’t know

Please explain the reasons for your response:

We support the aspects of the new proposed wording that emphasise inclusion and improved accessibility. However we have some reservations about some of the other proposed changes:-

- We are not sure the term ‘natural and cultural assets’ in this context adequately covers all of an area’s special qualities. We would prefer to see ‘special qualities’ or the terms ‘natural and cultural heritage’ to be retained;
- We support the need to make tourism more sustainable (see below on transport) - but is sustainable tourism not included under the fourth aim (new fifth aim) or is that just intended to be focused on communities? ‘Sustainable recreation’ would work here.
- There is an implication in this wording that might increase the perception that NPs favour tourism above other sectors and that enjoyment relates to tourists and visitors rather than everyone.

We very much support the need to encourage sustainable transport within and to and from the National Parks and are heartened that both existing National Parks have developed or are considering significant proposals related to this. We would like it to be ensured that new National Parks consider it from the outset. We are not certain if sustainable transport (or sustainable tourism) requires to be specifically mentioned in the aims, however, we do recognise that better active travel and public transport links into National Parks could support inclusion and improved accessibility as well as improving sustainability.

Question 7e: Do you agree with the suggested change to the fourth National Park aim?

- Agree
- Partially agree
- ✓ Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

Whilst we don't object to the inclusion of either "cultural" or "wellbeing" in the proposed revised aim, we have said that we 'partially disagree' with what's suggested because we can't see how the changes further the stated intention behind them *(i.e. "Our National Parks are ideally placed to help support the necessary transition to a greener economy in a way that is fair and inclusive to local communities. This includes supporting the growth of nature-based jobs and skills, investing in the area's natural capital and working with communities and businesses to help them transition to net zero whilst supporting and developing the local wellbeing economy. Therefore, we propose…")*

What are the implications of including 'cultural' here? Does it (in this context) add anything new that couldn't be included under social? Is 'cultural' specifically linked to the ambition to help communities and businesses transition to net zero whilst supporting and developing the local wellbeing economy" and would it necessarily be interpreted this way? Spelling out nature-based economy or transition to net zero in legislation would be helpful.

To achieve the stated intention we would expect this aim to for example: support affordable and sustainable housing for people who live and work in the National Park; investment into nature-based employment; training and educational opportunities; ensure economic benefits from financial investment in natural capital bring direct benefits to local communities: involve local people and community groups in land use change decision-making, and support affordable, low-carbon transport options to and around the National Parks. We are not convinced the suggested changes promote these any more than the existing wording.

Is it odd to have included wellbeing here but not in the previous aim. The idea of improving access to nature and natural places to promote health equality and wellbeing to people of all backgrounds isn't adequately captured in the proposed changes.

To ensure this aim (with proposed or existing wording) can be furthered in a way that does not undermine the other aims, National Park Authorities need to have sufficient powers to refuse applications for environmentally destructive development and halt activity that, once underway, is obviously harmful and not adhering to planning conditions.

Question 7f: Do you agree that the National Park 'principle' set out in section 9(6) of the 2000 Act should be retained? This would mean that, if there is a conflict between the National Park aims, greater weight should be given to the first aim which would seek to protect, restore and enhance the natural assets, biodiversity and ecosystems within the National Park.

- ✓ Agree
- Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We support the retention of the principle - whether or not the existing first (heritage) aim is amended and split or retained as is. Whilst the aims could align in some circumstances, they may not in others.

Question 7g: Do you agree that public bodies operating within the National Park should have regard to the proposed National Park aims?

- Agree
- ✓ Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We are very supportive of the direction of this change but would like to see stronger wording to be used for the duty on other public bodies operating within the National Park (or whose operations affect the National Park area) to ensure that they further the National Park aims. For public bodies, supported by public money working within a National Park to not be actively furthering the aims of the National Park seems to be potentially working against the public interest - particularly in the face of the climate emergency and the nature loss crisis and the Scottish Government's National targets related to these. So, we would propose stronger wording here, along the lines of 'for public bodies exercising or performing any function which affects land in any National Park in Scotland, the public body must actively further (or 'support and contribute to') the National Park aims'.

In support of our suggestion above, we note that this same consultation at 7i) proposes that the existing duty for public bodies to have regard to the park plans is strengthened to an obligation to support and contribute to implementation, with the clear implication that this is proposed here because 'have regard to' has not been a strong enough requirement to be effective.

The NP aims are wide-reaching in the sense that to achieve each one will require a multi-sector, multi-agency response. In some ways we would expect and recommend that all companies as well as all community groups and landowners operating in the Park should 'have regard to the proposed National Park aims' as this is likely to be in their own as well as the collective public interest. However, the duty on public bodies and relevant authorities whose work is in, or affects, the NP area should be stronger than this.

We also wonder why the clause 'for a purpose that is devolved for Scotland' is being added in here? In Section 14 of the 2000 Act (Duty to have regard to NP Plans) devolved purposes are not mentioned. Similarly, why the inclusion of 'the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies' required. We note that similar amendments on the duties on public bodies (termed "relevant authorities') acting in National Parks in England recently adopted via the Levelling Up and Regeneration Act don't include similar caveats regarding their 'primary remit'.

We note that the proposals relating to other public bodies covered by questions 7g-7i are considered together in the SEA for the Future of Scotland's National Parks as 'NNP4' which found that in terms of the collective achievement of the aims, functions, and management of Scotland's National Parks in this context, Proposal NNP4 encourages greater collaboration between key public bodies operating within their boundaries and is likely to deliver significant positive effects for both nature and society.

Question 7h: Do you agree that public bodies operating within the National Park should have regard to the National Park principle?

- Agree
- ✓ Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We are very supportive of the direction of this change but would like to see stronger wording to be used for the duty on other public bodies operating within the National Park or whose decisions affect the National Park area.

The National Park principle is set out in Section 9(6) of the 2000 Act and states that "if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out

in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1 (a). Under the new proposed aims that would be the aim to protect, restore and enhance natural heritage etc.

Rather than the proposal that public bodies operating within the National Park should 'have regard to' the principle we think it should be clear that public bodies must comply with the principle and therefore must give greater weight to the first aim when there is a conflict between it and the other aims.

There is a question mark over who judges if there is a conflict.

In support of our suggestion above, we note that this same consultation at 7i) proposes that the existing duty for public bodies to have regard to the park plans is strengthened to an obligation to support and contribute to implementation, with the clear implication that this is proposed here because 'have regard to' has not been a strong enough requirement to be effective.

We think the duty 'to have regard' is too weak and should be strengthened to 'must comply with'. This will ensure that activities within the park and expenditure of public funding will not damage the natural heritage within the parks.

Question 7i: Do you agree that the duty on public bodies operating within National Parks should be strengthened so they have an obligation to support and contribute to the implementation of National Park Plans rather than having regard to these plans?

- ✓ Agree
- Partially agree
- Partially disagree
- Disagree
- Don't know

Please explain the reasons for your response:

We strongly agree that public bodies working within or affecting a National Park should be obliged to actively support and contribute to the implementation of National Park Plans. The potential situation where a publicly funded body could note the contents of a National Park plan and then carry out activities that works against or weakens the implementation of the plans is not in the public interest. It should be ensured that this applies to a wide range of public service bodies - transport, litter, infrastructure, DPEA. These bodies would ensure that the decisions affecting and services provided within the National Parks take into account the National Park aims so that the mode of delivery is more sympathetic to the landscape and to nature. It should apply to future plans and retrospectively e.g. undergrounding of cables by funding provided by Ofgem in sensitive landscapes.

We also wonder why the clause 'for a purpose that is devolved for Scotland' is being added in here? In Section 14 of the 2000 Act (Duty to have regard to NP Plans) devolved purposes are not mentioned. Similarly, why the inclusion of 'the duty should not conflict with or displace responsibilities that are the primary remit of these public bodies' required? We note that similar

amendments on the duties on public bodies (termed “relevant authorities’) acting in National Parks in England recently adopted via the Levelling Up and Regeneration Act don’t include similar caveats regarding their ‘primary remit’.

Successful implementation of a National Park Partnership Plan relies on good will from landowners and those operating within a National Park to understand the wider benefits of the Plans and then contribute towards implementation. The implementation of plans are only as good as the partnership, cooperation and buy-in from private, public and community operations within the Park.

We therefore support strengthening the duty on public bodies operating in the National Park. We further recommend that consideration is given to extending this duty to major landowners in the National Park in receipt of public funding with the forthcoming Land Reform bill a potential vehicle for this.

Question 7j: Do you agree with the proposal that National Park Authorities should be able to enforce byelaw breaches within National Parks by issuing fixed penalty notices rather than referring them to local Procurators Fiscal?

- ✓ Agree
- Partially agree
- Partially disagree
- Disagree
- Don’t know

Please explain the reasons for your response:

We think that byelaws should be used sparingly, and the main tools to encourage voluntary behaviour change should continue to be engagement, public awareness campaigns and promoting the Scottish Outdoor Access Code. But, we recognise that in exceptional circumstances there may be a need for byelaws as a deterrent. Enforcement via the issuing of fixed penalty notices seems less onerous on the NPA and more proportionate. We expect these powers to be used sparingly, where a problem is recurring, and public engagement is not offering a solution.

Strong evidence that post-covid having more Rangers on site has made significant difference.

Question 7l: Do you agree with the proposed changes to the governance of National Parks?

- Agree
- Partially agree
- ✓ Partially disagree
- Disagree
- Don’t know

Please explain the reasons for your response:

We can see that the proposals attempt to balance local and national interests, and the need for a range of skills and expertise with the desire to keep costs proportionate and we would support these intentions. We also support suggestions iv and vi. Suggestion vi seems particularly important given the likelihood that circumstances of each National Park will vary (e.g. the number of local authority areas involved) so some flexibility is needed.

We agree that board members appointed by Scottish Ministers should have sufficient skills and experience on relevant issues including biodiversity and climate action but feel that locally elected and local authority nominated members who have relevant skills and local knowledge may potentially provide similar expertise. Achieving a balance of necessary skills and expertise over the whole board is key. One possibility that could be further explored is (given that there are locally elected members as well as local authority nominated members) a mechanism for local authorities to consider nominating board members with specific expertise (rather than as is usually the case nominating the local councillors).

Is the implication of 'seeking balance between local interests and the relevant skills.' that one of the positions would be filled by a national appointee and one by a locally elected or nominated? This could be a requirement whether the positions are ministerial appointments or elected by the board.

Question 7m: Do you have any other comments that you would like to make about the aims, powers and governance of National Parks?

We would like to propose an additional amendment to the park plan process whereby National Park Authorities will be required to set nature recovery targets in the park plans that align with the national Nature Restoration Targets and also for park plans to have regard to the priority actions set out in the SBS Delivery Plan.

Section Eight – Impact Assessments – Part B

Question 8a: Do you think that any of the proposals in Part B, will have any adverse impacts on human rights?

- Yes
- ✓ No
- Unsure

The proposals will advance our right to a healthy environment, including the substantive right to healthy and biodiverse ecosystems.

Question 8b: Are there any additional actions, or changes to existing actions, which can be taken through the proposals in Part B to ensure that there are no adverse effects for people's human rights?

- Yes

- ✓ No
- Unsure

Question 8c: Do you think that any of the proposals in Part B, will have any adverse impacts on people with protected characteristics?

- Yes
- ✓ No
- Unsure

Question 8g: Do you think that any of the proposals in Part B, will have any adverse impacts on island communities?

- Yes
- ✓ No
- Unsure

Question 8h: Are there any additional actions, or changes to existing actions, which can be taken through the proposals in Part B to ensure that there are no adverse effects for Island communities?

- Yes
- ✓ No
- Unsure

Question 8i: Do you think that any of the proposals in Part B, will have any adverse impacts on child rights and wellbeing?

- Yes
- ✓ No
- Unsure

If yes, please provide any comments:

We believe they are consistent with Scotland's incorporation of the UN Convention on the Rights of the Child, and UN General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change.

Question 8n: What are your views on the predicted environmental effects as set out in the environmental report?

The report concludes that there will be positive environmental effects because of designating further National Parks. However, it does note that there might be some negative impacts on cultural heritage for example through pressure to retrofit historic buildings and that such interventions should be carefully considered. The report also notes that nature-based interventions to address climate might create landscape changes that 'do not reflect or engage with the historic landscape

character' and should be designed with care. More concerningly the report notes that "Due to the additional focus on climate change mitigation, there is potential for renewable energy generation and associated provisions to give rise to adverse impacts on landscape character and ecological assets". We would suggest that within National Parks it should be made clear that climate change mitigation measures will not include large new scale renewable generation projects to avoid the adverse impacts associated with them.

Question 8o: What are your views on the reasonable alternatives as set out in the environmental report?

Of the three reasonable alternatives set out, we note that the first one (no change to legislation and no new NPs) is effectively deemed unreasonable in the report itself as it wouldn't deliver a Scottish government commitment - but that it demonstrates that both the two alternatives (legislative change and designation of new NPs or designation of new NPs without legislative change) would both deliver significant positive changes. We note that the legislative changes are treated as a single package in this part of the SEA, however the report puts a great deal of emphasis on the benefits the legislative changes designed to increase the collaboration of other public bodies in delivering the NP aims and the important impact of these measures could perhaps have been examined further in the alternatives.

Question 8p: What are your views on the proposals for mitigation and monitoring of the environmental effects set out in the environmental report?

On monitoring - we agree with the SEA proposals that the SEA monitoring strategy builds on monitoring systems which are already in place. We note that the suggestions included are preliminary ones for the types of indicators which can be monitored and that it is anticipated that a refined set of indicators will be developed following further engagement with stakeholders and not during the selection and designation stage for the new National Park(s).

This response is supported by:
Action to Protect Rural Scotland (APRS)
Amphibian and Reptile Conservation
Badenoch & Strathspey Conservation Group
Bat Conservation Trust
British Dragonfly Society
Buglife Scotland
Bumblebee Conservation Trust
Butterfly Conservation
Cairngorms Campaign
Chartered Institute of Ecology and Environmental Management (CIEEM)
Environmental Rights Centre Scotland (ERCS)
Froglife
John Muir Trust
Keep Scotland Beautiful
Marine Conservation Society
Nature Foundation
Plantlife Scotland
Ramblers Scotland
Royal Zoological Society of Scotland
RSPB Scotland
Scottish Badgers
Scottish Countryside Rangers Association
Scottish Wild Land Group
Scottish Wildlife Trust
Soil Association Scotland
Trees for Life
Woodland Trust Scotland
WWF Scotland

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